Crossing the River by Feeling the Stones:

The Empowerment of EU Agencies in EU Border Management

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Doctor of Philosophy

Aston University

January 2022

Statement

I hereby declare that this thesis has not been and will not be, submitted in whole or in part to another University for the award of any other degree.

Signature: [author's signature redacted]

ASTON UNIVERSITY

YICHEN ZHONG, DOCTOR OF PHILOSOPHY

CROSSING THE RIVER BY FEELING THE STONES: THE EMPOWERMENT OF EU AGENCIES IN EU EXTERNAL BORDER MANAGEMENT

Summary

The phrase "Crossing the river by feeling the stones" is a proverbial expression that originally refers to the experimental and programmatic approach towards China's economic reform in the 1980s and 1990s. This thesis employs the metaphor to signify the empowerment of EU agencies in the management of the EU's external borders. The terrorist attacks of 9/11 brought the issue of external border control to the forefront of EU political and bureaucratic practice. As a result, the European Border and Coast Guard Agency, also known as Frontex, was established in October 2004 and became operational at an unprecedentedly rapid pace for Union bodies. Within the policy framework of European integrated border management, further EU agencies that were created to address different policy needs have increasingly collaborated with Frontex and become involved in border controls and surveillance. This thesis interrogates the empowerment of these agencies in EU border management and their political implications for the EU's approach to external borders.

This thesis employs a principal-agent historical institutionalist approach to provide a theoretical foundation for analysing the EU border regime and identifying the mechanisms through which the relevant agencies have exerted influence over the regime. By examining Frontex's joint sea operations, Frontex's access to information, three flagship projects of inter-agency cooperation, and the agencies' international action, this research finds that the initial delegation to Frontex has led to a self-reinforcing border control coordination approach and gaps in Member States' control over subsequent institutional adjustments. The findings of this thesis demonstrate that the empowerment of the relevant agencies has contributed to diminishing Member States' policy autonomy, enhancing EU oversight over border management, institutionalising common administrative capacity at the EU level, and bolstering EU actorness in the external dimension of border controls.

The findings of this research lead to the conclusion that, while EU Member States retain ultimate authority over their external borders, the empowerment of EU agencies has led to a shift in the EU's approach to border management towards integration. This thesis has contributed to the understanding of the gradual institutional change in EU border controls and the impact that EU agencies can have on this process.

Key Words: EU Agencies, Border Management, Principal-Agency, Historical Institutionalism, Frontex, Migration Crisis

Acknowledgements

In the initial stages of my doctoral journey, writing a PhD thesis appeared insurmountable. However, I am thankful for the unwavering support I received from various individuals during the process. Of these individuals, I must express my utmost gratitude to my primary supervisor, Professor Helena Carrapico. Her contribution to my PhD journey was immeasurable. For the past four years, Professor Carrapico has provided me with indispensable support and encouragement, and her timely, constructive and challenging feedback has allowed me to make steady progress and continually improve. In addition, I am deeply grateful to Dr Patrycja Rozbicka, Dr Ed Turner, Professor John Gaffney, Dr Yaprak Gursoy, and Dr Laura Southgate, who served as valuable sources of advice and who displayed remarkable levels of patience. Their expertise and guidance were instrumental in my development as a researcher. I must also extend my appreciation to the academic and administrative staff at the College of Business and Social Science at Aston University. They provided me with an environment that fostered collaboration with my peers and also allowed me to enrich my PhD experience by teaching. My sincere thanks are also extended to the interviewees who participated in my study and shared their invaluable insights. While their identities must remain anonymous, their participation was crucial to the success of my thesis. I am particularly grateful to Dr Dian Lv, who provided support during a challenging first year. Finally, my gratitude is immense towards my family, especially my parents, who provided unconditional support and encouragement throughout my journey. They were a constant source of strength and never once complained, for which I am eternally grateful.

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List of Abbreviations

AFIC: Africa-Frontex Intelligence Community

AFSJ: Area of Freedom, Security and Justice

AST: Asylum Support Teams

CATS: Coordinating Committee in the area of Police and Judicial Cooperation in Criminal Matters

CIRAM: Common Integrated Risk Analysis Model

CIREA: Centre for Information, Discussion and Exchange on Asylum

CIREFI: Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration

CRATE: Centralised Record of Available Technical Equipment

CPTA: Centro di Permanenza Temporanea e Assistenza

COSI: Standing Committee on Operational Cooperation on Internal Security

DG: Directorate-General

EBGT: European Border Guard Teams

ECGF: European Coast Guard Functions

EFCA: European Fishery Control Agency

EMPACT: EU policy cycle on serious and organised international crime

EMSA: European Maritime Safety Agency

EU: European Union

EUAA: European Union Agency for Asylum

eu-LISA: European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice

Europol: European Union Agency for Law Enforcement Cooperation

EUROSUR: European Border Surveillance system

FASS: Frontex Aerial Surveillance Services

FRAN: Frontex Risk Analysis Network

Frontex: European agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

ICONet: Information and Coordination Network

IAI: Israeli Aerospace Industries

ICH: Information Clearing House

IOM: International Organisation for Migration

JHA: Justice and Home Affairs

JDP: Joint Deployment Plans operations

JO: Joint Operation

JORA: Joint Operations Reporting Application

LIBE: Committee on Civil Liberties, Justice and Home Affairs

MAS: Multipurpose Aerial Surveillance

MMO: Multipurpose Maritime Operations

NATO: North Atlantic Treaty Organisation

PeDRA: Processing of Personal Data for Risk Analysis

PCU: External borders Practitioners Common Unit

RABIT: Rapid Border Intervention Teams

RTF: Regional Task Force

SCIFA: Strategic Committee on Immigration, Frontiers and Asylum

SEMM: Schengen Evaluation and Monitoring Mechanism

TFEU: Treaty on the Functioning of the European Union

TFM: Task Force Mediterranean

UNHCR: United Nations High Commissioner for Refugees

UK: United Kingdom

US: United States of America

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Chapter 1 Introduction

1.1. Field of Research

> Better management of the Union's external border controls will help in the fight against terrorism, illegal immigration networks and the traffic in human beings. The European Council asks the Council and the European Commission to work out arrangements for cooperation between services responsible for external border control and to examine the conditions in which a mechanism or common services to control external borders could be created (European Council, 2001, p.12).

In response to the call of the Laeken European Council, the European Commission proposed a series of initiatives to facilitate European cooperation on external border management, which ultimately led to the establishment of the European Agency for the Management of Operational Cooperation at the External Borders (Frontex).[1] Together with other policy initiatives, such as the Common European Asylum System and the European Coast Guard Functions, the European Union (EU) has taken significant steps towards creating an integrated approach to external borders, which is supported by a group of long-standing policy makers and experts from EU institutions and agencies (Marenin, 2010; Moreno-Lax, 2017).

Despite political efforts to augment capabilities, the Migration Crisis of 2015 exposed a series of deficiencies in the management of the EU's external border with respect to addressing migratory pressures arising from the substantial violence and conflict in the EU's periphery (Maldini and Takahashi, 2017).[2] With the widely perceived acceleration of global migration, the traditional administrative tools of the state have become increasingly ineffective in ensuring internal security and countering

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[1] Frontex was established by Council Regulation (EC) 2004/2007 as the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. Regulation (EU) 2016/1624 transformed it into a fully-fledged European Border and Coast Guard Agency.

[2] The 2015 Migrant Crisis was a period of significantly increased movement of migrants, refugees, and asylum-seekers into the EU in 2015. Academic literature and media articles use 'Migrant Crisis' (e.g. Trauner and Neelsen, 2017; Pollak and Slominski, 2021), 'Refugee Crisis' (e.g. Maldini and Takahashi, 2017; Chetail, 2016; Georgiou and Zaborowski, 2017; Gattinara, 2017) and 'Refugee Humanitarian Crisis' (Carrera et al., 2019: 7) to refer to the 2015 events, sometimes interchangeably. Georgiou and Zaborowski (2017) argue that the word migrant was pejorative in the context of people fleeing war and conflict because it implies most are emigrating voluntarily rather than being forced to leave their homes. This thesis takes the terminology employed by the British Broadcasting Corporation (Ruz, 2015) and holds that 'migration' is a neutral term, simply referring to anyone moving from one country to another. The term 'migration' also takes into consideration the intertwined and multifaceted drivers of movement of those from the Middle East and North Africa into the EU, regardless of status. In this respect, this thesis employs the term the 2015 Migration Crisis.

emerging threats at external borders (Czaika and de Haas, 2014; Walia, 2021). When authorities in one EU Member State enforce border controls in an inadequate or permissive manner, implementation loopholes are created that can render the entire Schengen and Dublin regimes counter-productive.[3]

In order to address the implementation gaps and emerging threats in the management of EU's external borders, Frontex has been increasingly delegated with the responsibilities of implementing and enforcing EU border policy on the ground. In November 2019, the EU's co-legislators reached an agreement to enhance Frontex's powers and operational capacities with the aim of assisting Member States in monitoring irregular migration and other cross-border crime. With the expansion of Frontex, the growing number of EU agencies entrusted with tasks which contain components of, and linkages with, border management soon followed suit. Regulation (EU) No 2016/794, for instance, positioned the European Union Agency for Law Enforcement Cooperation (Europol) as the EU's criminal information hub and the main information broker, making the agency a key plank of the EU's border security architecture.

In the area of migration and asylum, the European Union Agency for Asylum (EUAA) has been entrusted with monitoring the functioning of the Common European Asylum System. The EUAA is now collaborating with Frontex to assist Member States in the realm of border management and asylum through providing training, conducting analytical work, gathering data, and offering operational support. In the maritime domain, the European Maritime Safety Agency (EMSA) and the European Fisheries Control Agency (EFCA) have established service-level cooperation and operational coordination with Frontex in the areas of maritime border surveillance, search, and

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[3] The Schengen regime refers to the set of rules and legislations that make possible the proper functioning of the Schengen Area. The Schengen Area is an area comprising 26 European that have officially abolished all passports and all other types of border control at their mutual (internal) borders. The Dublin regime was implemented in 1990, as a complement to the Schengen Agreement, to control unauthorised immigration within the area without internal border controls. The Dublin regime aims to guarantee that asylum requests are only treated by one (first-entry) State in the Dublin system and prevent asylum-seekers from submitting applications in multiple Member States, thereby preventing an overflow of asylum applications to countries receiving immigrants.

rescue.[4] This trend illustrates the increasing inter-agency collaboration and cooperation among a group of EU agencies in the management of EU's external borders, with a focus on an integrated and coordinated approach to addressing border security challenges.

EU agencies' ever-growing engagement in border management is a showcase of the problems associated with the EU's integration of core state powers, which refer to the authority and resources deriving from the state's monopoly of legitimate coercion and taxation (Genschel and Jachtenfuchs, 2016; 2018). As the costs of policy implementation fall primarily on EU Member States, the distribution of the action resources can lead to significant conflicts among stakeholders: every Euro and border guard flowing to the EU and/or other Member States can be perceived as one less Euro and border guard of the home Member States. This increases the likelihood of conflict among stakeholders and "leaves little room for agreement on the largest common multiple" (Genschel and Jachtenfuchs, 2018, p.4).

The reluctance of Member States to relinquish their sovereignty in the realm of migration, asylum, and external border management has led to a significant amount of scepticism among academic scholars regarding the significance of EU agencies in the EU's approach to these issues, pointing to a strengthening of intergovernmental logics (e.g. Wolff and Schout, 2013; Carrera and den Hertog, 2016; de Bruycker, 2016). While neo-functionalist analysts duly show evidence of spill-over dynamics in European cooperation on border guard functions (e.g. Niemann and Speyer, 2018; Scipioni, 2018), they are always limited by the sovereignty clauses in the concerned agencies' legal acts and the lack of full right to intervene. Although it is widely acknowledged that the agencies are the product of a political compromise between EU stakeholders, there is a gap in the literature which has allowed for both EU agencies' autonomy and the gradual institutional change to be underestimated. Against this background, this thesis proposes

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[4] Search and rescue in the context of EU border management quite often refers to air-sea rescue, which is the coordinated search and rescue of migrants and refugees who have survived the loss of their seagoing vessel. International law imposes an obligation to render search and rescue to persons in distress at sea, which must be provided regardless of their nationality or status or the circumstances in which they are found. However, neither the EU Treaties nor secondary legislation has specifically entrusted Frontex, EUAA and EFCA to act as a search and rescue authority. Even through, the three agencies are obliged to provide assistance to any persons found in distress and to provide technical and operational assistance to the Member States and non-EU countries in support of search and rescue operations that may arise during border surveillance operations at sea.

to address this gap by conducting an in-depth analysis of the development of EU agencies involved in border management and examining the dynamics of cooperation and friction among stakeholders in EU border management.

1.2. Research Questions, Hypotheses, and Rationale

This thesis aims to address the following question:

How has the empowerment of EU agencies shaped EU border management?

This thesis adopts the term border management to denote the actions and measures undertaken by EU and national authorities to regulate the movement of individuals and goods across external borders. This encompasses a range of activities, including the execution of border controls and surveillance as outlined in Article 5 and 6 of the Schengen Convention; the collection, analysis, and exchange of intelligence and information that enables EU and national authorities to evaluate the potential risks posed by individuals, objects, or assets to the internal security of the Area of Freedom, Security, and Justice; and anticipating the needs for staff and equipment to ensure security at external borders (European Commission, 2002a, p.26).

In particular, controls at external borders encompass all activities carried out by EU and national authorities at 451 crossing points at the external land borders, 782 points at the external sea borders, and 630 at the external air borders, in accordance with Article 6 of the Schengen Convention (Frontex, 2019b). Border surveillance entails the actions taken by EU and national authorities at 12,033 km of external land borders and 32,719 km of maritime borders, to prevent individuals from circumventing official border crossing points in order to evade checks and illegally enter the common area of freedom of movement, as outlined in Article 2 and 6 of the Schengen Convention (European Commission, 2002a, p. 25).

In addressing the research question, this thesis employs a principal-agent historical institutional (PA-HI) approach, which integrates the theoretical frameworks of historical institutionalism and the principal-agent model. Historical institutionalism, a branch of new institutionalism, examines the factors that shape institutional configuration and actors' behaviour, such as critical junctures, path dependence, sequences, and lock-in (Ekelund, 2014; Steinmo, 2008). While this approach provides

valuable insights into the operation of institutions and institutional change, it does not fully capture the dynamics of the relationship between delegator and delegatee. To address this limitation, this research combines historical institutionalism with the principal-agent model, a widely used framework in economics, public policy, and international relations, which examines the mechanisms that lead to agency loss in delegation, where agents may act in their own self-interests at the expense of their principals (Dehousse, 2008; Delreux and Adriaensen, 2017; Kassim and Menon, 2003)

With the application of the hybrid approach of PA-HI, this study hypothesises that the empowerment of the concerned EU agencies has had a supranational effect on EU border management. Given the Communitarisation of border control policies has been achieved in 2004, having a supranational effect refers to the situation in which the empowerment of EU agencies leads to a diminishment of Member States' policy autonomy, an increase in EU oversight and regulation of border-related matters, greater integration of bureaucratic capacities at the EU level, and a greater EU competence in cooperation with third countries on preventing irregular migration flows.

To test the hypotheses, this thesis employs a methodology of process-tracing, which is used to identify patterns and causal mechanisms in the case studies. In EU border management, the agencies under consideration are primarily engaged in four types of tasks: transnational coordination, risk analysis, cross-sectoral coordination, and international cooperation. Since EU agencies' embeddedness in policy networks and their relationships with other stakeholders vary across different tasks, we would expect variation in the extent of policy influence on a case-by-case basis. To gain a comprehensive understanding of the agencies' policy impact, this thesis conducts process-tracing of examples within each of these four types of activities where the agencies are involved, including Frontex's joint sea operations, Frontex's access to information, three flagship projects of inter-agency cooperation, and three Justice and Home Affairs agencies' international action. These examples were chosen based on their relevance and representativeness of the overall research topic. The analysis of these cases reveals that the empowerment of the EU agencies has indeed had a supranational effect on EU border management.

1.3. Contributions

Through an examination of the empowerment of EU agencies and their potential for instituting supranational changes within EU border management, this research endeavours to expand upon the current understanding of the role of these agencies within the context of EU border management. Previous literature on EU agencies involved in border matters primarily adopts an intergovernmental perspective, focusing on Member States' control over EU agencies and their implementation of policies (Baird, 2017; Wolff and Schout, 2013; Busuioc and Groenleer, 2013; Carrera and den Hertog, 2016). Although some studies have identified the integrative effect of EU agencies' activities on EU border management (Horii, 2012; 2016), the dynamic nature of institutional change and the agencies' autonomy remains vastly under-researched. In this regard, this thesis enriches the debate by looking at the gaps in Member States' control over gradual institutional change and the so-called EU agencification process.

Moreover, the EU's response to the Migration Crisis of 2015 was an impetus for a series of rapid developments to the concerned agencies. In order to account for the progress made, ongoing academic engagement and reflection is necessary. Some previous research findings have been contradicted by more recent evidence, necessitating an assessment of the changes implemented by the EU in the aftermath of the crisis. This thesis thus undertakes an examination of the novelties introduced by Regulation (EU) No 2019/1896 of Frontex, the formation of the European Parliament's Frontex Scrutiny Working Group, the appointment of Frontex's Fundamental Right Officer in 2021, Frontex's negotiations with the Spanish authorities in 2020, the rise of multipurpose maritime operations, and the launch of Frontex's Risk Analysis Cells in Africa. This study provides additional empirical evidence as to the changes brought about by the concerned agencies to EU external border management.

In addition to enriching our empirical knowledge of EU agencification in Justice and Home Affairs, this thesis also adds to the theoretical basis of the literature through the lens of the PA-HI approach. Despite the recognised limitations of the principal-agent model in the context of an increasingly complex EU institutional system (Delreux and Adriaensen, 2017; Pollak and Slominski, 2009), this analysis contributes to its advancement by relaxing the model's restrictive assumption of information asymmetry. In doing so, this thesis critiques the traditional use of the principal-agent model and

posits that, although the assumption of information asymmetry may not be valid at first, delegation can still lead to unintended institutional drift and the emergence of the agent problem. By examining the efforts made by both the EU's supranational institutions and Frontex to address information asymmetry, this thesis argues that the principal-agent model is still a useful tool for gaining a better understanding of the consequences of delegation in the EU.

While the principal-agent model is a fairly helpful theoretical framework, this thesis recognises the necessity of combining the model with historical institutionalism in providing a theoretical account of the 'out-of-winset' consequences of delegation. The PA-HI approach allows this literature to explore whether and how the initial creation of Frontex, as a short-term institutional formation, has led to path-dependent institutional developments that deviate from previous intergovernmental arrangements, creates gaps in Member States' control over the subsequent institutional fine-tuning, and strengthens supranational factors in the management of external borders.

1.4. Outline of the Thesis

The thesis explores the empowerment of the concerned agencies and its implications for the EU's approach to border control coordination in the following order. The following chapter of the thesis conducts a comprehensive review of the existing literature on EU agencies, with a particular focus on their participation in EU border management. The review encompasses a wide range of sources, including academic articles, book chapters, and external evaluation reports, and is based on a sample of approximately 150 publications. Through this review, seven dominant themes of research are identified, including delegation of authority to EU-level non-majoritarian bodies, the political accountability of EU agencies, the EU's integration in the areas of Justice and Home Affairs, the overall performance of EU agencies, the fundamental rights risks associated with the activities of Frontex, the securitisation of EU border management, and the externalisation of EU border controls.

Building upon the literature review, Chapter Three explains the advantages of the chosen theories and concepts in terms of explaining the engagement of EU agencies in EU border management. Taking the principal-agent historical institutionalist approach, this chapter recognises that a group of EU agencies involved in border management

faces several individual stakeholders that come together and function as multiple principals. The chapter then proceeds to develop working hypotheses to explore the research questions posed in the thesis and to outline the methodological frameworks for operationalising the research. This includes an explanation of the data collection and analysis methods that will be employed in the study.

The empirical analyses of the thesis are presented in Chapters Four to Seven. Chapter Four specifically examines the political dynamics within which the Frontex joint operation (JO) approach was established and developed. The chapter begins by providing a historical context for European cooperation on external border controls, with a particular focus on the period following the September 11 attacks. Taking the cases of Frontex JOs at the EU's southern maritime borders, the chapter then traces the development of the JO approach, especially the challenges faced by the agency and the mechanisms that support its joint operations to take hold where they are transplanted. It finds that the initial empowerment of Frontex created a path-dependent border control coordination approach that deviated from the previous institutional arrangement.

Since the principal-agent problem typically arises where the two parties have asymmetric information, Chapter Five interrogates information asymmetry and friction between stakeholders in the implementation of Frontex's increased competence at the borders. This chapter looks at the efforts made by both the EU's supranational institutions and Frontex to address information asymmetry, and argues that the EU's supranational institutions are increasingly advantaged by the empowerment of Frontex. It finds that the emergence of Frontex as an information hub and operational actor in EU border management has led to friction between stakeholders wishing to hold the agency to account. The European Commission and the European Parliament have effectively introduced control mechanisms to align Frontex's task performance with their policy objectives, which contribute to addressing policy implementation gaps and allowing integration through supranationalism.

Chapter Six delves into the examination of the impact that the intensification of cooperation between EU agencies has had on their role within the EU's approach to external border management. To begin, it provides an appraisal of the operational cooperation between the chosen EU agencies before the 2015 Migration Crisis. It contends that the surge in migrant activity into Europe in 2015 catalysed the necessity

for operational coordination between EU agencies responsible for border security. This chapter then examines three flagship projects of inter-agency cooperation, namely the Hotspot approach, the European Coast Guard Functions, and the European Multidisciplinary Platform Against Criminal Threats. It demonstrates that the concerned agencies actively cooperate with sister agencies in order to consolidate their institutional position and policy turf. In such a process, new policy elements have been brought to EU migration and border management.

Chapter Seven looks at the concerned agencies' international action, which is the inherent component of their mandate and the EU's four-tier access border control model.[5] An overview of the related legal frameworks and the actorness aspects of the EU agencies' international action is firstly provided.[6] Special consideration is given to the activities of Frontex, EUAA, and Europol, as these three agencies have been particularly active in proposing various forms of cooperation with countries of origin and transit. The chapter empirically investigates Frontex, EUAA, and Europol's activities in the Western Balkans, as well as Frontex's solo show in Africa. It is argued that the three agencies' international action has introduced an additional security agenda and policy instrument to the external dimension of EU border control, however further investigation should be undertaken to explore strategies for coordinating the international action of the agencies with other EU policy instruments.

Chapter Eight presents a summary of the main points raised in the preceding chapters and provides an answer to the research question of how the empowerment of EU agencies has impacted EU border management. The hypotheses are then evaluated by discussing the findings obtained from the empirical chapters. It is suggested that the initial empowerment of Frontex has led to the creation of a self-perpetuating institutional arrangement that continues to diminish the autonomy of Member States in

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[5] In 2006, the Justice and Home Affairs Council concluded that 'Integrated Border Management' is a concept that consists of coordination and coherence, inter-agency-cooperation, and international cooperation (Council of the European Union, 2006). Based on the need for these requirements, the four-tier access control model is viewed as the core of the European Integrated Border Management system in the EU Schengen Catalogue on External Border Control and Return and Readmission (Council of the European Union, 2009a). This method consists of a set of complementary measures to be implemented in four different tiers: 1) measures in third countries; 2) cooperation with neighbouring countries; 3) border control; and 4) control measures within the area of free movement.

[6] Defining and measuring the EU's quality of being an international actor has been a scientific endeavour since the 1970s. Most notably, Sjöstedt (1977) introduced the concept of actorness in 1977 and defined it as the capacity to behave actively and deliberately in relation to other actors in the international system.

the management of their external borders, while simultaneously intensifying EU oversight over border controls, institutionalising common administrative capacity at the EU level, and reinforcing EU actorness in the external dimension of border control. Even though EU border management is still far from being considered supranational, the results of this thesis challenge the existing scholarly opinion that portrays the EU agencies involved in border control as intergovernmental instruments, and argue that their increased engagement has resulted in the incorporation of more supranational elements into EU border management.

Chapter 2 Setting the Scene: EU Agencies and the Management of the EU's External Borders

Introduction

The modern delineation of external borders serves as a basis for the emergence of sovereign states and plays an integral role in the structuring of rule-governed economic, social, and political life within increasingly complex societies (Newman, 2006; Müller, 2014). Despite the fact that the number of inter-state territorial disputes has not yet diminished in the post-Cold War era, there has been a shift in academic interest from the static characteristics of frontiers and borderlines to the dynamic nature of the bordering process and cross-border cooperation in borderlands (Newman, 2006, p.172). It is widely accepted that the bordering process is a dual-faceted phenomenon, wherein external borders are both institutionalised as a means of asserting a state's control over entry and exit, as well as a marker of identity, subject to change over time (Newman, 2006; Vitale, 2011; Anderson, 2013; Lutz and Karstens, 2021).

Although the EU is said to be a sui generis entity, the dual nature of the bordering process brings out two dominant research directions of assessing EU agencies' engagement in border management: one that focuses on the implications of EU agencies for European integration and institutional change (Leonard, 2009; Rijpma, 2012; Ekelund, 2014; Niemann and Speyer, 2018), and another that examines the implications of EU agencies for citizenship and migrants' access to rights (Aas and Gundhus, 2015; Pallister-Wilkins, 2015; Csernatoni, 2016; 2018). While there has been a growing body of literature that addresses the issue of fundamental rights in border controls and asylum reception, this thesis specifically concentrates on the political and institutional dimensions of EU agencies in controlling external borders and regulating migration flows.

This chapter takes stock of the existing academic literature with the aim of developing a research agenda to facilitate more comprehensive work on the empowerment of EU agencies in border management. It groups the existing literature into seven sub-themes under the two dominant research directions, namely European Integration Studies and Critical Security Studies (Figure 1). The upcoming section examines the existing literature within the field of European Integration Studies, which

aims to address a number of key questions related to the empowerment of EU agencies in border control. These questions include: What were the motivations of EU policy-makers in entrusting such agencies with border control tasks? To what extent have historical policy and institutional factors influenced the development of these agencies? How has the engagement of EU agencies impacted the implementation of EU policy in this area? And, importantly, which stakeholders have played the most significant role in the functioning of these agencies? This literature provides a valuable understanding of the establishment, proliferation, organisational structure, operational activities, policy autonomy, and political accountability of EU agencies in relation to border control.

Figure 1: Research Themes on the Empowerment of EU Agencies in EU Border Management
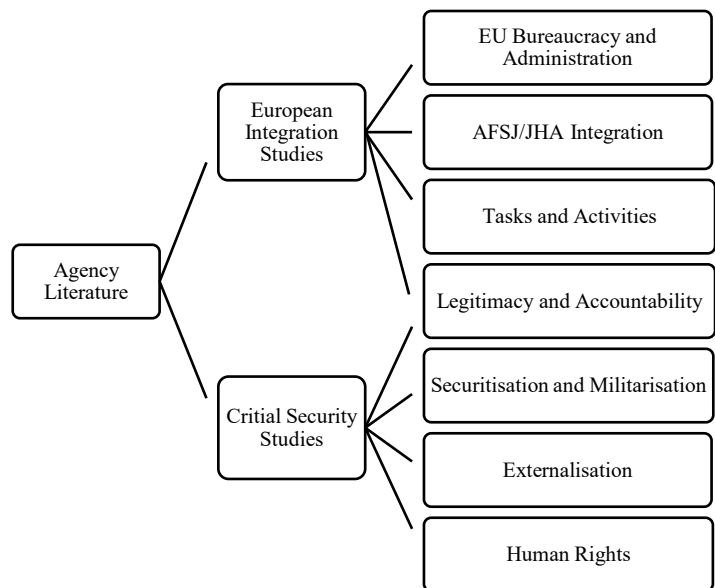
Source: Author's design

Section 2.2 examines the Critical Security Studies literature that analyses the activities of EU agencies and their implications for fundamental rights. This literature primarily focuses on Frontex and its potential involvement in unlawful actions at sea, such as pushbacks, in which EU and national authorities force boats carrying potential refugees away from EU territory. Frontex's activities are often viewed as a crucial component of EU efforts to limit migration through the securitisation, externalisation, and militarisation of border control and migration issues. Overall, this chapter concludes by identifying the gaps in the literature and the specific contributions that

this thesis aims to make in advancing our understanding of the empowerment of EU agencies in border control.

2.1. The Proliferation of EU Agencies in Justice and Home Affairs

Referring to European Integration Studies, this section examines the empowerment of the concerned agencies from the political, institutional, and operational aspects. The existing literature analyses the empowerment of EU agencies from the perspectives of EU administrative integration and bureaucratic set-up (Keleman, 2002; Chiti, 2004; 2009; Trondal, 2010; Trondal and Peters, 2013; Egeberg and Trondal, 2016), autonomy and accountability (Busuioc, 2010; Chamon, 2010; Busuioc, Curtin and Groenleer, 2011; Dehousse, 2016; Chamon and Demedts, 2019), the EU's integration of Justice and Home Affairs (JHA) (Buckel and Wissel, 2010; Wolff and Schout, 2013; Ekelund, 2014; Cortinovis, 2015; De Bruycker, 2016; den Hertog and Carrera, 2016; Niemann and Speyer, 2018), and specific tasks performed by the agencies, such as training (Horii, 2012; Balendr, 2018), risk analysis (Horii, 2016; Pollozek, 2020), joint operations (Carrera, 2007; Baldaccini, 2010; Tsourdi, 2017), and international cooperation (Lavenex, 2015; Ekelund, 2019; Hofmann, Vos and Chamon, 2019; Marin, 2020).

2.1.1. Delegation of Powers in the European Administrative Space

To secure the effective removal of internal barriers and the realisation of the Single Market, a mushrooming of EU agencies has supplemented the European Commission at EU level and penetrated the executive branch of Member States since the late 1990s (Geradin and Petit, 2004; Trondal, 2010; Chamon, 2016). Against a background of the Eurozone Crisis in 2010-2011 and the Migration Crisis in 2015-2016, the EU has witnessed an intensified agencification reform to overcome the territorial-based implementation of EU rules and create an area in which increasingly integrated administrations jointly exercise powers (Hofmann 2008: 671; Pollak and Slominski, 2021).[7] A wide range of regulatory and executive tasks have been concentrated within

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[7] Agencification is the empowerment of semi-autonomous non-majoritarian authorities that are charged with public tasks like policy implementation, regulation, and public service delivery, operating at arm's length from the government (Verhoest etal., 2021).

a quickly growing number of semi-autonomous and non-majoritarian agencies at EU level (Hofmann and Türk, 2007; Hofmann, 2008; Levi-Faur, 2011; Tsourdi, 2017).[8]

According to scholars of public administration, the accumulation of regulatory bodies at EU level constitutes a critical aspect of the development of a European Administrative Space. This phenomenon, which represents the institutionalisation of a common European administrative capacity, has been conceptualised as a transformative process that extends beyond the mere creation of structures to perform administrative functions (Trondal and Peters, 2013: 295). The emergence of the European Administrative Space encompasses the infusion of a structure with institutional and normative values that surpass what is merely required to achieve mechanical tasks. This includes the establishment of extensive and seamless cooperation between national and supranational administrative actors and activities (Hofmann, 2008; Trondal and Peters, 2013). Despite its prominence in the field, the notion of a European Administrative Space has been the subject of extensive criticism for its inability to accurately theorise the different delegation rationales or variations in institutional designs across different sectors and over time (Kelemen and Tarrant, 2011).

Political science scholars generally agree that delegation to semi-autonomous public authorities occurs when politicians seek a balance of politics and scientific consideration in decision-making (Majone, 2001; Lægreid and Christensen, 2006; Mathieu, 2016). Tasking public authorities to operate at arm's length from governments and party politics provides politicians with credible commitment for long-term cooperation against the short-term electoral concerns. Empowering semi-autonomous authorities can also facilitate policy implementation by concentrating expertise and providing professional advice to policy-makers, minimising transaction costs in decision-making, resolving the issue of incomplete contracting, improving the quality of policy output in technical sectors, displacing responsibility for unpopular decisions and avoid national constraints, locking in distributional benefits, and accelerating policy-making process under the pressure of rapid change of environment (Majone,

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[8] Non-majoritarian public authorities are a wide term for those organisations which spend public money take major decisions, and fulfil a public function, but exist with some degree of independence from elected politicians and are decoupled from traditional democratic procedures of representation, scrutiny, and accountability (Thatcher and Stone Sweet, 2002; Bovens and Schillemans, 2020; Curtin, 2005).

2000; Keleman, 2002; Kassim and Menon, 2003; Rijpma, 2010; Kaunert and Léonard, 2012; Chamon, 2016; Zaun, 2017).

the establishment of EU agencies has occurred in a piecemeal manner over time, arising from specific policy needs and leading to significant variations in the characteristics of these agencies (European Parliament, 2018). This lack of a clear foundation in the EU Treaties with regards to the creation of EU agencies has resulted in an absence of well-defined criteria for their organisational structure, mandate, and accountability (Chamon, 2016). In the existing literature, the role of agencies that support the functioning of the Single Market, health, and environmental objectives (e.g. the European Union Aviation Safety Agency) and those with rule-making and supervisory responsibilities (e.g. the European Banking Authority) have received more attention than those involved in border management. This is despite the fact that most agencies involved in border management were established with limited competencies for monitoring and intervention and their effectiveness is largely contingent upon the willingness of Member States to sustainably implement their tasks (Busuioc, 2010; Wolff and Schout, 2013; Bureš, 2016; Horii, 2018). Therefore, the establishment of these agencies has been perceived by scholars as merely another step in the institutionalisation of intergovernmental coordination (Leonard, 2009; Wolff and Schout, 2013).

Nonetheless, the process of institutionalising European cooperation on border management has been a dynamic and evolutionary one. (Tsourdi, 2018; Meißner, 2021). The mandate of the European Border and Coast Guard (Frontex), for instance, has been consecutively amended by Regulation (EC) No 863/2007, Regulation (EU) No 1168/2011, Regulation (EU) No 1052/2013, Regulation (EU) No 656/2014, Regulation (EU) No 2016/1624, and Regulation (EU) No 2019/1896. With the expansion of the agencies' remit and budget, questions have arisen regarding the rules governing the empowerment of EU agencies and whether their expansion threatens the EU's institutional balance. In light of these concerns, numerous legal studies have analysed relevant rulings of the Court of Justice of the European Union, including the Meroni ruling, the Romano ruling, and the Short Selling ruling (Chamon, 2010; Griller and Orator, 2010; Scholten and Rijsbergen, 2014; Chamon and Demedts, 2019; Coman-Kund, 2019). Referring to these rulings, the legal studies generally conclude that

delegation to Frontex, as well as other concerned agencies, to secure the EU's external borders is legally questionable, and the EU Treaties fail to close the institutional deficit (e.g. Coman-Kund, 2019).

However, according to Pollak and Slominski (2009), the establishment of agencies such as Frontex cannot be understood as a delegation of authority from the Council or the Member States. This is because neither of these actors holds the power of trans-governmental coordination and assistance in the field of border management. As a result, it is challenging to evaluate the tasks delegated to these agencies in terms of the constitutionality of their empowerment, and the Court's rulings may not be adequate in this regard. To gain a deeper understanding of the creation of these agencies, Pollak and Slominski (2009) thus propose an experimentalist governance approach. This approach considers the situation where EU policy-makers do not have a clear understanding of how to achieve their declared goals, and therefore have to experiment with different solutions to address specific problems.

This thesis draws upon the experimentalist governance approach to examine the incremental proliferation of EU agencies in border management through a metaphorical lens of the Chinese proverb 'crossing the river by feeling for the stones' (摸着石头过河, mō zhe shí tou guò hé). This phrase was originally used to describe the experimentalist and pragmatist method towards China's economic reforms in the 1980s and 1990s, when the Chinese policy-makers had neither prior experience nor an all-encompassing plan to reform the country but believed changes must be made (Raskovic, 2017). The author's use of the phrase here is metaphorical, a means for signalling how policies of incremental and path-dependent adjustment, and experimentation would be employed to inform and guide the EU's approach to border management path forward through initial stages of empowering Frontex. The experimental ideology and mechanisms driving the empowerment of the concerned EU agencies did not simply disappear in the years following the initial reform and the 2015 Migration Crisis (Meißner, 2021).

2.1.2. Accountability and Legitimacy

The legitimacy and accountability of public authorities are widely regarded as crucial components that contribute to their value as public institutions (Scharpf, 2003;

Schout, 2011). The legitimacy of a public authority is determined by its trustworthiness among stakeholders in executing its mandates, and the extent to which its performance aligns with the preferences of both its governing authority and the citizens it serves (ibid.). In light of the widespread criticisms of the EU's lack of transparency, accountability, and direct electoral participation, it has been suggested that the EU agency model was established to address these issues and improve implementation, regulation, and transparency (Chamon, 2016). However, questions have been raised regarding the degree of transparency and accountability of EU agencies (Busuioc, 2009, 2010; Pollak and Slominski, 2009; Pandit, 2012; Wolff and Schout, 2013; Karamanidou and Kasparek, 2020).

In this regard, Wolff and Schout (2013) propose a practical evaluation framework to examine Frontex's added value compared with its predecessor, the External Border Practitioners Common Unit (Table 1). They find that the agency has suffered from poor planning capacity, lack of long-term projects, and dependency on Member States. Accordingly, Member States largely preserve their hierarchical control over Frontex through the Management Board, and Frontex hardly shifts its accountability towards supranational institutions. The functional control over Frontex has been slightly improved compared with the Practitioners Common Unit, whereas the democratic control is still problematic. Therefore, Wolff and Schout take a critical position and suggest that Frontex "as an agency has not been a major addition" to EU border management (2013, p.15).

Table 1: Legitimacy of delegation

Legitimacy	Accountability Mechanisms
Input	• Hierarchical control (Can ministers and parliament control strategic decisions?) • Administrative mechanisms (What are the rules for work planning, impact assessments, transparency and evaluations?) • Legal control (How are access to justice and appeal mechanisms organised?) • Functional cooperation (How is cooperation in peer groups organised?)
Output	• Effectiveness (Do evaluators and peers think that the instrument delivers?) • Flexibility (Do evaluators and peers agree that the instrument is responsive to new technologies and emerging issues?) • Subsidiarity (Are national experts and bodies involved?)

Source: Wolff and Schout (2013, p.310)

Given that detailed control mechanisms are stipulated in Frontex's legal acts from the outset, the mismatch between the de jure and de facto controls is also of concern (Busuioc, 2009). In his study on the Commission-Frontex relationship, Rijpma (2012) reveals that even if the Commission's underrepresentation on Frontex's Management Board compared to the Member States, the European Commission has been able to exert 'ongoing control' over Frontex's Management Board. The mismatch between de facto and de jure controls results from practical reasons, such as divergent interests between Member States and the imprecise legal framework.

The accountability literature reveals an important aspect of the agencification phenomenon in EU border management, whereas this thesis questions if this body of literature underestimates the complexity of the EU border management institutional configuration. Such complexity can create the multiple principal problem: there is not only asymmetric information and goal conflict between the principals and agent that can bring moral hazard, but also asymmetric information and goal conflict between the principals themselves. As Perkowski (2018) correctly pointed out, Frontex is constantly faced with contradictory demands from other stakeholders and, in this regard, it is unrealistic to have the agency act on behalf of all of them. The agency cannot at once pursue policy goals favouring all stakeholders typically because they disagreed.

Bearing in mind the practical competition between the principals, it is hardly possible to have a 'complete accountability contract' for the concerned agencies, and it is reasonable to foresee that the stakeholder exerting more controls over the agencies will be able to align the agencies' task performance closer to its own policy goals. Meanwhile, in order to preserve their legitimacy among critical stakeholders, EU agencies may exploit the accountability deficit and seek support from the stakeholders that better share their interests. That is to say, the given agency may engage in influence peddling, namely the practice of using their asymmetric information and/or connections with one or more of their principals to obtain preferential treatment for themselves. Given their limited mandate initially, the agencies' influence-peddling activities may have an impact on institutional configuration and policy implementation.

2.1.3. The EU's integration of Justice and Home Affairs

The third body of literature is particularly interested in the EU's integration of JHA, inquiring whether the empowerment of EU agencies in JHA has consolidated the existing intergovernmental structure (e.g. Wolff, 2015) or led to an emergent supranational regime (e.g. Niemann and Speyer, 2018). Since external border management is an area of shared competence between the EU and the Member States, works within this strand of research engage with the major debate between new intergovernmentalism and neo-functionalism.

From the perspective of New Intergovernmentalism, the growing number of EU agencies presents an integration paradox, characterised by Member States seeking further integration but concurrently opposing greater supranationalism (Puetter, 2012). The preference for the creation of EU agencies, as posited by Bickerton et al. (2015), stems from Member States' reluctance to delegate authority to the European Commission, as well as a growing inclination towards collective action among the national competent authorities of Member States in new areas of EU activity, such as border management.

In spite of the EU's shift from market integration to the integration of core state powers, the agencies dealing with Justice and Home Affairs characterise a strong intergovernmental strand to their governance structure that strengthens Member State's oversight and prevents the agencies from being captured by supranational institutions in the leadership contest (Dehousse, 2008; Bickerton et al., 2015). The intergovernmentalist literature takes the Management Board composition of the JHA agencies as the evidence of retained state-centric decision-making, which are usually composed of one representative of each Member State plus one to six vastly outnumbered representatives of the European Commission (Kelemen and Tarrant, 2011).[9]

The intergovernmentalist analyses consider the JHA agencies as weak bodies with a limited mandate in intensely politicised policy areas and points to the fact that these

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[9] The network includes nine agencies: The European Union Agency for Law Enforcement Training, the European Union Agency for Asylum, the European Institute for Gender Equality, the European Monitoring Centre for Drugs and Drug Addiction, the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice, the European Union Agency for Criminal Justice Cooperation, the European Union Agency for Law Enforcement Cooperation, the European Union Agency for Fundamental Rights, and the European Border and Coast Guard.

agencies can neither replace national authorities in implementation, nor do they have the operational capacity for independently accomplishing tasks (Wolff, 2015). Bertozzi (2008, p.14) reveals that Frontex has been frequently seen as "another ineffective and superfluous tool incapable of delivering the services really needed by governments." Wolff (2012, p.147) labels Frontex as "merely a platform" in which its capacity to organise joint operations is entirely up to the willingness of Member States to cooperate. It is still undeniable that Frontex's resources pale into insignificance compared to those of national border guards, and the agency has limited formal powers, especially in the realm of implementation and enforcement.

In a similar vein, Carrera and Den Hertog (2016) and De Bruycker (2016) argue that Frontex's legal revisions have expanded the scope of its activities dramatically, but with neither qualitatively changing its governance nor the distribution of responsibilities between Member States and the agency. Although Pollak and Slominski (2009) deny the principal-agent relationship between Member States and Frontex, the latter's administrative and operational capacities are largely generated through the national competent authorities of Member States. In order to fulfil their obligations, the agencies need to bind national authorities into their work to make use of their resources and expertise (Eberlein and Grande, 2005; Horii, 2018).

In contrast to the intergovernmentalist approach, the neo-functionalist analyses duly report evidence of spill-over dynamics and the functional upgrading of the concerned agencies (Mungianu, 2013; Baird, 2015; Niemann and Speyer, 2018). Johnson (2017), for instance, argues that the expansion of the concerned agencies has contributed to a para-sovereignty in European border spaces and an increasing state-like nature of the EU. Aiming to overturn the conventional wisdom that neo-functionalism is conceptually ill-suited to address the EU's integration of JHA, Niemann and Speyer (2018) identify functional spill-over from the intensified cooperation between the EU agencies in different JHA sectors.

Scipioni (2017) and Panebianco (2020) find that the JHA agencies tend to expand their discretion and operational scope and exploit the grey zone of international and EU law (see also Meißner, 2017; Papastavridis, 2010; Carrera and Den Hertog, 2016; Moreno-Lax, 2017). Jeandesboz (2008, p.13) notes that "[i]t seems to have become a habit of EU agencies to develop activities in many fields without the proper legal basis,

with legal aspects coming in ex-post to validate these activities de facto." Such practices are conceptualised as 'implementation-led innovations' or the 'learning-by-doing' approach (see also European Parliament, 2011, p.92).

The neo-functionalist literature also highlights supranationalisation by an 'upgrading of common interests' (Haas, 1964). The implementation of agency-centered training programs, information exchange, and regular meetings has the potential to foster a problem-solving and integration-minded attitude among decision-makers (Horii, 2012; Niemann and Speyer, 2018). This results in a shift in the EU's approach to external borders, which is no longer restricted to the territorial boundaries separating sovereign states. Instead, EU agencies and national authorities are dispersed both within and beyond the EU.

This thesis sees a theoretical impasse between neo-functionalism and intergovernmentalism on the topic of EU agencies in the integration of core state powers. Intergovernmentalist analysts are struggling to offer explanation of the new mandates of EU agencies, and neo-functionalist analysts are always limited by the lack of full right to intervene and the sovereignty clauses in the agencies' legal acts. To address this theoretical impasse, this thesis adopts a historical institutionalist perspective. Through this lens, the focus of the debate shifts towards whether the empowerment of the concerned EU agencies, especially Frontex, has resulted in a departure from the established approach to external borders and resulted in unintended consequences, namely the loss or giving-up of sovereignty to the EU.

2.1.4. Task Performance

In addition to the political and institutional implications, the consequences of delegation can also be evaluated by the agencies' task performance and fulfilment. As provided by Article 33 of Council Regulation (EC) No 2007/2004 establishing Frontex, "[w]ithin three years from the date of the [a]gency having taken up its responsibilities, and every five years thereafter, the Management Board shall commission an independent external evaluation on the implementation of this Regulation. The evaluation shall examine how effectively the [a]gency fulfils its mission. It shall also assess the impact of the [a]gency and its working practices."

In 2009, COWI provided the first external evaluation of Frontex based on the overall objectives of Regulation (EC) No 863/2007. The assignment is organised around three evaluation criteria: effectiveness (the extent to which the activities of Frontex implement its tasks as laid out in the Frontex Regulation); impact (the extent to which Frontex has reached its long-term objectives); and working practices (the extent to which the organisational solutions and procedures support the implementation of the agency's mission) (Table 2). COWI's evaluation is very positive, concluding that Frontex "has achieved remarkably much in its short existence." COWI (2009, p. 6) finds that the agency has established itself as the focal point for community discussions on practical border management and has developed a path that will enhance cooperation and data sharing.

Table 2: COWI's evaluation criteria and indicators

Field of Activities	Working Practices	Effectiveness	Impact of Activities
Operational cooperation with Member States Training Risk Analysis Research and Innovation Technical and Operational Assistance Return Operations Cooperation with Europol and other EU institutions and bodies Facilitation of Cooperation between Member States and Third Countries			
Management Structure			
The Management Board The Executive Director The organisational structure of the Agency			

Source: COWI (2009)

Ramboll Management Consulting and Eurasylum Ltd (2015) carried out the second evaluation of Frontex, covering the period from July 2008 to July 2014. In addition to the criteria employed by COWI, the assignment added fundamental rights compliance as the fourth criteria, questioning the extent to which fundamental rights are monitored and promoted by the agency's activities. The evaluation confirms again that Frontex successfully fulfilled its assigned tasks, in spite of a strong dependence on Member States. The evaluation also finds that Frontex managed to ensure that sufficient resources were available for the successful implementation of joint operations and carried out high quality and accurate risk analyses on time, which positively contributed

to the improvement of integrated management of the external borders of Member States. As regards the respect of fundamental rights in Frontex's activities, the evaluation highlighted the positive contribution from the Fundamental Rights Officer and the Consultative Forum, which is an internal unit bringing together key civil society organisations to advise the agency in fundamental rights matters.

External evaluations provide a valuable insight into the workings and functioning of the concerned agencies. These evaluations typically involve interviews with agency staff and EU officials, which shed light on the policy goals and preferences of the stakeholders. Despite their advantages, the regular external evaluations have certain limitations. For instance, as per Regulation (EU) No 2016/1624, Frontex was required to be evaluated by October 2019, but the evaluation did not take place as the agency's new mandate came into effect in November of that year. According to Regulation (EU) No 2019/1896, the next external evaluation is to be carried out by 5 December 2023, which is a substantial amount of time, during which there have been significant transformations in the agency's mandate and activities.

Furthermore, the practical impact of the concerned agencies is not limited to whether the assigned tasks have been effectively implemented. Horii (2012), for example, focuses on Frontex's training programmes and finds that such programmes have brought an integrative effect by breeding socialisation and professionalisation at EU level. Balendr (2018) looks at the role of the quality assurance system of the border guards training and the Joint European Master's Program in Strategic Border Management. He suggests that Frontex's training efforts help to ensure that operational competencies and best practices are achieved in all border guard agencies of the EU and Schengen associated countries (see also Peres and Norris, 2017).

In terms of risk analysis, Horii (2016) demonstrates that Frontex's intelligence outputs affect the ability of Member States to get access to EU funding and helps to define whether Member States are legitimately able to reinstate the border checks at its internal borders (see also Takle, 2017). Den Boer (2015) investigates Frontex and Europol's roles and competences in the field of intelligence and suggests that both agencies' activities contribute to transferring EU threat perception to the political and executive level, despite that the collection and use of intelligence raise a severe challenge to their political accountability and operational transparency.

In terms of Frontex's operational coordination, Carrera and Guild (2010) evaluate the first deployment of Frontex Rapid Border Intervention Teams (RABITs) to Greece in 2010 and argue that the mission was merely an emergency, temporary and (in)security solution, which reveal the limits of the principle of solidarity and burden-sharing mechanism. By contrast, Johansen (2020) analyses the operational outcomes of Frontex-led Operation Triton and the Common Security and Defence Policy (CSDP) mission Sophia in a comparative manner, and he concludes that Operation Triton demonstrated a better-organised operational structure and more coherent implementation, showing a higher degree of strategic capacity than the CSDP mission.

This thesis draws extensively from this body of literature. However, it should be noted that the capacity of these agencies to influence the management of the EU's external borders has not been thoroughly explored or even considered. Therefore, this thesis sheds some light on the operational activities conducted by other EU agencies involved in border management, as well as the implications of the joined-up approach between EU agencies.

2.2. Critique on EU agencies' activities in EU Border Management

Critical Security Studies contribute to answering the research question of the thesis by providing normative assessments of the agencies' activities and critique of the delegation rationale. Theoretically, Critical Security Studies adopt a diverse set of post-positivist schools of thought in International Relations and criticise delegation to EU agencies as a failed solution to the humanitarian crisis at the EU's external borders. Their critiques include perspectives from poststructuralism (Bellanova and Duez, 2016), postcolonialism (Stachowitsch and Sachseder, 2019), feminism (Marin, 2014), as well as the Copenhagen School and the Paris School of security studies (Campesi, 2018b, 2014; Cuttitta, 2014; Garelli and Tazzioli, 2018; Karamanidou, 2015; Léonard, 2010; Neal, 2009; Pallister-Wilkins, 2015; Paynter and Riva, 2020).

2.2.1. Frontex and Human Rights

Since the exercise of executive powers by Frontex deployees can directly impact the fundamental rights of migrants and asylum seekers, it is imperative that concerns regarding Frontex's compliance with its human rights obligations and potential human rights violations have been part of the agency's history. A great deal of literature

examines whether, and to what extent, Frontex has developed its mandate to follow the principle of non-refoulement and guarantee migrants' rights (Aas and Gundhus, 2015; Campesi, 2014 and 2018; Horsti, 2012; Karioth, 2014; Marin, 2014; Pallister-Wilkins, 2015; Perkowski, 2016, 2018; Hernàndez, 2020). Perkowski (2018) views Frontex from the perspective of the interconnections between humanitarianism and security. He portrays the agency as a rescuer of migrants at sea, a promoter of fundamental rights and a defender of EU citizens against external threats. Nonetheless, the majority of Critical Security Studies criticises the legality of Frontex's activities at the external borders and the agency's human rights violations in the name of security (Baldaccini, 2010; Carrera et al., 2018; Papastavridis, 2010; Pollak and Slominski, 2009; Vara, 2015; Hernàndez, 2020;). This body of literature generally claims that the EU fails to legitimise the delegation due to a lack of democratic control over the agency (Campesi, 2018), and Frontex fails to legitimise its activities because of its low transparency and pushbacks against refugees (Baldaccini, 2010; Hernàndez, 2020; Papastavridis, 2010).

A significant point of contention regarding Frontex activities is the principle of non-refoulement, which is a cornerstone of the 1951 Refugee Convention and states that refugees cannot be returned to a country where they may face persecution, mistreatment, or torture (Article 33(1) of the Refugee Convention). The current literature suggests that Frontex's operations are driven by the logic of excluding migrants and shirking responsibility for unpopular decisions (Genova, 2016). By granting Frontex power, Member States are able to deflect criticism and avoid political repercussions when individuals die at sea (Rijpma, 2010).

Human Rights Studies also provide evidence that Frontex has long been pushing migrants and refugees into an ever more dangerous situation, instead of taking into account the fact that persons arriving at the EU's external borders are entitled to immediate services and assistance to address their basic needs and may also be in need of protection (Campesi, 2018; Léonard, 2010; Perkowski, 2018). According to the report by the European Council on Refugees and Exiles and the British Refugee Council, Frontex "fails to demonstrate adequate consideration of international and European asylum and human rights law including the 1951 Convention relating to the Status of Refugees and European Community in respect to access to asylum and the prohibition of refoulement" (UK House of Lords, 2008a).

Human Rights Studies recognise that the mortality rate of migrants crossing the Mediterranean has risen for consecutive years, despite the dramatic reduction in the number of migrants and refugees arriving in the EU after 2016 (Fine, 2018). The high death toll at external borders is attributed to the fact that migrants are forced to rely on illegal channels and dangerous means to cross the Mediterranean, which offer very unsafe conditions (Cusumano, 2019; Edwards, 2020). In this light, Frontex Joint Operations fail to prioritise saving lives at sea and divert funds from promoting pathways to legal migration, leading to limited access to protection less respect for human rights (Hadjimatheou and Lynch, 2017; Miller and Chtouris, 2017; Pallister-Wilkins, 2015).

2.2.2. Securitisation and Militarisation

The emergence of the concept of 'Fortress Europe' in the 1990s denotes the development of policies and measures aimed at preventing the entry of asylum seekers, undocumented border-crossers, and other undesired individuals into the EU. From a postcolonial perspective, this phenomenon can be understood as a manifestation of anxieties surrounding potential immigration flows from the Global South, resulting in the creation of a dichotomy between the 'kinetic elites' and the 'kinetic underclass' as articulated by Adey (2006), or between the 'mobility rich' and the 'mobility poor' as posited by Wilson and Weber (2008).

Referring to the Copenhagen School of Security Studies, academic observers reveal that EU agencies' rhetoric and activities contribute to the securitisation of border and migration issues by framing migration flows as risks and threats to security, including terrorism, organised criminality, and social unrest (Bourbeau, 2006; Burke, 2008; Campesi, 2014; Karamanidou, 2015; Squire, 2015; Karamanidou, 2015; Franko, 2021). This securitisation of migration is, for instance, perpetuated by the use of terms such as "asylum seeker" and "irregular migrant", which implies that those who seek asylum are false refugees seeking undue benefits or economic migrants opportunistically claiming asylum (de Genova, 2017). This discourse helps to justify the EU's restrictive migration policies and the creation of stricter deportation regimes for irregular migrants who are deemed not to be in need of international protection (Nanopoulos et al., 2018; Zaragoza-Cristiani, 2016).

In addition to the discursive studies, academic observers also refer to the Paris School, which posits that the process of designating certain issues as security concerns and creating a sense of threat can be accomplished through practices that go beyond mere rhetoric (Huysmans, 2000; 2004; also see Bigo, 2014; Leonard, 2009). As Huysmans (2004) noted, securitisation can be achieved through practices independently from the rhetoric used, such as the deployment of military troops, the use of high-technical devices and border fortification. In the case of EU border management, scholars have identified a variety of practices that contribute to the securitisation of migration and border control, including the use of military means for border control and the statistical categorisation of individuals (Bigo, 2014; Wolff and Pawlak, 2018).

EU agencies' connection with new border control IT systems is primarily concerned in the literature (Csernatoni, 2016, 2018). In the European Commission's Smart Borders Package, there have been several pieces of legislation on creating and updating information technology systems, such as the Entry/Exit System Regulation and the European Travel Information and Authorisation System Regulation and enabling EU agencies to have access to these systems. Although these information technology systems have been legitimated 'as a new tool to save migrants' lives' by the European Commission (2013b), Critical Security Studies question if these information technology systems are implemented for constructing a 'Cyber-Fortress Europe' (Guild et al., 2008). This IT systems may contribute to 'social sorting' (Lyon, 2003) of the passengers by providing the relevant EU agencies and national authorities with enriched travel information and interoperability between Member States and central EU platforms (e.g. the European Border Surveillance system) (Aas and Gundhus, 2015).

Frontex and the European Maritime Safety Agency (EMSA) are also criticised for the increased use of drones in border controls and maritime surveillance (Csernatoni, 2016). Although both agencies have emphasised the humanitarian factor in the use of drones for surveillance, the drone use may isolate the human factor from the border management cycle and transform the EU into a high-tech 'Fortress Europe' and result in a situation that searching by European drones, rescuing by third-country ship—thereby avoiding disembarkation in Europe (Ahmed and Tondo, 2021; Popoviciu, 2021; Marin, 2011).

Since both Frontex and EMSA are now allowed the option to acquire equipment directly, concerns have been raised if stakeholders will prioritise their own corporate interests instead of protecting migrants' fundamental rights (Collis, 2021; Galantino, 2020). According to Lemberg-Pedersen (2013, p.152-153), such private security companies have played a central role in designing, framing, and transforming the EU border security governance. His arguments echo the warning of US President Dwight D. Eisenhower in his Farewell Address to the Nation in 1961:

> We must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists, and will persist. […] We must never let the weight of this combination endanger our liberties or democratic processes.

However, it remains questionable whether the million-euro contracts awarded to Frontex and EMSA could significantly impact the relationship between EU border security and the defence industry that supplies it, when compared to the hundreds of billions of dollars spent on US military expenditures each year. The literature on militarisation might give an impression to those unfamiliar with modern warfare that Frontex and EMSA are planning to purchase an aircraft carrier and create a vested interest that could influence public policy.

2.2.3. Beyond Fortress Europe

Critical Analysts notice that the concerned agencies erect fences not only at the EU's external borders (frontiers) but also at the buffer areas within and even beyond the EU's external periphery (Akkerman, 2018; Del Sarto, 2010; Marin, 2020; Vitiello, 2018). From the beginning, the idea of the European integrated border management has recognised international cooperation as one of the core dimensions of the four-tier access border control model. It is therefore not surprising that international cooperation has been at the core of the border agency Frontex since it became operational.

Prior to the 2015 Migration Crisis, Frontex had already deployed Liaison Officers to third-country partners and launched technical assistance and information exchange projects within the framework of working agreements with non-EU countries (Fink, 2012; Meißner, 2017; Coman-Kund, 2019; Vitiello, 2018; Marin, 2020). Frontex has actively collaborated with third countries in terms of accepting deported persons, training their police and border officials, promoting extensive biometric systems, and

donations of equipment including helicopters, patrol ships and vehicles, surveillance and monitoring equipment (ibid.). Such approaches have been labelled as externalisation, referring to the strategies that regulate migration flows through addressing the root causes of migration in countries of origin and transit (Boswell, 2003; Vitiello, 2018).

Externalisation encompasses a range of strategies aimed at encouraging countries of origin and transit to monitor their own borders and migration flows to control, restrict or impede physical access to the EU (Ruhrmann and FitzGerald, 2017). This can take the form of exterritoriality, where states carry out border control functions outside of their own territory. Taking the example of Operation Sophia and Operation Hera, both operations involved border control activities carried out EU agencies and national border guards in areas without European state jurisdiction (Carrera, 2007; Butler and Ratcovich, 2016; Frenzen, 2016).

What makes EU agencies' international action problematic is that such activities show considerable deficiencies from the perspective of democratic control and transparency and worsen access to asylum and respect for human rights (Vitiello, 2018; Marin, 2014; Fink, 2012). Many of third-country partners receiving EU support cannot be regarded as safe countries of origin.[10] Consequently, EU agencies' international action may have far-reaching consequences for forcibly displacing persons, whose 'illegal' status already makes them vulnerable and more likely to face human rights abuses, forcing them into ever more dangerous routes to escape violence and conflict (ibid.).

In sum, Critical Security Studies remind us that EU agencies' expansive mandate and activities may have a significant impact on individuals. The agencies' part in pushbacks, as well as their part in the securitisation, militarisation and externalisation of border controls, may violate international law and put refugees and migrants at risk. Although the aforementioned studies may not be very relevant to the direction of this

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[10] According to EUAA, a country is considered as a safe country of origin when it can be shown that there is generally and consistently no persecution as defined in the Qualification Directive, no torture or inhuman or degrading treatment or punishment, and no threat by reason of indiscriminate violence in situations of international or internal armed conflict. See: https://euaa.europa.eu/sites/default/files/publications/EASO-situational%20update-safe%20country%20of%20origin-2021.pdf

thesis, they illustrate the allegations about the concerned EU agencies that do more than what they are meant to do. Meanwhile, Critical Security Studies offer important empirical material and theoretical insights into the topic in question. They disclose many details of the agencies' activities on the ground, which deepen our understanding of EU border management.

2.3. Research Synthesis

The existing literature on EU agencies in border management has contributed significantly to our understanding of the complex political, organisational, and legal contexts within which these agencies operate. Despite the growing academic interest in the phenomenon of 'agencification' in EU border management, research gaps remain, particularly in light of the periodic legal revisions and the dynamic institutional configurations that characterise the field. The current literature, while drawing heavily on grand theories of European integration, has yet to move beyond the increasingly stale debate between neo-functionalism and intergovernmentalism, and has also failed to fully engage with the nuances of the accountability debate surrounding the empowerment of EU agencies in the management of the EU's external borders, and the incremental nature of policy change.

This chapter posits that the research focus on EU border management agencies should be expanded to encompass a more comprehensive examination of the various dimensions of EU border management, including asylum, internal security, cross-border, and maritime issues. Additionally, it is suggested that the activities of agencies other than Frontex should also be taken into account, in order to provide a more holistic understanding of the EU's integrated border management system. Furthermore, it is argued that the gradual process of institutional change and the agencies' autonomy should be given greater emphasis in research on EU border management. Empirical evidence suggests that EU agencies are not simply passive actors within the system, but rather, they possess the ability to actively and purposively shape policies and practices related to border management. Despite this, the autonomy of EU agencies and their relationships with internal and external stakeholders have been inadequately researched in the existing literature.

Referring to the existing literature, the chapter suggests that the empowerment of EU agencies in EU border management can be seen as a process of "crossing the river by feeling the stones", where EU policy-makers take one step, rely on it temporarily, and then search for the next step. However, it is unclear what motivates EU policy-makers to move forward, and to what extent the selected path deviates from the old border control coordination approach. To bridge these gaps in the literature, this thesis proposes to investigate the proliferation of EU agencies in border management through a hybrid theoretical lens combining the principal-agent model and historical institutionalism.

Conclusion

This chapter has provided an overview of the existing literature on the empowerment of EU agencies in EU border management and demonstrated the knowledge gaps in these bodies of literature. The establishment of Frontex has been regarded as an institutional innovation in EU border management since it is the first time that an EU border authority with its own right has been established outside the national border authorities and been able to act at arm's length from EU policy-makers. As demonstrated, the concerned EU agencies have become a popular subject of research for scholars who are interested in policy change and operational coordination in the field of border management, immigration, and asylum in Europe. The chapter has also identified scholarly gaps concerning EU agencies' own autonomy, inter-agency cooperation, and friction between stakeholders. It thus calls for new analytical framework that can help to understand the empowerment of EU agencies from an evolutionary perspective.

Chapter 3 Theoretical and Methodological Frameworks

Introduction

This chapter aims to develop theoretical and methodological frameworks that enable this thesis to examine policy change brought by the EU agencies involved in border management. To probe the empowerment of EU agencies as a process of "crossing the river by feeling for the stones," this study employs a hybrid approach, which combines historical institutionalism and the principal-agent model (PA-HI). The first section of this chapter provides an overview of historical institutionalism as a major variant of new institutionalism, and illustrates the rationale behind the integration of the historical institutionalist approach with the principal-agent model in this study. Applying the conceptual toolkit of the PA-HI approach, Sections 3.2 identifies the principals and the agents in the EU's border management regime. Section 3.3 proposes a set of hypotheses that will be tested in the subsequent empirical chapters to assess the impact of the empowerment of EU agencies on EU border management. The final section of this chapter presents the methodological framework and explains how the main research question is operationalised. It highlights the reasons for choosing process-tracing as the primary methodology, and document study as the main data collection method.

3.1 Theoretical Framework

3.1.1 Historical Institutionalism in the Study of European Integration

Historical institutionalism is one among many new institutionalist approaches.[11] It shares the theoretical arguments of the new institutionalist paradigm that organisational actors are embedded within institutions that are sets of rules, norms and values (Fioretos et al., 2016; March and Olsen, 1998; Przeworski, 2004). Unlike other branches of new institutionalism, historical institutionalism emphasises how history, critical junctures, path dependence, and lock-in effect shape organisational actors and institutional change (Fioretos et al., 2016).

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[11] New Institutionalist approaches encompass a wide variety of complementary but different approaches, such as rational choice institutionalism, sociological institutionalism, and historical institutionalism, discursive institutionalism, constructivist institutionalism and feminist institutionalism (Rhodes et al., 2008).

Historical institutionalism in political science did not originate in the field of European Integration Studies. In the 1980s, the scholarly efforts introduced the theoretical claim about historical processes and events that shaped the administrative capacities and organisational routines of national bureaucracies (Evans et al., 1985). In the 1990s, historical institutionalism steadily expanded its empirical scope and refined its analytical toolbox. Accordingly, there has been a growing use of historical institutionalism in the analysis of EU politics with Pierson's pioneering investigation of the evolution of social policy in the EU (Pierson, 1996) and Pollack's new institutionalist cut on EU governance (Pollack, 1996, 1997)

In the early stage, the historical institutionalist approach favours a comparative statics mode of analysis, where institutional setting is relatively fixed and institutional change merely comes through periodic critical junctures (Thelen and Conran, 2016).[12] Consequently, early historical institutionalist analysis often oversimplified the process by identifying a path-dependent institution and then tracing its outcome back to a remote critical juncture (Mahoney, 2000). However, more recent historical institutionalist analyses have shifted focus to the dynamics of institutional evolution and have revealed new insights into the sources of institutional change (Thelen and Conran, 2016). As a result, the concept of path dependence no longer suggests that an established institution will achieve a stable equilibrium that is resistant to change in the absence of external pressure, but rather that institutional change and alteration is considered to be an endogenous aspect of the institutional setting (Clark and Gandhi, 2015).

Historical institutionalists claim that when an institution is established after the critical juncture, it will persist, reproduce, and develop in the absence of the forces responsible for its original production. The causes of institutional reproduction can be distinct from the processes that bring about the institution in the first place, and institutional reproduction can result in unintended consequences (Mahoney, 2000). In this regard, scholars generally consider two dominant types of institutional reproduction

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[12] The concept of critical juncture has been most systematically developed and applied in the area of historical institutionalism. It refers to events and developments, generally concentrated in a relatively short period, that have a crucial impact on the selection of one path of institutional development over other possible paths (Capoccia, 2016; Capoccia and Kelemen, 2007).

sequences: self-reinforcing sequences and reactive sequences (Howlett and Rayner, 2006; Mahoney, 2000; Rayner, 2009).

Self-reinforcing sequences are characterised by processes of reproduction that reinforce early events. When institutions are set, further moves in the same direction will reinforce the institutional arrangements since positive feedback increases the benefits of pursuing a particular course and increases the costs of switching to alternative courses of action (Pierson, 2000). Over time, it becomes more and more challenging to transform the established pattern or to select previously available options, even if the alternatives would have been more efficient. This is not to say that a self-reinforcing institution would freeze, given that positive feedback will induce incentives that bring about bounded adjustments that remain within the path (Pierson, 2000; Steinmo et al., 1992).

In contrast to self-reinforcing sequences, reactive sequences are marked by backlash tendencies that transform and perhaps reverse early events (Mahoney, 2000). "In a reactive sequence, each event in the sequence is both a reaction to antecedent events and a cause of subsequent events (...) early events trigger subsequent development (...) by setting in motion a chain of tightly linked reactions and counter-reactions" (Mahoney, 2000, p.526). Notably, reactive sequences may co-exist with self-reinforcing sequences in a complex institution—an earlier event can trigger powerful response and preference change, producing an inherent logic in the chain of events (Pierson, 2000, p.85).

Nonetheless, when it comes to examining organisational actors' preferences, historical institutionalism may not be an attractive explanatory tool since it views the institution from more the direction of macroanalysis (Katznelson and Weingast, 2005; Thelen, 1999). In order to improve the explanatory tool, scholars have suggested the combination of historical institutionalism and rational-choice institutionalism (Stacey and Rittberger, 2003; Wolff, 2012; Katznelson and Weingast, 2005; Jupille et al., 2017). In her study of the Mediterranean dimension of the EU's Internal Security, Wolff (2012) argues that historical institutionalism shall be complemented with rational choice institutionalism for addressing its weaknesses.

Traditionally, a line that was drawn between rational-choice institutionalism and historical institutionalism is between temporary equilibrium order and historical

evolution (Thelen, 1999, p.81). Rational-choice institutionalists used to focus on time-bound events, such as an election or a piece of legislation, and designate actors' equilibrium preferences by imputation (Katznelson and Weingast, 2005). The organisational actors in rational-choice institutionalism calculate costs and benefits rationally, taking action to maximise their individual gain. Accordingly, the rational-choice institutionalist institutions are established to sustain the institutional equilibria and structure the interaction between various actors (Hall and Taylor, 1996, p.945; Kleine and Pollack, 2018).

By contrast, historical institutionalist analyses used to focus on longer temporal horizons spanning decades and analyse situations where the set of actors evolve over time (Katznelson and Weingast, 2005). They were inclined to view institutional evolution as a structured process, where institutions emerge from historical conflicts and constellations (Thelen, 1999). Accordingly, the organisational actors in historical institutionalism are relatively rational in the process of rule-setting but embrace the 'logic of appropriateness' in the process of institutional reproduction (Pollack, 2003). The actors may act deliberately within the established institutional frameworks, instead of pursuing the maximisation of profits, interests, and effectiveness by choosing alternative settings.

Despite the traditional division between the two branches of new institutionalism, theoretical eclecticism is somehow in fashion recently. New institutionalists increasingly draw upon both theories to gain complementary insights into a particular case (Farrell, 2018; Thelen and Conran, 2016; Jupille et al., 2017; Wolff, 2012). Rational-choice institutionalists have devoted attention to the analysis of comparative statics, thus bypassing the traditional division between the two branches of new institutionalism (e.g. Goodin, 2006; Wu, 2011). This thesis is largely inspired by such efforts and, having the research question in mind, argues that the principal-agent model is a better position to ally with historical institutionalism.

3.1.2. A Principal-agent Historical Institutionalist Approach

The principal-agent model is a key concept that rational-choice institutionalism borrowed from neoclassical economics (Laffont and Martimort, 2002). The model is not a theory in itself but an abstract model that relies on deductive reasoning and can

be tailored to a certain problem under investigation (Geeraert, 2016). In the early 1970s, the principal-agent model was developed to conceptualise the micro-level relationship between business managers and the capital owners (Ross, 1973; Jensen and Meckling, 1979; Eisenhardt, 1989). In political science, the model was first applied to theorise the control by the US Congress of regulatory agencies and committees and the delegation of monetary policy to the Central Bank (e.g. McCubbins and Schwartz, 1984; Weingast and Moran, 1983; Weingast, 1984). More recently, principal-agent analyses have been carried out in studies of international organisations in general and the EU particularly (Pollack, 1997, 2003; Ballmann et al., 2003; Kassim and Menon, 2003; Hawkins et al., 2006; Delreux and Adriaensen, 2017).

In European Integration Studies, rational-choice institutionalists make the most sophisticated use of the principal-agent model in exploring the conditions under which Member States delegate authority to supranational institutions, which enjoy a certain level of autonomy from, and exert influence on Member States (Pollack, 1997, 2003). The principal-agent model is explicitly concerned with the delegation and does not privilege the role played by either Member States or the Union bodies (Kassim and Menon, 2003). Therefore, the principal-agent model holds promise for moving beyond the sterile debate between intergovernmentalism and neo-functionalism (Delreux and Adriaensen, 2017).

The principal-agent model generally supposes that policy-makers have bounded rationality, and delegation occurs if the perceived gains from delegation exceed the costs. Gains of delegation are less political transaction costs, more credible commitment, more specialised policy-making, and more efficient implementation (Pollack, 2003; Tallberg, 2002). Costs of the delegation mainly refer to 'agent losses', also known as bureaucratic drift, where the agent behaves in ways different from what was intended and/or begin to pursue their own goals rather than the ones of their principals (Pollack, 2003; Waterman and Meier, 1998). Although principals could rely on various institutional arrangements to detect and remedy any violations of legislative goals and discourage such violations, compliance by agents cannot be taken for granted, and the latter is often in a position to force principals to comply with their decisions (Dehousse, 2008; Kassim and Menon, 2003; Delreux and Adriaensen, 2017).

Since agent losses can be characterised as either static equilibrium order or dynamic process, the principal-agent model is thus able to ally itself with either ration-choice institutionalism or historical institutionalism. From a rational-choice institutionalist perspective, agent losses can be seen as an acceptable outcome of the delegation of authority to agents. This aligns with Majone's typologies (2001), which describe the situation where policy-makers empower a trustee with independent decision-making authority based on their best judgment or professional criteria.

By contrast, a historical institutionalist utilisation of the principal-agent model will highlight the possibility of unintended losses. Pierson (1996), for instance, argues that the intergovernmentalist approach to European Integration is flawed as "the current functioning of (EU) institutions cannot be derived from the aspirations of the original designers." His analysis of the evolution of social policy in the EU indicates three sources of control gaps: the short time horizons of decision makers, the prevalence of unanticipated consequences, and the prospect of shifting Member State policy preferences (ibid.). Given the resistance of EU institutional actors and the sunk costs associated with previous actions, Pierson contends that Member States inevitably lose control over the integration process since control gaps, once detected, would be difficult to eliminate (ibid.).

In his historical institutional analysis, Pierson (1996) incorporates the principal-agent approach implicitly. Nevertheless, he primarily concentrates on the loss of control by the institution's creators over its subsequent evolution, rather than the intricate interaction between the principal and the agent. The existing literature appears to suggest that the empowerment of the relevant agencies has led not only to bureaucratic drift but also political drift, where the agent Frontex is captured by another agent, such as the European Commission (as seen in works such as Rijpma, 2012 and Perkowski, 2018). To address this, the current thesis endeavours to formulate a more comprehensive understanding of the concerned agencies that are embedded in broader policy networks by explicitly combining the principal-agent model and historical institutionalism.

The PA-HI approach posits that delegation to arms-length bodies arises when policy-makers perceive that the benefits of empowerment surpass the accumulated costs. Upon creation, the new actor-institution configuration may not be static due to both

endogenous dynamics and exogenous challenges, leading to unintended and uncentrally controlled agent losses. However, the initial empowerment contract will restrict the institutional fine-tuning along a path-dependent track due to the sunk costs associated with the empowerment. This thesis maintains that this hybrid formulation effectively captures the empowerment of EU agencies and its implications for EU border management.

3.2. Delegation in EU Border Management

3.2.1. Agents

In *the Operating Framework for the European Regulatory Agencies*, the European Commission (2002b, p.3) notes that EU agencies are decentralised organisations created by regulation to perform tasks clearly specified in their constituent acts; all have legal personality and a certain degree of organisational and financial autonomy. Scholarly, EU agencies are described as semi-independent, permanent bodies with legal personality, established by secondary EU law, charged with specific tasks, but out of the main EU institutional framework and without much discretionary powers (Griller and Orator, 2010, p.7; Chamon, 2016). These characteristics align with the definition of an 'agent' in the principal-agent model, namely the semi-autonomous "governmental entities that (a) possess and exercise some grant of specialised public authority, separate from that of other institutions, but (b) are neither directly elected by the people, nor directly managed by elected officials" (Thatcher and Stone Sweet, 2002, p. 2).

Referring to the Commission's formulation of EU agencies, this thesis selects five agencies for analysis, including the European Border and Coast Guard (Frontex), the European Union Agency for Asylum (EUAA), the European Union Agency for Law Enforcement Cooperation (Europol), the European Maritime Safety Agency (EMSA) and the European Fishery Control Agency (EFCA).[13] Among the five bodies, Frontex is the only agency that was established by Council Regulation (EC) No 2007/2004 to promote operational coordination between Member States in border controls. The rest

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[13] In addition to the five EU agencies, there are also many other Union bodies involved in border management, such as the European Union Agency for Criminal Justice Cooperation, the European Union Agency for Fundamental Rights, and the European Union Satellite Centre. These bodies primarily provide technical support or fundamental rights expertise to the five selected agencies, and they rarely carry out operational missions in the field.

four agencies have mandates which contain components of, and linkages with, the so-called European integrated border management, as well as Frontex's mandate.

EUAA was created by Regulation (EU) No 439/2010 to support the cooperation of Member States on asylum and improve the implementation of the Common European Asylum System. The Dublin Regulation determines the country where the asylum seeker first entered Europe is responsible for examining an asylum application, thus interrelating external border controls and asylum reception. After Regulation (EU) No 2021/2303 came into force on 19 January 2022, EUAA is now tasked to establish a permanent asylum reserve pool of 500 Member State officials at the disposal of the agency, an independent Fundamental Rights Officer to ensure that the rights of asylum applicants are safeguarded, and a monitoring mechanism to identify possible shortcomings in the asylum systems of Member States and assess their capacity and preparedness to manage situations of disproportionate pressure.

Europol officially began operations in July 1999 as an international organisation, but was subsequently fully integrated into the EU and reformed as an EU agency by Council Decision 2009/371/JHA of April 6, 2009. As an EU agency, Europol is charged with assisting Member States in the fight against cross-border crime, illegal immigration, and human trafficking, making it a key actor in EU border management. Specifically, Europol collects information from ongoing investigations in EU Member States and non-EU countries and uses this information to make connections and identify relevant links in order to provide actionable intelligence and leads to member states. In light of the 2015 Migration Crisis, the agency has become increasingly involved in the implementation of the Hotspot approach, Frontex Joint Operations (JO), and Common Security and Defence Policy (CSDP) missions.

EMSA is a specialised EU agency established with the mandate to promote maritime safety and minimise the likelihood of marine pollution caused by ships, as well as the loss of human lives at sea. Among its primary responsibilities, the agency is tasked with inspecting the regulatory practices of national maritime safety authorities. However, the agency also plays a crucial role in enhancing the EU's border controls and maritime surveillance. In recent years, with the implementation of the European Coast Guard Functions, EMSA, in conjunction with the fishery agency EFCA, has become increasingly involved in Frontex JOs, air reconnaissance, and search and rescue

activities. This increased involvement highlights EMSA and EFCA's significance as key actors in the EU's border management system.

As autonomous bodies, the five selected EU agencies in question cannot be beholden to the European Commission or other EU institutions for the establishment of their specific policies. Rather, each agency possesses its own organisational structure for determining and implementing policy, such as a Management Board, an Executive Director, and various specialised branches. The Management Board serves as the primary organ for determining the agency's policy and taking the necessary administrative measures to ensure its proper functioning. The composition of each agency's Board is varied, but a general principle is that every Member State has its own representative; the European Commission always has one representative in the Europol's Board, two representatives in EUAA's and Frontex's Board, and six representatives in EMSA's and EFCA's Board.

Another prominent actor within the agencies is the Executive Director, who is responsible for the agency's day-to-day administration, preparing and implementing the decisions and programmes and activities, taking internal administrative instructions, preparing each year a draft working programme and an activity report, and drawing up estimates of the revenues and expenditure. The term of office of a Director is usually five years, and is always renewable. Some differences can be noted in the appointment procedures. The Directors of Frontex, EUAA, EMSA and EFCA are appointed by the Management Boards, following a proposal by the European Commission. Europol's Director is appointed by the Council of the EU from a shortlist of candidates proposed by the Management Board, following an open and transparent selection procedure.

Apart from the differences in terms of the Management Board and the Executive Director, there are also many other organisational dissimilarities between the concerned agencies. However, these dissimilarities do not prevent this thesis from treating the five agencies as the agents of EU policy-makers. As Chamon (2016, p.52) notes, EU agencies are less heterogeneous than similar organisations at national level. The current heterogeneity largely results from the lack of a horizontal legal framework for the empowerment of EU agencies, which is a direct consequence of historical and sectorial coincidences (see also Härtel, 2008).

3.2.2. Principals

In the traditional principal-agent model, a political principal is characterised as a representative body of government that exercises its authority to establish non-majoritarian institutions through public acts of delegation (Thatcher and Stone Sweet, 2002, p.2). However, this definition becomes complex when applied to the EU agencies involved in border control. As analysed in Chapter Two, the empowerment of coordinating agencies, such as Frontex and EUAA, cannot be solely regarded as a delegation of authority from EU institutions or Member States, as neither of these stakeholders previously performed coordinating functions (Pollak and Slominski, 2009). Hence, at first glance, the application of the principal-agent model to the empowerment and expansion of these agencies may appear inadequate.

Nevertheless, bearing in mind that EU agencies' coordinating role was previously performed by national authorities in the framework of the External Border Practitioners Common Unit (PCU), this thesis considers that the principal-agent model is still applicable, and that EU Member States can be considered the agency's direct principals. Member States play a key part through EU agencies' Management Board to ensure the bodies' good governance, sound management and full transparency. Taking the case of Frontex JOs, the host Member States exercise direct oversight and political control over the agency's activities. The national competent authorities cooperate with Frontex's Executive Director in drawing up operation plans and issue instructions to Frontex officers during as host Member States for JOs. In this regard, the tasks performed by Frontex officers in the context of JOs are directly outsourced by the host Member States, and the principal-agent model can be still applicable.

Procedurally, Frontex and other EU agencies involved in border controls are empowered via either the ordinary legislative procedure or the consultation procedure. In both procedures, we may identify the Council as a political principal that links Member States and the agency, and the European Parliament as another principal that acts together with the Council as a supranational legislative actor. The European Parliament also exerts indispensable ex-post influence on Frontex's functioning and implementation through budgetary control and hearings (Wills and Vermeulen, 2011).[14]

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[14] It is worth noting here that this thesis treats the European Parliament as a unitary actor, so do the Council, the European Commission, and the given EU agency. This thesis does not doubt that all actors, whether groups or collectivises like the European Parliament and the European Commission never have

In addition to the EU's co-legislators, the European Commission has explicitly presented itself as one of the principals that actively anticipates the possibility of delegating a share of its powers to EU agencies. The Commission holds quite a schizophrenic position within the EU's political system. Although, as the executive branch of the EU, the Commission is the agent of the co-legislators, it too plays a significant role in the delegation process, influencing EU agencies' structure and mandate. The Commission is also an important player given its oversight of Frontex's day-to-day activities. It is represented in the agency's Management Board and plays a significant role in the nomination process for the Executive Director of Frontex. As Trauner (2012) notes, identifying the principal should be not only based on its involvement in the legislation of delegation, but also on its actual impact on the functioning and institutional development of the agent. Bearing the level of influence it has on the functioning of Frontex, this thesis considers that the Commission should be understood as a political principal of Frontex, along with the Member States and the co-legislators.

3.2.3. Non-exclusive Delegation

'Specialisation and a division of labour are at the heart of principal-agent models' (Dijkstra, 2017, p.55). The traditional interpretation of this model posits that policy makers delegate tasks to semi-autonomous authorities as a means of avoiding the burden of performing those tasks in-house (Tallberg, 2002). Tasking EU agencies to secure the EU's external borders, however, constitutes a case of non-exclusive delegation.[15] While Member States have delegated the management of their external borders to the relevant EU agencies, they continue to vest similar responsibilities in their own national authorities (as depicted in Figure 2). This non-exclusive delegation can be seen as reflecting the Member States' reluctance to transfer significant power to

a singular interest or a sole identity. Organisational fragmentation (or decoupling) and bureaucratic politics always exist within these entities (Perkowski, 2019; Graham, 2014). However, this thesis primarily focuses on inter-actor relationships instead of intra-actor relationships. Although the European Parliament's standpoint is clearly not shared by all Members of the European Parliament, formal positions of the European Parliament quite often end up with a particularly sharp focus on the rights of migrants and refugees. Therefore, this thesis holds that further 'atomising' the European Parliament is unwise and will unnecessarily complicate the principal-agent relationships.

[15] In some cases, it is conceptualised as dual delegation, where national governments have simultaneously ceded authority to supranational institutions and substate national regulatory agencies (Michaelowa et al., 2018).

the EU in a politically sensitive domain and presents a challenge to the traditional application of the principal-agent model in multiple ways (Dijkstra, 2017).

At first, non-exclusive delegation raises questions regarding the underlying functional rationale behind the delegation process. If EU Member States have already delegated similar responsibilities to their respective national authorities, then why is there a need for an additional authority at the EU level? It is also unclear how the addition of another authority can enhance the specialisation, efficiency, and effectiveness of the overall border control system. the non-exclusive delegation calls into question the hierarchical relationship between the EU and its Member States. If both national and EU authorities are performing border management tasks, there is a risk of competition for resources and for exerting oversight and political control. This competition may lead to a fragmentation of power, rather than a hierarchical relationship, with the potential for rivalry and discord rather than a unified approach (Helwig, 2017).

Figure 2: The principal-agent relationship in EU border management after the Lisbon Treaty (2009)
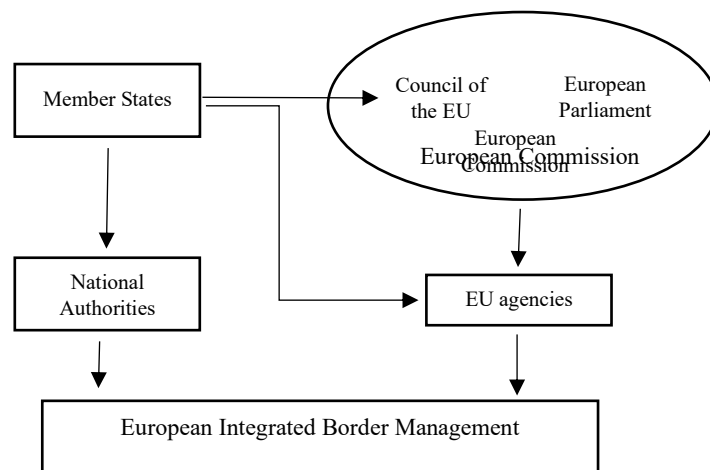
Source: Author's design

Last but not least, the simultaneous operation of both national and EU authorities in information gathering and interaction with external parties can have a significant impact on the potential for information asymmetry and hidden action (Dijkstra, 2017). National governments may have access to the same information from their own authorities, and have the institutional infrastructure in place to implement policies independently. In light of these challenges, this thesis proposes that the empowerment of EU agencies in

border management provides an opportunity to revise and expand the scope of the principal-agent model. The thesis suggests that information asymmetry should not be assumed to be a constant in EU border management, but rather should be viewed as a variable that can have varying effects on the outcomes of border management. Importantly, this thesis posits that a more nuanced understanding of the role of information asymmetry in EU border management can lead to a more comprehensive and effective application of the principal-agent model.

3.3. Hypotheses

Following the PA-HI approach, this thesis proposes the following hypothesis for investigation.

The empowerment of EU agencies has had a supranational impact on EU border management.

This hypothesis directly reflects the research question, which is how the empowerment of EU agencies has affected EU border management. As explained in Chapter Two, although the policy area of border controls has been Communitarised in 2004, the EU's approach to border management is far from being viewed as supranational. Taking the PA-HI approach, however, this thesis expects to see that gaps emerge in Member States' control over the involved agencies, and these gaps are increasingly difficult to close. Drawing from the existing literature and the theoretical analysis, this thesis is organised around four sub-hypotheses: the empowerment of EU agencies has contributed to

1) diminishing Member States' autonomy in the management of their external borders;

2) strengthening EU oversight over border management;

3) institutionalising common administrative capacity at EU level;

4) strengthening EU actorness in the external dimension of border controls.

The four sub-hypotheses stem from a PA-HI assumption that historical legacies (of the initial delegation to Frontex) played a role in subsequent institutional change.

Specifically, the first sub-hypothesis examines the empowerment of the concerned agencies from a lock-in perspective, namely the initial choice of the agency approach has limited Member States' policy autonomy and their willingness to switch to alternative courses of action. This thesis holds that a feature of the PA-HI approach is a much stronger emphasis on how constraints on delegator can come about. Member States delegate authority to and re-contract with the given agency to realise joint preferences. Once created, however, the agency is expected to accumulate powers, resources, and preferences for its own, deviating from the original joint interests by the enacting coalition of Member States. Due to sunk costs, the empowerment of the concerned agencies is expected to create genuine gaps in Member States' control and shrink their policy autonomy.

The second sub-hypothesis delves into the potential for political shift that may arise as a result of the empowerment of EU agencies. This hypothesis proposes that the increased autonomy given to EU agencies in border management could lead to a stronger influence being exerted by the EU's supranational institutions over policy implementation and task execution. Bickerton et al., (2015) claim that the proliferation of EU agencies erodes supranational institutions' authority, and consequently, that the EU witnesses integration without supranationalism. However, as discussed in Chapter Two, existing literature suggests that the European Commission may have more influence over the functioning of the agencies than what is indicated in the formal setting. Thus, the second sub-hypothesis looks at the dynamics of accountability in subsequent developments of EU agencies. It is expected to see that the EU's supranational institutions get a stronger grip on the agencies, lobby the latter to pursue their objectives, and strengthen the oversight of policy implementation.

The third sub-hypothesis deals more with the aspects of policy implementation and operational coordination. Although the Communitarisation of border controls was achieved in 2004, Member States are considered to retain primary responsibility for the policy implementation, indicating the persistent differences between Member States and the territoriality principle in European cooperation on external borders. Stemming from the notion of the European administrative space, however, this thesis expects to see that the empowerment of the concern agencies creates an arm's length administrative capacity at EU level and a joint execution of EU border policy.

The final sub-hypothesis focuses on the external dimension of the EU agencies involved in border management. Despite previous research indicating the direct impact of Frontex's international actions on migrants and refugees, the relationship between the cooperation with countries of origin and transit and the agencies' autonomy and the EU border management institutional structure remains unclear. The principal-agent approach encompasses not only the relationship between principals and agents, but also their interactions with third parties. It underpins that interactions with external environment can shape the agents' behaviours, leading to unintended agent losses that are not part of the initial act of delegation (Delreux and Adriaensen, 2017). In this regard, this thesis hypothesises that international cooperation by EU agencies enhances their ability to pursue autonomous goals, exacerbates the gap in Member States' control, and enhances the recognition and influence of EU supranational institutions on the international stage.

3.4. Methodological Framework

3.4.1. Process-Tracing: Theorising Causal Mechanisms

This thesis adopts the process-tracing methodology to perform deductive theory testing. As a within-case qualitative analysis method, process-tracing links causes and outcomes and enables a detailed contextual analysis of sequential processes (George and Bennett, 2005; Bennett and Checkel 2014). From a causal analysis perspective, the empowerment of EU agencies can be considered an INUS condition for the development of EU border management, where INUS stands for "Insufficient but Necessary part of an Unnecessary but Sufficient condition." The concerned agencies are a critical component in the EU's strategy to enhance its external border controls, however, they are not a sole determining factor in the changes in venue and policy within EU border management. These agencies are situated within a complex policy network. As such, the process-tracing methodology enables this thesis to concentrate on the policy impact of these agencies, and examine the causal relationship between their empowerment and the development of EU border management.

Notably, the process-tracing methodology is advantageous for uncovering causal mechanisms and generating patterns and hypotheses, while its exploratory nature is less conducive to hypothesis testing. The limitations of single case studies, such as reduced

generalisability due to singularities, can be mitigated by incorporating a multi-case analysis within the case study approach (Collier, 2011; Heimsoeth, 2021). Multi-case analysis enables the examination of various aspects of the given case, including the presence of 'within-case' variation. This method not only provides the opportunity to assess the explanatory power of existing hypotheses, but also opens up new avenues for exploring alternative explanations. The latter aspect is crucial in mitigating the risk of explanatory bias and variable missing in causal analysis. To minimise the potential for bias in the observation of causal processes, it is necessary to meet certain criteria, one of which is the identification of recurring empirical regularities that can be observed across cases (ibid.). This further highlights the importance of multi-case analysis in allowing for the inference of causal mechanism.

As for the EU agencies involved in border management, we would expect variation in the extent of their policy impact on a case-by-case basis because their embeddedness in policy networks vary across different tasks. In the field, the concerned agencies are primarily involved in four types of activities: transnational coordination, risk analysis, cross-sectoral coordination, and international cooperation. To gain a comprehensive understanding of the agencies' policy impact, it would be beneficial to conduct process-tracing of examples within each of these four types of activities where the agencies are involved (see Section 3.4.2.). Rather than simply establish a pattern in the relationship between, for instance, Frontex's position and its use of asymmetric information to wield influence, this relationship must be found repeatedly across examples. By tracing the development of the selected examples of activities, it becomes possible to derive a reliable estimate of causal effects, thereby increasing the robustness of the generalisability of our findings.

Moreover, the use of the process-tracing methodology allows this thesis to identify the unquantifiable preconditions and antecedent conditions of policy change. The examination of case studies in the context of theory testing demands a thorough analysis of intervening mechanisms and antecedent conditions that elaborate the initial $X \rightarrow Y$ relationship (Mahoney, 2010). In particular, analysts using process-tracing asks that if X is an INUS condition for Y, then one should expect X to have been preceded by antecedent condition A and precondition B, as these factors are deemed necessary for X to causally influence Y. According to Crozier et al. (2013), the antecedent conditions

represent a temporary state within dynamic political and institutional systems that precedes and influences the onset and magnitude of policy change and its consequences. Preconditions are static and endogenous factors that influence the inherent adjustment of systems. In the case of EU border management, the preconditions of policy change and institutional reproduction may include goal conflict and information asymmetry between stakeholders, as well as sunk costs incurred during empowerment. The antecedent conditions of policy change may refer to significant events such as terrorist attacks and immigration waves that serve as critical junctures in transforming the EU's approach to border controls. Given that both preconditions and antecedent conditions of policy change are unquantifiable, the process-tracing methodology is well-suited for the purpose of this study.

Additionally, the utilisation of the process-tracing methodology has the potential to address the limitations of both components of PA-HI approach. As observed by Skocpol (1995), the use of historical institutionalism can result in an emphasis on descriptive history and empirical exploration rather than theorising or theory testing. The principal-agent model, on the other hand, provides a simplified understanding of delegation and its reasons and consequences, but at the cost of empirical rigor (Reykers and Beach, 2017). The process-tracing methodology enables the standardisation of analytical techniques, providing a more nuanced examination of causal mechanisms, rather than relying on empirical rummaging. The process-tracing-based historical explanation highlights the outcome of events by tracing the sequence of linked causal factors that unfold over time. This appraoch helps to identify the critical junctures where certain choices or events set the institution on a trajectory of change, giving significance to the ordering of events within path-dependent sequences (Collier and Collier, 2002).

3.4.2. Selection of Activities

In this thesis, the methodology of process-tracing is operationalised and hypotheses are tested through the examination of selected examples of activities conducted by the relevant agencies. The selected activities are chosen with the specific research objective in mind and are considered to be representative and feasible for examination. Four distinct types of activities were thus selected for this purpose, including Frontex's joint sea operations, Frontex's access to information, inter-agency cooperation, and international action.

Operational coordination is the direct 'product' of empowering coordinating agencies such as Frontex and Europol. The concerned agencies provide a range of coordination products to assist Member States, such as Frontex's JOs, EUAA's Emergency Support Operations, and Europol's Joint Investigations. Among these operational products, this thesis selects Frontex-led JOs at the southern maritime borders for study. Frontex JOs are launched by the agency upon a request from a Member State facing challenges at its external border and are increasingly multipurpose. As these operations are permanent and large-scale in nature, they are deemed to furnish ample empirical data to investigate the agency's mandate and autonomy, as well as its interactions with the national competent authorities.

Frontex JOs are managed according to a comprehensive risk analysis process which takes into account the situation at the external borders of the EU, patterns of migration, techniques utilised by human trafficking networks, and the susceptibilities of border control at particular border checkpoints. To this end, the agency accumulates a wide variety of data from Member States, sister agencies, non-EU countries, and open sources with respect to the state of the EU's borders. However, since Member States both outsource border-related roles to Frontex and maintain their own practices in conjunction with the agency, there is perhaps no information asymmetry problem that justifies the use of the principal-agent model. Therefore, Frontex's information assessment is chosen as the second case for process-tracing.

As a crucial by-product of the delegation, the step-up cooperation between the concerned agencies is also explored. Operational collaboration between the agencies is an integral part of the EU's integrated and cross-sectoral approach to external borders. This thesis has selected three flagship projects of inter-agency cooperation for study, including the Hotspot approach, the European Coast Guard Functions, and the European Multidisciplinary Platform Against Criminal Threats. The three cases target different but inter-connected dimensions of EU border management, namely asylum reception, maritime border controls and surveillance, and internal security. The study of these projects enables the examination of the ways in which EU agencies interact and cooperate with each other, the challenges and opportunities that arise from such cooperation, and the implications of inter-agency cooperation for EU border management policies and practices.

The final type of activities selected for process-tracing is international cooperation. This thesis chooses the international cooperation practices by Frontex, Europol, and EUAA for study. Cooperation with non-EU countries is an integral part of the three agencies' mandate to ensure implementation of the integrated border management strategy, and there has been growing scholarly interest in the agencies' external dimension. As discussed in Chapter Two, the current practices of Frontex on the international stage involves a variety of actions that can directly impact the fundamental rights of migrants and asylum seekers. This thesis, instead, examines the ways in which the agencies cooperate with third-party nations, the accountability and autonomy issues that arise from such cooperation, and the implications of international action for the EU's externalisation policies.

3.4.3. Triangulation Across Multiple Data Sources

As an analysis of EU border management, this thesis encounters a number of methodological difficulties, with the most significant being the challenge of obtaining adequate access to relevant sources. Although several analytical methods exist for the examination of EU institutions and agencies, many of them are dependent on the availability of EU officials or comprehensive accounts of official decision-making processes. This limits the applicability of these methods to only a few cases with access to such official sources. To overcome this challenge, the study employs the strategy of triangulation, which involves the utilisation of multiple methodological tools and practices in the research process (Merriam and Tisdell, 2015; Natow, 2020). Triangulation is essential to obtain a comprehensive understanding of the subject under investigation, especially in politically sensitive research areas.

3.4.3.1. Document analysis

In this thesis, document analysis has provided essential primary data. Of a variety of information sources, the most extensively referred sources are the publications by EU institutions and agencies. These include documents published by the concerned EU agencies (e.g. general reports, annual activity reports, programmes of work, and Management Board decisions), the European Commission (e.g. Communication, impact assessments, reports, and work programmes), the Council of the European

Union (e.g. Resolution, Conclusion, and Roadmap), and the European Parliament (e.g. legislative observatory and evaluation).

Since border management falls into the category of core state powers, not all information is publicly available. Therefore, this thesis relies on the website AsktheEU (https://www.asktheeu.org/) to ask for the documents that are unavailable from the concerned Union bodies' websites. AsktheEU is not an official EU website, but it will send the requests to the Union bodies in question. There is no ethical risk since the Union bodies shall decide whether the author has access to the requested documents. When the response is received, the applicants will get a notification. All requests and answers are automatically published on the website and available to all relevant knowledge actors for educational, research, and non-profit purposes through open access.

Another crucial source of documentary data is the publications by the UK's House of Lords and the recorded hearings by the European Parliament. Despite being a country that is not part of the Schengen zone, the European Union Committee of the UK's House of Lords has published numerous reports and minutes of evidence that pertain to EU border management and the activities of its agencies. Before its departure from the EU on 31 January, 2020, London was represented on Frontex's Management Board and was actively engaged in Frontex Joint Operations. As a result, the publications from the UK's House of Lords provide a valuable and extensive body of empirical material for this study.

Given that not all information is publicly available, academic literature, media articles, and non-governmental organisations (NGOs) reports helped to complement the primary data. In particular, this thesis benefited from non-English media articles. Since the concerned agencies work extensively with the southern frontier countries, this thesis paid particular attention to the media articles in Spanish, Italian and Greek. As for language translation, this study first conducted a preliminary screening of non-English articles through Google Translate (https://translate.google.co.uk). Since the accurateness of Google Translate largely depends on the text and language involved, this study then used the website EasyTranslate (https://easytranslate.com/en), where the selected articles and paragraphs could be translated by professional translators.

3.4.3.2. Semi-Structured Interviews

This thesis's data also stemmed from various rounds of semi-structured elite interviews, targeting Brussels-based policy-makers and politicians, as well as high-level EU agencies officials. Although the interview technique is widely used in European Integration Studies, this research did not prioritise elite interviews for three reasons: First, drawing from multiple sources, a valuable amount of data has been collected through documentary analysis. Second, the main theoretical framework of the thesis is PA-HI, which generally does not require fieldwork involving human subjects. In some cases, we can easily find the political views of EU officials and Members of the European Parliament in publications, speeches, and parliament hearings. Lastly, the unforeseen and unpredicted COVID-19 pandemic meant the author had to alter research methods to ensure physical distancing. Planned research trips, such as a three-month research internship for Frontex and academic visits to the Greek hotspots, have to be removed from the working plan.

Although there were challenges, a total of 22 interviews were conducted remotely, either on the phone or via videoconference tools, in order to ensure data triangulation and strengthen the trustworthiness of the findings. Potential interviewees were mainly selected based on data from internet sources, such as the Whoiswho website (https://op.europa.eu/en/web/who-is-who), which lists the names of EU officials and staff. Snowballing was used as a technique. Once an interview was conducted the respondent would be asked to provide the names of potential interviewees. All potential interviewees were approached first by email or phone to arrange a meeting. The purpose of the research was explained to them at this stage, and they will be granted full anonymity. Participants were also given the option to see the interview questions in advance. As Natow (2020) correctly notes, despite the position and experience of elites, the information elites provide may be biased or inaccurate. Therefore, to avoid the inevitable bias that interviewees offer, the author studied their histories, works, and speeches in preparation for the interviews. The collected data was then safeguarded by the triangulation against the official documents.

At the beginning of the interview sessions, respondents were reminded of the purposes of the research and confidentiality again. The consent form was present, but some respondents resisted signing a document given the sensitivity of the information

they shared or their official position. Instead, the author explained the contents of the form and ask the respondent to give his/her approval orally. All interviews will be conducted in English, and therefore, the oral consent was taken in English. This oral consent, as well as the entire interview, is tape-recorded, unless the interviewee asked not to be recorded. The author would then only take written notes.

All interview records were transcribed using Nvivo qualitative data processor, and the transcribed interviews were kept in text-based documents. Given the complexity of the collected unstructured data and the way in which emerge from the data, Nvivo merely took over the marking, cutting, and sorting tasks, helping to maximise efficiency and speed up the process of grouping data according to categories and retrieving coded themes. Ultimately, the author had to synthesise the data and interpret the meanings that were extracted from the data. Transcriptions were checked by the author if they are consistent with predetermined standards. Each interview transcript was sent to the interviewee to offer the opportunity to comment on it in case some information is missing or not accurate.

The ethical risks that arise from the interviews are minimal. Although all human contact for the purpose of data collection requires a degree of ethical reflection, the potential for harm is reduced by the fact that the author was engaging with EU officials whose responsibilities include addressing public and academic queries. While the subject matter of this research is sensitive, it is safe to discuss both for the author and the interviewees. This research primarily investigates the institutional dimension of the agencification of the EU's approach to eastern borders. Respondents were asked questions regarding their experience in policy implementation, what they think about EU border policy and practice, and their views of EU agencies' engagement and inter-agency cooperation. These questions are barely obtainable from official texts and will not lead to any disclosure of classified information. The author's and the interviewee's safety were not at risk because of the maturity of academic freedoms in the EU and the UK.

Conclusion

This chapter has introduced the theoretical and methodological frameworks that have served for the analysis in this thesis. This thesis has taken the PA-HI approach to

investigate the empowerment of EU agencies in relation to EU border management, which is the most suitable lens that can explicate and explore the proliferation of EU agencies and the gradual changes in EU border management. From a principal-agent perspective, this chapter identified the principals, the agents and the delegation pattern in the EU's border management system. It has also set out a set of hypotheses to be tested in the empirical chapters. Finally, the chapter has justified the operationalisation of the research question by introducing the main methodology of process-tracing and the research methods that allowed this research to effectively collect data.

Chapter 4 Frontex and the Management of Operational Coordination at the Southern Maritime Borders

Introduction

Once established, the primary task of the European Border and Coast Guard (Frontex) was to coordinate and organise joint operations with the objective of supporting those frontline Member States facing disproportionate migratory pressures to fulfil border checks and surveillance under EU law. Frontex's joint operations (JO) have been controversial because of the sovereignty and legal issues that they have raised. As neither the EU Treaties nor secondary legislation foresees intense administrative cooperation at the EU's external borders, the EU's border management system can be underpinned by the theory of executive federalism, where new powers have been uploaded to EU level, whereas the implementation of EU law is predominantly a matter of national concern (Tsourdi, 2020; see also Habermas, 2012, p.3). Although the tasks performed by Frontex deployees in the context of JOs are directly outsourced by the host Member States, hosting JOs requests the given Member State to give up part of its previously exclusive control over the external borders and recognise Frontex as legitimate actors entitled to perform a range of border control tasks in its place.

In line with the thesis's overarching aim, this chapter traces the launch and development of the Frontex JO approach and explores how Frontex's operational coordination has impacted EU border management. It selects Frontex JOs at the EU's southern maritime borders for close investigation, including operations at the Atlantic borders (JO Hera, hosted by Spain), the Central Mediterranean Sea (JO Hermes, Nautilus, Triton and Themis, hosted by Italy), and the Eastern Mediterranean Sea (JO Poseidon, hosted by Greece). As Frontex has been conducting JOs at the EU's southern maritime borders without interruption since 2006, the selected JOs serve as a laboratory for the agency and offer comparative cases to examine its presence in the different countries.

This chapter is organised as follows. The next section looks at the evolution of European cooperation on external border controls since the 1980s. Taking the principal-agent historical institutionalist (PA-HI) conceptualisation, it interprets the September 11 attacks against the United States (9/11) as the critical juncture in the history of

European cooperation on external border management, which allegedly originated a path-dependent approach of operational cooperation between Member States. Section 4.2 examines the case of JO Hera, which was hosted by Spain and launched to manage migration flows along the maritime route from the western shores of Africa to the Canary Islands. Section 4.3 looks at JO Poseidon, geographically covering the Greek sea borders with Turkey and the Greek islands. The final section looks at Frontex's presence in the Central Mediterranean and analyses how the host country Italy has been incorporated into a boarder EU border management system.

This chapter concludes that Frontex's growing presence in the field has contributed to narrowing Member States' margin of manoeuvre, which is the first sub-hypothesis of this thesis. It argues that, despite the reluctance of Member States to transfer more tasks and resources to an ever-stronger border agency, the agency has been locked into the southern frontline Member States' border management regimes, and meanwhile, locked the latter into an ever-integrated EU border management system.

4.1. The Critical Juncture and Path Selection

Through the theoretical lens of PA-HI, this section asks if the antecedent event leading to the set-up of the Frontex JO approach can be understood as the critical juncture of institutional change. Dupont et al. (2020) have proposed two key criteria for identifying a critical juncture: the temporal dimension of its effects, and the extent of change that is achieved. Similarly, Capoccia (2016) defines a critical juncture as a time of crisis, turbulence or instability that leads to a departure from established path dependencies and results in a new path-dependent institutional configuration (see also Pierson, 1996; Stark, 2018). In this regard, this section interprets 9/11 as the antecedent event that led to the launch of Frontex, as well as the JO approach in EU border management. Although the existing literature has discussed in detail the process of establishing Frontex (e.g. Neal, 2009; Leonard, 2009; Horii, 2015), this section reviews the evolution of the EU's approach to border controls over a longer time span and interprets 9/11 as the antecedent event that led to the launch of an EU agency to manage operational cooperation at the external borders.

4.1.1. European Cooperation on External Borders before 9/11

After the sign of the Single European Act in February 1986, the implementation of progressive reduction of internal border checks and liberalisation of other cross-border economic transactions raised concerns over a surge in illegal border crossing and cross-border crime (Guild and Bigo, 2010; O'Dowd, 2002). The dismantling of the iron curtain and a series of ethnic conflicts in the former Yugoslavia posted further unexpected challenges on border controls, migration management, and the fight against cross-border crime (Selm-Thorburn, 1998; Barutciski and Suhrke, 2001). Against the backdrop, Member States realised that more joined-up external border controls were needed, and subsequently, a series of structured intergovernmental working groups were established outside the framework of the Community Treaties.

In December 1986, the European Community (EC) Member States set up an Ad Hoc Group on Immigration on the intiative of the UK Government, which was at theat time holding the presidency of the Council presidency (Lahav and Olsen, 2004; Cruz, 1993). The Ad Hoc Group was an intergovernmental forum that worked at the Ministerial level and senior officer level—the Working Group on External Borders was one of six sub-groups under the Ad Hoc Group. In December 1989, the TREVI 92 group was created to deal particularly with police matters and provide a standardised instruments capable of offering 'European' solutions to address drug-traffickers, terrorists, and internationally organised criminals on the one hand, and irregular immigrants and asylum seekers on the other (Bunyan, 1993; Cruz, 1993). The measures envisaged include reinforced checks on border crossers (irregular migrants and refugees/asylum seekers in particular) at the external borders, information exchange with a data bse system, training of police officers for external border surveillance, harmonisation of criteria of checks in land, air, and sea ports, etc.

In addition to the Ad Hoc Group on Immigration and TREVI 92, the management of external borders was also concerned by ad hoc intergovernmental fora such as the Vienna Club, the Berlin Group, the European Committee on Migration, and the Committee of Experts on the mobility of European citizens. These ad hoc intergovernmental fora were integrated into three Steering Groups under the K4 Committee of the Justice and Home Affairs (JHA) Council following the Maastricht Treaty entering into force in 1993. Whereas a single structure replaced the plethora of

European-wide groups, the already existing intergovernmental structures were in fact kept as they were (Newman and Walker, 1998).

After the Communitarisation of external borders and immigration policy by the Treaty of Amsterdam, the K4 Committee was reorganised as the Coordinating Committee in police and judicial cooperation in criminal matters (CATS). A newly established Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) was tasked to issue strategic guidelines in matters relating to border management, immigration, and asylum policy. In terms of checks and surveillance at the external borders, EC Member States applied two types of cooperation framework: exchanges of liaison officers provided for by Article 7 of the Schengen Convention and bilateral police cooperation agreements between the Member States based on Article 47 of the Schengen Convention (European Commission, 2002a, p.10).

Despite progress made, the management of European frontiers still fell within the exclusive competence of the Member States and was marginal to European cooperation on cross-border policing, immigration, and asylum. The Conclusions of the 1999 Tampere European Council, for instance, contained only a brief reference to visa issues and border controls. With an overarching goal to be 'more efficient management of migration flows at all their stages', border control measures were merely presented as a means to 'tackle at its source illegal immigration' under the rubric of 'management of migration flows' (European Council, 1999).

In 1999-2000, the European Commission presented two Proposals and two Communications in the area of asylum and migration, and five Communications in the area of cooperation on crime prevention. There was, however, no specific Proposal or legislative act dealing with external border controls. In Communication on a Community Immigration Policy, adopted on 22 November 2000, the European Commission stressed the need for a comprehensive common migration policy, whereas measures to strengthen external border controls were only placed second (European Commission, 2000b).

On 30 November 2000, the European Commission consolidated the first set of objectives to enhance the fight against illegal immigration in the Scoreboard reviewing progress on creating an Area of Freedom, Security and Justice (European Commission,

2000a). The Commission stressed the importance of the management of migration flows and called for setting up joint investigative teams to combat trafficking in drugs, human beings, and terrorism. As for border controls, the Commission merely called for the development of a common visa policy and other policies related to false documents and technology transfer. On 23 May 2001, the European Commission provided the second update of the Scoreboard reviewing, which was consistent with previous reports on the matter of border controls (European Commission, 2001a). Nonetheless, the events of 11 September 2001 changed the landscape radically—from that moment on, external border controls acquired a new urgency.

4.1.2. 9/11 and the EU's External Border

Although terrorism is not a new phenomenon for Europe, it used to be primarily a problem for national governments confronting specific separatist/nationalist conflicts (Kaunert and Léonard, 2019; Monar, 2008). It was not until the rise of Al Qaeda and 9/11 that terrorism became a major preoccupation for international relations (UK House of Lords, 2005). As recognised by the European Parliament (2021b), 9/11 triggered the perception of the terrorist threat as global and borderless and hugely influenced the subsequent development of EU counter-terrorism policy. The randomness of suicide attacks added to the public's fear and the difficulties of countering it. Against that background, EU policy-makers examined as a matter of urgency what additional action at EU level was necessary to supplement and coordinate Member States' efforts (UK House of Lords, 2005; see also Kaunert, 2010; Den Boer and Monar, 2002; Ucarer, 2002).

In the aftermath of 9/11, the JHA Council met extraordinarily on 20 September 2001 to decide necessary measures to maintain the highest level of security and combat terrorism (Council of the European Union, 2001). The JHA Council invited Member States to strengthen external borders controls and requested the Police Chiefs Task Force to examine measures for achieving this aim. The Council's discourse on the necessity of common border controls produced a rationale that set its emphasis on the security aspect of border controls and other compensatory measures. It was convincible for EU policy-makers that, compared with Piccadilly Circus and Champs Elysées, the external border-crossing points are the better place to stop terrorists, check entries, and ensure internal security.

The particular concern about being a target for terrorism coincided with the implication of enlargement. The foreseeable enlargement would push the EU's external borders closer to unstable areas in the post-Soviet space and passed the responsibility for controlling external borders to the new Member States, which were generally perceived as weak regulators in asylum and border matters (DeBardeleben, 2008; Lavenex, 2002; House of Lords, 2003). In this light, Italy, Belgium, France, Germany, and Spain launched a feasibility study for setting up a European Border Police following the extraordinary meeting of the JHA Council. In November 2001, Austria, Belgium, and Finland organised a parallel workshop on policing and border security (UK House of Lords, 2003).

Given that some Member States (e.g. the UK) expressed reservations about the idea of creating a European Border Police, a compromise on border control coordination arrived during the Laeken European Council in December 2001. Worded carefully, the European Council (2001, p.12) asked the Council and the European Commission to "work out arrangements for cooperation between services responsible for external border control and to examine the conditions in which a mechanism or common services to control external borders could be created." In this regard, the European Commission presented to the Council and the European Parliament on 7 May 2002 a Communication on the way Towards an Integrated Management of External Borders, which identified external borders as 'a barrage, or at least a reliable filter, for the Member States against potential threats' (European Commission, 2002b).

Based on the analysis of the state of cooperation between Member States, the European Commission provided two options to the Council: an intergovernmental External Border Practitioners Common Unit (PCU) and a supranational European Corps of Border Guards. The former was proposed to be developed from the SCIFA working group meeting and play the role as a leader to coordinate and control the operational projects on the ground, whereas the latter was embracing a supranational aspect in its institutional structure, namely a permanent headquarters staff structure charged with its operational command, its own border guards and equipment (European Commission, 2002b, p.5). Although the Commission was inputting its preference for setting up the European Corps of Border Guards, the Seville European Council

endorsed the PCU approach to facilitate and organise operational coordination between Member States (European Council, 2002).

4.1.3. Unsuccessful Operation Ulysses and Path Resetting

Once established, the PCU approved several joint operations to strengthen and coordinate Member States' border control efforts (Table 3) (Council of the European Union, 2003b). Among these operations, Operation Ulysses was the first joint sea operation to be launched in response to migratory pressures registered on the Atlantic route. Since 9/11 caused increased controls on the Spanish side of the Gibraltar Strait, shifting the traditional Western Mediterranean migration route to the route centred on the Canary Islands (Sørensen, 2006), the Spanish authorities tabled a multilateral maritime border control pilot project in June 2002.

Table 3: PCU approved operations between July 2002 and March 2003

Name of Operation	Description/Objective	Lead Member State	Other Participants
Ulysses (January to May 2003)	Sea border controls off the coasts of the northern Mediterranean and the Canary Islands	Spain	France, Italy, Portugal, UK Observers: Germany, Greece; Norway, Poland, Europol, the European Commission
Triton (Mar 2003)	Joint sea border controls in the South-eastern Mediterranean	Greece	France, Italy, Spain. Observers: Finland, Germany, UK, Cyprus, Malta
ORCA	Prevention of illegal immigration, trans-border crime and illegal use of visas and documents issued to seamen by improving cooperation between border control authorities	Norway	Observers: Finland, Germany, Netherlands, Sweden; Estonia, Poland
RIO IV (May 2003)	To improve border control systems and practices in designated ports in candidate countries	Spain	Finland, France, Germany, Denmark, Portugal, UK; Norway
RIO III: Operation VISA	To detect the use of visas for illegal immigration at 22 designated airports	Denmark	All Member States; Iceland, Norway
Operation at the eastern external land borders	To analyse migratory pressures in the area and developing operational action	Greece	Finland, Germany, Italy. Observers: Norway, six candidate countries; Europol

Source: UK House of Lords (2003)

The one-year Operation Ulysses cost €950 million, financed 80% by the European Commission and 20% by the host country Spain (Turner et al., 2006, p.47). The operation was divided into two phases: the first phase dealing with the Western

Mediterranean Sea from the Southern Spanish coast to the Sicilian coast, and the second phase targeted on the Canary Islands coasts. France, Italy, Portugal, the UK, the European Union Agency for Law Enforcement Cooperation (Europol), and the European Commission participated in Operation Ulysses on a bilateral basis, and a role as observers was envisaged for Germany, Greece, Norway, and Poland. Participating officers were bestowed with executive powers, in accordance with the Spanish legislation, and carried out checks and controls on passengers under Article 47 of the Schengen Convention (UK House of Lords, 2004).

After Operation Ulysses closed, Spain and Europol were requested to provide their evaluation reports to the Council Presidency. Since Operation Ulysses was military and security in nature, neither report has been made public.[16] Nonetheless, in its Proposal for a Council Regulation establishing Frontex, the European Commission (2004a) disclosed several serious difficulties in Operation Ulysses, especially the interoperability of equipment and the management of multinational human resources. A report tabled by the UK House of Lords (2004) also mentioned the incompatibility between radio frequencies of the redeployed ships, which caused a communication breakdown during Operation Ulysses.

In addition to the technical difficulties exposed in Operation Ulysses, EU policy-makers heavily criticised the coordinative approach employed by the PCU, which was considered inefficient in planning, organising, and implementing the operations (European Commission, 2003a; Council of the European Union, 2003b). Although the PCU played a central role in coordinating joint border operations in theory, it was the national competent authorities of the host Member States that took the initiative and dominated administrative teams. In the absence of explicit provisions in EU law, Member States stipulated the legal status of guest officers inefficiently through bilateral memorandum of understanding (Council of the European Union, 2003b, p.14; UK House of Lords, 2003, p.19). It was thus particularly difficult to coordinate an operation like Operation Ulysses that crossed multiple jurisdictions.

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[16] The author sent a request for access to Europol's report of Operation Ulysses, and the Council refused to grant access. According to the Council, the release of the information contained in this document would jeopardise public security by revealing sensitive security information concerning the issue of illegal migration within the framework of international cross-border organised crime.

Moreover, given that the border control system across Member States were less harmonised and standardised, each national service of a Member State did not always have an exact counterpart in another Member State engaging in the same tasks and exercising the same powers of enforcement. In addition, since each Member State was free to entrust checks and surveillance at the external borders to the authorities of its choice according to its own national structures, the output of each operation was very different with respect to cost and efficiency (ibid.).

Recognising that the PCU approach was not capable of fitting in practice to the framework of a common and standardised structure for border management at EU level, the European Commission timely suggested that, leaving strategic coordination tasks to SCIFA, daily follow-up operational tasks could be entrusted to a properly funded, equipped and permanent body instituted by the Community (European Commission, 2003a). The consensus among EU institutions and Member States was finally achieved in October 2004, and Frontex was set up to coordinate operational cooperation between Member States at the external borders.

Although the creation of Frontex was not the optimal outcomes for Member States, the agency can still be regarded as a by-product of 9/11. It was rather clear that if there were no 9/11, Member States' perception of risk and coordination method would not allow them to establish such an EU border agency in 2004. In this regard, 9/11 can be understood as the antecedent event of policy change. Subsequent developments further demonstrate that the outcome of the short-term politics of institutional formation quickly distinguished itself from other choices available to EU decision-makers within the historical and political context and created a long-term normal at the southern maritime borders.

4.2. Frontex and Spain: A Path-dependent Joint Operation Approach

4.2.1. From Operation Ulysses to Joint Operation Hera

The control of the EU's external borders in the Atlantic and the Western Mediterranean region is entirely centred on Spain. After Operation Ulysses closed, unprecedented numbers of migrants and asylum-seekers began to leave West Africa in order to reach the Canary Islands, Spain (Léonard and Kaunert, 2019, p.113). In this light, Madrid requested EU assistance for addressing this 'urgent and difficult situation',

and at the end of May 2006, then Commissioner Franco Frattini declared that the Spanish authorities would receive operational assistance, which took the form of a Frontex-coordinated joint sea operation (the New York Times, 2006).

In July 2006, Frontex and the Spanish authorities launched the first JO, named Hera. The operation comprised two modules: Hera I, a land-based operation which involved 29 experts from France, Portugal, Italy, Germany, the United Kingdom, and Poland, who supported the Spanish authorities in the Canary Islands in identifying immigrants and determining their countries of origin. Meanwhile, Hera II, the sea-based operation, aimed at preventing the irregular entry into Spanish territorial waters and reducing the loss of life at sea. (Frontex, 2006s). Notably, a part of Hera II was conducted in the territorial waters of third countries, with close collaboration established with Senegal and Mauritania. This extraterritorial patrolling was carried out in accordance with two working agreements concluded between the Spanish authorities and the competent authorities of Senegal and Mauritania, allowing for the diversion of potential immigrant boats back to their points of departure from a certain distance off the African coastline.

Hera II had a limited budget of €3.5 million, compared to the larger budget of €950 million allocated for Operation Ulysses. This reduction in funding was due to the limited assets deployed for JO Hera, which was intended to complement rather than replace the activities carried out by the Spanish authorities. The EU did not provide financial support for the operations conducted by Spanish assets outside of the JO framework. Upon the conclusion of Hera II on December 15th, 2006, the participating Member States withdrew their experts and equipment, leaving the Spanish authorities to continue their efforts within the operational zone.

4.2.2. An Ever-developing Joint Operation Approach

During JO Hera 2006, the coordination of activities was exercised through the International Coordination Centre (ICC). The ICC's primary tasks include:

- Implementing the operational schedule authorised by Frontex for participating units in coordination with the latter agency.

- Coordinating the development of maritime/air operations in respective operational areas.

- Receiving reports from assigned assets, collecting and evaluating all the data, and conveying relevant information to other Coordination Centres.

- Providing assets with recommended courses of action in accordance with national and international law once migrant vessels are sighted.

The ICC was manned by a Joint Coordinating Board, composed of the ICC Coordinator, national officials of the participating Member State, and Frontex Coordinating Officers. The ICC Coordinator was nominated by the country hosting Frontex JO and chaired the Joint Coordinating Board. Throughout the decision-making cycle, the role of Frontex representatives was to ensure that the activities decided upon were in line with the overarching operational, strategic, and political objectives set out in the operational plan. Andrew Mallia, Staff Officer at the Armed Forces of Malta, commented that "joint operations happened before Frontex, mostly on a bilateral basis, but happening on a multinational basis did not exist before Frontex. I think Frontex has been the vehicle for that" (UK House of Lords, 2007).

Despite the advancements made in its early years, Frontex JOs were not yet considered a fully supranational project. The agency lacked a dedicated team of experts and the ability to make practical contributions in the field. Council Regulation (EC) No 2007/2004 did not grant Frontex the responsibility of pooling human resources and equipment, resulting in the need for intergovernmental negotiation to secure operational resources. During the first phase of Hera II, some Member States failed to provide the promised personnel and materials, leading to the Spanish government's request for increased EU assistance at the informal meeting of the Justice and Home Affairs Council on 21 September 2006. However, the request was opposed by several Member States including Germany, Austria, France, the Netherlands, and Belgium, who insisted on only providing aid when the Spanish authorities stopped promoting migration flows through offering amnesty to irregular migrants. Despite the eventual deployment of all promised assets, the inefficiency of intergovernmental negotiation once again led to the politicisation of transnational operational coordination at the EU's external borders.

In order to address the issues encountered during Frontex JOs, Regulation (EC) No 863/2007 stipulated that Member States shall make available an appropriate number of border guards for the Rapid Pool. the co-legislators allowed the agency to set up the

Rapid Border Intervention Teams (RABITs) and the Centralised Records of Available Technical Equipment (CRATE) to manage equipment that Member States are willing to put at the disposal of another Member States for a temporary period. Regulation (EU) No 1168/2011 of Frontex further strengthened the agency's role in coordinating operations and transformed the RABITs into the European Border Guard Teams (EBGTs). The EBGTs were designed to be capable of long-term deployment, indicating the agency's normalisation at the EU's external borders. According to Regulation (EU) No 1168/2011, where EBGTs members were deployed, Frontex shall nominate a Coordinating Officer to foster the coordination amongst the host and the participating Member States, and an Operational Coordinator as the head of the Frontex delegation in the ICC to monitor the implementation of JOs. These changes to the JO approach suggest that Member States are willing to continue investing in the agency despite its initial flaws, as long as it can better support national authorities in operational coordination and day-to-day work.

Although it became matured in 2011 (Figure 3), the Frontex JO approach has substantially changed through gradual processes due to endogenous factors. In its efforts to expand the scope of its activities, Frontex sought to incorporate other law enforcement agencies responsible for internal and maritime security into its joint sea operations. In the evaluation report of JO Hera 2010, Frontex highlighted the need to provide support to Spanish authorities in combating cross-border crimes such as drug smuggling and illegal fishing, as well as to integrate other EU agencies and international organisations (Frontex, 2011). Arguably, the primary purpose of this initiative was to maximise the added value of Frontex's service to the host Member States (Frontex Official C, interview, 10 October 2021). Given its relatively weak institutional role in the early stage, the agency sought to defend its presence at the external border by a 'pre-emptive' turf expansion.

With the approval of the Spanish authorities, JO Hera 2011 witnessed the participation of the European Maritime Safety Agency (EMSA), the European Fishery Control Agency (EFCA), and the European Union Agency for Law Enforcement Cooperation (Europol) (Frontex, 2012a). This acceptance was due to the fact that the changes did not compromise Spain's political control over JO Hera. Information exchange between participating agencies occurs through a bi-directional flow of data

that is processed by the Spanish authorities and the ICC, thus diminishing the risk of hidden information. Procedurally, sister agencies are required to provide the ICC with a list of vessels (or suspects) of interest and the location of detected boats. Each participating agency has a designated contact point in the ICC to receive information regarding possible criminal cases detected during patrolling activities.

Figure 3: Organisational Structure of JO Hera 2011
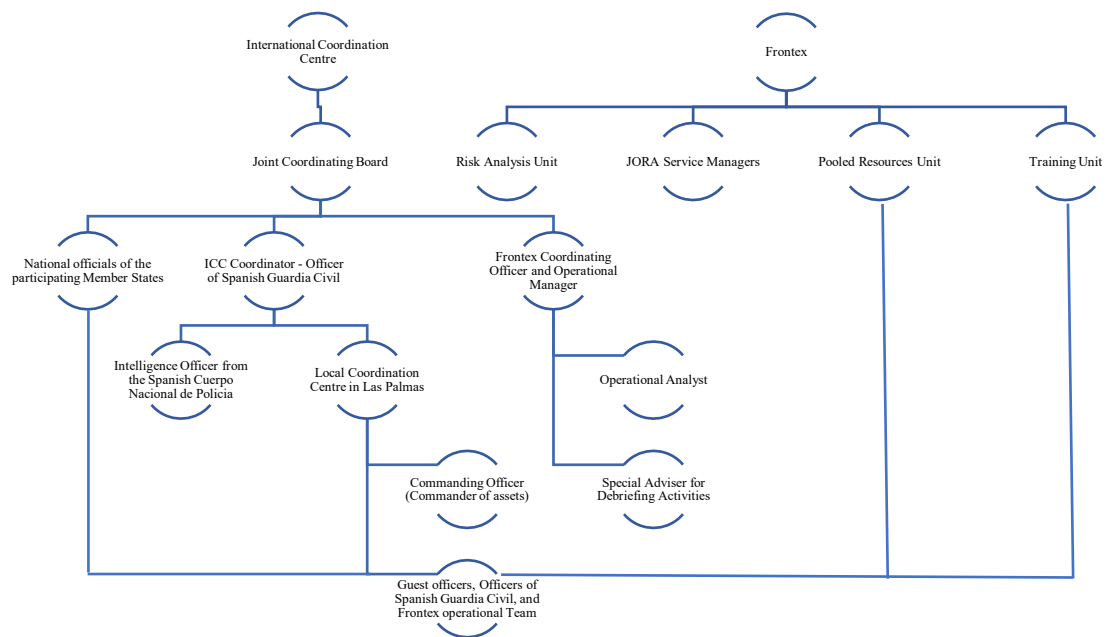
Source: Author's design based on Frontex (2017b)

The involvement of sister agencies from diverse sectors has proven to be beneficial for Frontex's operational service, resulting in a high inclination towards cooperative efforts. Despite being established with specific technical and managerial objectives that provide limited flexibility, Frontex can be considered as a rational actor striving to maximise its competence by improving its service and enhancing its position within the policy arena. Remarkably, goal conflict with a focus on policy, instead of economic profit, may not always exist between the host Member States and the agency. Although the involvement of sister agencies was not a part of the initial bureaucratic setting, the Spanish authorities had the same policy goals as those of the agency. In this case, the subsequent institutional fine-tuning neither indicates gaps in the Spanish authorities' control nor Frontex's bureaucratic drift.

4.2.3. Cut-back Commitment and Reboot

Despite Frontex's efforts to establish a strong presence in the field, JO Hera experienced a decline after 2012 due to a decrease in irregular migration on the Atlantic route. Despite continuously deploying staff to support registration at the asylum reception centre in the Canary Islands and build capacity for local law enforcement, JO Hera was officially suspended in 2018. Ironically, the number of migrants arriving in the Canary Islands saw a significant increase after the suspension of JO Hera, reaching over 23,000 new arrivals in 2020, despite the impact of COVID-19 restrictions. This surge in migration prompted renewed negotiations between the Spanish authorities and Frontex to reinitiate a maritime border control operation. Unfortunately, these negotiations were not successful due to differences in opinion between the two parties.

During negotiations with the Spanish authorities, Frontex put forward several demands in an effort to enhance its presence and influence in JO Hera operations. One of these demands was an improvement in intelligence control and access to personal data in cross-border investigations, as well as the requirement for the Spanish authorities to be bound by Regulation (EU) No 656/2014 and to be supervised by Frontex during search and rescue operations (Abril and Martin, 2021). Frontex sought to formally incorporate Spain's bilateral agreements with North African countries into its JOs, which needs amendments to the bilateral agreements between Spain and African countries (ibid.). Since Regulation (EU) No 2019/1896 enabled the agency to carry out executive operations in any third country, Frontex alleged the need to sign a status agreement with Senegal to patrol its coasts, thus reframing the nature of JO Hera in the case that officers from the competent authorities of Senegal presents in the ICC.

The Spanish authorities, however, negotiated for an upgrade in Frontex's assistance but insisted that Frontex personnel remain under the full command of the Spanish authorities. The Spanish authorities argued that Spain, unlike Greece and Italy who heavily relied on the agency, has invested considerable public resources in managing its external border and conducting search and rescue (Sanhermelando, 2019). With regards to integrating African partners into the JOs, the Spanish authorities maintained that they have established smooth cooperation with African partners through border control, intelligence sharing, training programs, and the constant presence of Spanish military personnel in third country territorial waters. As a result, they argued that

Frontex JOs should be subsumed under the agreements between Spain and third countries, rather than the other way around.

Chart 1: Number of irregular migrants arriving in Spain
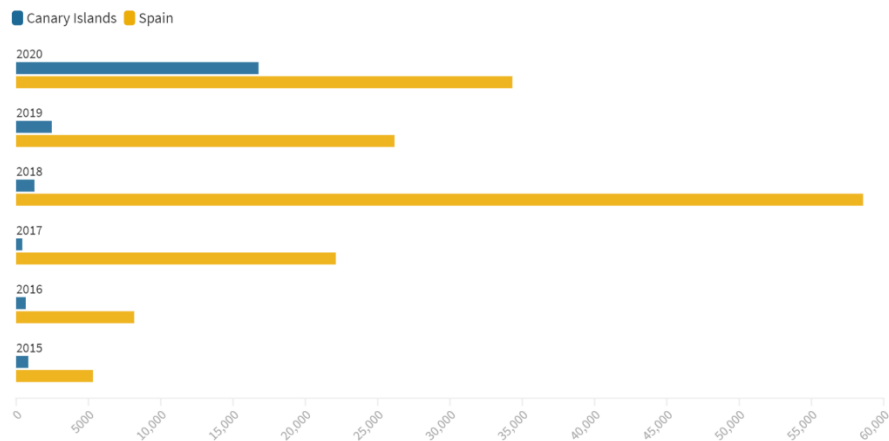
Although the Spanish authorities did not intend to renounce its leading role, a phased agreement was surprisingly reached after Frontex threatened to suspend its activities in the Gibraltar Strait and the Canary Islands (Martin and Abril, 2021). Arguably, the most important reason for Spain's concession is the high migratory pressure to the Canary Islands in 2020. Due to COVID-19 countermeasures in North African countries and Turkey, Sub-Saharan migrants assessed the chances of reaching the EU via the Mediterranean routes as low and chose the Western African route as an alternative. Frontex's presence is believed to have a deterrent effect on immigration and reduce the local fiscal burden (Frontex Official C, interview, 10 October 2021; European Commission Policy Officer A, interview, 27 October 2021).

Although JO Hera has not been re-launched as of the time of writing, the agency has reinforced its presence in the Canary Islands and other Spanish sections of the EU's external borders. Although the Spanish authorities still exert the primary control over Frontex JOs, Frontex deployees are now wearing the uniform of the Standing Corps and strictly perform tasks with executive power in accordance with EU border control rules. In January 2021, Frontex deployed a total of 257 Standing Corps officers to Spain, more than the number of officers deployed before the closure of JO Hera (Frontex, 2021a). With a larger deployment scale, Frontex's activities in Spain have enhanced

law enforcement focus with special attention to the activity of criminal organisations dedicated to trafficking in human beings, drugs, weapons, vehicles, and to the detection and identification of returned foreign terrorist fighters.

With regards to Frontex's presence in Spain, subsequent developments indicate a significant departure from the intergovernmental approach that was prevalent prior to 9/11. In comparison to its predecessor Operation Ulysses, Frontex JOs have demonstrated a more robust and sustainable organizational structure, thereby facilitating efficient operational coordination and law enforcement. Despite the Spanish authorities' efforts to exert full control over the JOs, the agency has managed to bring about positive changes to these operations. The ongoing dynamic between Frontex and irregular migrants has played a role in entrenching the agency within the Spanish border control system, leading the country to gradually accept a growing intervention by the agency.

4.3. Frontex and Greece: Joint Operation Poseidon from 2006-2021

4.3.1. Joint Operation Poseidon and the Eastern Mediterranean Routes

The Eastern Mediterranean route has been a significant pathway for migrants, asylum seekers, and refugees originating from Northern Africa and the Middle East seeking entry into the EU. The Eastern Mediterranean region, characterised by its complexity, remains a critical area for border controls, with Greece being the key Member State in this endeavour. To assist the Greek authorities with border surveillance and management, Frontex has been consistently coordinating Joint Operation Poseidon Land and Sea since 2006. Although each year of JO Poseidon has different focuses, the general objective was to "implement coordinated operational activities at the external sea borders of the Eastern Mediterranean region in order to control irregular migration flows towards the territory of the Member States of the EU and to tackle cross-border crime.' [17]

Beginning with 2009, the Greece-Turkey land border became a major pass for irregular migration largely, largely due to the displacement effects caused by the

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[17] See Frontex Official Website: https://frontex.europa.eu/we-support/main-operations/operation-poseidon-greece-/

concluded agreements of Italy with Libya, respectively of Spain with Senegal and Mauritania (FIDH et al., 2014). The number of detections of illegal border crossings peaked in 2010—a year more than 100,000 illegal migrants were arrested at the Greek land and sea borders. In response, JO Poseidon Land was suspended and replaced by a RABIT deployment, in which a total of over 567 officers from 26 Member States and Schengen Associated Countries took part in the deployment, which was scheduled from November 2010 to March 2011 (Frontex, 2012b). The RABIT was presented as a great success since a reduction of 76% in terms of irregular migrants crossing the border was recorded until the end of the operation in March 2011 (Frontex 2010b, p.24).

The RABIT mission was followed by JO Poseidon Land 2011 and the continuation of Operation Attica 2011, the latter of which was launched as a pilot project in 2009, aiming to provide support to the Greek authorities on registration, screening and return. In response to the growing control measures on the land border between Greece and Turkey, migrants and refugees had increasingly resorted to the more dangerous sea route via the Greek Islands since 2013 (FIDH et al., 2014). At the end of 2015, following a request from Greece for support in handling the unprecedented number of migrants landing on the Greek isles, JO Poseidon Sea 2015 was replaced with the second RABIT mission.

The RABIT 2016 mobilised 2,256 officers and 83 technical resources (aerial, maritime and terrestrial assets) from EU Member States. The rapid intervention mission incorporated the so-called hotspot approach within the Frontex mandate—Frontex deployees helped to speed up the registration process on the Greek isles, allowing for a larger number of migrants to be registered and fingerprinted more quickly (see Section 6.2.). After the rapid intervention mission closed, the following JO Poseidon Sea 2016 still retained 667 officers, 19 offshore and coastal patrol vessels, one aircraft and two helicopters for the second rapid intervention (European Commission, 2016).

4.3.2. Discretion in Joint Operations

Compared to JO Hera, JO Poseidon has proven to be a more effective platform for Frontex to experiment with its cooperative approach, possibly due to the persistent and stronger migratory pressure faced by the host country, Greece. In 2008, Frontex established a team of Intelligence Support Officers based in Athens to ensure a seamless

transition between the different phases of the operation and to collect intelligence gathered by the Greek authorities during non-operational periods. Prior to the 2010 RABIT mission, Frontex created an Operational Office within the Hellenic Coast Guard headquarters in Piraeus, which served as the headquarters for all operations in the Eastern Mediterranean region. The Office was under the direct control of the Frontex headquarters and was staffed by a varying number of Frontex officers each year, depending on the needs. In most cases, Frontex officers were sent to the field to coordinate the deployment of guest officers, install technical equipment, and enhance screening and debriefing activities (Frontex, 2014).

After Regulation (EU) No 2016/1624 came into force, EMSA, EFCA and Europol are formally integrated into JO Poseidon, and the type of tasks that Frontex deployees undertake has evolved from coordination and consultancy towards forms of joint implementation of law enforcement. On 25 September 2019, for instance, the Piraeus ICC organised a large-scale operation in the sea area of Lesvos to search for two speedboats suspected of smuggling drugs from Turkey. Hellenic Coast Guard assets, a Romanian helicopter and a Frontex fixed-wing aircraft participated in the patrolling activities. One speedboat with three suspected smugglers onboard was detected by the Frontex fixed-wing aircraft and later apprehended by the Hellenic Coast Guard assets (Frontex, 2019a). Such a case indicates an emergent joint implementation of law enforcement, where Frontex deployees are active at every procedural stage and not merely complementary to the national competent authorities of the host Member States.

While Frontex personnel are expected to operate under the full command of the Greek authorities, they have been observed to exercise a certain degree of discretion in the execution of their duties. One such instance was reported in March 2021, when a patrol vessel deployed by Frontex as part of JO Poseidon received an order to return 33 migrants to Turkish waters (Statewatch, 2020; Nielsen, 2020). The crew of the vessel refused the order and requested that the headquarters reassess the situation as they estimated that carrying out the order would be life-threatening, and they might need to use physical force to move the rescued individuals back into the unseaworthy inflatable boat. Eventually, the order was overturned, and the migrants were brought to the port of Kos. According to Frontex Official C (interview, 10 October 2021), the captain of

the Danish boat, in this case, was entitled to assess the situation and make decisions like any other captain of Hellenic Coast Guard assets.

Another incident on 18 April 2020 also reveals the discretionary power of Frontex personnel in the field. According to an internal document published by German news outlet Der Spiegel (Christides et al., 2020), Frontex's surveillance aircraft detected and reported an image of a Greek patrol boat carrying migrants and towing an empty rubber boat. Despite the subsequent request from the Hellenic Coast Guard to leave the area and fly south, Frontex continued to monitor the situation. Upon inquiry from the Frontex team leader in the Monitoring Room regarding the reason for the request to fly north, the Hellenic Coast Guard replied with a negative response. As a result, the Frontex surveillance aircraft did not comply with the instruction from the Greek authorities and persisted with its patrolling in the area. This event illustrates the level of autonomy Frontex personnel can exert in carrying out their tasks and operations.

The incidents of 2 March 2021 and 18 April 2020 demonstrate that Frontex deployees possess a certain degree of discretion and autonomy in the field. Through the performance of tasks in parallel with the Greek authorities, the agency has begun to implement EU policy more directly and monitor the work of the host country, rather than solely providing support and assistance as originally envisioned. This evolution of Frontex's role was not explicitly intended or centrally controlled by the coalition of Member States that delegated powers to the agency, but rather has developed along the path-dependent trajectory established by the original empowerment. Consequently, the Greek authorities no longer hold exclusive power to implement EU policy and control their section of the EU's external borders.

4.3.3. JO Poseidon between Greece and Turkey

Despite the shift towards Euroscepticism in Greece's government and public opinion since the Euro Crisis of 2010 (Vasilopoulou, 2018; Bijsmans, 2021), Greece continues to show a strong interest in JO Poseidon. The presence of Frontex on the Greek-Turkish border not only provides Greece with support in the areas of border surveillance, registration, identification, and combating cross-border crime, but it also sends a clear message of European solidarity to the Turkish authorities and puts the issue of irregular migration from Turkey at the forefront of the EU's agenda. The Turkish government,

under President Erdoğan, has been accused of using migrants as a means of leverage in its bargaining with the EU (Demiryontar, 2021; Adamson and Tsourapas, 2019; Jennequin, 2021). In response to the so-called Migration Crisis, the EU negotiated the "close-the-gate" deal with Ankara on 18 March 2016, in which both sides agreed that all individuals who arrive irregularly on Greek islands would be returned to Turkey. In exchange, the EU would lift visa requirements for Turkish citizens and allocate €6 billion in aid to alleviate the burden of hosting Syrian refugees.

The EU-Turkey deal of 18 March 2016 officially endorsed the role of Turkey as Europe's gatekeeper and increased the bargaining power of the Turkish authorities and paved the way for further weaponisation of migration (Greenhill, 2016; Okyay and Zaragoza-Cristiani, 2016). However, the relationship between the EU and Turkey has since declined, due to Turkish military intervention in Syria and incursions into Libya. This has resulted in Turkish President Erdoğan's decision to "open the gates" and allow refugees and migrants to enter the EU. In a speech to the Grand National Assembly of Turkey on 11 October 2019, President Erdoğan pronounced that "Hey EU, wake up! I say it again; if you try to frame our operation there as an invasion, our task is simple: we will open the doors and send 3.6 million migrants to you."[18] This statement highlights how the Turkish government leverages migration to their advantage.

In response to Turkey's new 'open-the-gate' policy, Greece immediately requested a rapid border intervention mission and, by 12 March 2020, Frontex had deployed 150 Standing Corps officers at the Greek land borders with Turkey. On 3 April 2020, the deployment was extended, and a total of 624 Standing Corps officers were deployed by Frontex at Greek sea and land borders. Throughout the rapid intervention, Frontex brought officers from other EU Member States to the Greece-Turkey border. Most of the EU Member States used to have no interest in what was taking place on the Greek-Turkish border, whereas Frontex's involvement changed the situation (Dimitriadi et al. 2018).

The deployment of Frontex Standing Corps has imposed significant pressures on the Turkish side (Frontex Official G, 17 March 2022, interview). Istanbul's relationship with the Member State from which a Frontex staff member is deployed or seconded

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[18] https://twitter.com/rt_com/status/1182611805308211200?lang=de

may become strained if assertive activities are taken by its border guards at the border. For instance, an incident was reported in April 2020 on the Turkish-Greek land border, where a Turkish border guard soldier fired at a German Frontex patrol, leading to Germany condemning the action as a hostile act by Turkey and part of its campaign to confront the EU (Christides et al., 2020). After the incident, the Greek Deputy Migration Minister George Koumoutsakos called Frontex Executive Director and requested the agency to send more Standing Corps to the border, which resulted in Frontex mobilising additional 20 border guard officers and a seaworthy helicopter from Germany to aid in border controls.

Frontex's ever-growing presence has not only contributed to addressing the operational challenges faced by the Greek authorities but has also influenced the geopolitical and diplomatic significance of the EU/Greek borders. With the growth of the Standing Corps, Frontex has established itself as a reliable entity, through which the frontline Member States can seek assistance, instead of negotiating with other Member States within the Council. However, the support provided by Frontex is not without political costs, as the cost of receiving this support is the relinquishment of exclusive control over the external borders, and the acceptance of a certain degree of discretion and monitoring by Frontex officers.

4.4. Frontex and Italy: From Joint Operation Nautilus to Joint Operation Themis

4.4.1. Joint Sea Operation and the Issue of Disembarkation

The management of the Central Mediterranean route, which serves as a transit for migrants originating from various regions, including the Horn of Africa, the Sub-Saharan region, and the Middle East, relies heavily on the participation of two EU Member States with vastly differing sizes, Italy and Malta. The intensification of controls along the Atlantic and Western Mediterranean routes led to a sharp increase in migrant arrivals in 2005, which prompted Frontex to launch JO Nautilus in June 2006. This joint effort, hosted by Italy and Malta, aimed to address the flow of illegal immigrants traveling from Libyan shores towards the Italian islands of Lampedusa, Pantelleria, and Sicily, as well as towards Malta (Frontex, 2007a). In 2007, Frontex initiated another operation, JO Hermes, to support Italy and Spain in managing the influx of migrants from Tunisia towards the Italian island of Sardinia. This was

perceived as a result of the displacement effect resulting from the implementation of JO Hera and JO Indalo.[19]

During the period of 2006-2009, both JO Nautilus and Hermes were deployed with an average duration of six months, gathering a modest contribution from six to ten Member States. Interestingly, no Italian vessel had taken part in JO Nautilus and Hermes. As General Laitinen noted, if Italy had made ten vessels available for the operation, "not only would life have been much easier for all concerned, but the number of vessels available would have been double the number that actually took part in the operation" (UK House of Lords, 2007). Instead of sponsoring Frontex JOs, the Italian navy has operated Operation Vigilanza Costante in the Strait of Sicily since 2003, which aims to control migratory flows and conduct search and rescue operations (Italian Defence Ministry, 2013). Between 2003-2013, the operation had saved 100,000 to 120,000 lives in the Strait of Sicily. Based on the agreement between Italy and the Gaddafi government in Libya, most of the rescued migrants were sent back to Libya (Chamber of Deputies of the Italian Parliament, 2013).

Beginning with 2010, the situation in the Central Mediterranean witnessed a sharp deterioration caused by the outbreak of the Libyan civil war. With a rapidly increasing number of migrants entering Italy through the Central Mediterranean route, however, Member States had realised that their own national interests were being jeopardised by hosting or participating in the JOs. The host and participating countries had justifiable apprehension that their vessels may get involved in complicated situations with substantial numbers of third-country nationals aboard who may register asylum claims on board (Esteve, 2017; Cusumano, 2019).

Under the United Nations Convention on the Law of the Sea and the 1974 International Convention for the Safety of Life at Sea, any vessel that rescues another boat will need to take responsibility for its passengers. Meanwhile, the nation in charge of the search and rescue region must find a safe place where the immediate needs of those rescued can be met. Although EU Member States are subject to international laws, the practical application and interpretation of this framework can be different from one country to another. These differences have an impact on the effectiveness of Frontex

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[19] JO Indalo focuses on detecting irregular migration in the Western Mediterranean and specifically on migration from Morocco and Algeria towards Andalusia.

JOs, especially when guest vessels from different Member States are acting within the search and rescue zone of the host Member States (see Cusumano, 2019; Tazzioli, 2016; Carrera and den Hertog, 2015).

Although the issue of disembarkation in the context of Frontex JOs was addressed in annual operational plans, it was not until the enforcement of Regulation (EU) No 656/2014 that EU policy-makers established a clear guideline and provided substantial financial support to mitigate the disproportionate burden experienced by coastal Member States. The reluctance of both host Member States (Italy and Malta) and participating countries (the home countries of vessels) to conduct search and rescue activities and disembark would-be asylum applicants resulted in frequent occurrences of responsibility-shirking between countries, as observed in JO Nautilus and JO Hermes (Carrera and den Hertog, 2015).

Given the disagreement between Member States on the disembarkation points and the relocation of rescued migrants, the Central Mediterranean had witnessed a series of farce-like stand-offs: ships full of rescued migrants drifting in the sea were not able to find a port for disembarkation (Stagno-Navarra, 2011). A draft Council decision in 2010 attempted to supplement the Schengen Borders Code and regulate the disembarkation obligations of Member States hosting Frontex JOs at sea, finally leading to Malta's refusal to host any further Frontex JO (Camilleri, 2011).[20] Although Italy generally accepted the disembarkation solution provided by the draft Council decision, the country also felt that participation in Frontex JOs was holding back its own more hardnosed approach of forced returns. Consequently, Frontex's presence in the Central Mediterranean Sea significantly diminished between 2010-2014.

4.4.2. Joint Operation Triton: From National borders to EU Borders

The turning point of the EU's approach to the Central Mediterranean route came on 3 October 2013, when a migrant boat sank off the Italian island of Lampedusa, and more than 360 'would-be' migrants were killed. In response to this tragedy, then

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[20] Malta was initially a staunch supporter of Frontex joint operations. Due to Malta's limited size, human and financial resources, Frontex's intervention enabled Malta to dedicate and gather more resources for risk analysis and operation (UK House of Lords, 2007). But also due to its limited size, one immigrant in Malta equates to nearly a thousand immigrants in Italy (UK House of Lords, 2008). Malta, thus, would generally not accept the disembarkation in Malta of persons recovered outside the Maltese Search and Rescue zone.

European Commissioner Cecilia Malmström proposed to launch a Frontex operation for maritime rescue, covering the Mediterranean from Cyprus to Spain. However, this proposal faced opposition from several Member States, who argued that additional search and rescue operations might act as a pull factor for smugglers and that there was still no clear solution for disembarkation (Carrera and den Hertog, 2015).

The excessive reluctance on the part of Member States in launching a Frontex operation persuaded the Italian government to launch its own unilateral operation, named Mare Nostrum. Mare Nostrum temperately replaced Operation Vigilanza Costante, covering search and rescue zones belonging to the Italian, Maltese, and Libyan authorities. The operation was heavily funded, with a budget of €9 million per month by the Italian government. Italy requested EU funding from the External Borders Fund in November 2013, whereas the European Commission merely granted €1.8 million to cover one month of operating costs of the surveillance activities in operation (Carrera and den Hertog, 2015; Anderlini, 2015).

Although the Italian navy demonstrated efficiency and professionalism during Operation Mare Nostrum, the Italian government and other stakeholders gradually realised that the unilateral Mare Nostrum was politically and financially unsustainable. Maurizio Gasparri, then Deputy Senate Speaker of the Forza Italia party, labelled the operation as an undesirable "taxi service" for migrants (Dinmore and Segreti, 2014). Then German Interior Minister Thomas de Maizière commented that "Mare Nostrum has proven to be a bridge (for migrants) to Europe" (Kleinjung, 2014). Joyce Anelay, then Minister of State of the UK Foreign and Commonwealth Office, declared that "[w]e do not support planned search and rescue operations in the Mediterranean. We believe that they create an unintended pull factor, encouraging more migrants to attempt the dangerous sea crossing and thereby leading to more tragic and unnecessary deaths" (UK House of Lords, 2015).

In the presentation to the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) on 4 September 2014, then Frontex Director Gil Arias agreed that Mare Nostrum was a pull factor for traffickers and smugglers who abused the proximity of Italian ships to the Libyan coast to get more people into the sea, assuming they would be rescued very soon. Arias stated that this operation may have encouraged these individuals to provide their boats with fewer supplies, such as fuel,

food, and water, thereby putting the lives of migrants at greater risk. This view was echoed by a wider group of stakeholders, as Italy sought to find a solution to end Mare Nostrum at the start of its presidency in July 2014 (ANSA, 2014). Meanwhile, the European Commission and many other Member States, such as France, lobbied for a central role of Frontex, stating that it was necessary to ensure full coordination between the enhanced surveillance operations at the borders within the framework of a Frontex JO (Tazzioli, 2016; Fernández, 2016).

In this light, JO Triton was established in November 2014 with a monthly budget of €2.9 million. Initially, its focus was limited to the Italian territorial waters within a radius of 30 nautical miles from the coast. This decision was met with criticism from both academia and media, who perceived it as a shift from search and rescue efforts towards surveillance and control operations in the Mediterranean (Carrera and Den Hertog, 2015). However, this transition should not be viewed merely as a change in name. Despite having a smaller budget and a more limited operational scope, JO Triton cannot be considered as a complete replacement of Operation Mare Nostrum.

After the termination of Operation Mare Nostrum in October 2014, the longstanding Operation Constant Vigilance was relaunched. In 2015, the EU further launched Operation Sophia in the southern Central Mediterranean for combating human smuggling. In other words, the EU replaced the unilateral Operation Mare Nostrum with a Frontex's JO (for controlling the European coasts), a Common Security and Defence Policy (CSDP) mission (for controlling the frontline with third countries) and an Italian naval operation (for search and rescue activities). Despite Italy's central role in all three missions, the country was linked to and integrated into a wider network of the EU's border management system.

Notably, as the first JO bound by Regulation (EU) No 656/2014 for the surveillance of the external sea borders in the context of Frontex JOs, Member States' investment in (sunk costs paid to) JO Triton gradually eliminated feasible alternative policy options. Since Regulation (EU) No 656/2014 only outlines rules on search and rescue and disembarkation activities within the framework of Frontex JOs, other activities operated by non-governmental organisations (NGO), CSDP, and the North Atlantic Treaty Organisation (NATO) shall still rely on temporary arrangements, leading to several controversy and diplomatic standstill at EU level (Campesi, 2021, p.246).

On 10 June 2018, the Aquarius ship, operated by Doctors without Borders and the SOS Méditerranée rescued 629 migrants in international waters off the Libyan coast. The Italian government refused the Aquarius access to Italy's territorial waters, arguing that Malta should take responsibility for disembarking the migrants on board the vessel. The Maltese authorities denounced the Italian government's stance as a manifest violation of international law and refused authorisation to dock in the port of La Valletta. Following the Aquarius incident, Italy declared that Italian ports closed to NGOs and foreign-flagged merchant vessels carrying migrants rescued out of the Italian Search and Rescue zone.

Operation Sophia soon became another source of contention between the participating Member States. In September 2019, the Italian government requested to revise the mandate of the mission and particularly the rule that all migrants rescued in the framework of the mission should be disembarked in Italian ports. Given the impossibility of reaching an agreement on disembarkation, participating Member States decided to prolong the mission for six months without deploying naval ships that may be involved in search and rescue operations (Council of the European Union 2019). After six months of wrangling, Operation Sophia was officially terminated on 31 March 2020, and a new operation named after Irini was launched to ensure the implementation of the UN arms embargo off the Libyan coast. Unlike its sunk predecessor, Operation Irini makes no Specific mention of search and rescue operations.

4.4.3. Joint Operation Themis and Inter-JO Law Enforcement Coordination

While JO Triton was bound by Regulation (EU) No 656/2014, its implementation was also affected by the informal agreement concluded by Italy (the Renzi Cabinet) and Malta in 2014. The informal agreement stipulated that all persons rescued during JO Triton, including persons rescued by the Armed Forces of Malta, and those rescued in Malta's Search and Rescue zone, were disembarked in Italy (European Parliament, 2021b; Carrera and Cortinovis, 2019). Nonetheless, the Gentiloni Cabinet of Italy decided to withdraw from the informal agreement in September 2017 and asked Malta to increase its involvement in search and rescue activities and disembarkation (ibid.). After a failed negotiation, Italy and Frontex phased out JO Triton and launched JO Themis in February 2018. JO Themis operational zone has been limited to within 24 nautical miles from the Italian coast and excludes Malta' search and rescue zone—

migrants rescued within Malta's Search and Rescue zone will not be allowed to disembark in Italy.

It is worth noting that the operational zone of JO Themis is primarily designated for maritime assets capable of carrying out search and rescue operations. Interestingly, the operational zone of Frontex surveillance aircraft is actually larger and undefined. According to a leaked letter addressed to the Executive Director of Frontex, the European Commission (2019) considered it to be lawful for JO Themis to implement procedures for notifying the Libyan Coast Guard of sightings of boats, including providing information on vessel monitoring and detection through the European Border Surveillance System (EUROSUR) Fusion Services. This implicitly suggests the potential deployment of JO Themis aerial assets within Libya's Search and Rescue zone, and the provision of sighting information to the Libyan authorities.

In addition to expanding the surveillance zone to the south, Frontex has increasingly strengthened operational coordination between neighbouring JOs. Benefiting from new mandates granted by Regulation (EU) No 2019/1896, JO Themis and other more recent operations hosted by Spain and Greece have been portrayed as having an enhanced law enforcement focus, including the seizure of drugs and weapons, efforts against human trafficking and criminal networks, and the detection of terrorist threats. Therefore, coordination between neighbouring JOs serves as a new platform for transnational law enforcement cooperation.

On 22 November 2019, for example, two Italian maritime assets under the command of ICC Rome intercepted a rubber boat with 45 migrants on board. ICC Rome dispatched a Latvian fixed-wing manned aircraft outside the JO Themis operating zone to detect the motor yacht 'Angelo Bianco' and informed ICC Piraeus. Promptly, a Hellenic Coast Guard coastal patrol boat intercepted the target and escorted it to Corfu Island. Frontex's annual activity report highlighted that the fast and accurate information exchange and effective cooperation between ICC Rome and ICC Piraeus were key to the successful development of this event (Frontex, 2020a). Similar cases have become more common after 2019, indicating an intensified trans-JO coordination at the southern maritime borders. While trans-JO coordination has a short and rather inconclusive past, this approach certainly has a promised future and the potential to contribute to a more institutionalised and integrated European law enforcement space.

The case of Frontex in the Central Mediterranean has demonstrated that institutional change is a path-dependent process and sometimes difficult, given the sunk costs of past decisions. Since EU stakeholders have reached a contract on and kept investing in the Frontex JO approach, transaction costs in operational cooperation in the framework of Frontex JOs have been reduced, leading to the lock-in effect and institutional reproduction. The Frontex JO approach can be suboptimal in the sense that the host Member States would be better off if they moved to some other arrangement. Exogenous shocks (e.g. 2013 Lampedusa migrant shipwreck) temporally put Italy on a new (or old) path. However, the temporary optimal scenario for Italy broke the institutional compromise and jeopardised the interests of other stakeholders, and thus, Italy was eventually pulled back to the suboptimal JO approach.

Moreover, introducing the Frontex JO approach into the management of the EU's southern maritime borders resulted in several unintended consequences that further locked Member States into certain institutional paths. Such unintended consequences primarily concern the cat-and-mouse game between Frontex and irregular immigration and the diplomatic/geopolitical dimension embodied in the JOs. These unintended consequences have increased the benefits of Frontex's presence in Member States' border control systems and the cost of policy reversal. Another indispensable unintended consequence (or variable) is Frontex itself. Within the established JO contract, Frontex has taken action to maximise the expected value of its service and to defend its policy turf. The agency has specific preference in incorporating other stakeholders (e.g. sister agencies) and tasks (e.g. law enforcement) into JOs, which further increase the cost of policy reversal.

Conclusion

Informed by the hybrid formulation of the principal-agent historical institutionalist approach, this chapter has investigated the long-term sequences and implications of Frontex JOs for EU border management. In light of the September 11 attacks, EU decision-makers prioritised the management of external borders in a rapid manner. The initial motivation for empowering an EU border agency was to facilitate joint operational efforts and provide support to Member States undergoing substantial migration pressures. However, the outcome of this delegation of power exceeded these initial goals. The delegation act has generated a self-reinforcing JO approach at the

EU's southern maritime borders, incrementally framing the frontline Member States' border control measures into a wider EU border management system and a transnational law enforcement space. The main findings of this chapter are fivefold:

Firstly, the terrorist attacks of 9/11 were an exceptional exogenous shock in the sense that they altered the way in which the importance of external border controls was perceived in Europe. Prior to this event, cooperation on external border controls was only a secondary aspect of the elimination of internal borders between the member states of the Schengen Agreement. However, in the wake of 9/11, the threat of terrorism and the role of the EU in countering it underwent a significant re-evaluation. In response to the increasing transnational risks and threats at the external borders of the EU, decision-makers prioritised the management of these borders within the overarching strategy for border management. This chapter interprets 9/11 as a critical juncture that facilitated the rapid implementation of Frontex and the JO approach to EU border control coordination, as depicted through a focus on the temporal sequences of events.

Secondly, the Frontex JO approach has incrementally framed the frontline Member States into an emerging European border management system. The presence of Frontex at the external borders of Member States has given rise to a series of self-reinforcing and reactive effects. This chapter has identified instances where EU Member States have been hesitant to participate in Frontex JOs and have attempted to reverse their policies due to their perceived reduction in policy autonomy and the potential threat to their national interests. Despite these initial reservations, Member States' retrenchment was ultimately overcome by an overall trend of institutional reproduction, resulting from several unintended consequences of Frontex's presence.

Thirdly, the empowerment of Frontex introduces a separate entity with its own set of preferences into the framework of EU border management. Despite the efforts of EU Member States to assert their formal positions and protect their privileges, Frontex has demonstrated the ability to influence the bureaucratic environment from within. As an agency disadvantaged by the early JO arrangements, Frontex has sought to maximise the benefits derived from hosting JOs. As a result, it has an inherent interest in fully leveraging its mandates, maintaining its presence in the field, and incorporating other stakeholders and policy objectives into JO frameworks. Frontex's autonomy has, on the

one hand, caused policy outcomes to differ from what was considered the initial goal of Member States and, on the other hand, shaped the latter's benefit-cost calculations.

Fourthly, Frontex JOs have resulted in the generation of significant sunk costs, thereby eliminating alternative policy options. The Frontex JO approach has become an irreversible dominant arrangement due to the investment made by Member States into the JO framework, including search and rescue, port of disembarkation, and operational structure. This investment has resulted in high sunk costs, making individual Member States unwilling or unable to switch to alternative options.

Lastly, the presence of Frontex has a substantial impact on the actions of third parties, specifically irregular migrants and the neighbouring countries of the EU. Such impacts on third parties have increased the benefits of Member States' acceptance of Frontex JOs. This shifting of migration routes is, for example, a response to Frontex's control activities. It constantly destabilises EU border policing by forcing a change in the geostrategic scenario as the main point of crisis move through space. These unintended consequences of delegation have accentuated the self-reinforcing trend, which has overpowered Member States' reduced commitment. This, however, does not imply that Member States are no longer crucial in implementing border controls or that Frontex is substituting national competent authorities. Instead, the study suggests that the empowerment of the border agency has a positive feedback effect on the integration of national authorities into an emerging European border management system. This process is ongoing and is likely to continue with the recent development of inter-JO coordination.

Chapter 5 Frontex's Access to Information and Friction between Stakeholders

Introduction

Of the EU agencies in question, the European Border and Coast Guard (Frontex) is the key EU body tasked to identify risks and vulnerabilities in EU external border management. Following the so-called Common Integrated Risk Analysis Model (CIRAM), Frontex has been collecting data and information related to 'threat' (a force or pressure acting upon the ex-ternal borders) and 'vulnerability' (the capacity of Member States to mitigate the threat) since it became fully operational in 2005. The existing literature has paid much attention to the output of Frontex's risk analysis and its implications for the promotion of a common understanding of 'risk' and the optimal allocation of resources within constraints of budget (Horii, 2012; Balendr, 2018). There is, however, a large gap in the literature on Frontex's access to information, which is how the agency collects a wide range of data from stakeholders and create a picture of the situation at the EU's external borders.

As discussed in Chapter Three, Member States outsource border-related tasks to Frontex, while also continuing to exercise those tasks themselves in parallel with the agency. Since the national competent authorities continue to entertain relations with EU stakeholders and third parties, there is perhaps no asymmetric information that allows Frontex to present value-added risk analysis, and that justifies the use of the principal-agent model. Whereas the principal-agent problem typically arises where the two parties have asymmetric information, the traditional principal-agent analyses quite often take asymmetric information as constants in dynamic processes and then go on to the other empirical questions at hand (Waterman and Meier, 1998). In the case of Frontex, however, it would be necessary to relax the assumption of information asymmetry and treats information as a variable rather than a constant.

Through a process-tracing study of Frontex's access to information, this chapter looks at the efforts made by both Frontex and the EU's supranational institutions to address information asymmetry. As diverse stakeholders have different and even contradictory policy objectives for the EU's approach to external borders (Perkowski, 2019), the emergence of Frontex as an information hub and operational actor in EU border management has led to fierce competition between them wishing to hold the

agency to account. The findings of this chapter shows that the EU's supranational institutions are increasingly advantaged by the empowerment of Frontex, whereas the enacting coalition of Member States in the initial creation of the agency failed to consider the prospect of subsequent plays of the rule-setting game.

This chapter is organised as follows. The next section investigates Frontex's access to information and situational awareness. It especially explores how the agency looked externally into the databases managed by sister agencies and broadened the array of information. Section Three looks at how the European Commission and the European Parliament advance their individual policy objectives and introduce control mechanisms to get Frontex to pursue their ends. It finds that, both the European Commission and the European Parliament have introduced regulatory elements on top of the original intergovernmental ones to address information asymmetry and non-compliance in policy implementation, enabling integration through supranationalism. In this light, it confirms that the empowerment of Frontex has contributed to narrowing Member States' margin of manoeuvre and strengthening the EU regulation on border matters, which is the first and second sub-hypothesis of this thesis.

5.1. Frontex: To be an Intelligence Agency [21]

Risk analysis is considered to be one of Frontex's main inputs to EU decision-making and the driver of its operational activities (Horii, 2016; Peers, 2012). Various information sources, good quality information, and real-time situational awareness are essential in identifying threats and vulnerabilities. However, these crucial elements happened to be missing when Frontex took over the Risk Analysis Centre in 2005. Therefore, it is crucial to investigate whether and how Frontex is able to turn the tide and to be a credible authority providing intelligence for EU policy-makers.

5.1.1. From PCU Centre to Frontex Unit

The primary tasks for Frontex in the field of risk analysis is to apply and develop the Common Integrated Risk Analysis Methodology (CIRAM) and to provide relevant

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[21] The defining feature of the (national) intelligence agencies, such as the Secret Intelligence Service of the United Kingdom, and the Central Intelligence Agency of the United State, is their power to intercept communications, conduct covert surveillance, use secret informants, and even enter dwellings surreptitiously. Since neither Frontex nor Europol possesses such powers, they are not intelligence agencies in the way that they are conceptualised at the national level.

information that would facilitate the implementation of necessary measures to address identified threats and risks. CIRAM was initially launched by Frontex's predecessor, the External Borders Practitioners Common Unit (PCU), to collect intelligence, issue periodical risk analyses, and decide on joint operational measures. The PCU Risk Analysis Centre, established in April 2003 and based in Helsinki, was responsible for operationalizing the CIRAM model.[22] The Centre was not a permanent institution and was managed by the Finnish Frontier Guard. It was comprised of a director, a permanent Finnish expert, other experts, assistants, and observers from Member States, Europol, and the European Commission (Council of the European Union, 2003b; UK House of Lords, 2003).

The Risk Analysis Centre produced periodical risk analyses every six based on CIRAM (Council of the European Union, 2003a; b). The Risk Analysis Centre produced periodical risk analyses every six months based on CIRAM (Council of the European Union, 2003a; b). It collected information by sending out questionnaires to the central points of contact in each Member State. In questionnaires, national authorities were requested to report the push/pull factors of illegal immigrants entering their country; the main routes and methods used by irregular immigration; and the general situation at the international airports/seaports concerning illegal immigration; nationalities involved; national training programme; forged documents, as well as refusals of entry; return decisions; and cooperation with third countries (Council of the European Union, 2003a). Although CIRAM enabled the PCU to standardise the risk analysis method, closer scrutiny suggests that CIRAM had limited added value to EU policy-makers.

The limitations of the periodical risk analysis produced by the PCU (precursor to Frontex) are evident in its inability to provide real-time situational awareness and rapid response in the event of an emergency. The risk analysis was solely dependent on the information provided by Member States and lacked a corresponding instrument to ensure the quality of the data. While the PCU established necessary connections with Europol to identify external border risks of particular interest, Europol was unable to provide substantial support due to its lack of mandate to collect intelligence and its

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[22] Helsinki was chosen as a headquarters because Finland had piloted CIRAM within its own border control and uploaded its approach to the EU level (Horii, 2016; Paul, 2017).

dependence on the Member States for information (Bures, 2008; Busuioc and Groenleer, 2013). Despite numerous Council Decisions requiring Member States to share information, information sharing with both Europol and the PCU was effectively voluntary in practice.

In 2005, the PCU Risk Analysis Centre in Helsinki moved to Frontex headquarters and changed its name to the Risk Analysis Unit. Taking over the Risk Analysis Centre, however, did not help Frontex much since many experts from Member States left their position. According to the Head of the Risk Analysis Unit, Javier Quesada, the unit had only seven analysts in 2005 who were not even sure what their role should be (Frontex, 2010a). Arguably, although the enacting coalition of Member States entrusted Frontex with creating and managing a picture of the situation at the EU's external borders, they were still inclined to exchange information through bilateral or multilateral networks. Similar to the situation facing Europol at that time, Frontex's risk analysis activities merely complemented the transnational cooperation, and national authorities perceived information sharing via the agency as an extra burden rather than a value-added approach (see also Armitage, 2007; Busuioc and Groenleer, 2013).

Notably, the institutionalisation of intergovernmental information exchange has started as early as 1992, when two consultation groups chaired by the Council were launched, namely the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI) and the Centre for Information, Discussion and Exchange on Asylum. Both centres collected monthly statistical data in terms of border controls, migration and asylum and were tasked to facilitate bilateral and multilateral information exchange between national authorities (Council of the European Union, 1997, 1994).

The intergovernmental approach of information sharing was still prevalent while Frontex was being established. Council Decision of 16 March 2005, for instance, established an Information and Coordination Network (ICONet) (Council of the European Union, 2005). ICONet was a web-based information network for Member States' migration management services to rapidly share information related to irregular or illegal migratory flows. ICONet covered 1) an early warning system on illegal immigration and facilitator networks; 2) network of immigration liaison officers; 3)

information on the use of visas, borders and travel documents in relation to illegal immigration; and 4) return-related issues.

As part of the legislative proposal establishing Frontex, the Commission called for the agency to access ICONet, and other existing instruments, whereas the Council removed the relevant clause in Frontex's founding regulation. Compared with CIREFI and ICONet that collected monthly statistical data, Frontex's early risk analysis was still based on the questionnaires collected from Member States every six months. The agency did not run any information system, nor did it have direct access to national databases. Since Frontex knowledge fully depended on what comes from EU Member States, it is possible to claim that it was the Member States that had distinct asymmetric information over the Frontex agency of its early time.

5.1.2. Building Information Exchange Networks

In Basic Economics, incremental substitution describes the situation that "resources tend to flow to their most valued uses when there is a price competition in the marketplace; (…) adjustments are incremental" (Sowell, 2010, p.23). In EU border management, incremental substitution has unintentionally occurred with the empowerment of Frontex. Information resources have gradually flowed to Frontex-based information sharing networks, and the established intergovernmental networks have been gradually phased out.

After Community competence in the field of border management, migration and asylum was established in 1999, the European Commission has played an active role in the process of incremental substitution in terms of information sharing on external border security. The Commission lamented the ineffectiveness of CIREFI in harmonising and standardising the rules applicable in the border and migration matters in the Community (European Commission, 2000a, 2001a). Since some national authorities lacked the tools or had not gathered certain data, the Commission often received data that was out of date or incomplete, leading to considerable difficulty in drawing meaningful comparisons between Member States for the allocation of the European Refugee Fund (ibid.).

Following the establishment of Frontex, the European Commission was committed to promoting the agency's role in information sharing. In 2005, the Commission

concluded a Memorandum of Understanding with Frontex in order to grant the agency access to ICONet (European Commission, 2006a, 2005). ICONet was managed by the Commission after being launched, and thus, Frontex's connection with ICONet went well. The final connection with ICONet was completed in 2007, allowing the agency to set up the Frontex Risk Analysis Network (FRAN) in September 2008 (Frontex, 2015a, p.5). Within the regular information-sharing system provided by ICONet/FRAN, Frontex's Risk Analysis Unit has been able to work with national authorities with a mailing system and collect data on a monthly basis (Council of the European Union, 2009b). The data covers detections of illegal border-crossing between border-crossing points; detections of clandestine entry at border-crossing points; detections of suspected facilitators; detections of illegal stay; refusals of entry; asylum applications; detections of false documents; return decisions issued; and effective returns.

As for gathering and disseminating information, there was an apparent overlap between the activities covered by CIREFI and FRAN. In CIREFI, statistics sent by each Member State were compiled in a situation report which was accessible to all Member States. In FRAN, monthly detection figures were uploaded to country folders in ICONet and accessible by all stakeholders. In addition to statistics, Frontex also included its own quarterly reports, Member States' bi-monthly reports, and ad hoc analytical incident reports in to the ICONet database (Council of the European Union, 2010; Frontex, 2014). Given that Frontex had already been able to collect high-quality data, the European Commission proposed to take over CIREFI by Frontex and hand over the management of ICONet to the agency (European Commission, 2008b).

In response, the Council prepared a questionnaire in order to canvass Member States' opinions on the current orientation and functioning of CIREFI (Council of the European Union, 2009b). In February 2010, the Council (2010b, p.3) concluded that Frontex is 'well in a position to provide support and advice on most of the relevant issues', and it 'should continue to provide the high-quality strategic, operational and tactical analysis (…) and other related advice to internal and external stakeholders.' Under the leadership of the Belgian Federal Police, a Council working group composed of the representatives of Estonia, Finland and the United Kingdom conducted a study to detect gaps in the exchange of relevant information emerging from the presentation of the current situation. The Council group found that almost all Member States were able to

provide Frontex with the data as requested in the template (Council of the European Union, 2011). Therefore, the Council agreed to abolish CIREFI and transferred all its functions to Frontex by 2012.

In the field of border surveillance, the European Commission also called for a harmonised and standardised European surveillance system centred in Frontex. In February 2008, the Commission (2008) proposed a roadmap for the creation of a European border surveillance system (EUROSUR), in which it envisaged the need to network the national surveillance systems in force. Concerning the existence of around 50 authorities in eight Member States with external borders in the Mediterranean and the South Atlantic, the European Commission proposed linking national infrastructures together in a communication network and updating the performance of surveillance tools, particularly the use of satellites and drones for the real-time surveillance for situational awareness in pre-frontier areas (European Commission, 2008).

The EU's co-legislators approved the EUROSUR Regulation in 2013 (Regulation (EU) No 2013/1052), and Frontex was entrusted with managing the system. [23] EUROSUR has been developed as 'the system of the systems' that facilitates data exchange in real-time between Member States and Frontex, builds a common pre-frontier intelligence, and elaborates information logged in different monitoring devices and databases (European Commission, 2008a). EUROSUR consists of national situational pictures and a European situational picture. Each Member State operates a special national coordination centre to maintain their individual national situational picture, covering the external borders, the pre-frontier area and unauthorised secondary movements. Accordingly, Frontex maintains a communication network and a European situational picture in order to provide the national coordination centres and the European Commission with timely information and analysis.

From the connection with ICONet to running EUROSUR, Frontex was strongly backed by the European Commission to centralise information sharing networks and institutionalise transnational information-sharing mechanisms. Although the sunk costs of running the intergovernmental networks may prevent Member States from creating

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[23] The process of establishing EURESUR has been well analysed by Bellanova and Duez (2016), Burgess and Gutwirth (2011), and Rijpma and Vermeulen (2015).

a strong Frontex, they were able to alter their policy and switch to invest in Frontex once the agency had already provided equivalent services.

5.1.3. Gathering Information from Joint Operations

Apart from the support from the European Commission, Frontex's own efforts are also indispensable in the unintentional incremental substitution process. Since Frontex was scaling its joint operations (JO) on the southern maritime borders in 2007-2008, the agency set up a Situation Centre in parallel to the Risk Analysis Unit to manage the increasing flow of first-hand real-time information and data. The Situation Centre uses a web-based information-sharing portal, named Frontex One-Stop-Shop system, to collect incoming data from all fields of operations and collate it into daily situational pictures. During the operations, the participating Member States shall submit daily statistical data in the form of Incident Reports and Daily Incident reports via an established International Coordination Centre or Local Coordination Centre to Frontex's Situation Centre. The situational picture will then be forwarded to the Risk Analysis Unit for producing weekly analytical assessments, analytical warnings for operations and other intelligence reports during the operational implementation of JOs. These assessments affect the tactical planning by the Joint Operation Unit in near real-time, particularly regarding the deployment of guest officers and technical equipment during the subsequent implementation phases of the concerned operations.

Since Frontex JOs have increasingly involved its own deployees, as well as experts from the national competent authorities of Member States and other EU agencies, the same information could be transmitted via multiple channels of communication in different forms (Council of the European Union, 2011). Therefore, Frontex developed a Joint Operation Reporting Application (JORA) to harmonise and simplify information exchange between authorities. JORA was formally activated in 2011, and a special JORA team was set up under the Situation Centre. Contrary to the decentralised FRAN network, JORA is a centralised and hierarchical information system managed by Frontex. JORA includes a four-level operational structure: the Frontex Situation Centre is located at the top, followed by the International Coordination Centres, the Regional Coordination Centres, and the Local Coordination Centres. Procedurally, Frontex deployees in the field shall first report incidents to Local and Regional Coordination Centres. Frontex officers then upload the details (mandatory items) of the incidents into

the JORA system according to a defined Incident template (Frontex, 2017b; Tazzioli, 2018).

The JORA incident template includes general information items (e.g. operational area, date and place of detection and interception), persons information items (e.g. country of departure, place of disembarkation, document information) and additional information items (e.g. transports mean, smuggled goods, vessel information). Comparing the JORA incident attribute lists for maritime operations of different years, the number of items grew from a total of 19 in 2012 to 44 in 2015, and 66 in 2017 (Frontex, 2012, 2015, 2017a). This increase demonstrates that Frontex is making progress to maximise information collected in the field and exploit its autonomy to develop the reporting dimension of JOs.

To ensure that every item is filled out, JORA developers added an interlock—reports can only be finalised and sent to the next instance if all mandatory fields are filled out (Frontex, 2017; see also Pollozek, 2020; Tazzioli, 2018). JORA is also equipped with a verification mechanism. The JORA teams include posts of Local Incident Verifier and International Incident Verifier. Their primary responsibility is verifying, modifying and forwarding incidents to the International Coordination Centre or the Frontex Situation Centre (Frontex, 2017). Once these items are uploaded into the JORA system, Frontex Situation Centre can get nearly real-time situational awareness over JOs.

Another step to improve the agency's situational awareness lies with the launch of the Frontex Aerial Surveillance Services (FASS). The FASS project could be traced back to 2006 when Frontex was entrusted by the European Council to assess the feasibility of establishing a surveillance system over the Mediterranean (MEDSEA study). Frontex stated in the report that "the big challenge and the decisive function are to discover those vessels and small boats which are not obliged to or avoid to, transmit the information" (Frontex, 2006b, p.10). The small rubber boats used for irregular migration across the Mediterranean are usually too hard to spot on any coastal radar or through regular satellites, and thus manned aircraft and drones are the most adapted tool to gather information about migrant boats. Frontex (2012b) thus announced its intention to "identify more cost-efficient and operational effective solutions for aerial border surveillance in particular Unmanned Aircraft Systems". In the following research

initiative, named All Eyes, the agency explored information on new technological developments in the field of remote sensing and detection technologies, indicating intentions to identify cheap and effective solutions in the field of remote sensing and detection (Statewatch, 2014).

After FASS was officially launched in 2015, the aerial surveillance service has been used in two different ways.[24] The first is aerial surveillance performed in operations participated by the agency (e.g. Frontex JOs, Common Security and Defence Policy missions) to complement the support in border surveillance activities. In Operation Sophia, for example, Frontex chartered a Diamond 42, a Diamond 62, and a Beech 35 twin-engine aeroplanes from private companies to conduct border surveillance (Monroy, 2020). These aeroplanes supported Frontex to report at least 42 cases of critical incidents on the high seas in 2019.[25]

For the second use of FASS, Frontex leases aeroplanes to provide tailored aerial surveillance services under the so-called Multipurpose Aerial Surveillance (MAS). From March to April 2017, the MAS was launched as a pilot project of the European Coast Guard Functions in the Central Mediterranean Sea with the cooperation of Italy, Malta and EFCA. The pilot was considered to be a success, and the MAS was introduced as an integrated component of Frontex's joint sea operations from 2018 onwards. To conduct the MAS mission, Frontex set up a European Monitoring team based in its headquarters in Warsaw. The team obtains real-time data from Frontex surveillance aircraft, and the video is also streamed to the respective national authorities and coordination centres (Frontex, 2019a). In 2020, Frontex Situation Centre was composed of 42 staff members and six of them were permanently assigned to manage the MAS missions.[26]

As the MAS missions require Frontex to provide long-endurance aerial monitoring services, Frontex tested the drone use in September 2018 (Leonardo, 2018). During the

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[24] See Answer given by Frontex to the Parliamentary written question E-003553/2019, https://www.europarl.europa.eu/RegData/questions/reponses_qe/2019/003553/P9_RE(2019)003553(ANN)_XL.pdf

[25] See Answer Given by Vice-President Borrell on behalf of the European Commission to the Parliamentary written question E-002654/2019 https://www.europarl.europa.eu/doceo/document/E-9-2019-002654-ASW_EN.html

[26] See Answer given by Frontex to the Parliamentary written question E-003553/2019, https://www.europarl.europa.eu/RegData/questions/reponses_qe/2019/003553/P9_RE(2019)003553(ANN)_XL.pdf

first trial in Greece, the agency used Israeli Aerospace Industries (IAI) Heron drones to complete 200 flight-hour marine patrol and coast guard missions on Crete (IAI, 2018). In December 2018, Frontex deployed a Falco EVO drone at Lampedusa Airport to observe boats transporting 'would-be' migrants across the Central Mediterranean. The drone was owned and operated by Leonardo crews under a service arrangement valued at €1.7 million. According to the data released by Leonardo Company (2019), the Falco EVO drone has flown for more than 280 hours by the July of 2019, with one mission on 26 June clocking in at 17 hours and 21 minutes, setting a record for Frontex aerial reconnaissance mission.

At the end of 2019, Frontex invited two tenders for a two-year contract valued at €50 million for aerial maritime surveillance services to be conducted using Medium Altitude Long Endurance (MALE) drones. According to tender documents, the drones shall be able to operate in the Eastern and Central Mediterranean Sea within a radius of up to 250 nautical miles, allowing the agency to monitor the seas off the coast of Libya, Tunisia, and Egypt. Such requests corroborate the surmise of Chapter Four that JO Themis's actual operational zone far exceeds the planned within-24 miles from the Italian coast.

Frontex finally awarded one contract to Airbus Defence and Space Airborne Solutions with subcontractor IAI to provide a Heron drone and the other to Elbit Systems Ltd to provide a Hermes 900 drone. Compared with the 5-7 hours endurance for manned Diamond 42, both MALE drones are capable of operations of up to 30-50 hours endurance, allowing the agency to obtain more durable and efficient aerial surveillance capabilities over the areas of interest. [27] In response to Turkey's 'open-the-gates' policy in 2020, Frontex deployed these drones to the land border between Greece and Turkey and the Aegean Sea to conduct aerial surveillance (Spires, 2020).

From establishing the Situation Centre to the launch of FASS, Frontex's efforts to improve its situational awareness have strengthened its role as the EU's information hub for border management. Unlike the intergovernmental PCU, Frontex has been able to exploit its autotomy to maximise information collected from JOs and oblige the Member States to comply with new rules. With the development of JORA and FASS,

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[27] See: https://elbitsystems.com/product/hermes-900-5/

Frontex is now able to map a comprehensive European trend of border crossing and monitor the implementation of operational plans.

5.1.4. Information exchange with Sister Agencies

Information flows as regards EU border controls and surveillance are fragmented with several EU agencies vested with similar and complementary tasks. After Frontex started operations in 2005, combating illegal migration and human trafficking became a common concern of Europol and Frontex. Article 13 of Council Regulation (EC) No 2004/2007 establishing Frontex stated that "[t]he agency may cooperate with Europol and the international organisations competent in matters covered by this Regulation in the framework of working arrangements concluded with those bodies, in accordance with the relevant provisions of the Treaty and the provisions on the competence of those bodies." Regulation (EU) No 1168/2011 of Frontex further enabled the exchange of personal data between Frontex and Europol. Personal data processed by Frontex could be transmitted, on a case-by-case basis, to Europol or other Union law enforcement agencies (Article 11 (3) of Regulation (EU) No 1168/2011).

Although the legal acts called for information sharing between Frontex and Europol, their cooperation has largely occurred in a 'learning-by-doing' manner. Europol's 2006 annual report revealed that the two agencies had reached an agreement that Europol's role was to gather intelligence and conduct analysis, while Frontex's role was to coordinate the activities of national authorities on the ground (Europol, 2007, p.8). Nonetheless, Frontex's 2006 annual report did not mention any agreement reached, merely stating that a memorandum of cooperation with Europol was negotiated during 2006 and would be signed in early 2007 (Frontex, 2007a, p.19). Frontex seemed not satisfied with being only an operational coordinator and had indicated its ambitions to be a competent partner in risk analysis and decision-making (Frontex, 2006, p.6).

Despite difficulties at the beginning, Frontex and Europol managed to sign a formal strategic cooperation agreement in 2008. The purpose of the agreement is to enhance the cooperation between the two agencies in combating cross-border crime and avoid duplication. In particular, the agreement allowed for exchanging of strategic and technical information related to illegal migration smuggling, sharing threat and risk assessments, and harmonising analytical methodologies. Meanwhile, Frontex's Risk

Analysis Unit was expected to develop permanent working contacts with Europol's Crime against Persons Unit and Analysis Unit.

After concluding the first agreement with Europol, Frontex turned its attention to EMSA. EMSA manages a broad portfolio of maritime digital services and infrastructure, such as the THETIS system for Port State Control inspection, the European Marine Casualty Information Platform, and the Marine Equipment Directive Inspection Database. The agency is also responsible for the technical implementation of the SafeSeaNet Service, which interconnects the maritime surveillance services of Member States and can be used to detect suspicious small boats. Although the applicable Council Regulation (EC) No 2004/2007 made no reference to EMSA, Frontex was undoubtedly attracted by EMSA's information facilities.

Frontex successfully concluded a service-level agreement with EMSA in December 2008, which has not been made public nor mentioned in both agencies' annual reports. According to an EMSA Official (interview, 21 November 2021), the agreement covered cooperation on risk analysis and information exchange on threats in the maritime domain. It also provided indications of Frontex's accessibility to the SafeSeaNet Service on a case-by-case basis. The service-level cooperation between EMSA and Frontex was extended to EFCA in December 2009, and the first tripartite agreement on information sharing was reached. Following the agreement, Frontex formally requested direct access to SafeSeaNet in November 2011. After EUROSUR was launched, Frontex renewed the service-level agreement with EMSA and EFCA. The new agreement allowed EMSA to provide surveillance services to Frontex joint sea operations and the European situational picture for external borders and the pre-frontier area (Frontex, 2014).

Notably, it was not until March 2016 that Frontex signed the first accessible service-level agreement with EMSA under the umbrella of the newly formalised European cooperation on coast guard functions. According to the agreement, EMSA shall deliver services and information products tailored to Frontex's operational needs. Frontex shall be able to access EMSA's Copernicus Maritime Surveillance service, which is a satellite-based maritime surveillance service corroborated with the terrestrial observation that collects data from the Long-Range Tracking and Identification and Satellite Automatic Identification System. In May 2016, Frontex signed a similar

agreement with EFCA that allows Frontex's accessibility to EFCA's Vessel Monitoring System, which is a satellite-based method of transmitting position data from a fishing vessel to the control authorities. Although the system may not help Frontex identify the small boats used for cross-border crime and irregular migration, it could tell the border agency if the suspicious vessel detected is a recorded legal fishing boat or a small yacht, thus significantly improving the efficiency of Frontex surveillance activities (EFCA Official, interview, 05 December 2021).

When the inputs of EMSA and EFCA feed into Frontex's database, the latter significantly contributes to Europol-led joint investigation. Frontex renewed its working agreement with Europol in 2015, and the border agency is now able to avail its EUROSUR services to Europol and provide the latter with the personal data of people suspected of engaging in cross-border criminal activity. In return, Frontex shall be able to collect incoming data from Europol to order to investigate social media and the dark web where smuggling and other cross border criminal activities are being advertised. In February 2016, Frontex launched the Processing of Personal Data for Risk Analysis (PeDRA) Project with the objective of smoothly transferring the personal data of persons suspected of cross-border crimes to Europol. Since it has been not entrusted to engage in a criminal investigation and there is less competition between the two agencies, Frontex has been handing over data and intelligence to Europol more 'selflessly' than national crime agencies and police forces (Frontex Official B, interview, 31 October 2021).

In 2017, Europol introduced the concept of Information Clearing House (ICH) into the Joint Action Plan with Frontex. According to Europol (2020), "the current legal cooperation possibilities allow for a limited degree of initiative from Europol, while in turn require strong leadership from the European competent authorities." The ICH project thus allows Europol to benefit from Frontex's advanced information resource and mandate and allows both agencies to table the joint intelligence picture on migrant smuggling and human trafficking. Launching the ICH project explicitly demonstrates how Europol usages sister agencies' resources to improve its information access and consolidate its policy turf.

The exchange of information between EU agencies has been characterised by a dynamic that runs beyond policy-makers full control. Some of the arrangements are

'spontaneous' and 'hidden' as they are based on the agencies' own practical needs. The concerned EU agencies have an inherent interest in enriching their database and services, and act purposively and respond actively to other agencies' demands. Consequently, cooperation on information exchange between the concerned EU agencies unfolds a self-reinforcing virtuous circle. Still, with the diffusion of databases and smooth information flow, more streamlined and detailed arrangements are needed in order to avoid duplication of work. This is especially the case when the agencies are increasingly engaging in joint operations in the field.

5.2. Moral Hazard and Goal Conflict: Holding Whom to Account?

As discussed in Chapter Two, accountability and legitimacy constitute an essential part of a public authority's added value. An authority's legitimacy depends on whether it is trusted by stakeholders in terms of task performance, and the extent to which that performance reflects the preferences of the principals and of the governed. In the case of Frontex, however, as EU stakeholders' interests frequently diverge, it is unrealistic for the agency to act on behalf of them all. This creates a multiple principal problem that individual stakeholders can steer the agency to pursue their interests in lieu of those of other stakeholders and that the agency can gain greater room for manoeuvre (Moe, 2005). With Frontex effectively closing its information gaps with the national competent authorities, the European Commission and European Parliament are working on a greater oversight of the agency's activities and a greater access to information.

5.2.1. Risk Analysis and Vulnerability Assessments

Frontex's initial tasks on risk analysis were to develop and apply CIRAM and provide adequate information for "appropriate measures to be taken or to tackle identified threats and risks (Article 4 of Council Regulation (EC) No 2007/2004). In its early stage, Frontex re-conceptualised CIRAM and enriched it with a new risk analysis model, indicators and methodological toolbox (Frontex, 2006a, p.16). Frontex developed a Risk Analysis Diagram to clarify how risk is identified in the CIRAM, which shows the clear linkage between pressures acting upon the external borders (threat) and Member States' capacity to mitigate the pressures (vulnerability) (Table 4). To comprehensively analyse risk, Frontex identified itself as an evaluator of Member States' capacity to manage their borders, despite the absence of a clear mandate.

Table 4: Risk Analysis Diagram

Common Integrated Risk Analysis Model		
Threat	Vulnerability	Impact
Magnitude & Likelihood	Level of vulnerability	Level of impact of the threat
Modus operandi Who, where, when Trends and predictions Push factors Routes, access to facilitators	Border permeability Operational activities Effectiveness of countermeasures Pull factors	Border and internal security Ability to manage legitimate passengers' flow at borders Humanitarian impact

Source: Frontex (2013, p.5)

Article 4 of Regulation (EU) No 1168/2011, for the first time, provided that '[f]or the purpose of risk analysis, Frontex may assess, after prior consultation with the Member States concerned, their capacity to face upcoming challenges, including present and future threats and pressures at the external borders of Member States.' Article 43 of Council Regulation (EU) No 1053/2013 establishing the Schengen Evaluation and Monitoring Mechanism (SEMM) further provides that Frontex risk analysis and assessments shall be used for the preparation of the visits to Member States for the five-yearly SEMM evaluations. Importantly, the regulation wrenches the onus of the SEMM from the Council to the European Commission. Before this, the evaluation mechanism was created by the Schengen acquis and the Decision of the Executive Committee of 16 September 1998 on an intergovernmental basis, and there had been no provision for observing vulnerabilities or functional defects that affect several Member States at once.

Evaluations under the SEMM mainly rely on on-site visits and questionnaire. To fulfil the tasks, the European Commission has developed its own administrative team by setting up the Borders and Schengen Unit and the Schengen Evaluation Unit under the Directorate Borders, Interoperability and Innovation. Nonetheless, the Commission still suffers from insufficient resources and inadequate administrative capacity in the application of the SEMM over the EU's more than 2,000 land, sea and air border crossing points (European Commission Policy Officer A, interview, 11 October 2021). The Commission thus heavily relies on Frontex's risk analysis outputs to schedule inspections and set priorities for the evaluation period—most visits to high-risk external

crossing sites were recommended by Frontex (European Commission Policy Officer A, Interview, 27 October 2021; Frontex Official A, Interview, 11 September 2021). The agency is also tasked to arrange a training programme for SEMM evaluators before the on-site inspections, mainly for evaluators on border controls and return (ibid.). During inspections, an evaluation team is formed for each mission, composed of one to two lead evaluators from the Commission and six to eight evaluators from Member States; Frontex may contribute staff as observers to on-site visits (Frontex Official A, Interview, 11 September 2021).

As regards the questionnaire used by the SEMM, Article 9 of Council Regulation (EU) No 1053/2013 tasked the European Commission to develop a standardised questionnaire for use in the SEMM missions that encompasses questions related to relevant legislation, operational procedures, technical and organisational capacities related to the implementation of the Schengen acquis. Although there is no direct evidence that Frontex participated in the design of the questionnaire, the questionnaire aligns its content to Frontex vulnerability assessments.

Frontex vulnerability assessments are outside of the SEMM but with the aim of complementing it. The task was early introduced by Article 4 of Regulation (EU) No 1168/2011 and formally stipulated by Article 19 Regulation (EU) No 2016/1624. The vulnerability assessments aim to assess the capacity and readiness of the Member States to face challenges at their external borders. According to Regulation (EU) No 2016/1624, each Member State shall be subjected to such an assessment once every three years and shall inform Frontex on a monthly basis about new data, staffing and related issues.

To better fulfil the SEMM tasks, the European Commission concluded an arrangement with Frontex to share the preliminary results with each other in a regular and timely manner all information related to the results of vulnerability assessments and the results of the evaluations carried out within the framework of the SEMM in the field of border management. Following Regulation (EU) No 2019/1896 of Frontex coming into force, the SEMM questionnaire has deleted questions related to capabilities in the field of border management to avoid overlapping questions in Frontex's assessments on data, equipment and infrastructure (European Commission Policy Officer A, Interview, 27 October 2021). These sorts of information are to be retrieved

in Frontex vulnerability assessments and shared by the agency with the European Commission for each Schengen evaluation as well as the evaluation teams.

According to Council Regulation (EU) No 1053/2013, the European Commission and Frontex are obliged to present a yearly comprehensive report to the European Parliament and to the Council on the evaluations carried out in the preceding year and transmit that report to the Member States concerned as well. Frontex Official D (interview, 25 October 2021) confirms that the agency is more active in sharing the results with stakeholders; Normally, Frontex would table a report to the European Parliament and the Council every six months. Since the preliminary results of vulnerability assessments do not need to be approved by the Management Board, Member States may not receive the assessment results for other countries through their representatives on the Board (ibid.).

Through the SEMM arrangement, Frontex has been strongly tied with the European Commission in monitoring the implementation of EU law and has become a direct and primary information source for the Commission to fulfil its mission. While the SEMM allows Frontex to possess asymmetric information on the potential vulnerabilities in border management capacities, the institutional arrangement does not necessarily result in agent losses since Frontex and the Commission share the same policy objective that is to ensure the EU Treaties and rules are upheld (European Commission Policy Officer A, Interview, 27 October 2021).

5.2.2. European Parliament: A Disgruntled Principal

Frontex is currently entrusted with monitoring Member States' capacity to control external borders, whereas it has not received any grant of power to monitor Member States' fundamental rights compliance.[28] This prevents us from labelling Frontex as a

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[28] After Regulation (EU) No 2019/1896 came into force, Frontex has consolidated its mandates to monitor and assess Member States' capacity to secure their borders. Article 32 of Regulation (EU) No 2019/1896 allows Frontex's Management Board to adopt binding decisions based on the vulnerability assessment results, setting out the necessary measures to be taken by the Member State within a time limit. Frontex's Executive Director shall monitor the implementation of the recommended measures by means of regular reports to be submitted by the Member States based on the action plans. If the Member State does not implement the measures, Frontex's Management Board shall notify the Council and the European Commission. Based on a proposal from the European Commission, the Council may ask the agency to organise and coordinate rapid border interventions or deploy the Standing Corps. As a last resort, the Council may recommend neighbouring Member States reintroduce border control at their internal borders.

full-fledged regulatory agency. However, although the responsibility for fundamental rights violations remains largely with Member States, Frontex's expanded competencies and presence in the field increase the possibility of being responsible directly for fundamental rights violations.

On 23 October 2020, *Bellingcat*, *Lighthouse Reports*, *Der Spiegel*, *ARD and TV Asah* published a joint investigation that accused Frontex of being involved in maritime pushbacks to drive away asylum seekers attempting to enter Greek waters. In November 2020, the European Ombudsman office opened an inquiry into the effectiveness of the Frontex complaints mechanism. Then, the Border Violence Monitoring Network, financed by the Left political group in the European Parliament, published a 1469-page Black Book of Pushback on 18 December 2020, documenting hundreds of pushbacks against asylum seekers, most of which involved Frontex staff (Barker and Zajovic, 2020).

Following the publication of the Black Book of Pushback, the European Parliament organised a hearing with Frontex's Executive Director Fabrice Leggeri in December 2020, where he denied that the agency was involved in illegal activities (European Parliament, 2020b). When asked if Frontex headquarters knew about the pushback activities carried out by the Greek authorities, the Director conceded that he had written letters to them regarding two incidents that had been reported by Frontex staff. Sophie in 't Veld, Member of the European Parliament, asked Leggeri why he thought that writing letters were sufficient. Leggeri responded that letters "are not enough," but "if a minister sends a letter to the director of an EU agency and says, 'everything was according to the law,' I cannot say 'I don't trust you'." Leggeri also explained that JO Poseidon was geopolitically sensitive, and there were confrontations between Turkish fighters and Frontex planes and "almost daily shooting coming from the Turkish side at the land border."

However, Fabrice Leggeri failed to convince the Members of the European Parliament in the hearing, who concluded that Frontex headquarters were fully aware of the pushback operations and did not take the necessary steps to stop the pushbacks. According to European Parliament Policy Advisor B (interview B, 4 October 2021), Leggeri's letters to the Greek authorities were largely symbolic, since Frontex staff worked closely with the Greek authorities during joint operations. During

the hearing, the European Parliament also expressed its dissatisfaction with Frontex's culture of secrecy. As the European Parliament Policy Adviser B (ibid.) commented, Frontex should allow full access of the European Parliament to its operational activities, and "even if there were some sensitive issues, Frontex could report to the [European] Parliament selectively, instead of roughly rejecting the demands of the Parliament to access information."

The European Parliament has also been taken back by the European Commission's support for Frontex. European Commissioner for Home Affairs, Ylva Johansson, said at a following European Parliament hearing on 22 February 2021, "[r]apid growth of Frontex is a challenge that is manageable and not the reason for the shortcomings" (Burchard and Baume, 2021). European Commission Vice President Margaritis Schinas further commented at an event organised by the Robert Schuman Foundation think tank on 25 February 2021 that Frontex "is a central piece for the success" of the EU's new migration and asylum strategy, and the agency "has all our institutional support" (Burchard, 2021).

The position of the European Commission's political leadership dissatisfied the European Parliament. Many Members of the European Parliament held that the Commission was aware of and acquiesce in the pushbacks involved by Frontex staff (European Parliament Policy Advisor A, interview, 17 September 2021; European Parliament Policy Advisor C, interview, 15 October 2021). Member of the European Parliament B (interview, 12 November 2021) complains that the Commission has played a role in Frontex's management and, thus, aligning the agency with the European Commission is much easier than the European Parliament to do so. The European Parliament can only rely on civil society organisations, the media and the national parliament to gather information about Frontex's operational activities (ibid.).

The wrath of the European Parliament reflects asymmetric information and moral hazard between the multiple principals. Since the principals' interests diverge and they face incentives to advance their individual interests, asymmetric information between the principals creates further competition between the principals to hold the agent to account. From the perspective of the principal-agent model, the European Commission is able to conduct 'police-patrol control' over the functioning of Frontex, which refers to the use of active and direct oversight to examines the given agent's implementation,

to detect and remedy any violations of legislative goals and discouraging such violations (Kassim and Menon, 2003; da Conceição-Heldt, 2017). By contrast, the European Parliament mainly employs fire-alarm mechanisms to oversee Frontex's activities, which refer to measures that rely on interested third parties taking over the costs of monitoring agents' implementation (ibid.).

To have more effective oversight of the agency, the European Parliament set up a Frontex Scrutiny Working Group in January 2021. The working group's primary task is to investigate Frontex's potentially illegal activities and monitor its functioning in particular compliance with fundamental rights. The group formally began its work on 23 February 2020, and its members shall meet twice per month. Two members of the group, Cornelia Ernst and Sira Rego, said that "[w]e believe the [a]gency is out of control, and that the European Commission and the Member States are allowing such behaviour because it happens far away from the public eye."[29] Although it is still under scholarly debate about which control mechanism can better monitor agents (e.g. Balla and Deering, 2013), the set-up of the Frontex Scrutiny Working Group reveals the European Parliament's willingness to develop a stronger 'police-patrol mechanism' and strengthen its institutional link with the agency.

5.2.3. European Commission: Beyond Holding Frontex to Account

Although the European Parliament has criticised the European Commission for its indifference to Frontex's alleged involvement in pushbacks, the Commission does not view the former as an institutional rival that exerts competing control over Frontex (European Commission Policy Officer C, interview, 15 October 2021). At the European Parliament hearing in February 2021, the Commissioner for Home Affairs commented that Frontex's alleged involvement in reported pushbacks lies in the reluctance "by the Executive Director to comply with the requirements of the regulation" (Burchard and Baume, 2021). Her statement does not mean that she shares the Parliament's position. Rather, the Commission is less concerned with whether Frontex staff is involved in pushbacks and is more interested in whether there was any infringement of EU law during Frontex JOs. Since all Frontex deployees perform tasks under the command of

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[29] See the Left in the European Parliament News: https://left.eu/frontexs-alleged-violations-to-be-probed-by-new-permanent-scrutiny-group/

the host Member State, the European Commission actually call for Member States correctly abiding by EU law and Frontex's regulation.

Furthermore, although the European Commission implicitly showed that it aims to erode Member States' exclusive control over Frontex JOs, the Commission itself remains heavily dependent on the willingness of Member States for sustainable policy implementation. It has therefore become further aware of the need to adopt more flexible tactics when competing with Member States for the principal's control over Frontex (European Commission Policy Officer C, interview, 15 October 2021). In some cases, these flexible tactics have led to the double standard in the Commission's approaches. In 2019, for example, the Commission asked the Court of Justice in Case C-808/18 to determine whether Hungary had failed to fulfil its obligations under Directive 2013/32/EU and Directive 2013/33/EU on the asylum-seeking procedure. In December 2020, the Court ruled that Hungary had broken EU law by restricting access to the international protection procedure for asylum applicants in transit zones and by unlawfully detaining them. Following the ruling, Frontex decided to suspend all its operational activities (excluding return operations) in Hungary, a decision which was welcomed by the European Commission.

Following Frontex's departure from Hungary, Members of the European Parliament and human rights organisations called for a similar suspension of Frontex's activities in Greece (European Parliament Policy Advisor B, interview 04 October 2021). The prospect of leaving Greece, however, appears unlikely since both the Commission and Frontex need to strike a fine balance between risking a falling-out with Member States and continuously encouraging the latter to accept the EU's border control coordination (European Commission Policy Officer B, interview, 11 October 2021). As there has been no obligation to host Frontex JOs, both the Commission and Frontex have to avoid Member States' cut-back commitment. If the Commission assertively obliges Greece to conduct more search and rescue operations as part of Frontex JOs, it may run the risk of being opposed by other Member States hosting similar operations, such as Italy and Spain. The Commission wants to ensure that the Frontex JO approach is, on the one hand, an attractive solution for Member States to handle the key executive challenges they face in day-to-day work and, on the other hand, a robust tool for the Commission to ensure EU laws are applied correctly. A strict and unequivocal position against

pushbacks in the Aegean Sea will not allow the Commission to achieve two aims at once (European Commission Policy Officer A, Interview, 27 October 2021; European Commission Policy Officer B, Interview, 11 October 2021).

As for the Commission's strict measures against Hungary, this thesis inclines to interpret its position in the context of a grand political dispute between the EU and the Orbán government since 2016. The series of disputes centre around the rule of law, democratic values, the resilience plan, asylum relocation, foreign policy, education law, as well as rights affecting lesbian, gay, bisexual, and transgender people (Bayer, 2020; Forthomme, 2021). It, therefore, comes as no surprise that the European Commission's legal action against Hungary, as well as Frontex's suspension of operations, did not provoke opposition from the other Member States. The issue with Hungary has created a policy window for the Commission to declare that those national authorities which do not comply with EU law will not receive support from Frontex. The Commission has eroded the role of the host national authorities as the main body overseeing Frontex JOs at minimal political cost and aligned the agency's implementation with its own views. Given the limited mandate entrusted to it initially, Frontex can exploit conflict and competition between the principals to obtain preferential treatment for itself. Connections with the Commission and the criticism of the European Parliament have improved the agency's room for manoeuvre, reinforcing its monitoring role and justifying its non-compliance with Member States' pushback instructions during JOs (Frontex Official A, interview, 30 September 2021).

5.2.4. Empowering the Fundamental Rights Office: The Way Forward

Although the European Parliament and the European Commission do not see eye to eye on whether and how Frontex can be controlled, both parties share the view that the agency should be entrusted with more power to monitor its own fundamental rights compliance and, if possible, that of the host Member States (European Commission Policy Officer C, interview, 15 October 2021; Member of the European Parliament A, Interview, 27 October 2021). Such a shared position was reflected in Regulation (EU) No 2019/1896 of Frontex, which foresees the establishment of the Fundamental Rights Office in its organisational structure. The Fundamental Rights Office is headed by the Fundamental Rights Officer (FRO), who is now assisted by at least 40 Fundamental Rights Monitors.

The position of the Fundamental Rights Officer was initially introduced by Article 26 of Regulation (EU) No 1168/2011, which provides that '[a] Fundamental Rights Officer shall be designated by the Management Board …[and] shall have access to all information concerning respect for fundamental rights, in relation to all the activities of the [a]gency.' The Fundamental Rights Officer was to be independent in the performance of his/her duties and report directly to the Management Board and the Consultative Forum. Article 48 and 71 of Regulation (EU) No 2016/1624 additionally specified that the Fundamental Rights Officer shall be provided with 'adequate resources and staff corresponding to its mandate and size'. The Fundamental Rights Officer was tasked with monitoring Frontex JOs, including by on-site visits and providing fundamental rights assessments for JOs, contributing to the development of the individual complaint mechanism, the Fundamental Rights Strategy and the Code of Conduct, providing advice to the Risk Analysis Unit, and contributing to fundamental rights training for Frontex staff.

Notably, Regulation (EU) No 1168/2011 and Regulation (EU) No 2016/1624 did not entrust the Fundamental Rights Officer to investigate individual complaints, and the investigation of complaints and incidents of fundamental rights violations remained the responsibility of Member States. Since the role of the Fundamental Rights Officer was limited by a lack of resources and investigation powers, the Officer had little impact on Frontex's decision-making and implementation. In 2016, for instance, then Fundamental Rights Officer Inmaculada Arnáez filed an internal memo raising concerns that Frontex "might be operating under conditions which do not commit to the respect, protection and fulfilment of the rights of persons crossing the Hungarian-Serbian border" (Fotiadis, 2020; Frontex, 2016). Arnáez suggested that the agency "may wish to revise its support to operational areas", where repeated allegations of violations of EU, regional and international law had occurred" (ibid.).

In February 2017, Frontex's Executive Director Fabrice Leggeri informed the Consultative Forum that he had decided to keep Frontex's presence in Hungary (Frontex, 2017c). Leggeri said that:

> Despite the reported cases of illegitimate or disproportionate use of force by international organisations, under the framework of the operational activities coordinated by Frontex at the Hungarian-Serbian border, only one situation concerning an allegation of a migrant claiming mistreatment by the Hungarian

police was reported. In this single case, the investigation by the Hungarian authorises was closed upon conclusion that there were no signs of an offense against the law.

Leggeri's response indicates Frontex's stance at that time: 1) this agency had no power to investigate the potential case of non-compliance, and 2) the agency had to accept the instructions and investigation results of the host Member States. This position was reasonable since the host Member States exerted the primary political control over Frontex JOs. Meanwhile, within Frontex's organisational framework, the Executive Director was entirely responsible for the implementation of operational activities of the agency, and the Fundamental Rights Officer was in a very weak position. However, this arrangement has been challenged after the entry into force of Regulation (EU) No 2019/1896.

According to Article 109 and 110 of Regulation (EU) No 2019/1896, the Fundamental Rights Officer shall monitor the agency's compliance with fundamental rights by conducting investigations into any of its activities and provide opinions on the operational plans drawn up for the operational activities of the agency and on working agreements with third countries. The Fundamental Rights Officer is now assisted by 40 Fundamental Rights Monitor who shall have access to all areas in which the operational activity of the agency takes place and to all its documents relevant for the implementation of that activity. During forced-return operations, for instance, the Fundamental Rights Officer and Monitors can request to monitor the whole implementation process, from reviewing the list of deported persons, to taking the same flight to a third country and to observe the reception condition of the third country (Frontex Official B, interview, 30 September 2021). In terms of Frontex JOs and the Hotspot approach, the Fundamental Rights Officer and Monitors may conduct long-term visits and request to board mission vessels for observing the process of implementation (ibid.).

To effectively monitor the agency's compliance with fundamental rights, Regulation (EU) No 2019/1896 equipped the Fundamental Rights Officer with additional fundamental rights monitoring system that is composed of a set of tools and instruments designed to ensure the compliance of the agency's activities with fundamental rights. In cooperation with the Fundamental Rights Officer, Frontex has developed a Code of Conduct to guide the professional behaviour of the team members and a Serious

Incident Report mechanism to ensure transparency and accountability for Frontex staff deployed to the agency's operations (Article 38 of Regulation (EU) No 2019/1896). The Serious Incident Report procedure obliges every participant (not limited to Frontex staff) in Frontex operational activities to immediately report in the form of a Serious Incident Report any situation of potential violations of fundamental rights, including violations of the EU acquis and the Code of Conduct. The Serious Incident Report of fundamental rights relevance is assigned to the Fundamental Rights Officer for handling.

Apart from the formal changes brought by Regulation (EU) No 2019/1896, the European Commission unilaterally and informally enhanced its institutional link with the Fundamental Rights Officer through the Management Board. After Regulation (EU) No 2019/1896 came into force, Frontex's Executive Director Fabrice Leggeri immediately issued the vacancy notice for the Fundamental Rights Officer Post, meaning that he directly dismissed Inmaculada Arnáez, who was previously appointed by the Management Board. In this light, the European Commission immediately intervened and requested the removal of the vacancy notice. In a letter to Frontex's Executive Director, the European Commission (2020e) underlines that the Commission was obliged to request the withdrawal of the notices because the Management Board had not approved them, without which "the publication of these vacancies was plain and simply unlawful."

Subsequently, Frontex's Management Board adopted a decision on middle management staff in November 2020, in which it voted to pass the vacancy notice for the Fundamental Rights Officer. This decision allowed for the launching of the selection procedure. Jonas Grimheden was eventually appointed by the Management Board and took up his duties as the Fundamental Rights Officer on 1 June 2021. Although the new vacancy notice is no different from the previous ones, what the European Commission strived to is that the Fundamental Rights Officer shall be neither a subordinate of the Executive Director nor responsible to the latter (European Commission Policy Officer B, interview, 11 October 2021)

After taking up his duties, Jonas Grimheden is able to decide in his own right to submit formal notes to which body, including the Management Board, the Consultative Forum, or EU institutions. In most cases, the Fundamental Rights Officer would report

back to the European Commission's representatives of the Management Board since meetings of the Management Board are held five times a year and, thus, the European Commission is, in fact, the only body that can provide immediate response on specific serious incidents and organise on-site visits in the framework of the SEMM (ibid.). Comparable with the European Parliament's endeavour to set up the Frontex Scrutiny Working Group, the set-up of the Fundamental Rights Office allows the European Commission to strengthen its police-patrol control over the agency, erode the possibility of moral hazard, and check the power of the Executive Director.

In January 2021, Frontex's Management Board (2021d) claimed that the Board was very concerned that the agency missed to provide information and invited the Executive Director to immediately provide the missing information and to implement the recommendations made in the Preliminary Report of the Frontex's Management Board Working Group (Frontex, 2021b), in particular:

- To ensure that Serious Incident Reports on alleged violation of Fundamental Rights are always reported to the Fundamental Rights Officer;

- To provide that every Operational Plan should include a transparent reporting mechanism, inviting the Host Member States to involve in this transparent approach all assets which are acting in the operational area, with the objective that every incident in the operational area is reported;

- To establish a systematic monitoring of the reporting mechanism;

- To establish transparent rules on the Frontex-internal process to follow-up on serious incidents that have been established, including on the application of Article 46 of Regulation (EU) 2019/1896.

The issue at hand is the question of which party is most invested in the incidents of alleged violations of fundamental rights within the Frontex Management Board. The importance of this information to the Member States may not be of great significance, as the host Member States are likely to have knowledge of it. In fact, the European Commission was the true promoter of the Conclusions of the Management Board's meeting on 20-21 January 2021, as well as the establishment of the Management Board's Working Group on Fundamental Rights and Legal and Operational Aspects of

Operations on 26 November 2020 (European Commission Policy Officer B, interview, 11 October 2021). Although the Member States outnumber by far the European Commission's representatives within Frontex's Management Board, the Management Board has proved not to be a place for the Greek Member of the Management Board Dimitrios Mallios (Head of Aliens and Border Protection Branch, Hellenic Police) or the Hungarian Member of the Management Board János Zoltán Kuczik (Deputy High Commissioner of the Hungarian National Police) to defend their national interests. The European Commission has been able to exert a significant level of influence on the agency through the Management Board.

The set-up of the Fundamental Rights Office contributes to addressing both Frontex's potential fundamental rights non-compliance and Member States' potential hidden information and hidden action. The Fundamental Rights Officer and Monitors have strengthened the agency' ability to monitor every participant of Frontex JOs, including staff from national competent authorities. Frontex Official B (interview, 30 September 2021) confirms that the presence of the Fundamental Rights Officer and Standing Corps officers can effectively "force" Member States border guard officers to comply with EU laws, despite the agency is not in a de jure position to monitor the fundamental rights compliance of Member States.

Although the European Parliament takes a very critical position on Frontex's activities in the field, the Frontex Scrutiny Working Group acknowledged in its first report that there is no direct evidence of Frontex involvement in any violation of human rights (European Parliament, 2021a). While Rapporteur Tineke Strik also said in the report that "what we did find was that Frontex saw violations by Member States" (European Parliament, 2021a, p.2), she actually called for a further strengthening of Frontex' power to monitor the fundamental rights compliance of Member States and to intervene in the case violation occurs (Member of European Parliament A, interview, 27 October 2021). Since the Fundamental Rights Office is still a very new body, questions remain open that how will the European Commission and the European Parliament exploit this Office to erode Member States' principal status and build a full-fledged regulatory agency for EU border management.

Conclusion

This chapter has traced the progression of Frontex's access to information and analysed the attempts made by both Frontex and the EU's supranational organisations to mitigate the issue of information asymmetry. The results of this chapter indicate that although Frontex in its initial stages did not possess a clear information advantage, its empowerment has nonetheless led to an unanticipated self-perpetuating institutional transformation. In particular, the key findings of this chapter can be summarised into four distinct points.

Firstly, the Frontex at its early stage was not able to obtain asymmetric information than Member States. Frontex was created to provide technical and operational support to Member States, and the initial institutional setting prevented this agency from obtaining asymmetric information, reflecting Member States' reluctance to relinquish sovereignty and policy autonomy (the possibility of hidden information and hidden action). During the early phase of its development, Frontex was reliant on Member States as its sole source of information for risk analysis, and Member States were able to secure value-added information through intergovernmental information-sharing facilities.

Secondly, despite being delegated as an information-poor agency, Frontex has undergone a self-reinforcing process of information expansion. With the support of the European Commission, the EU has established information exchange networks centred around Frontex, which have incrementally replaced the previous intergovernmental information-sharing facilities. The connection with ICONet partially filled Frontex's information gap, and further developments, such as the creation of JORA and EUROSUR, have continued to enhance Frontex's capacity for information gathering and reporting. These systems have enabled the agency to gain a more comprehensive understanding of the risks and real-time situational awareness regarding EU external borders and migration flows. The improved capacity to produce value-added risk analysis products has encouraged the Council and Member States to alter their policies and increasingly rely on the services offered by Frontex.

Thirdly, it has been established that both Frontex and other relevant EU agencies possess a vested interest in improving their situational awareness through collaborative

efforts with other EU agencies. Despite the absence of a clear legal foundation, Frontex has initiated cooperation with EMSA in order to address the deficiency in situational awareness within the maritime domain. Meanwhile, Europol has explicitly called for strong leadership from Frontex to compensate for its own limited scope of action. The support received from various Union bodies has enabled Frontex to acquire asymmetric information from multiple sources, thereby allowing it to form a comprehensive understanding of the situation at the EU's external borders and monitor migration flows.

Finally, the increased visibility and monitoring capacity of Frontex has resulted in a growing interest among EU stakeholders to assert greater control over the agency's operations. Both the European Commission and the European Parliament have sought to challenge the control of host Member States over Frontex's Joint Operations and to enhance the agency's ability to monitor Member States' border management practices and adherence to fundamental rights. To this end, the European Parliament has established the Frontex Scrutiny Working Group to establish a stronger institutional connection with the agency, while the European Commission has supported the expansion of the role of the Fundamental Rights Office, which is an internal component of Frontex and enables the Commission to enhance its police-patrol oversight over the agency.

In light of the above-mentioned dynamics, the activities of Frontex have become politicised. Decisions within Frontex JOs used to be taken by stealth and with limited EU input. Today, the new scrutiny is putting pressure on Member States to deliver on their commitments and to assume more accountability for their actions. Frontex, which was initially created with minimised risk of moral hazard and hidden information, has turned into an EU instrument that compresses Member States' possibility of non-compliance and hidden information. Meanwhile, the politicisation of Frontex's activities has seriously challenged its technocratic and intelligence-driven philosophy, and multiple principal competition has become Frontex JOs new modus operandi.

Chapter 6 Operation Cooperation between EU Agencies in Border Management

Introduction

Chapter Five has revealed that the exchange of information between the European Border and Coast Guard (Frontex) and other relevant EU agencies has been in place for an extended period, with the aim of delivering services that are of higher value. On the ground, operational coordination between Frontex and other involved EU agencies is however a more recent and rather controversial phenomenon. However, the operational coordination between Frontex and other EU agencies on the ground is a relatively recent and contentious phenomenon. The cooperation between various agencies is crucial for effective border management, but scholars in both principal-agent and institutionalist are not optimistic. Downs (1967) argues that bureaus are always in competition since they need to continually demonstrate that their services are unique and that they have control over sufficient resources to survive. This view is echoed by Gilad and Yogev (2012) and Busuioc (2016), who contend that bureaus are constantly striving to empower themselves and defend their policy domains at the expense of institutional rivals. An executive branch needs specialised authorities to implement policies effectively, but the outcome of inter-agency interaction is dependent on the participants' wish for the common good, as compared to their concern for turf losses (Busuioc, 2016; Finke, 2020, McNamara, 2012).

The complexities associated with cross-sectoral cooperation are evident in the empowerment of EU agencies, as exemplified by the case of Frontex. Frontex was established with the purpose of facilitating operational cooperation between national authorities in the field of border management. However, as described in Chapter Four, the agency has experienced difficulties in cooperation, as evidenced by Member States' reluctance to host and participate in joint operations. This phenomenon is further supported by the existing literature on the turf-protective tendencies of national authorities triggered by the empowerment of the European Union Agency for Law Enforcement Cooperation (Europol) (Busuioc, 2016; Busuioc and Groenleer, 2013). Despite the aforementioned studies, there exists a substantial gap in the literature that has led to the underestimation of both the EU agencies' own turf protection efforts and inter-agency cooperation at the EU level. In order to bridge this scholarly gap, this chapter traces the development of the operational cooperation between the concerned

agencies and examines the impact of such a crucial by-product of the empowerment on EU border management.

This chapter is organised as follows. The upcoming section offers an overview of operational cooperation between the concerned agencies prior to the 2015 Migration Crisis. Since the follow-up practices largely build upon the pre-existing cooperation, this chapter interprets the Migration Crisis in 2015 as the catalyst of the emergence of a crucial need for operational collaboration among EU agencies in border management. Section 6.2. examines the operational coordination among Frontex, the European Union Agency for Asylum (EUAA) and Europol in the reception centres of the southern frontline Member States and sheds light on the recent development of the Hotspot approach. Section 6.3. explores the operational joined-up between Frontex, the European Maritime Safety Agency (EMSA), and the European Fishery Control Agency (EFCA), in the framework of the European Coast Guard Functions (ECGFs). The last section looks at Frontex and Europol's collaborative participation in the EU policy cycle on serious and organised international crime (EMPACT) and Joint Action Days (JDA).

Looking at the three flagship projects of inter-agency cooperation, this chapter analyses the extent to which their joint engagement contributes to institutionalising common administrative capacity at EU level, which is the third sub-hypothesis of this thesis. It finds that the concerned agencies have an inherent interest in cooperation with sister agencies despite the existence of grey areas in which their respective mandates overlap. The joined-up approach between EU agencies has contributed to transposing EU rules and actors into national administration and allowed mutual process of integration of national competent authorities and relevant EU administrative structures.

6.1. Inter-agency cooperation before the 2015 Migration Crisis

The possibility of inter-agency cooperation in migration and border matters was raised from the Hague programme (European Council, 2005). Introduced by the European Council in March 2005, the Hague programme recognised that closer cooperation between Justice and Home Affairs (JHA) agencies is crucial to the EU's ability to fight crime and manage external borders effectively. EU policy-makers thus endorsed the establishment of a JHA agencies' network in 2006, which serves as a

forum for the concerned agencies to boost cooperation in the migration and security fields and identify collaborative opportunities.

The Stockholm Programme, which succeeded the Hague Programme in 2010, emphasised the importance of enhancing the compatibility of JHA agencies' operational activities and creating a consistent and all-encompassing framework for the exchange of information and dealings with external entities (Council of the European Union, 2009). Despite the agreement among EU policy-makers on the desire for a more integrated approach among EU agencies, define the procedures and arrangements for inter-agency cooperation were not explicitly outlined, granting the agencies significant discretion to experiment with cross-sectoral collaboration and mitigate the possibility of duplicating tasks.

After it became fully operational in 2011, EUAA launched the Asylum Support Teams (ASTs) to provide emergency operational support to the Member States facing a sudden and extraordinary pressure on their asylum and reception, as outlined in Article 13 of Regulation (EU) No 439/2010. Similar to Frontex's European Border Guard Teams, the ASTs consist of seconded national experts, including interpreters, who are part of the Asylum Intervention Pool. During their initial deployment at the Greek-Turkish border in February 2011, the ASTs focused on providing expert advice within government departments rather than direct interaction with migrants at external borders, unlike the teams deployed by Frontex (EUAA, 2013). Despite this distinction in their operational activities, the European Commission emphasised the importance of coordination between Frontex and EUAA in their on-site activities (European Commission, 2011a). The Council (2012) further encouraged close cooperation between Frontex and EUAA at the expert level and explored the possibility of creating common or mixed teams of border management and asylum experts.

In 2012, Frontex and the European Asylum Support Office (EUAA) entered into a working agreement with the aim of recognising the complementarity of their mandates and promoting harmonisation in their support to national authorities in implementing EU border management and asylum policies. The agreement entailed the sharing of information about planned operations, the ability for each party to request support from the other, and the exploration of opportunities for establishing common or mixed teams of experts from their respective pools. Despite EU policy maker support for closer

cooperation between the two agencies, prior to the launch of the Hotspot approach, which is arguably because of a lack of mandate and manpower on the EUAA side at that time (Former EUAA Expert, Interview, 15 October 2021).

In response to the tragedy that took place off the coast of Lampedusa on 3 October 2013, the JHA Council called for a coordinated effort to prevent the loss of migrant lives in the Mediterranean and established the Task Force Mediterranean (TFM) (European Commission, 2013a). The TFM was not a singular operation or collaboration, but rather consisted of five primary areas of action with a broad geographical coverage that spanned from the countries of origin to the EU's frontiers. These areas of action included cooperation with third countries, provision of regional protection, resettlement, and reinforced legal pathways to Europe, efforts to combat trafficking, smuggling, and organised crime, reinforcement of border surveillance to enhance the maritime situational picture and protect the lives of migrants in the Mediterranean, and support and solidarity for Member States facing high migration pressure.

To carry out these tasks, the Council adopted a holistic approach that brought together experts from Member States, the European Commission, the European External Action Service, EUAA, Frontex, Europol, EMSA, and the Fundamental Rights Agency, to complement ongoing activities such as Operation Mare Nostrum. The TFM was chaired by the European Commission, which regularly provided updates to the Strategic Committee on Immigration, Frontiers and Asylum and the Standing Committee on Operational Cooperation on Internal Security. Although the TFM aimed to promote practical coordination among EU agencies, its implementation was limited to several pilot projects aimed at gathering data on facilitators of smuggling and trafficking in human beings.

The TFM attempted to coordinate each stakeholder and covered all matters related to external border controls, immigration, asylum, and internal security, whereas it failed to offer an effective mechanism for implementation. As revealed by Wolff (2015, p.7), the European Commission tried to put protection entry and humanitarian visas on the TFM agenda, which were opposed by the frontline Member States and, meanwhile, the Council merely focused on the resettlement arrangement. As a result, the TFM was unable to gain traction and was dissolved, much like the External Border Practitioners Common Unit, following the outbreak of the 2015 Migration Crisis.

The 2015 Migration Crisis posed a significant challenge to European solidarity, which is a crucial component of the loosely coordinated approach adopted by the TFM. Italy and Greece sought to institutionalise the implementation of relocation quotas and increase the shared responsibility among EU Member States for managing the arrivals of migrants. Conversely, the Visegrad group, consisting of the Czech Republic, Hungary, Poland, and Slovakia, refused to endorse any form of relocation arrangement. Despite the EU Member States having committed to relocating a total of 160,000 refugees from Italy and Greece, only 937 individuals had been relocated by March 15, 2016. This slow progress was highlighted by the International Rescue Committee, which estimated that if the current rate of relocation persisted, it would take over 100 years to achieve the 160,000 target, which is already a small fraction of the people who arrived in Europe in 2015 (International Rescue Committee, 2016).

However, the 2015 Migration Crisis represented a turning point for European cooperation on border management, as the large influx of refugees and irregular migrants fundamentally altered the Member States' attitudes towards EU intervention. This crisis laid bare the serious shortcomings of the asylum systems, administrative capacities, and labour market conditions in Italy and Greece, as documented by the European Parliament (2017a). Furthermore, the financial burden of accommodating the refugees and migrants put significant strain on Italy and Greece, both of which were still grappling with the aftermath of the 2010 Euro crisis, including the collapse of financial institutions and high government debt. As of the end of 2015, Greece had an estimated two million refugees or migrants, despite having a population of only 10.7 million people. The crisis cost Greece approximately €2.8 billion in 2015, exceeding the EU's €700 million fund provided between 2010-2015 (UK House of Commons, 2016). Despite a slightly more favourable situation in Italy, the country still spent €1.16 billion to accommodate refugees and migrants in 2015. These migratory pressures and institutional flaws created an imperative for Italy and Greece to welcome more EU assistance. In response, the European Commission promptly proposed alternative solutions to the TFM, including the Hotspot approach, the relaunched European Coast Guard Functions, and the tangible Action Plan against migrant smuggling (European Commission, 2015c).

6.2. EU Agencies in the Frontline Reception Centres

Under the Geneva Convention, EU Member States are obligated to safeguard the fundamental rights of asylum seekers and migrants within their jurisdiction, even as they conduct border controls, regardless of their nationality or legal status. The Dublin Regulation further stipulates that the Member State in which an asylum seeker first enters the EU is responsible for examining their application, thereby placing the reception centres of frontline Member States at the core of the EU's border management system. However, these frontline Member States, which have more recently transitioned from being countries of emigration to immigration, were not equipped to handle the large influx of arrivals during the 2015 Migration Crisis. Their reception systems, despite undergoing reforms since the 1990s, were still struggling to keep up with the growing number of arrivals (European Council on Refugees and Exiles, 2021). In response to this, EU policy makers approved the provision of greater assistance from EU agencies to frontline countries, as outlined in the European Agenda on Migration of May 2015.

6.2.1. Institutional Assemblage in the Hotspot Reception Centres

As part of the European Agenda on Migration of May 2015, the European Commission proposed the establishment of the Regional Task Force (RTF) on hotspots of irregular migration. This provided a platform for shared offices for representatives of EU agencies, enabling them to work together to coordinate EU assistance to national authorities. In accordance with the Hotspot approach, the RTF office for Italy was established in Catania in June 2015, and later, Frontex's Operational Office in Piraeus was transformed into the RTF Office for Greece in November 2015. The first dedicated hotspot reception centre was established in Lampedusa in September 2015, and eight other hotspots were subsequently established in Pozzalo, Taranto, Trapani, Chios, Kos, Lesvos, Leros, and Samos. These centres were tasked with assembling migrants detected and rescued at sea and facilitating improved collaboration between national authorities and EU agencies in a single location to swiftly identify, register, fingerprint, and relocate (or return) incoming migrants. (European Commission, 2015; European Parliament, 2020a).

As of 2017, the total of five hotspots in Greece had achieved full operational capacity, boasting a combined accommodation capacity of over 6,000 individuals, while the four hotspots in Italy had a combined capacity of over 1,500 places. However, according to

data collected by the European Parliament (2020a), the Italian hotspots hosted 13,777 asylum seekers in 2018 and the Greek hotspots hosted 23,269 asylum seekers in 2020. Although the average length of stay for an adult in these facilities varied between 2 and 14 days, there have been reports of overcrowding, poor hygienic conditions, limited space for assistance, legal advice, and social activities (Fili, 2018; see also Casolari, 2016; Human Rights Watch, 2019). The culmination of these issues occurred on 8 September 2020, when a fire in the Moria centre in Lesvos left nearly all of the camp's asylum seekers without access to basic services (BBC News, 2020). Despite efforts made by the Greek authorities in conjunction with the European Commission and EU agencies on the ground, the situation remains critical as of the present moment (Cossé, 2020; MacGregor, 2021; Médecins Sans Frontières, 2021).

Utilising detention in the hotspots as a response to the migration crisis of 2015 has been met with substantial criticism by certain groups. However, it is important to note that the creation of the nine hotspots was not an impulsive response to the crisis, but rather a transformation of national asylum reception centres. As an example, the hotspot centre in Lampedusa was established from a Centro di Permanenza Temporanea e Assistenza (CPTA), which was created with the aim of more effectively carrying out the repatriation of 'illegal aliens' (United Nations Committee Against Torture, 2004). Upon the establishment of the Lampedusa CPTA in 1998, the majority of irregular migrants and asylum seekers were housed there for a period ranging from 5 to 60 days, before being either transferred to other CPTAs in southern Italy or deported back to Libya (European Parliament, 2005; Andrijasevic, 2010; Field, 2006).

Beginning with Spring 2015, the Lampedusa CPTA, together with other identified hotspot areas by the Italian and Greek authorities, saw a surge of applicants from the Middle East and North Africa countries (Chart 2). The surge of applicants put pressure on the existing asylum systems, which were characterised by low capacity and inconsistent reception conditions across the two countries. The identification and referral of vulnerable applicants was also a challenge, as was evidenced by the low fingerprinting rate of arrivals in the reception centres. In Italy, the fingerprinting rate for the disembarkations in September 2015 was only 36%, while in Greece it was only 8% (European Commission, 2016). In many cases, migrants were hidden by locals and not registered in the European Asylum Dactyloscopy Database (Eurodac), with the

intention of continuing their journey to their preferred EU destination countries. This led to several Member States reintroducing temporary internal border controls to prevent secondary movements, causing a significant impact on the entire Schengen-Dublin zone.

Chart 2: Irregular border crossings on the three main routes2014-2021
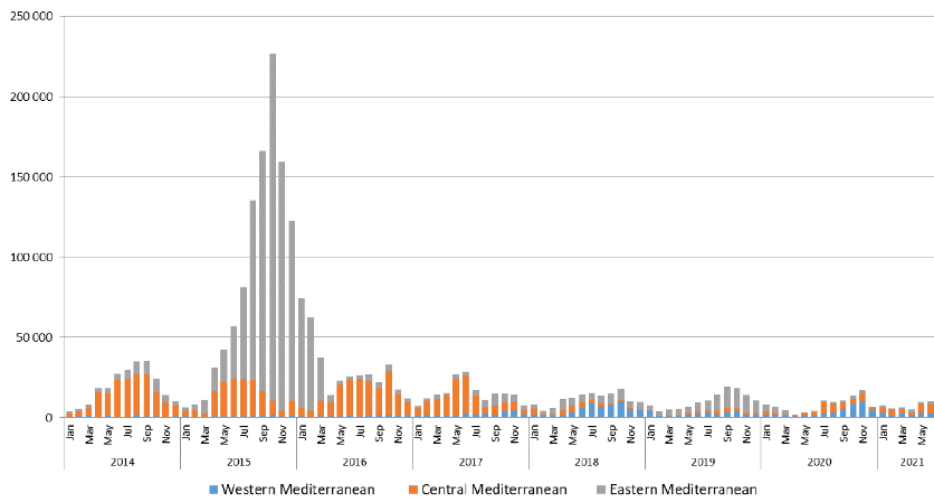
To remedy shortcomings in infrastructure, staffing and coordination in the frontline reception centres, teams from Frontex, EUAA and Europol were rapidly organised in the hotspots in an assembly-line style (Figure 4). Frontex deployed Joint Screening Teams to assist the national authorities with the registration and identification processes, as well as support for the repatriation of refused asylum-seekers. EUAA provided operational support through the deployment of Asylum Support Teams with expertise in various aspects of the asylum process and facilitated the analysis of asylum applications under examination by the national authorities through joint processing. Europol offered support to the national authorities in combating criminal networks responsible for migration smuggling and conducting examinations of electronic devices and documentation at disembarkation points. This collaborative approach was deemed a significant operational success, as evident by the increase in the proportion of migrants fingerprinted in the Greek and Italian hotspot centres. In January 2016, the Greek hotspot centres saw a rise in fingerprinting rates to 78% while the Italian hotspot

centres recorded a fingerprinting rate of 87%. In the same period, the Lampedusa hotspot centre even achieved a 100% fingerprinting rate. (European Commission, 2016).

Figure 4: The Hotspots Approach
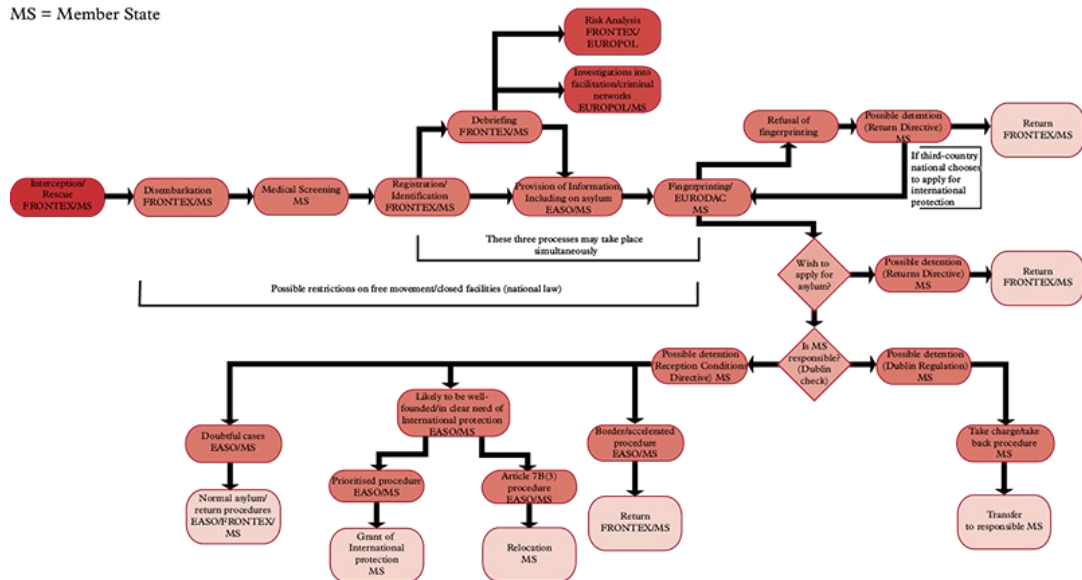
Source: UK House of Lords (2015)

6.2.2. Joint Implementation and Hotspot 2.0

The Hotspot approach, as applied in the context of the Italian and Greek frontline reception system, is a temporary measure intended to address the challenges posed by a crisis situation at an external border section. The deployment of teams from Frontex, EUAA, and Europol in hotspots is similar in nature to Frontex's rapid border intervention operations or EUAA's emergency support operations, which aim to provide immediate and short-term assistance to a Member State facing significant pressures. Despite being a temporary solution, the Hotspot approach has been integrated into the daily operations of the Italian and Greek frontline reception system and has facilitated cooperation among EU agencies. This approach has also served as a platform for innovation in working methods and upgrading the host Member States' asylum systems.

The Hotspot approach foremost provides a platform for direct information exchange between EU agencies. As discussed in previous chapters, EU agencies had concluded agreements to exchange information in the context of Frontex joint operations, but the

information sharing needed to go through the national competent authorities of the host Member States, which reduced the efficiency and increased the risk of losses in information exchange. The Hotspot approach, however, provides a channel of direct communication between EU agencies on a day-to-day basis. Via the RTFs, Europol can now receive data directly from Frontex's and EUAA's Liaison Officers. As then Europol Director Sir Robert Wainwright acknowledged, "Europol has always been a proponent of [hotspots], because they allow us to get into the field, particularly by way of collecting better intelligence more quickly to feed into our system" (UK House of Lords, 2015). Robert Crepinko, Head of the new European Migrant Smuggling Centre (EMSC), also argued that "[f]or the first time in the history of Europol, we (…) have the capacity to support the EU Member States throughout long-term periods on the spot" (see Europol Facebook, 24 February 2016).

The Hotspot approach created opportunities for the involved agencies to explore innovative working methods and exercise their autonomy. In response to the low rate of fingerprinting for arrivals, Frontex collaborated with EUAA on a hotspot pilot project to make Eurodac devices available to Frontex personnel for fingerprinting purposes (eu-LISA, 2017, p. 87). This project aimed to address the implementation gap in the registration process by allowing Frontex to assist in the determination of the nationalities of the disembarked migrants, as not all registration processes in Italy and Greece utilised Eurodac due to technical reasons (UK House of Lords, 2015). Despite being slightly out of the remit of the agency, Frontex has been providing the first screening to identify migrants' names and nationalities and conducting fingerprinting and voluntary debriefing for migrants after disembarkation (ibid.).

As for EUAA, its experts have been able to conduct interviews of applicants in merit in the context of the fast-track procedure applied at the border after Law 4375/2016 of 24 June 2016 came into force in Greece. According to the European Parliament's (2017b), EUAA experts has been independently conducting around 50% of interviews with migrants without the Greek authorities being present and supervising. Its ever-developing tasks in the Greek hotspots signify crossing the bridge between pure supporting activities and joint implementation. In this context, EUAA and Greek authorities were involved in a single administrative procedure, with EUAA experts

being exclusively responsible for one or more parts of the procedure that involved administrative discretion, regardless of who makes the final decision.

Bearing in mind that, within the formulation of the applicable Regulation (EU) No 439/2010, EUAA experts had "no direct or indirect powers in relation to the taking of decisions by Member States' asylum authorities on individual applications for international protection", the Greece authorities successfully introduced unilateral institutional elements alongside existing EU rules. Such unilateral institutional elements could be viewed as a policy advancement, instead of a policy reversal, in the context that the multiple principals could not reach an agreement on EUAA's new mandates within a short period of time. Greece's policy experiment was later formalised by and incorporated in the recent Regulation (EU) No 2021/2303.

Apart from the policy experience on joint implementation, the Greek hotspots witnessed a major upgrade in 2020-2021. This change was prompted by Erdoğan's 'open-the-gates' policy and the devastating fire that broke out at the Moria hotspot centre on 8 September 2020. In response, European Commissioner Ylva Johansson acknowledged in the new Pact on Migration and Asylum that the EU has to provide better reception for displaced people seeking protection and there should be "no more Morias" (European Commission, 2020a). In December 2020, the European Commission and the Greek government signed a memorandum of understanding to outline their plans for the construction of Multi-Purpose Reception and Identification Centres (Hotspot 2.0) to replace the old camps on five Greek islands. This resulted in the renaming of the RTF as the European Task Force Migration Management and the allocation of €276 million by the European Commission to support the construction of reception centres on these five islands. The first of these upgraded reception centres, located on Samos, became operational on 18 September 2021, with a capacity to house up to 3,000 migrants. As of the time of writing, the construction of new facilities on Lesvos and Chios is being prepared, and the existing camps on Kos and Leros are being converted into new facilities.

According to the European Commission, the functioning of the Hotspot 2.0 will fully comply with EU law, and will provide necessary facilities including reception, sanitary and healthcare, safe zones for unaccompanied minors and vulnerable individuals, and access to services in accordance with EU legislation (European Commission, 2020b).

Despite attempts by civil society organisations to draw media attention to the negative aspects of this development (MacGregor, 2021; Médecins Sans Frontières, 2021), the joint implementation nature of the Hotspot approach has been solidified, with the European Commission co-chairing the Steering Committee of the Task Force Migration Management with Greek authorities to monitor the progress and functioning of the upgraded hotspot centres in Greece.

6.2.3. The Spill-over of the Hotspot Approach

While most scholarly attention is concentrating on the dramatic expansion of Frontex Standing Corps after Regulation (EU) No 2019/1896 came into force, EUAA has also reached unprecedented levels of operational activity in supporting the asylum authorities of in the southern frontline Member States. In 2019, 900-1000 personnel were operating under the EUAA banner in Cyprus, Greece, Italy, Malta. The personnel included caseworkers, interpreters, vulnerability experts, field support staff, reception staff, research officers, and administrative staff. During the third week of September 2019, EUAA deployed 926 personnel, with 510 in Greece at 36 locations, including five hotspots, 296 in Italy at 43 locations, including four hotspots, 71 in Cyprus at seven locations, and 49 in Malta at two locations. The number of personnel deployed by EUAA has roughly doubled in the following years, reaching approximately 1,000 in Greece, 185 in Cyprus, 149 in Malta, 350 in Italy, and 300 in Spain during the summer of 2021.[30]

Depending on the operational plan agreed with the host Member States, EUAA experts provide a variety of support during different stages of the asylum procedure (Table 5). For example, in the reception centres in Malta and Cyprus, the tasks performed by EUAA experts are similar to those of their colleagues in the Greek hotspots. Since the organisational structure and human resourcing of the asylum and reception systems in Cyprus struggled to meet the increasing asylum pressure, Cyprus concluded an Action Plan with the European Commission, EUAA, Europol, and Frontex in 2019, setting the framework for hotspot-style support to Cyprus on border and migration management.

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[30] See EUAA News: https://EUAA.europa.eu/news-events/EUAA-operations-expand-all-major-eu-countries-first-arrival

In Malta, since the Italian government withdrew from the informal agreement concluded with the country in 2017 (see Section 4.4.), people rescued within Maltese territorial waters and its Search and Rescue zone are now disembarked in Malta. Consequently, the Maltese asylum system has been facing increased pressure since 2018.[31] Beginning with 2019, EUAA has started supporting the Maltese Authorities with a view to enhancing their capacity to deal with the ongoing pressure and facilitating swift access to the asylum procedure included information provision and registration of applications (making, registration and lodging). Building on this engagement, joint implementation has been recently built up in the Maltese reception system, in which EUAA experts at times independently perform interviews and tasks that involve administrative discretion (EUAA Official, interview, 1 September 2021).

Table 5: Working Areas of EUAA deployments to Member States 2020

Working Area	GR	CY	MT	IT	SP
Registration	✓	✓	✓	✓	✓
Dublin procedure	✓	✓		✓	✓
Examination of asylum applications at first instance	✓	✓	✓	✓	✓
Conduct of first instance interviews	✓	✓	✓		
Drafting of opinions for first instance decisions	✓	✓	✓		
Reception system	✓	✓	✓	✓	✓

Source: Author's design based on EUAA operational plans with the EU Member States

In parallel its expanded engagement in Malta, EUAA's support to the Spanish reception centre in the Canary Islands became operational in January 2021, in response to a surge in migrant arrivals to the Canary Islands. During the 2015 Migration Crisis, the local authorities refused to host any hotspot centre because the islands live off tourism (Fundación PorCausa, 2021, p.17). They held that if a hotspot centre were established in the Canary Islands, tourists' desire to go to the beaches in the Islands would be taken away when they think of the situation in Lampedusa or Lesbos. Despite reluctance in local government to set up a hotspot centre, a hotspot-like facility has been formed in the Canary Islands after the joint deployment of EUAA and Frontex.

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[31] See 2020 Operational and Technical Assistance Plan agreed by EUSS and Malta: https://euaa.europa.eu/sites/default/files/operating-plan-malta-2020.pdf

According to the first operational plan agreed by EUAA and Spain in 2020, support to Spain is delivered in areas such as support for the management of reception capacity, vulnerability screening, referral and age assessment. In detail, EUAA experts shall 1) support in the transition towards a new model for reception in the country; 2) contribute to strengthening capacity within the Spanish reception system through professional development, tools and materials; 3) provide enhanced capacity to reception services in the Canary Islands; and 4) support the Spanish authorities in the area of resettlement.

Similar to the deployment in the Canary Islands, EUAA has been working closely with the Italian authorities and national Dublin units to improve asylum processes quality and reform reception systems since 2016. EUAA experts assist the Italian authorities with case file preparation and drafting of decisions once these have been taken by the interview panel. In light of fewer pressures on the country's first instance and reception infrastructure, Frontex and EUAA have actually deployed more staff than needed to the Italian hotspots that were found to be almost empty (European Parliament, 2020a). Given the reduction of the backlog of pending cases, the EUAA had originally planned a phase-out of certain procedures of the Italian asylum system in 2018. However, the local asylum authorities in Milan and Rome expressed concerns about a potential capacity gap if the EUAA's mission were to terminate, given their heavy reliance on the agency's support (Mouzourakis, 2019). Consequently, EUAA's phase-out plan has not been realised as of the time of writing.

It is noteworthy that a significant portion of EUAA personnel are locally recruited experts in Italy (59% in 2018 and 83% in 2019), Greece (61% in 2019), and Cyprus (70% in 2019) (EUAA, 2020a). This raises the question as to why the national and local authorities would allow the EU-level agency to expand its presence in their regulatory domain instead of recruiting more experts themselves. Arguably, a crucial reason for the southern frontline Member States to 'lock' EUAA experts into their asylum centres is for budget concerns: if EUAA can afford its experts salary payments, the local authorities themselves can save money (Former EUAA Expert, Interview, 21 November 2021). Horii (2018) argues that EUAA, as well as Frontex and Europol, remain largely dependent on the willingness of the host Member States to perform their tasks in the hotspots. However, with the 'localisation' of EUAA, the local and national

authorities seem to increasingly rely on the agency in terms of the functioning of their local asylum system.

It is noteworthy that despite the fact that the majority of EUAA deployees and the staff of national competent authorities are being recruited from the same host communities, some differences have arisen in the implementation and fulfilment of tasks (ibid.). There have been instances where the EUAA experts and Frontex deployees have conflicting views with those of the host country authorities. This divergence in task fulfilment is largely attributed to the policy legacy and organisational culture within the public sector, which can sometimes lead to non-compliance with the obligations under the asylum acquis (EUAA Official, interview, 11 September 2021). In some instances, local authorities may be reluctant to change their established working methods, while EUAA experts are obligated to implement necessary reforms on-site.

After Regulation (EU) No 2021/2303 entered into force recently, EUAA's competences and capacities are further strengthened in terms of addressing non-compliance with the acquis on the part of the host Member State. According to Article 21 and 22 of the new Regulation (EU) No 2021/2303, EUAA shall be able to monitor the operational and technical application of the common European asylum system and to identify shortcomings in the asylum reception systems of Member States. Comparable with Frontex vulnerability assessments, the new EUAA is entrusted with organising on-site visits to assess Member States capacity and preparedness to manage situations of disproportionate migratory pressures. EUAA may also appoint an independent fundamental rights officer to ensure that EUAA deployees comply with fundamental rights in the course of their activities in the field. Although it is too early to assess the implementation of Regulation (EU) No 2021/2303, EUAA's new competences will contribute to establishing comprehensive governance at EU level to ensure better management and implementation of policies and providing enhanced operational and technical assistance to Member States.

6.3. EU Agencies and European Cooperation on Coast Guard Functions

The overlapping of European cooperation on coast guard functions with the European integrated border management pertains to the domain of maritime border

control, the repression of trafficking and smuggling, related maritime law enforcement, and the monitoring and surveillance of the maritime domain, which also encompasses maritime search and rescue. The exact inception of EU cooperation on coast guard functions is difficult to determine, however, the Migration Crisis of 2015 played a catalytic role in the institutionalisation of tripartite cooperation between EFCA, EMSA and Frontex. Especially since the migratory pressure of 2015, the three agencies have stepped up joint operational efforts to support national authorities in performing coast guard functions.

6.3.1. Formalisation of European Cooperation on Coast Guard Functions

As early as 2006, the European Commission recognised the need for streamlining the institutional structure associated with coast guard functions. This was reflected in the Green Paper titled "*Towards a future Maritime Policy for the Union: A European vision for the oceans and seas*" (European Commission, 2006b). In 2007, the Commission initiated a consultation process with the Member States to explore the possibility of European cooperation on coast guard functions. Despite the Commission's efforts, the majority of Member States expressed their preference for enhancing cooperation between the national coast guard authorities, while maintaining the existing distribution of competencies (European Commission, 2007). This led to the creation of the ECGF Forum in 2009, which operated as a non-binding, voluntary, independent, and non-political framework for cooperation.

The notion of ECGFs resurfaced forcefully as fallout of the 2015 Migrant Crisis, which prompted the Commission to present a non-paper on coast guard functions in September 2015 at the 7th ECGF Forum Conference. The Commission (2015d) recalled the importance of addressing the coast guard aspects of border controls and argued for an increase in cross-sectoral and inter-agency cooperation to avoid duplications. As part of the European Border and Coast Guard Package proposed by the European Commission in 2015, the legal acts of Frontex, EMSA and EFCA were amended to include cooperation between them and support the national authorities in performing their coast guard tasks. The common Article in their legal acts identifies five areas for cooperation:

- Sharing, fusing and analysing information available in ship reporting systems;

- Providing surveillance and communication services based on state-of-the-art technology;

- Building capacity by drawing up guidelines, establishing best practices, and providing training and exchange of staff;

- Enhancing the exchange of information and cooperation by analysing operational challenges and emerging risks in the maritime domain;

- Sharing capacity by planning and implementing multipurpose operations and by sharing assets and other capabilities.

Whereas the five areas of cooperation were explicitly defined in the legal acts, EU policy-makers allowed considerable autonomy to the three agencies in deciding how this tripartite cooperation should be established and formalised in a working agreement. In this light, Frontex, EMSA and EFCA concluded the first tripartite working agreement and received the Commission's approval in March 2017. The agreement integrated a number of existing bilateral service-level agreements and outlined the modalities for cooperation between the three agencies for a period of four years.

In March 2021, Frontex, EMSA and EFCA signed a second tripartite working agreement with the aim of merging information systems that are hosted by or accessible to them and to share capacities for the joint planning and implementation of Multipurpose Maritime Operations (MMOs). The three agencies established a Steering Committee, which is responsible for the issuance of annual strategic plans, supervision of the agreement's implementation, and the establishment of generic modalities for MMOs. The annual strategic plans outline the activities that each agency will undertake under the coast guard cooperation framework during a particular year, which are then incorporated into each agency's single programming documents. For each MMO, the Steering Committee determines the specific modalities for cooperation among the agencies, which are reflected in the operational plan.

Notably, the Steering Committee is only composed of the Executive Directors of the three agencies or their representatives and chaired by one of them in an annual rotation. The Steering Committee may create technical sub-committees, including members appointed by the Executive Directors. However, the tripartite agreement does not specify whether and to what extent the Steering Committee and the implementation of

the agreement are subject to oversight by their respective Management Boards or multiple stakeholders. Unlike the Regional Task Force in the Hotspot approach, the Steering Committee operates with a high degree of independence and detachment from the EU policy-making process.

According to European Commission Policy Officer D (Interview, 10 November 2021), the Commission gave considerable autonomy to the tripartite cooperation since it held that such an arm's-length technical-oriented approach could better promote European cooperation on coast guard functions. According to a feasibility study launched by the Commission in 2014, an average of thirteen public authorities per Member State were found to be performing coast guard functions, with many of these authorities primarily serving their local communities (ICF International, 2014). Given that many coast guard tasks are not of significant transnational importance, a political-oriented strategy of supranational cooperation is self-defeating (European Commission Policy Officer D, Interview, 10 November 2021; EMSA Official, Interview, 21 November 2021). Alternatively, a region-based cooperation that is led by EU specialised agencies proved to be a better approach to advance European cooperation on coast guard functions.

6.3.2. The 2016 Pilot Project

In January 2016, the European Commission launched a pilot project *Creation of a European Coastguard Function* to address four tasks, namely Sharing Information, Surveillance Services, Capacity Building and Capacity Sharing (Frontex et al., 2017). The pilot project included two particular activities in the area of surveillance and communication service-level coopetition:

- EMSA-led demonstration of aerial surveillance based on Remotely Piloted Aircraft Systems (drone)

- Frontex-led demonstration of aerial surveillance based on fixed-wing manned aircrafts

EMSA has taken the lead in trialling drone use as early as 2014 (Rees, 2014). During the pilot project, EMSA launched a public open tender to select the companies for the drone demonstration. The tender considered the requirements of Frontex and EFCA. A joint Portuguese and French consortium (Tekever/CLS) and a Spanish company

(Babcock) were chosen to perform the drone demonstration. The demonstration took place in May 2017 in Spain and tested five concepts of MMOs, including maritime patrol and general surveillance, marine pollution, vessel identification and tracking, search and rescue, and monitoring of illegal fishing, anti-drug trafficking and other illegal activities.

After the demonstration, EMSA deployed two Hermes 900 drones to support Frontex surveillance operations in Portugal (October 2018), JO Triton 2018, JO Themis 2019-2020, and JO Poseidon 2019-2020 (EMSA, 2019, 2020). During these operations, images collected by EMSA drones are shared with Frontex and EFCA through the data centre of EMSA in real-time and then contextually integrated into EUROSUR. This innovative working approach has made EMSA and EFCA an inherent part of Frontex joint sea operations—the exchange of information between the three agencies will no longer need to go through the national competent authorities of the host Member States (see Section 4.2).

Currently, EMSA retains a fleet of 16 drones that can be leased by national authorities or EU agencies to support maritime monitoring and surveillance (EMSA Official, Interview, 21 November 2021). The drone fleet includes vertical-take-off-and-landing drones and fixed-wing drones. The former is particularly useful for fisheries control, ship emission monitoring and pollution response operations, whereas the latter is primarily used for maritime border controls and surveillance. EMSA is now permanently deploying a vertical-take-off-and-landing drone onboard EFCA's chartered vessel Lundy Sentinel, which is the most important maritime asset of the agency, to support fishery monitoring and inspection activities. Also since March 2020, EMSA has been deploying a fixed-wing drone to support the MMO Black Sea, organised by Frontex and jointly hosted by Romania and Bulgaria.

Equipped with a drone fleet, EMSA is developing a SurvSeaNet web application, which is planned to be fully operational in 2022.[32] SurvSeaNet is expected to provide a web-based user interface to live stream the video from the drone cameras and map the position on the Geographic Information System map, thus facilitating follow-up operational response by national authorities and EU agencies on the identified targets.

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[32] See EMSA News: https://etendering.ted.europa.eu/cft/cft-display.html?cftId=6903

Importantly, EMSA seeks to set up permanent regional deployments through this central hub for distributing live feeds remotely, where drone services can serve users from more than one Member State in the same geographic region (EMSA, 2021), thereby eroding the territoriality in European cooperation on coast guard functions.

In parallel to EMSA's drone project, Frontex also invested in maritime surveillance with the use of drones under the framework of FASS (see Section 5.1.3). After awarding contracts to Airbus and an Israeli arms company to operate the Heron drone for maritime aerial surveillance services, Frontex deployed the Heron drone from Malta International Airport for testing in May 2021 (Carabott, 2021). Further details related to its surveillance areas and deployment plan are still unclear as of the time of writing. Although Frontex appears to be at an early stage in developing its own drone fleet, Frontex, EMSA, and EFCA have demonstrated considerable readiness to share assets during MMOs, a concept underpinned by the EBCGs pilot project.

6.3.3. Multipurpose Maritime Operations

The final report of a pilot project *Creation of a European Coastguard Function* stressed that incidents in EFCA's field of interest (aerial and sea sightings of fishing vessels) and Frontex's field of interest (illegal migration incidents) often occur in the same geographical areas, indicating the possible integration of both agencies' operational activities (Frontex et al., 2017). The geographical areas of Frontex joint sea operations are jointly defined by the agency and the host Member States in operational plans and are normally restricted to the Search and Rescue zone assigned to the host Member States. Nonetheless, Frontex surveillance aircraft quite often fly out of the designated operational areas and enter the international airspace, or the airspace of the Search and Rescue zone assigned to third countries.

As regards the geographical areas of EFCA operational activities, the agency coordinates Joint Deployment Plans operations (JDPs) in fisheries areas that are considered a priority by the European Commission and Member States concerned. Given that the Eastern Atlantic and Mediterranean region has some of the most overexploited fish stocks in the world, EFCA has been operating the Eastern Atlantic and Mediterranean JDP since 2008, covering essentially the Eastern Atlantic bluefin tuna and other species in the Mediterranean. The agency pools control and

inspection means from the EU's southern coastal Member States to carry out jointly inspection and surveillance of fishery activities in EU waters and international waters and applies to EU and non-EU vessels.

Since the Eastern Atlantic and Mediterranean is a region of special interest for both agencies, Frontex and EFCA pioneered a framework contract for testing multifunctional flights during JO Poseidon 2017. The contract enabled EFCA experts to be deployed on Frontex assets and perform operational briefings in Frontex Coordination Centres (EMSA, 2017). EFCA shall share the information on fishing vessel positions to support Frontex deployees in the context of search and rescue operations and border surveillance. In return, EFCA may receive tailored briefings from the Frontex side on fisheries control, enabling quickly spotting and reacting to any signs of illegal fishing.

Frontex and EFCA's joint deployments were coordinated by a Joint Maritime Interagency Team that consisted of liaison officers from both agencies and coast guard officers from the Member States (Frontex et al., 2017). The two agencies established a Standard Operational Procedure that contains specific rules under which the operational collaboration should be developed and a sighting report template for communication in the aerial and maritime surveillance (ibid.). After the testing closed, EFCA experts were formally deployed to Frontex joint sea operations, and the Standard Operational Procedure are now applied by EMSA and the other host Member States during multipurpose maritime operations and joint sea operations (EMSA, 2017).

If the operational coordination between Frontex and EFCA can be taken as the first step to operationalise the MMO concept and facilitate interoperability amongst EU agencies, the scenario based COASTEX exercise is the second step. After the close of the ECGFs pilot project, Frontex, EFCA and, EMSA co-led the first exercise COASTEX in May 2017. The exercise was hosted by the Portuguese navy and bought together about 750 people from 25 European countries. It aimed to maximise the interoperability between all stakeholders and identify complementarities between EU agencies and national authorities (Jornal da Economia do Mar, 2017). In cooperation with the Portuguese hosts, Frontex provided organisational and operational support with the implementation of the EUROSUR Fusion Services during the activities at sea.

EMSA supported the exercise by CleanSeaNet [33] and modelling tools for tracking oil and chemical spilling at sea. EFCA supported the exercise by Vessel Monitoring Vessels (VMS) system in the detection and fight against illegal fishing.

In 2018, Frontex, EMSA and EFCA jointly developed a strategic partnership with the Baltic Sea Regional Border Control Cooperation forum.[34] In September 2018, the three agencies co-led a Baltic Tracking 2018 exercise with the EU Member States, which aims to establish a common maritime multi-risk awareness on the ECGFs in the Baltic Sea region. Then, Italy organised the second COASTEX exercise as part of its Chairmanship of the ECGF Forum in June 2019 (Bielby, 2019). Under the operational coordination of the Italian Coast Guard, eleven naval assets, three aircraft and three boarding teams from participating stakeholders created a complex scenario that simulated activities to combat illegal fishing, fight pollution, search and rescue operations and illegal trafficking.

Given that Bulgaria and Romania expressed their interest in launching MMOs in the Black Sea during the ECGFs pilot project, Frontex, EMSA, and EFCA co-led the first MMO Black Sea (07 May to 15 June 2019) in the framework of Frontex's Focal Points Sea Joint Operation 2019 (Frontex, 2018a; EFCA, 2018, p.17). This effort resulted in the formal establishment of MMO Black Sea 2020, which replaced Frontex's prior operation in the Black Sea and became the first long-term MMO along the European Union's external maritime borders. Throughout the MMO Black Sea, Frontex regularly conducted exercises in collaboration with the Romanian and Bulgarian authorities, EMSA, and EFCA.

As an illustration of the progress made towards a joint implementation model at sea, the exercise held on 4 June 2021 serves as a notable example. The exercise involved the deployment of Frontex's surveillance aircraft, an unmanned aerial vehicle from

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[33] CleanSeaNet (CSN) is a European service aimed to detect vessels and oil spills based on satellite systems. It provides assistance to the participating States in the following issues: identification and trace of intentional pollution coming from vessel's waste, monitoring of accidental pollution during emergencies, identification of polluting vessels. CSN is run by EMSA and has been operational since April 2007 (EMSA 2017). SafeSeaNet (SSN) is a European maritime information exchange system that was set up with the main objectives of improving safety, port and maritime security, as well as protecting the marine environment and improving the efficiency of the maritime traffic and maritime transport (EMSA 2014).

[34] See Frontex News: https://frontex.europa.eu/media-centre/news/news-release/frontex-emsa-and-efca-to-strengthen-cooperation-on-coast-guard-functions-L6oFcf

EMSA, and naval assets from the Romanian Border Police and Bulgarian coast guard (Dobrogea News, 2021). The activities carried out during the exercise included detecting and detaining a vessel carrying illegal migrants, boarding the ship, rescuing individuals in danger, and transporting them to a naval ship. The exercise also involved actions to address marine pollution in collaboration with the Romanian Naval Authority, and monitoring and control in the context of fisheries in coordination with EFCA and the Bulgarian Agency for Fisheries and Aquaculture. The successful execution of the exercise and the MMO concept more broadly indicate the development of a new paradigm in Frontex joint sea operations, as EU agencies are increasingly emphasising the concepts of 'regional deployment' and 'cross-sectoral cooperation', thus eroding the territoriality in European cooperation on coast guard functions rhetorically and practically.

Through COASTEX exercise and MMOs, Frontex, EMSA and EFCA have fostered complementarity in their respective mandate and brought the national competent authorities that had previously lacked coordination around the table (EMSA Official, Interview, 21 November 2021). The operational boundaries among the three agencies have become more blurred as they have delegated tasks to partner agencies in the context of MMOs, yet this has not led to competition between them due to the distinct audiences they serve at the local and national levels, including public authorities, practitioners, and other members of civil society.

For Frontex, in particular, the development from the small-scale Focal Points Joint Operations to MMOs has justified its presence in the maritime border sections with low-level migratory pressure (Frontex Official C, interview, 10 October 2021). As discussed in Chapter Four, Frontex's joint sea operations at the southern maritime borders were intended to be temporary and crisis-oriented. The establishment of MMOs has allowed Frontex to play a role in the management of the Black Sea and Baltic Sea borders, where the coastal Member States have sufficient capabilities to handle the limited flow of irregular migrants (ibid.). In this light, the cooperation with sister agencies on coast guard functions helps to justify Frontex's existence and consolidate its policy turf.

6.4. Frontex and Europol in Joint Action Days

Transnational law enforcement cooperation against serious cross-border crime and terrorism is an indispensable component of EU border management in the wake of 9/11. In the wake of the 2015 Migration Crisis, disrupting smuggling networks has become a primary focus of the EU Policy Cycle for organized and serious international crime. The implementation of increased border control measures has made illegal border crossings more difficult, leading to an increased reliance on the services of migrant smugglers. According to Europol data, it is estimated that approximately 90% of those who cross the EU's external borders illegally do so with the aid of migrant smugglers (Europol, 2018). In this regard, Frontex and Europol have been increasingly involved in transnational law enforcement operations.

6.4.1. The European Multidisciplinary Platform against Criminal Threats

In the aftermath of the September 11 attacks, the extraordinary JHA Council meeting of 20 September 2001 requested Member States to improve operational cooperation between police and intelligence services, coordinate measures to guarantee a high level of security, and consider the missions to be entrusted to the team of counter-terrorist specialists within Europol (Council of the European Union, 2001). While Member States sought transnational cooperation on an ad hoc basis, it soon became apparent that ad hoc bilateral and multilateral networks were inefficient and not able to address the implementation gap. This led to the launch of the EU Policy Cycle for organised and serious international crime after the Lisbon Treaty came into force (Council of the European Union, 2010a). The policy cycle consists of four key steps: serious and organised crime threat assessment, multi-annual strategic action plans, European multidisciplinary platform against criminal threats (EMPACT), and monitoring and evaluation.

Based on the serious and organised crime threat assessment, which is Europol's flagship report, EMPACT aims to tackle the most important threats posed to the EU in a coherent way and strengthen cooperation between the relevant services of the Member States, EU institutions and EU agencies, as well as third-party countries and international organisations. The initial EMPACT was implemented in 2012-2013, followed by two fully-fledged EU Policy Cycles between 2014-2017 and 2018-2021. In 2021, EMPACT became a permanent instrument for "structured multidisciplinary cooperation to fight organised and serious international crime driven by the Member

States and supported by EU institutions, bodies and agencies in line with their respective mandates" (Council of the European Union, 2021: 6).

To implement EMPACT, Joint Action Days (JAD) are organised to address key crime hot spots and specific criminal modi operandi that are abused by criminals to facilitate serious and organised crime. According to the definition provided by the Standing Committee on Operational Cooperation on Internal Security (COSI) meeting on 18 April 2016, JADs are "cross-border law enforcement action days focusing on horizontal key crime hot spots and criminal infrastructures across the EU. They are a Member States-led initiative, supported by Europol and take place within the EMPACT" (Council of the European Union, 2016). COSI shall provide strategic guidance to the planning of JADs based on a preliminary evaluation prepared by Europol.

6.4.2. Frontex- and Europol-led Joint Action Days

At the height of the 2015 Migration Crisis, fighting organised migrant smuggling became a top priority for EMPACT and one of the core elements of the European Agenda on Migration. In May 2015, the European Commission adopted a five-year Action Plan against migrant smuggling, acknowledging that although operational activities to combat migrant smuggling are the responsibility of the Member States, EU law enforcement agencies Frontex and Europol shall play an increasingly important role in the context of the crisis (European Commission, 2015a).

As part of the immediate actions announced in the European Agenda on Migration, Europol launched Joint Operational Team Mare, which served as the information hub for cases of migrant smuggling by sea (Europol, 2015). The tasks performed by Joint Operational Team Mare were later integrated in the European Migrant Smuggling Centre in 2016. The European Migrant Smuggling Centre was tasked to provide analysis support to Member States in their investigations and coordinates the collective response of law enforcement in the dismantling of organised criminal networks involved in migrant smuggling and document fraud during JADs. During its first year of operation, the European Migrant Smuggling Centre supported and coordinated 27 JADs focused on the priority of combating illegal immigration (Europol, 2017).

Although crime-fighting was not envisioned to be among its activities, Frontex also participated in Europol-coordinated JDAs. Between 5 to 14 September 2017, JAD

Aeolos was organised in the framework of a Frontex Joint Air Operation based in Germany. In close cooperation with Frontex staff, Europol sent its staff to the airports to provide analytical support and supported operational coordination from its headquarters.

In October 2018, the Executive Directors of Frontex and Europol signed a Statement of Principles for Collaboration, in which the two parties agreed to expand the exchange of information between them to strengthen their joint fight against terrorism and cross-border crime. Later on, Frontex established the Coast Guard and Law Enforcement Unit to maintain operational synergies and workflows with coast guard and law enforcement authorities at the national, EU and international levels. The main tasks of the Unit include:

- developing ECGF operational cooperation modules, which will be integrated with the activities carried out by the Field Deployments Unit and other concerned stakeholders at Frontex when relevant;

- coordinating and leading internal cross-cutting cooperation among division/units on the matters related to EMPACT and other Law Enforcement supporting operational actions, including the related planning and evaluation;

- operationalising cooperation with Europol and Eurojust and with Interpol and customs authorities of the EU Member States (Frontex, 2018b).

The set-up of the Coast Guard and Law Enforcement Unit indicates that crime-fighting has moved from being a task only indirectly associated with Frontex to being one of its core tasks. With an enhanced law enforcement focus, Frontex was incorporated in drafting and implementing seven priority areas identified within the framework of the EMPACT 2018-2021, including document fraud, facilitated illegal immigration, and trafficking in human beings, firearms, excise fraud, environmental and organised property crime.

On the ground, Frontex intensified its operational participation in JDAs. The agency participated in three JADs in 2018 (Danube 3, Mobile and Olympus) that were organised with the co-leadership of Member States and Europol. The three missions focused on the facilitation of illegal immigration, trafficking in human beings, excise

fraud and document fraud associated with facilitated illegal immigration. Frontex and Europol delivered joint risk analyses prior to the actions, and Frontex deployed European Border Guard Team members at selected border crossing points at the EU's external land borders, along with Europol experts. In 2019, Frontex co-led five JADs with Member States for the first time, including Arktos (co-led with Lithuania and Poland), Adria (Italy, Greece, and Croatia), Danube 4 (co-led by Austria), Mobile 2 (co-led by Germany, Greece, the Netherlands, Poland, and Europol), Morpheus (at EU Member States' international airports).

These missions all focused on stolen vehicles, irregular immigration and document fraud. They used the platform of Frontex Joint Land and Air Operations, during which a separate coordination centre was established at Frontex headquarters. The five JADs led to the detection of 12,340 irregular migrants, 467 stolen cars, 592 fraudulent documents, and the arrest of 277 suspected people smugglers and drugs smugglers.[35] In 2020, Frontex further co-led three JADs that were all implemented through the platform of ongoing Frontex Joint Land Operations, including Danube 5 (co-led by Austria), Mobile 3 (co-led by Poland, Greece, Germany and Europol), and Arktos 2 (co-led by Latvia and Finland).

6.4.3. Turf Competition with Whom?

Considering Frontex and Europol's increased engagement in EMPACT and JDAs, concerns have been raised that functional creep and concurrent expansion may result in turf competition and unclear division of labour between the two EU agencies. However, neither Frontex nor Europol perceives the other agency's participation as a threat to their own organisational identity, thus avoiding any potential territorial protective reactions (Frontex Official E, Interview, 31 October 2021). In fact, Frontex and Europol have recognised the benefits of their bilateral cooperation and find that it has been productive in delivering positive operational results. As Europol's Executive Director Catherine De Bolle commented, Frontex and Europol have been "already extensively working together on a daily basis, which has led to positive operational outcomes.

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[35] See Frontex News: https://frontex.europa.eu/media-centre/news/news-release/439-stolen-cars-seized-in-12-days-as-part-of-frontex-led-operation-vvvirI#:~:text=News%20Release-,439%20stolen%20cars%20seized%20in%2012,part%20of%20Frontex%2Dled%20operation&text=439%20stolen%20cars%2C%2011.9%20million,late%20September%20and%20early%20October.

Broadening this cooperation to other areas beyond migrant smuggling such as weapons trafficking, drugs smuggling and terrorism will allow both agencies to be more effective and consequently make Europe safer" (Europol, 2018b).

Arguably, the mutually beneficial cooperation between Frontex and Europol stems from the fact that both agencies have become increasingly active in a domain where the EU Member States possess exclusive power, while the EU has only a supportive competence. In other words, competition for jurisdiction has primarily taken place between EU agencies and national authorities, rather than between EU agencies themselves. As documented extensively in the literature, Europol has faced significant opposition from national police services and encountered difficulties in obtaining substantial support and cooperation from national law enforcement agencies (Bureš, 2016; Groenleer, 2009; Busuioc et al., 2011; Busuioc 2013). A significant number of Europol's priority concerns, such as financial and property crime, drugs, and money forgery, lack a strong transnational dimension and are primarily addressed by national authorities at the local level (Groenleer, 2009, p. 297). Collaboration with Europol, therefore, entails a loss of control by national forces over key areas of jurisdiction to an institutional rival at the EU level (Busuioc, 2016).

In the aftermath of the 2015 Migration Crisis, Europol promptly prioritised measures against migrant smuggling and human trafficking, which have strong cross-border and transnational characteristics. Europol's expertise lies in identifying cross-border links between targets and coordinating transnational investigations. On the other hand, Frontex's added value lies in the delivery of data to competent authorities for investigation purposes and the follow-up operational support. Frontex has been formally processing personal data in the context of JOs after Regulation (EU) No 1168/2011 came into force, and the following Regulation (EU) No 2016/2624 and Regulation (EU) No 2019/1896 extended the types of data that can be collected by the agency and the purposes for which the data can be used. However, Frontex itself is not an authority for investigation and has been not entrusted with engaging in a criminal investigation. Therefore, Frontex has been able to hand over data and intelligence to Europol more 'selflessly' than national crime agencies and police forces (Frontex Official E, interview, 31/10/2021).

In addition, since Frontex activities were concentrated on combating irregular migration and strengthening border controls since it became operational in 2005, its presence in Member States heavily depended on migratory pressure encountered by the host Member States. This cat-and-mouse dynamic between Frontex and irregular migrants has driven the frontline Member States to accept Frontex's participation in their border management systems. However, a singular focus on combating irregular migration may not be a sustainable approach for the agency in the long term. In order to solidify and expand its policy domain, Frontex requires the expertise and operational support of Europol to address cross-border criminal activities such as smuggling stolen vehicles, drugs, firearms, and tobacco products. By offering law enforcement assistance to Member States in combatting various forms of cross-border crime, Frontex could have a more promising future (Frontex Official E, interview, 31/10/2021).

Recognising the reciprocal relationship between the two agencies, the Executive Directors of Frontex and Europol signed a Statement of Principles for collaboration in 2018. The Statement stressed the importance of the combination between Europol's expertise in investigation and Frontex' enhanced operational presence in the field. To this end, both agencies agreed to dedicate complementary capabilities and expertise to support the implementation of both agencies' mandates, make use of each other's capabilities to the largest extent possible, and invest in joint operational support and develop common procedures. On 7 June 2019, the Executive Directors of Europol and Frontex further signed a new Joint Action Plan, which specifically notes that both agencies shall develop joint engagement in the framework of EMPACT and JADs.

Comparable with the tripartite cooperation in the framework of the ECGFs, the cooperation between Frontex and Europol is largely voluntary and operate at arm's length from their 'parent' Directorate General. Neither Europol nor Frontex is intended to replace national authorities in law enforcement or challenge Member States persistent leadership in conducting JADs. Nonetheless, reciprocal cooperation between Europol and Frontex has helped both parties to consolidate their own policy turf vis-à-vis national competent authorities. Their participation in EMPACT leads to an emerging joint implementation pattern in the policy area of Member States' previously exclusive control. Although EMPACT and JDAs are far from being viewed as a supranational project, these projects have quite successfully framed the national

competent authorities of Member States in multidisciplinary operational platforms that are organised, supported, and coordinated by EU agencies. This effort, again, contributes to institutionalising the administrative capacity at EU level and eroding the territorial division in transnational cooperation.

Conclusion

This chapter has conducted an in-depth analysis of the under-explored phenomenon of inter-agency cooperation in EU border management. It examines the cooperation among EU agencies in the Hotspot approach, ECGFs and EMPACT, and postulates that the joint approach has resulted in the creation of a system of shared sovereignty in which increasingly integrated administrative bodies jointly exercise their powers. The chapter contends that operational coordination between EU agencies serves the best interests of the European Commission by enhancing its engagement with national administrations and facilitating transnational administrative cooperation, whereas the enacting coalition of Member States failed to anticipate this outcome. In conclusion, the main findings of this chapter can be succinctly summarised as follows:

Firstly, this chapter highlights that the 2015 Migration Crisis was a significant catalyst in the expansion of operational cooperation between EU agencies and marked a strengthened EU involvement in various administrative practices at the national level. Building upon existing provisions and arrangements, inter-agency cooperation in response to the crisis reinforced the integrated approach embraced by EU policy-makers in the Hague and Stockholm programs. The crisis created an opportunity for the introduction of new concepts and elements into the realms of border management, asylum, coast guard functions, and law enforcement, which soon moved beyond the notion of emergency as the wave of immigration subsided. This demonstrates a self-reinforcing development of the EU's approach to its external borders, as EU stakeholders reinforced existing policy instruments due to the benefits of agency engagement and the potential costs of reduced commitment.

Contrary to the assumption of turf competition, cooperation with sister agencies has enhanced the competencies of the respective agencies without undermining their institutional uniqueness and reputation. As a result of this empowerment, inter-agency cooperation has enabled the concerned agencies to pursue a more autonomous role,

access relevant data, and secure sufficient resources on the ground. While EU institutions and Member States exercise close control and oversight over agency activities, inter-agency cooperation has emerged as an important source of discretion, leading to the development of a set of decision-making dynamics that operate at arm's length from policy-makers. In this regard, inter-agency cooperation has not only effectively bridged implementation gaps in technical terms, but has also positively contributed to the institutional reproduction process.

Lastly, the examination of the joined-up approach of EU agencies has revealed the emergence of a pattern of joint implementation. This involves the deployment of agency personnel who increasingly perform tasks and implement policy in conjunction with national officials who have executive powers and directly interact with migrants and asylum seekers. Despite being significantly influenced by territorial-based implementation systems, inter-agency cooperation has helped to address implementation gaps among Member States and create a detached administrative capacity at the EU level. Through capacity-building projects and decentralised coordination, the joined-up approach of EU agencies has facilitated the transposition of EU rules and actors into national administration, resulting in the creation of a common EU administrative infrastructure for the joint development and implementation of border management policy.

Chapter 7 EU Agencies' International Action the External Dimension of EU Border Controls

Introduction

Prior to the implementation of the Amsterdam Treaty, it was already apparent that effective border control could not solely rely on cooperation within the European Union, but rather must incorporate the involvement of third-party countries of origin and transit for immigration (Council of the European Union, 1998). In the wake of the September 11 attacks, the external borders of the EU have taken on a crucial role as a mechanism for preventing threats beyond the physical boundaries of the Union. Measures in third countries and cooperation with neighbouring countries are identified as the first two of the four-tier access control model of border management (Council of the European Union, 2002). The focus has shifted away from protecting physical borders, and instead towards obtaining the cooperation of third-party countries in performing threat-detection tasks, thereby making the EU inaccessible to individuals without valid travel documentation.

As regards the EU agencies in question, the European Maritime Safety Agency and the European Fishery Control Agency are primarily competent to exercise their powers within the territory of the EU, whereas the European Coast and Border Guard (Frontex), the European Union Agency for Law Enforcement Cooperation (Europol) and the European Union Agency for Asylum (EUAA) are not confined to the home sphere. The legal frameworks of these three Justice and Home Affairs (JHA) agencies were designed to include provisions that permit them to establish relationships with non-EU countries and international organisations (Hofmann et al., 2019; Kaunert, 2010).

In the external affairs of the three JHA agencies, it is possible to differentiate between two distinct types of activities: (1) supporting Member States' cooperation with third-party countries, particularly in the context of repatriating individuals who have exhausted all legal avenues for legitimising their presence in the EU; and (2) establishing relationships with third-party countries and international organisations for the purpose of enhancing the agencies' ability to perform their tasks more effectively. The first type of activity is comparable to the approach taken by Frontex in its joint operations (JOs), in which Member States exert primary political control over the

performance of the agency's tasks. The second type of activity, however, has raised important questions regarding the autonomy and accountability of EU agencies, as well as their role in the European arena and their representation on the international stage.

However, a specific research gap we can identify in the course of the existing research is the scarcity of empirical evidence pertaining to the on-the-ground work of the concerned agencies. This gap is particularly pronounced in Sub-Saharan Africa, where Frontex's presence and activities are not well-known. To address this scholarly gap, this chapter endeavours to trace the evolution of the three JHA agencies' collaboration with third-party countries of origin and transit, and examining the impact of their international action, as a crucial by-product of delegation, on EU border management.

Given that EU agencies' international cooperation has implications for expanding the regulatory and territorial boundaries of the EU (Hofmann et al., 2019), this chapter takes a deliberate step back from narratives on the broad sweep of the EU's pre-emptive border controls and seeks more diverse insights across different aspects of EU agencies' role in the international arena. It goes beyond the known cost-efficiency dialectic, where costs are transferred to third parties in order to increase profit margins, and sheds light on the complex nature of the EU's border control regime that reach far beyond the EU's territory. It recognises that a deeper understanding of the external dimension of EU agencies and EU border controls requires a multi-faceted and contextualised approach and can benefit from the principal-agent historical institutionalist analyses.

This chapter begins with an overview of the legal context relevant for the study of EU agencies as a global actor. Section 7.2. then traces the development of the concerned agencies' activities on the Western Balkan route, with a special attention paid to Frontex's extraterritorial joint operations. Section 7.3. investigates Frontex's ever-developing engagement on the African continent. The final section of this chapter discusses the agencies' shot-term international agenda, as well as the compatibility of their international cooperation with Union's relevant policy instruments. Although the answer remains open that how the three JHA agencies can be better coordinate with other EU policy instruments, this chapter demonstrates that the concerned EU agencies purposively developed international cooperation and that their external dimension has

implications for the expanding scope of EU rules beyond EU borders, as well as the EU's international actorness.

7.1. EU Agencies as International Actors

After they became operational, Frontex, EUAA and Europol are increasingly interacting in various ways with external stakeholders and are becoming visible actors in the international arena. Their participation in some sort of international cooperation is supported by EU policy-makers from the outset. Referring to the notion of actorness, this section sketches out the general context for understanding the international dimension of the concerned EU agencies and identifies several salient issues pertaining to their international dimension.

7.1.1. Delegation in the EU's External Action Area

The framework for modern international relations has been established by nation-states since the Treaty of Westphalia. However, the European Union, as a unique entity, has been able to exert a significant impact on international relations through the pooling of activities and joint representation (Pelinka, 2011, p.24; Carbone, 2013; Čmakalová and Rolenc, 2012; Protsyk and Petelca, 2018). Sjöstedt (1977, p.16) pioneeringly applied the concept of actorness to describe the EU's capacity to behave deliberately in relations to other stakeholders in the international system. He identifies three sets of necessary conditions to measure EU actorness, namely delimitation from other international actors, autonomy, and the possession of several state-like characteristics. Subsequent literature has further expanded on the measurement of EU actorness beyond these initial three indicators (Čmakalová and Rolenc, 2012; Protsyk and Petelca, 2018; TRIGGER, 2019). Klose (2018: 1145), for instance, argues that actorness requires participation in global governance and international law, interdependence in decision-making, and a legal framework. Rondinelli and Heffron (2009) also emphasise the importance of leadership in the process of forming the EU's actorness identity.

Although there is no agreement among scholars on a specific modelling approach for EU actorness, the existing literature generally agrees that the legal competencies of the Union bodies to take external action in a specific policy area are the foundation of their actorness. Given that the EU Treaties set up a system allocating powers among different actors that are involved in different ways in the EU's external action, the Court

of Justice decides in Case 660/13 Council v Commission an institutional system whereby: the European Council is in charge of defining the strategic interests and objectives of the EU; the Council of the European Union is to carry out policy-making and coordinating functions; the European Commission is in charge of the EU's external representation, policy planning and initiation in the area of exclusive competences of the EU, exercising executive and management functions, and ensuring the EU's external representation.

As regard the division of powers in the treaty-making power of the Union, the Court of Justice was asked to determine whether the Commission has the competence to conclude administrative agreements on behalf of the EU in Case 327/91 France v Commission. The Court of Justice clarified the foreign relations power of the Commission and determined that no binding administrative agreements on the EU could be concluded by EU entities unless the ordinary procedure for the conclusion of treaties is used (Article 218 of the Treaty on the Functioning of the European Union). Therefore, a delineation thus can be made between binding agreements concluded according to the ordinary procedure and non-binding administrative agreements concluded by the Commission, as well as other EU bodies.

Since non-binding administrative agreements encompass technical agreements that may touch upon politically sensitive areas, the increasing cases of the European Commission, as well as the concerned EU agencies, resorting to non-binding agreements in their international action raise a question of their potential implications in political terms. As regards the possibility for EU agencies to pursue non-binding agreements with non-EU countries and international organisations, the Court of Justice sanctioned in Case 363/14 Parliament v Council, which concerns the list of third countries and international organisations with which Europol shall conclude agreements, that Europol's international action enjoy the presumption of constitutionality as long as it is necessary for the performance of the body's mandate and takes place within the framework of EU foreign policy.

In contrast to the European Commission, EU agencies get involved in international cooperation as sectoral actors by an act of secondary legislation and conclude non-binding agreements inherent to the fulfilment of their mandate. In other words, EU agencies are primarily established to secure the proper implementation of the EU acquis

internally, and whether they should be engaged externally depends on whether this is useful or necessary to realise their internal mandate (Hofmann et al., 2019; Coman-Kund, 2019; Fahey, 2016). Such an empowerment doctrine leaves EU agencies considerable autonomy to pursue international cooperation, leading to the principal-agent problem that EU agencies may take actions in their own best interests instead of acting on behalf of EU policy-makers.

7.1.2. Legal Frameworks and Accountability

The doctrine surrounding the granting of agreement-making powers to EU agencies is not well established. However, the founding regulations of Frontex, EUAA, and Europol specify that the international cooperation pursued by these agencies is subject to their specific role and is dependent on the EU's neighbourhood and foreign policies. Article 14 of Council Regulation (EC) No 2004/2007 proclaimed that Frontex cooperate with the authorities of third countries competent in matters covered by the regulation in the framework of working arrangements concluded with these authorities. Article 2 of the regulation listed six tasks that the agency shall perform, three of which involve an external dimension, namely risk analyses (information access), the development of research relevant to border management, and organising joint return operations.

Similar to Frontex's founding regulation, Article 42 of Council Decision of 6 April 2009 establishing Europol allowed the agency to conclude agreements concerning the exchange of operational, strategic or technical information, including personal data and classified information. Regulation (EU) No 439/2010 of EUAA also provided that the agency may facilitate operational cooperation between Member States and third countries, to cooperate with competent authorities of third countries in technical matters, to promote and assist capacity building in the third countries' own asylum and reception systems.

While the concerned EU agencies' earlier regulations foresaw some roles in international cooperation, the regulations failed to spell out what procedures and instruments its agency shall apply. In the revisions of the founding acts, some enigmatic clauses have been replaced with more concrete and useful requirements. Article 14(8) of Regulation (EU) No 1168/2011, for instance, stipulated that the conclusion of a

working arrangement by Frontex shall be subject to receiving a prior opinion of the European Commission. Then, Regulation (EU) No 2016/1624 provided that Frontex's draft working arrangements shall receive the Commission's prior approval and inform the European Parliament. Regulation (EU) No 2019/1896 further strengthened the Commission's oversight over Frontex's agreement-making and entrusted the Commission with drawing up a model working agreements and a model status agreement to frame Frontex' cooperation with the third countries.

Comparably, Article 35 of Regulation (EU) No 2021/2303 establishing the European Union Agency for Asylum provides that EUAA may carry out cooperation with non-EU countries within the framework of working agreements, which shall be subject to prior approval by the European Commission. The agency shall inform the European Parliament and the Council before the working agreement is concluded. Meanwhile, the decision of the agency to deploy Liaison Officers to third countries shall be subject to receiving the prior opinion of the Commission, and the European Parliament shall be kept fully informed.

These follow-up clauses seem to position the European Commission as the primary principal of EU agencies' international action, notwithstanding that the Commission has rather limited power of policy planning and implementation in this field. Since power is transferred between stakeholders, the principal-agent structure in the EU's pre-emptive border controls is relatively complex. As the collective principal, the EU's co-legislators delegate tasks to EU agencies, but essentially contracted out the governance of EU agencies' international action to the Commission. Echoing against the unclear doctrine of empowerment, the agencies' international cooperation mandate is supposed to connect and confuse the two spheres of external action, namely the external dimension of their internal tasks (e.g. risk analysis and training) and the external dimension of their respective policy areas (e.g. border controls, asylum, and internal security).

7.1.3. International Recognition and Working Agreements

The debut of Frontex as an international actor took place in June 2007, when it led the second European Commission-initiated technical mission on illegal immigration to Libya. The purpose of this mission was to assess the options for potential EU assistance

to Libya in managing its southern and maritime borders and to clarify the ways in which Frontex could offer its assistance. The mission report highlighted some initial confusion among Libyan representatives regarding the role of Frontex. To address this, Frontex encouraged Libyan representatives to view the potential bilateral cooperation as being separate from previous political-level interactions with EU institutions (Frontex, 2007b, p. 8). The actorness literature stresses the importance for a given EU actor to be recognised as a legitimate negotiation partner by other actors in the international system for being able to push for its goals effectively (Čmakalová and Rolenc, 2012; Protsyk and Petelca, 2018; Trigger, 2019). Frontex's debut on the international stage showcases both the challenges it faced and its aspirations to be a competent security actor beyond the boundaries of the EU.

Subsequent developments have demonstrated that Frontex, EUAA and Europol have been widely recognised by non-EU countries and international organisations as important partners. As of June 2022, Frontex has entered into working agreements with 18 non-EU countries and nine international organisations. EUAA has established roadmaps for cooperation with seven non-EU countries and has entered into working agreements with six international organisations. Europol, on the other hand, is actively engaged in close cooperation with 33 non-EU countries through operational agreements, some of which take the form of working arrangements or strategic agreements.

Apart from the working agreement, both Frontex and Europol have developed their networks of Liaison Officers in non-EU countries, and meanwhile, hosted Liaison Officers from partners.[36] Frontex's and Europol's Liaison Officers primarily act as the central point of contact for channelling information between their agency and the non-EU countries. In 2020, Frontex publicly recruited a Liaison Officer to Eastern Partnership countries that should be based in Kyiv (pending deployment as of the time of writing due to the Russian invasion of Ukraine). According to the recruitment announcement, Frontex's Liaison Officer mainly works on facilitating the implementation of the working agreements in place, encouraging the operational cooperation between Frontex and partners, and monitoring the border management situation, including cross-border crime and migration flows that transit through or

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[36] After the entry into application of Regulation (EU) No 2021/2303 on 19 January 2022, EUAA shall be able to deploy experts from its own staff as Liaison Officers to non-EU countries with a view to establishing contacts with the competent authorities of third countries.

towards the given region. Frontex's Liaison Officer shall also cooperate with EU Delegations and take actions within the framework of the European Immigration Liaison Officer Network, which is led by the European Commission and is established to ensure efficient information exchange and coordination among EU Delegations and immigration liaison officers deployed by EU bodies and Member States. From this overview, international cooperation pursued by Frontex, as well as EUAA and Europol, must properly coordinate with EU policy-makers and Member States and take action within the EU legal and institutional framework. This, however, does not prevent EU agencies from acting autonomously within the existing framework and affecting this framework through their own practices.

7.2. Cooperation in border controls in the Western Balkans

Since the breakup of Yugoslavia in the 1990s, the Western Balkans route has emerged as one of the primary paths for migration into the European Union. With the outbreak of popular uprisings across the Arab world in the early 2010s, the focus shifted towards the migration of individuals transiting through Turkey to Greece and traversing the Western Balkans route to entering the Schengen Area. Despite the steady decline in the number of irregular border crossings along this route following the implementation of the EU-Turkey deal on 18 March 2016, Frontex, EUAA and Europol have been continuously strengthening operational engagement in the Western Balkans.

7.2.1. Frontex's Operations in the Western Balkans

Within the formulation of the applicable Council Regulation (EC) No 2007/2004, Frontex concluded working agreements with the competent authorities of Serbia, Macedonia, Montenegro, Bosnia and Herzegovina and Albania in 2009. All the five working agreements allowed both sides to exchange information on recent events, trends and risks related to irregular migration and cross-border crime on a monthly basis. The agreements also foresaw the cooperation to be taken forward to capacity building, training, research and innovation, and provided the possibility for officials from the competent authorities of partner countries to participate in Frontex joint operations (JO) as observers.

Based on the five working agreements and a Memorandum of Understanding signed between the Western Balkan countries,[37] Frontex put forward a proposal to establish the Western Balkans Risk Analysis Network (WB-RAN) in May 2009. Since the Western Balkan countries are either EU membership candidates or potential membership candidates, information exchange within the WB-RAN has been able to use slightly adapted Frontex Risk Analysis Network (FRAN) monthly statistical templates, leading to certain compatibility issues between FRAN and WB-RAN data sets (Frontex, 2010b). Similar to the exchange of information within FRAN, the European Commission and Frontex set up a secure Internet platform on the Commission's Circa server to facilitate the exchange of information between the WB-RAN countries and Frontex. Through this internet platform, Frontex collects and exchanges monthly statistical data from WB-RAN countries, including detections of illegal border crossing; detections of facilitators, detections of illegal stay, refusals of entry, asylum applications, and detections of false documents (Frontex, 2018c). In line with the updated the Common Integrated Risk Analysis Model, Frontex delivers risk analysis reports quarterly and annually to EU decision-makers and the WB-RAN countries (ibid.).

After Regulation (EU) No 2016/1624 came into force, major upgrades of Frontex's cooperation with the Western Balkan partners have been made through the conclusion of the status agreements with five Western Balkan countries, which enable the deployment of Frontex staff with executive powers in the territory of the contracting states (Table 6). Different from the working agreement concluded by Frontex and third-country partners, the status agreements are binding deals concluded between the EU and third-country partners according to the procedure outlined in Article 218 of the Treaty on the Functioning of the European Union. The content and structure of the status agreements are comparable with the status of forces agreements and status of mission agreements the EU concludes in the context of its military operations and civilian missions in third countries.[38] The status agreements shall be negotiated by the

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[37] In November 2008, a Memorandum of Understanding was signed between the following Western Balkan countries: Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Montenegro and Serbia establishing a system of statistical information exchange on irregular migration and the participation in a regional early warning system.

[38] The EU's status of forces agreements is an agreement between a host country and EU/Member States stationing military forces in that country. The purpose is to define the legal position of the military and civilian personnel, as well as the forces and headquarters, deployed by one EU member state in the territory of another member state in the context of the European Security and Defence Policy.

European Commission on behalf of the EU and approved by the Council and the European Parliament. The Commission shall ensure proper monitoring of the implementation of the status agreement, and the contracting country and Frontex shall jointly evaluate each stage of implementation.

Table 6: Frontex Status Agreements with the Western Balkans

	Council Decision authorising opening of negotiations	Council Decision on the conclusion of the Status Agreement	Joint Operations
Albania	06/10/2017	12/02/2019	21/05/2019–
Montenegro	06/10/2017	25/05/2020	15/07/2020–
Serbia	23/02/2017	26/05/2020	16/06/2021–
Bosnia and Herzegovina	16/10/2017	24/04/2019	
North Macedonia	23/02/2017		

Source: Author's design based on data available online

In the year 2018, the European Union signed its first Status Agreement with Albania, which took effect in May of the following year. This was followed by the successful ratification of a similar Status Agreement with Montenegro in May 2020 and its implementation in July of the same year. In May 2020, the Council also adopted a decision to conclude a Status Agreement with Serbia, which was effectively implemented in May 2021.[39] The three Status Agreements have a similar structure that grants Frontex personnel the authority to use force, including their weapons, ammunition, and equipment, while executing their duties and exercising their powers in the presence of border guards or other relevant personnel from the host third country, and in accordance with the national law of the host country. Additionally, the host third country has the power to authorise Frontex personnel to use force in the absence of border guards or other relevant personnel from the host country. Furthermore, Frontex personnel have the ability to access the national databases of the host country in order

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[39] The status agreement with Bosnia and Herzegovina was reached in April 2019, whereas the ratification process is currently pending by Bosnia and Herzegovina's government. The negotiations with North Macedonia have been held up because of Bulgaria's objection to the language in which it is written. Bulgaria does not recognise the language of North Macedonia as 'Macedonian', but as a dialect of Bulgarian. See: https://www.statewatch.org/news/2020/october/eu-bulgaria-blocks-north-macedonia-frontex-agreement/

to achieve their operational objectives as specified in the operational plan and during return operations.

Based on the status agreements that had been established and came into effect, Frontex initiated its first extraterritorial operation on 21 May 2019. This operation involved the deployment of 50 officers and 16 patrols to the Albanian side of the Greece-Albania border. [40] In July 2020, the second extraterritorial operation was initiated and approximately 100 Standing Corps officers were deployed to the Montenegrin side of the Croatia-Montenegro border.[41] In June 2021, rontex carried out its third extraterritorial operation at the Serbian side of the Hungary-Serbia border, with 44 Standing Corps officers deployed to the site.[42] This operation was executed in response to Frontex's departure from Hungary and aimed at preventing the possibility of a power vacuum in the border area, which could potentially be exploited by irregular migrants (Frontex Official D, interview, 25 October 2021).

According to Frontex's news releases, the extraterritorial operations are structured in a manner that aligns with the JO approach established by EU Member States. At the time of writing, approximately 200 Standing Corps officers are performing their duties along border sections that border the EU and are providing support to the three Western Balkan countries in detecting cross-border crime in close collaboration with Europol within the framework of the European Multidisciplinary Platform Against Criminal Threats. However, much of the details of the extraterritorial operations is contained in annual operational plans, signed by Frontex's Executive Director and Head of the competent authority of the host country (Frontex Official D, interview, 25 October 2021). The operational plans are not made public but contain more detailed provisions on objectives of the operation, implementation, fundamental rights protection and data protection.

7.2.2. EUAA and Europol in the Western Balkans

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[40] See Frontex News: https://frontex.europa.eu/media-centre/news/news-release/frontex-launches-first-operation-in-western-balkans-znTNWM

[41] See Frontex News: https://frontex.europa.eu/media-centre/news/news-release/frontex-launches-second-operation-in-montenegro-C0Pc3E

[42] See Frontex News: https://frontex.europa.eu/media-centre/news/news-release/frontex-expands-presence-in-western-balkans-with-operation-in-serbia-9WRMiW

Despite having relatively limited authority to act outside the EU's borders, EUAA and Europol have stepped up their activities in the Western Balkan countries in the aftermath of the 2015 Migration Crisis. In the framework of the Instrument for Pre-Accession Assistance and as part of the EU accession processes EUAA and Frontex co-led the project entitled Regional Support to Protection Sensitive Migration Management systems in the Western Balkans and Turkey. This project aims to share EU standards and best practices on border and migration management, enhance local practices and capabilities, and support the Western Balkans accession to the EU (EUAA, 2020a). In detail, it aimed to strengthen mechanisms of early identification, registration and proper referral of irregular migrants and asylum-seekers, including identification and screening procedures such as identification of nationalities, detection of falsified documents and identification of persons with special needs Frontex implemented its parts of the project by supporting the establishment of National Coordination Centres in the Western Balkan countries for their connection with the European Border Surveillance system and the upgrade of registration systems with the view to facilitate eventual interoperability with the European Asylum Dactyloscopy Database in the context of the EU accession (Frontex, 2020c).

EUAA implemented its parts of project through capacity-building activities that aim to bring the Western Balkan partners closer to EU asylum standards (EUAA, 2021). The agency has concluded working roadmaps with Serbia, North Macedonia, Albania, and Bosnia and Herzegovina, in which it committed to assisting third-country partners to strengthen their capacity to carry out systematic training, harmonise asylum and reception systems, advise to the reviewing process of legal amendment, and address gaps in the corresponding procedures (EUAA Official, exchange of emails, 11 October 2021). In order to better connect EU Member States and the Western Balkans in resettlement programmes, EUAA launched a *Resettlement and Humanitarian Admission Programme* in the first quarter of 2020.[43] Since most of EU Member States conduct interviews with asylum-seekers under different resettlement programmes, EUAA has been working on a common platform to coordinate the Member States involved and maximised EU efforts in resettlement.

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[43] See EUAA News: https://EUAA.europa.eu/two-new-cooperation-networks-joined-EUAA-family

Notably, although EUAA was not able to deploy Liaison Officers to third countries within the formulation of the applicable Council Regulation (EC) No 439/2010, EUAA still had its own representatives in Turkey and Serbia, hosted by the EU Delegations in the counties in question, to coordinate and support synergies between EUAA activities and the EU's external action (EUAA, 2021). EUAA's (2021: 16) multi-annual Programming (2021-2023) provides that "should the proposal transforming [the European Asylum Support Office] into [the European Union Agency for Asylum] be adopted, retaining the possibility for the agency to deploy the Liaison Officers, the abovementioned activities would also be further supported by such Liaison Officers". This indicates that, except for different titles, EUAA's representatives had already performed similar tasks as the Liaison Officers deployed by, for instance, Frontex before Regulation (EU) No 2021/2303 came into force.

Comparably, the applicable Regulation (EU) No 2016/794 of Europol does not explicitly entrust the agency with deploying Liaison Officers to third countries. Nonetheless, the European Commission (2018a) called for the deployment of Europol staff to the Western Balkans to reinforce cooperation on security and migration. In this regard, Europol signed a grant agreement with the Commission in February 2018 for the implementation of a pilot deployment of Liaison Officers to Albania, Bosnia and Herzegovina, and Serbia for 18 months. In July 2019, Europol opened the first Liaison Office in Tirana (Albania), and two others are planned to be open in Bosnia and Herzegovina and Serbia as of the time of writing (Europol, 2021).

After becoming fully operational, Europol's Liaison Offices are tasked to organise training and provide operational assistance in the field. Europol will contribute to establishing a convincing track record of effective investigations and facilitating the involvement of the competent authorities of partner countries in the EU Policy Cycle on Serious and Organised crime.[44] As part of the cooperation, the Western Balkan countries will be allowed to use Europol's Secure Information Exchange Network Application system for the exchange of operational and strategic information and contribute to Europol's flagship reports, the Serious and Organised Crime Threat Assessment.

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[44] See Europol News: https://www.europol.europa.eu/newsroom/news/tirana-hosts-europol%E2%80%99s-first-liaison-office-in-western-balkans

7.2.3. An 'Invited' Force in the Western Balkan

The activities of Frontex, EUAA, and Europol on the Western Balkans route are closely tied to the EU accession process and accession negotiations in view of the development of comprehensive reception systems and integrated border management in line with international and EU standards. The European Commission has always been keen to support EU agencies' presence in the Western Balkans since they are able to provide valuable instruments and expertise for the EU to act on the ground. European Commission Policy Officer C (interview, 20 October 2021) describes the three JHA agencies as 'a flexible and tangible force' to support the gradual integration of the Western Balkan countries with the Union. Frontex extraterritorial operations in the region has become an essential platform for the EU's daily engagement and monitoring, complementary to other multilateral cooperation projects and instruments led or managed by the Commission.

In addition to the Commission's support, EU agencies' engagement have arguably been welcomed by the Western Balkan countries, since they are very aware of their organisational and financial dependence on the EU and Frontex to control migration flows and external borders (Lakic, 2018; Kovacevic, 2020a). In 2019, the EU and the government of Bosnia and Herzegovina reached a status agreement, which placed Frontex on the Bosnian side of the Bosnia-Croatia land border. The Council quickly ratified the draft agreement, whereas the Presidency of Bosnia and Herzegovina terminated the reification procedure. The Bosnia and Herzegovina authorities require Frontex to be deployed in the Herzegovina-Montenegro border and the Bosnia-Serbia border instead of the northern border with Croatia. Milorad Dodik, Serb member of the State Presidency, said he opposed the current agreement with Frontex, as if "Frontex would only go to the border of Bosnia and Croatia…it would seal Bosnia and Herzegovina hermetically", and migrants would then be trapped in the country (Kovacevic, 2020b).

Although Bosnia and Herzegovina currently reject being an EU "dumping ground" for deterred migrants, Frontex remains a prevailing option to support the Western Balkan partners to address executive challenges in day-to-day work. As of the time of writing, the Commission and Frontex are discussing further details of the location of Frontex staff with the Bosnia and Herzegovina government (Frontex Official D,

interview, 25 October 2020). However, since Frontex has not yet recruited enough Standing Corps officers for further deployments in the Western Balkans, the agency may postpone its fourth operation in the region to 2024-2025 (Frontex Official D, interview, 25 October 2020).

Since the EU has reiterated its commitment to the EU Integration of the Western Balkans, the EU's external borders in the region is set to be transformed to its internal borders step by step. While Frontex may still coordinate other cross-border law enforcement operations in the region (e.g. Joint Action Days), Frontex joint border control operations are destined to fade away in the Western Balkans. This is, however, not an alarming trend for the agency as the EU always has external borders. Departure from the Western Balkans means the agency will be able to deploy more Standing Corps officers at the Greek-Turkish border and the Bulgaria-Turkey border, allowing further reduction of dependence on the southern frontier Member States.

7.3. Frontex Goes Africa

Besides the WB-RAN, Frontex manages another three regional intelligence sharing communities: the Eastern Partnership Risk Analysis Network (EP-RAN), the Turkey-Frontex Risk Analysis Network (TU-RAN), and the Africa-Frontex Intelligence Community (AFIC). Among the latter three, particular attention shall be paid to the AFIC as it presents a peculiarity that, via this network, Frontex engages in cooperation with a range of non-neighbouring countries outside the framework of working agreements. Frontex activities in the Sahel and Lake Chad, North Africa and the Horn of Africa have significant implications for the externalisation of border management and EU security actorness.

7.3.1. The Africa-Frontex Intelligence Community

Next to its presence at the geographical space between the EU's southern frontline Member States and African countries, Frontex has progressively increased the number of extraterritorial activities far beyond the EU's neighbouring area. Based on a combination of formal agreements and informal networks, Frontex has managed to project its intelligence activities to the Sahel and Lake Chad region and the Horn of Africa. In terms of formal cooperation, Frontex has concluded working agreements with

three African countries: Cape Verde (14 January 2011), Nigeria (19 January 2012), and the Republic of Guinea (8 February 2021, currently suspended).

The three working agreements allow the agency to exchange with the competent authorities of African partners the information related to periodic statistics and media products on irregular migration and cross-border crime, new challenges and modus operandi in border security and the fight against illegal immigration, cross-border crime and terrorism, evolution of migratory routes, prevention strategies and management methods to define border security priorities and improve inter-service coordination, and risk analyses. The issues of training and capacity building also feature in the agreements signed by Frontex with the three African countries.

In addition to Cape Verde, Nigeria, and the Republic of Guinea, a total of approximately 32 other African countries have joined the Africa-Frontex Intelligence Community. The AFIC was initially set up in 2010 with the objective of providing a framework for regular knowledge and intelligence sharing between Frontex and African countries in the field of border security and migration (Figure 5). The 2017 AFIC Joint Report indicates the basic principles of the network, including 'informal nature, expert-level participation, flexibility, cooperation based on mutual benefits and trust among participants' (Frontex, 2017 p.11). The report acknowledges that the AFIC has reached a certain level of maturity, having the ability to generate analysis and knowledge, foster trust among its partners, expand its geographical reach, and expand its areas of focus.

Notably, when Frontex formally established the AFIC in 2010, this type of cooperative network was out of the formulation of the applicable Council Regulation (EC) No 2007/2004 and the following Regulation (EU) No 1168/2011. Article 14 of Regulation (EU) No 1168/2011 stipulated that Frontex shall cooperate with the competent authorities of third countries within the framework of working agreements concluded with these authorities. All the countries participating in the EP-RAN, the TU-RAN, and the WB-RAN have signed working agreements with Frontex, but it is not the case of the AFIC. Through the AFIC, Frontex built informal partnerships among a bunch of African countries, dramatically expanding the agency's portfolio and geographical focus in the absence of a clear legal basis. In this light, the AFIC can be viewed as a case of Frontex's entrepreneurship and learning-by-doing practice.

Figure 5: AFIC participants in 2017
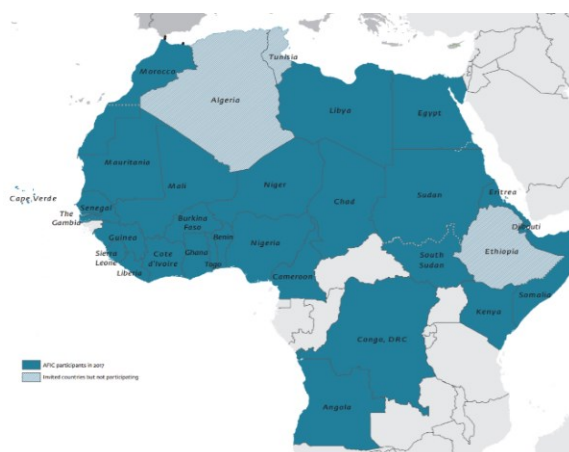
The AFIC is explicitly developed according to Frontex's own needs and presents a different but compatible international agenda; it does not simply copy other EU policy instruments or initiatives that engage with African countries in the field of migration and border management. In the framework of AFIC, Frontex has negotiated tailor-made, flexible and secretive information-sharing pacts with African countries and experimented with the specification of the broad framework goals of border management. In the aftermath of the 2015 Migration Crisis, Frontex started issuing monthly AFIC reports, based on regularly collected strategic and technical information from AFIC participants (Frontex, 2018).

However, due to the distinct level of administrative capabilities and procedures of African countries, the quality and efficiency of the AFIC information exchange is much lower than that of the FRAN and the WB-RAN (Frontex Official C, interview, 10 October 2020; Frontex Official D, interview, 25 October 2020). Facing a continent where there have been significant levels of political instability, Frontex sometimes cannot find relevant counterparts to communicate with (Frontex Official D, interview, 25 October 2020). Since military coups have been a regular occurrence in Africa, Frontex has to re-establish working relations with the new government in some cases, such as the 2012 Malian coup d'état and the 2013 Egyptian coup d'état.

Whereas Frontex successfully concluded a working agreement with the Republic of Guinea in February 2021, the President of Guinea Alpha Condé was then captured by the country's armed forces in a coup d'état after gunfire on 5 September 2021; the ratification of the agreement was thus postponed. Although the EU denounced the coup, Guinea is still listed as a participant in the AFIC and Frontex keeps an informal exchange of information with the Ministry of Foreign Affairs and Guineans Abroad of the Republic of Guinea (Frontex Official F, interview, 15 February 2022). Concerning Guinea's repetitions of socio-political crises and to better identify the possible new flow of migrants trying to reach Europe, Frontex also reinforced information exchange with the countries adjacent to Guinea.

Recognising the difficulties to collect information, Frontex initiated a three-year capacity-building project in 2017 with the overall objective of increasing the analytical and operational capacities of AFIC partners. With the Commission's funding of €4 million, Frontex and AFIC partners organised a series of workshops, training, field visits, and regular replies to Requests for Information. Since 2017 Frontex has been regularly organising a two-week AFIC risk analysis course at its headquarters that aims at improving the capacity of AFIC countries to produce risk analysis and to enable effective cooperation by introducing common standards. [45]

7.3.2. Risk Analysis Cells

As part of the three-year capacity-building project, Frontex opened a Risk Analysis Cell (RAC) in 2018, based in Niamey, a crucial transit hub for migrants on their way to the Libyan coast. The RAC replaced a Joint Information Platform that was established a year ago. The latter was initiated by the European Commission and headed by the Niger authorities, bringing together representatives from the Commission, interested Member States, the International Organisation for Migration, and Frontex. In order to further improve its effectiveness, Frontex took over the platform and provided training for the local analysts.

The Niamey RAC is tasked to collect and analyse strategic data on cross-border crime, such as illegal border crossings, document fraud, and trafficking in human beings,

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[45] See Frontex News: https://frontex.europa.eu/media-centre/news/news-release/africa-frontex-intelligence-community-risk-analysis-course-held-in-spain-HpOyJZ

and provide support to relevant African authorities to produce analysis and policy recommendations. It has now been incorporated into Frontex's dense African intelligence net and has become the template for other seven RACs based in the capitals of Senegal, Nigeria, Ghana, Gambia, Kenya, Guinea, and Mali (Zandonini, 2019). These RACs' location underlines that AFIC's raison d'être is to advance the pre-frontier intelligence picture by the comprehensive monitoring of migratory movements.

After the eight RACs became operational, Frontex (2021c) is currently working on the establishment of an AFIC Risk Analysis Unit, which shall be designed as a dedicated information-sharing platform for regularly sharing information among the competent authorities of African Countries, the RACs, and Frontex Risk Analysis Unit. The AFIC Risk Analysis Unit, together with the RACs on-site, will provide Frontex with the most extensive and sophisticated intelligence network on the migratory flows of any stakeholders in Europe, consolidating its position on the European stage as a very authoritative knowledge actor.

Taking the platform of the RACs, Frontex seeks to update security systems and apply new technologies in the host countries. Since the use of biometric technologies in African border management is still in its infancy, Frontex has been working on the promotion of border-crossing information systems in AFIC partners and the improvement of interface between the African intelligence and the existing information technology systems (Border Security Report, 2021). According to the documents obtained by the French investigative journal *Mediapart*, Frontex is currently working with the International Organisation for Migration on the installation of the cutting-edge information systems, such as MIDAS and PISCES, in the RACs and other selected border crossing points (Zandonini, 2019).

Synchronously, Frontex has announced an open tender for a high-level research study on biometrics-enabled border control systems and hosted technology demonstrators of AI-based systems in border security in September 2020. Through such activities, Frontex has opportunities to further strengthen situational awareness among end-users and shape the future landscape of high-tech border management in both Europe and Africa. The agency has been instrumental in EU attempts to establish a Europeanised regime of migration and border controls on EU borders and beyond. The agency has leveraged this to increase its discretion in agenda-setting and cooperation

with third countries. Despite the fact that the EU has employed many other development instruments for funding aid to partners, Frontex is the only actor with concrete and long-term operations on the ground.

7.3.3. The Accountability gap in Frontex's Africa expeditions

As of the time of writing, the European Commission looks forward to furthering Frontex staff on the African Continent. In February 2022, Commission President Ursula von der Leyen and Commissioner Ylva Johansson visited Dakar to explore the possibility of concluding a status agreement for deploying Frontex staff to Senegal. Notably, Frontex (2020a) had expressed its willingness to negotiate a status agreement with Senegal as early as September 2020, but this call was interrupted due to the covid pandemic (Frontex Official F, interview, 15 February 2022). Since the operational zone of JO Hera has extended to Senegal's territorial waters, a further status agreement with the country may enable Frontex to coordinate executive operations in Senegal's ports and land border with other African countries.

If the country could rebuild democracy as interim President Doumbouya planned, Guinea has a good chance of becoming a second country hosting Frontex's joint operations. The already signed working agreement allows Frontex staff to be deployed as EU experts, without executive powers, during the agency's operations carried out on the territory of Guinea. Since the relevant clauses on non-executive operations are separated from other clauses concerning capacity building and training in the agreement, a possible non-executive operation may include tasks such as planning, training, operational coordination, and evaluation and assessment. On 16 June 2021, Frontex Management Board authorised the Executive Director to negotiate further working arrangements with Mauritania, Morocco, Senegal, Gambia and Niger. The agency seeks to include similar clauses on non-executive operations in the future agreements; such operations can be the 'prelude' to the full-fledged joint operations in the future (Frontex Official F, interview, 15 February 2022).

With Frontex going Africa, it is, however, questionable what is the accountability for its activities that is framed as flexible, technical, non-executive but entailing budget expenditure towards third countries with a non-solid administrative apparatus and a similarly weak legal framework. Most activities within AFIC are evaluated by the

Executive Director only, and neither the European Commission nor the European Parliament knows many details about the agency's fieldwork (European Parliament Policy Advisor C, interview, 15 October 2021; European Commission Policy Officer D, interview, 10 November 2021). The monthly AFIC reports are not available on the agency's website, and the versions transmitted are partially censored. The public knows little about the agreements Frontex reached with African countries, the commitment Frontex made to third countries, and the information has been exchanged with African countries. In this context, informal results in secretive and outside the typical accountability framework.

Importantly, Frontex can hardly mainstream human rights concerns into programmes and is somehow used as an excuse for human rights violations by African countries with serious human rights abuses. Eritrea and Sudan, for example, are two AFIC partners with serious human rights deficits. Eritrea denies its citizens' official departure, and individuals who left Eritrean refugees illegally were subjected to extrajudicial punishment since most of them wanted to escape the national service.[46] The Sudanese government, however, sees itself as an enforcer of European wishes when it deports Eritrean refugees to their country of origin (Jakob and Schlindwein, 2017). This results in considerable political risks to the reputations of the EU, which are denounced in the media as being clients of the Sudanese border guard. Since Frontex is not itself coordinating any return to Eritrea because of human rights concerns (Frontex Official C, interview, 10 October 2021), such an approach by the Sudanese government in the name of Frontex is by no means politically opportune.

Considering that the human rights records of many African governments are at best mixed, it is judicious to define an appropriate and transparent accountability and data protection scheme for extensive intelligence sharing with African authorities. If Frontex were to address migratory movements and cross-border crime in such countries without appropriate political and democratic oversight, the risk of human rights violations

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[46] According to UK Home Office (2021), the Eritrean government requires citizens to obtain exit visas to depart the country. Categories of persons most commonly denied exit visas included men under the age of 54, regardless of whether they had completed the military portion of national service, and women younger than 47. Also, according to EUAA (2019:53), "the treatment of persons apprehended when crossing the border is arbitrary and depends on numerous factors, such as: the unit or the responsible commander making the arrest; the place of the arrest; the national service status; for deserters: the unit they belong to; the time of the year."

would increase by the possible intensification of on-site exposure (see also Moser et al., 2020).

7.4. Reinforcing EU agencies participation in the EU's external action

In the wake of the 2015 Migration Crisis, EU policy-makers aimed to present a comprehensive strategy to strengthen external border controls on the one hand, and to manage migration and asylum through cooperation with third countries on the other hand. Given their specific expertise and the powers they are entrusted with, the concerned EU agencies should be the obvious candidate to implement Brussels's global approach to migration and border controls. However, the scepticism from some third countries and the under-developed coordination between agencies and other policy instruments risk impairing the agencies' international action.

7.4.1. EU Agencies' mid-term Agenda for International Action

In the Single Programming Document 2021-2023, Frontex renewed its international agenda and announced its intention to deepen partnership with the countries in a number of regions, including West, Sub-Saharan and the Horn of Africa, the Silk Routes region and Latin America (Frontex, 2021, p.7). As for the African continent, the document provides that the agency "will strive to develop a joint European-African platform on border management and to strengthen inter-continental cooperation on risk analysis" (Frontex, 2021, p.146). To this end, Frontex is pursuing a framework contract tailored monitoring services for selected countries of origin and transit in "inter alia Africa and probably some of the Gulf States" (Frontex, 2021, p.101). The contractor is expected to provide boots on the ground and contribute with valuable third-country intelligence that is possible to obtain locally with the knowledge of the local language and local sources (ibid.).

On the Asian continent, Frontex pays special attention to the main countries of origin and transit of illegal immigration, namely Afghanistan, Bangladesh, Iran, Iraq, Pakistan and Sri Lanka. Engagement with these countries on return-related activities, particularly the implementation of the EU's readmission agreements, is set as the priority of the agency's external dimension. The Single Programming Document 2021-2023 also indicates that the agency would seek to build sustainable ties with those Asian countries on matters of risk analysis and the detection of cross-border crime, and to post

Liaison Officers at the region where the political and security context permits (Frontex, 2021, p.147).

Less ambitious than Frontex, Europol and EUAA have also planned to make full use of their mandate to strengthen cooperation with the Western Balkan countries, Turkey, the Middle East and North African countries. In Europol's programming document 2021-2023, the agency declared its intentions to establish regional networks of analysts out of the EU that enables the Eastern and Southern Partnership countries to participate in the European Multidisciplinary Platform Against Criminal Threats (EMPACT) and Joint Action Days (JDA). Although restricted by its de facto mandate provided by Regulation (EU) No 2016/794, Europol is seeking "support of the European Commission, the European External Action Service and EU agencies active in the (selected) region" in order to approach the potential strategic partners (Europol, 2021, p.28).

Since Frontex is so far the only EU agency active in the Middle East and North Africa region, it would be necessary for Europol to broaden its cooperation with Frontex beyond EU borders; this may refer to the step-up of Europol's engagement with Frontex's Risk Analysis Cells. Notably, Europol and Frontex has already strengthened their collective effectiveness and operational impact in the area of Operation Sophia and beyond since June 2018. Taken the platform of the so-called Crime Information Cell, both agencies have worked to provide effective support to transnational investigations with a focus on organised migrant smuggling and international serious criminality. Such an approach could be extended to the African continent. Furthermore, Europol can make all its resources available to Frontex's extraterritorial operations to support the tactical operational decisions and contribute to the effectiveness of the operations' mandate.

As for EUAA, the agency's international action had, in fact, exceeded the mandate provided by the applicable Regulation (EU) 439/2010 prior to Regulation (EU) No 2021/2303 entering into force on 19 January 2022 (EUAA, 2020b, p.38). Based on the working arrangement for cooperation on external action signed with the European Commission on 11 January 2018, EUAA's single programming document 2021-2023 reveals several capacity-buildings projects designed for the agency's geographical priorities, including the Western Balkan countries, Turkey, the Middle East and North

African countries. The document indicates that EUAA may assist countries of origin and transit with improving the quality of the asylum process and reception conditions as appropriate (EUAA, 2021, p.17).

In contrast to Frontex's arm's-length approach, EUAA framed its international action within the EU's *Regional Development and Protection Programme for North Africa, the Instrument for Pre-accession Assistance Disaster Risk Assessment and Mapping in the Western Balkans and Turkey*, and the *European Neighbourhood and Partnership Instrument*. Due to its limited mandate, EUAA implements its international strategy in close cooperation with the European Commission and the European External Action Service. In the field, EUAA's representatives have been working closely with EU Delegations and informed the EU Delegations about the agency's activities on a weekly base (EUAA Official, exchange of emails, 11 October 2021).

Taking into account the new mandate set out in the recent Regulation (EU) 2021/2303, EUAA is looking for more cooperation and synergies with Frontex on international action. It has recognised the needs to familiarise third country officials with the mandate, tools and instruments of EUAA and assess the technical needs of the third countries making use of EUAA's tools to respond to capacity-building needs. Interrupted by the ongoing refugee crisis after Russia's invasion of Ukraine, however, it remains to be seen how EUAA will engage with Frontex, as well as other EU actors, on their respective work in the area of cooperation with traditional Asian and African countries of origin and transit for migrants.

7.4.2. Reinforcing the Compatibility of Relevant Policy Instruments

In order to "prevent a return to the uncontrolled flows of 2015 and to further stem illegal migration on all existing and emerging routes", the European Council (2018, p.1) adopted two concepts, regional disembarkation platforms and controlled centres in the conclusion at the meeting of 28 June 2018. According to the European Council, the regional disembarkation platforms shall be developed to eliminate the incentive of migrants to embark on perilous journeys, and the controlled centres are to take charge of those disembarked in the EU and distinguish between irregular migrants, who will be returned, and those in need of international protection (ibid.). In December 2018, the European Commission further concretised the functioning of regional disembarkation

platforms and controlled centres. In its vision, controlled centres would be managed by the EU Member States on EU territory, and regional disembarkation platforms would be the counterpart on the territory of the non-EU Mediterranean States that jointly managed by the EU, third-country partners, and international stakeholders (European Commission, 2018c).

As soon as the European Commission tabled its proposal, however, North African countries jointly rejected the initiatives. Libya's Foreign Minister Mohamed Taher Siala commented that all North African countries reject being an EU "dumping ground" for deterred migrants (Arab News, 2018; Daily Sabah, 2018). Siala claimed that some West African countries refuse to take their citizens back from Libya, and these countries of origin are "actually where the European border begins, not the Mediterranean" (ibid.). Obviously, accepting the EU's proposal does not seem to be in the interest of all third countries as incentives offered by the EU seem to be used as instruments to legitimise a strategy which remains EU-centred.

Although the debate in Brussels appears to move beyond the initiative of regional disembarkation platforms after the von der Leyen Commission was seated in December 2019, the ideas of externalising EU border management in/to third countries and incorporating third countries into the EU's border management and migration policy are not completely off the table. Responding to a European Council request, in September 2020, the von der Leyen Commission proposed a *New Pact on Migration and Asylum*, to strengthen EU border controls, migration management, and asylum procedures. The pact includes an external aspect, calling for reinforcing international partnerships with a view to ensuring effective returns, combating migrant smuggling more effectively, and developing legal migration channels (European Commission, 2020c).

Given that the external dimension of border management is inextricably coupled with the integration of internal and external stakeholders into a common cooperation arrangement, critical questions have been raised in terms of pooling the existing policy agenda and instruments through which EU actors currently engage with non-EU countries in a fragment way. In this regard, this thesis suggests that Brussels has, so far, failed to fully usage the concerned EU agencies as an instrument to leverage interested third parties or implement a coherent agenda.

Compared to EU policy-makers' "very ideal but impracticable idea" of regional disembarkation platforms, EU agencies international agenda seems more feasible and far-sighted since they have long been involved in dealing with external stakeholders (Frontex Official C, interview, 31 October 2021). However, some third countries see the cooperation with EU agencies does not benefit their national interests and thus avoid formalising the cooperation (ibid.). In the aftermath of the Arab Spring, Frontex's Management Board provided the agency with a mandate to start negotiations on a working agreement with the competent authorities of Tunisia, Morocco and Egypt on 24 May 2011 (European Commission, 2011c). However, the negotiation of working agreements was not initiated due to the scepticism from the relevant countries (Frontex Press Office, exchange of emails, 19 November 2021).

To some African countries, the political costs of cooperation with Frontex can be minimal, but the operational benefits of such cooperation are also not high (Frontex Official C, interview, 31 October 2021). In the framework of the AFIC, African partners regularly provide Frontex with the information that is crucial for the agency to support EU decision-making, whereas the agency can merely provide African partners with its risk analysis reports that are not of interest to them (ibid.). Frontex has indeed offered African partners with best practices and high-tech systems through field visits, training, and seminars, whereas most African countries' willingness to cooperate is heavily linked to the perspective of increased funding for development, reinforced the security apparatus to protect the power in place, or strengthened EU support in regional disputes (see also Koch et al. 2018).

Although the European Commission and EU countries often use funds and visa liberalisation as levers for their own political objectives, EU policy-makers have so far failed to combine and integrate all forms of policy instruments and to use EU agencies strategically. After the failure of the initiative of regional disembarkation platforms, EU agencies' international action may inaugurate a new stage of the external dimension of EU border and migration management. Their external dimension undoubtedly contributes to EU actorness in the external dimension of border management with respect to reaching out to third parties, communication, signalling preferences, warding off disagreements between Member States, and taking actions in the field.

To better use the agency instrument, EU policy-makers should consider more connection of EU agencies' engagement with development aid instruments, making the agencies as an attractive solution for key countries of origin and transit to handle migration flows on their own, and meanwhile, ensuring proper accountability instruments in place. To a certain extent, Frontex, EUAA, and Europol have been taken actions in many fields without the proper legal basis. The new Regulation (EU) No 2021/2303, for instance, came with legal aspects coming in ex-post to validate EUAA activities de facto. EU agencies' international action has created further gaps for Member States, as well as the European Parliament, to control the agencification process. In this light, more thought should be given to the accountability challenges raised in the external expansion of these Union bodies.

Conclusion

Through a principal-agent historical institutionalist lens, this chapter has brought to light the implications of the concerned agencies' international action for the fulfilment of their mandates and the external dimension of EU border controls. While the empowerment of these agencies is widely viewed as a component of the internal institutionalisation of the EU's approach to migration and border controls, it is important to acknowledge that the agencies possess international legal personhood and have become increasingly active in international arenas. This chapter presents three key findings:

Firstly, the international actions of the concerned EU agencies have resulted in an increase in their discretion, despite the growing efforts of stakeholders to hold them accountable. The EU Treaties do not explicitly provide for the external dimension of these agencies, and their international actions are primarily based on their respective secondary legislation. However, these agencies have a vested interest in developing their status as international actors and utilising their mandates to cooperate with third countries, which grants them greater access to information and reinforces their existence. The agencies not only implemented the declared policy objectives of the EU, but also introduced new agency-led initiatives (e.g. AFIC) in the external dimension of EU border controls. It is important to note that this increase in discretion does not necessarily result in moral hazard, as the agencies share the same policy goals with the European Commission and actively seek its support. Meanwhile, other stakeholders

have essentially contracted out the governance of the agencies' international action to the Commission.

Secondly, the external cooperation practices of the concerned agencies, combined with the European Commission's policy goals, have reinforced the self-reinforcing empowerment pattern. This chapter has shed light on how the border agency Frontex has been 'invited' by countries of transit and destination to engage in border and migration management. Given that no government wants to trap migrants in their own country, when Frontex supported the frontline Member States on border controls and migration, it was 'invited' to address the neighbouring third countries, and then further to their nearby neighbourhoods. Despite some countries' resistance to cooperation, Frontex has largely succeeded in leveraging EU stakeholders and third countries partners through adaptive approaches and flexible cooperation arrangements. Although there are still a number of unresolved questions regarding the agencies' international action of the agencies and the effective scrutiny of their external cooperation practices, the development of the agencies' international actions is embedded in a self-reinforcing empowerment pattern that reinforces past decisions.

This chapter concludes by highlighting the untapped potential of utilising EU agencies as a policy instrument to advance the external dimension of EU border and migration policy, as well as the need for better support and coordination with EU decision-makers. In the Western Balkans, Frontex, EUAA, and Europol implemented the EU's neighbourhood policy and the pre-accession strategy. In Africa, however, Frontex has been pursuing its own security agenda and operating at arm's length from EU policy-makers. Meanwhile, EUAA and Europol have indicated their willingness to coordinate with the European Commission and other Union bodies as regards international cooperation in their 2021-23 Programming Documents. However, EU decision-makers have yet to effectively leverage the agency instrument in their cooperation with countries of origin and transit. The emergence of Frontex as an authoritative knowledge actor in Africa, building intelligence networks and establishing its presence, raises questions about the need for better control and utilisation of EU agencies in the external dimension of EU border controls.

Chapter 8 Conclusion

Introduction

This thesis has examined the empowerment and proliferation of EU agencies in EU border management and assessed their supranational effect on the EU's approach to external borders. Given its limited coordinating role at the beginning, The European Border and Coast Guard (Frontex), which had a limited coordinating role at the outset, has been analysed as a symbol of the EU border regime that prioritises state control. The findings of the study indicate that the empowerment of Frontex and other EU agencies with mandates related to border management has led to a supranational trend in EU border management. The final chapter synthesises the empirical observations from previous chapters to address the research question and hypotheses of the thesis. The first section presents the key results of the theoretical and empirical analyses. It then sheds light on the underlying mechanisms behind the empowerment of EU agencies and how the initial delegation enabled a path-dependent evolution in the EU's approach to border management. In Section 8.3, the main question and hypotheses of the thesis are further discussed. The final section highlights the major challenges identified during the research process and provides suggestions for future research.

8.1. Main Findings

Through the formulation of four hypotheses, this thesis sheds light on the supranational impact of these agencies from various perspectives. Drawing upon the established rational-choice historical institutionalism, the thesis introduces the principal-agent historical institutionalist approach (PA-HI) to further emphasise the agent's autonomy and the dynamic principal-agent relationships. According to the PA-HI approach, this thesis conceptualised the empowerment of the concerned EU agencies as a case of multiple-principal non-exclusive delegation, where the empowerment of EU agencies is an insufficient but necessary part of an unnecessary but sufficient condition for regime change.

To answer the research question and test the hypotheses, the first empirical study in Chapter Four traced the development of Frontex Joint Operations (JO) in the southern maritime borders and examined the extent to which the launch of the Frontex JO approach indicated a path shift from the established territorial-based border control

coordination. It identified the immediate aftermath of the September 11 attacks as the critical juncture in the development of the EU's approach to border management. After being operational in 2005, Frontex has organised a series of short-term, crisis-oriented border control operations that gradually evolved into a long-term and permanent approach to coordinate and assist EU countries in addressing border security challenges.

This study finds that Frontex has quite successfully extended and sustained its presence in the borderland, leveraging opportunities to further its self-interests. Although the host Member States may retract Frontex's presence when it conflicts with their national interests, such actions have been found to be potentially detrimental. Unilateral policy reversal can result in increased economic costs, such as addressing displacement effects from other operational areas, or higher transaction costs, as alternative operational coordination approaches must be adopted. Thus, the potential risks associated with policy reversal have served to incentivise Member States to maintain Frontex within their border management framework and continue to invest in the agency.

The second empirical study conducted in Chapter Five addresses the issue of information asymmetry that arises from the empowerment of Frontex. Through the study, it was confirmed that Frontex was not initially in possession of greater substantive knowledge compared to EU policy-makers. Nevertheless, with the support of the European Commission, the information exchange networks cantered around Frontex gradually replaced the previously established intergovernmental information exchange mechanisms, becoming a significant source of intelligence for policy-makers. Meanwhile, Frontex has intensified its efforts to gather information from related agencies and its own operational activities, resulting in the agency assuming a dominant role as an authoritative knowledge actor at the external borders.

Whereas Frontex has effectively closed the information gap, EU policy-makers are asymmetrically informed about the agency's activities. To mitigate this information asymmetry, the EU's supranational institutions have introduced control mechanisms to steer the agency. Meanwhile, the European Parliament and the European Commission sought to erode the host Member States' control over Frontex's operational activities and empower the agency to monitor Member States' policy implementation. Decisions within Frontex JOs used to be taken by stealth and with limited EU input, whereas the

new scrutiny is now putting pressure on Member States to deliver on their commitments and to ensure more accountability for their actions. Frontex, which was originally established to protect Member States from the risk of moral hazard and hidden information, has evolved into an EU instrument that reduces the potential for Member States to engage in non-compliance.

The third empirical study, which is presented in Chapter Six, traced the enhancement of cooperation between sister agencies and its impact on the management of EU borders. The study found that while cross-sectoral cooperation at EU level is politically motivated, EU policy-makers have provided substantial autonomy to the agencies to experiment with cooperative arrangements in their operations. The study's findings challenge the assumption of turf competition among agencies, as inter-agency cooperation projects have enabled EU agencies to expand their working remit beyond their assigned mandates, without undermining their institutional uniqueness and reputation. Despite EU policy-makers' close supervision of the agencies' activities, inter-agency cooperation has become a significant source of their discretion, leading to decision-making dynamics that are detached from multiple principals.

The collaborative approach of EU agencies has not only enhanced their autonomy with respect to policy-makers, but has also manifested in a developing pattern of joint implementation. Through close collaboration with related agencies, personnel from the concerned agencies have increasingly been executing executive functions and implementing policies in conjunction with national officials. The joint engagement of EU agencies has been instrumental in bridging the implementation gap, improving the administrative capacity of Member States, eroding the territoriality of transnational cooperation, and institutionalising common administrative capacity at the EU level.

The final empirical study presented in Chapter Seven examined the external dimension of three Justice and Home Affairs agencies, including Frontex, EUAA, and Europol. It finds that the founding regulations of these agencies were largely lacking in detail, affording the agencies a substantial degree of autonomy in projecting their activities to the EU's neighbouring regions and beyond. In an effort to establish relationships with key countries of origin and transit, these agencies actively pursued initiatives that went beyond what would be considered necessary for fulfilling their

mandates and made a direct contribution to the EU's engagement with these countries in the realm of migration.

The daily coordination between Frontex and its partners in Africa has contributed to the agency's growing discretion. This is due to the pressure exerted by external stakeholders to modify its approach and maximise its mandate. However, there are concerns regarding the adequacy of the accountability and safeguarding arrangements to match the agency's international expansion. Furthermore, discrepancies have been identified in the alignment of the international cooperation of EU agencies with other EU policy instruments. Although the external engagement of EU agencies has expanded the EU's border management toolkit, EU policymakers have not fully utilised these agencies as a policy instrument to influence interested third countries, nor have they provided sufficient support for their international action.

8.2. A 'River-crossing' Reform

The coalition of Member States that established Frontex in 2004 did not envision the agency would grow to have a mandate and scale, including the creation of a 10,000 strong Standing Corps. Frontex's mandate and scale, as of the time of writing, have even gone beyond the European Commission's expectation for the European Corps of Border Guards. In this light, this thesis claims that the creation of Frontex in 2004 has resulted in an institution arrangement deviating from the original intention. Despite the scepticism expressed by numerous academic studies regarding the significance of EU agencies for the EU's border management approach, this thesis sheds light on the constraints on Member States and the self-reinforcing manner of institutional development. The expansion of EU agencies in border matters is not a coincidence, but rather a result of a combination of a willingness to change and previously established agreements.

The Agent Side

This thesis argues that the formal duties of the concerned EU agencies are not the only indicators of their influence on EU border management. Rather, their inherent autonomy and operational actions have driven the 'river-crossing' reform process and contributed to gradual institutional changes. The relevant agencies function within a complex network of accountability and are constantly subject to a variety of demands

from multiple stakeholders. Conflicts in goals among EU policymakers have a substantial effect on the behaviour of these agencies, providing them with opportunities for influence and manoeuvring.

Figure 6 provides a simplified view of how EU agencies may shift policy outcomes when a joint principals' interest is absent. The model treats Member States, the European Commission, and the European Parliament as unitary actors in unanimity policy-making. Each actor is identified by an ideal policy, and three vertices create a triangle of policy space. In the case a statute (e.g. Regulation (EU) No 656/2014) is passed, it shall result in an ideal policy output labelled *x*, which represents an initial compromise among the three actors. The given agency, Frontex, is entrusted with the authority to enforce policy *x*.

As the primary principal of Frontex Joint Sea Operations, the host Member States take the preferences to reduce irregular border crossing, strengthen border controls and minimise the pull factors for migrants and smugglers. The European Parliament positions itself as a pro-migrant actor and a defender of civil liberties and thus calls for the upholding of individual rights at the external borders and more rescue operations at sea. The European Commission's stance has been diverged from that of Parliament and Member States. It calls for the expansion of the scope of application of Regulation (EU) No 656/2014, the consistency in policy implementation and additional Frontex's engagement in the field.

Figure 6: Agent-induced Drift
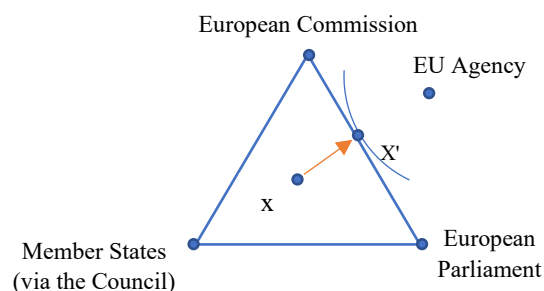
Source: Author's design

The presence of conflicting demands from multiple principals provides the agent with the opportunity to further its own interests and cultivate a preferential relationship with one of the principals. The agency is incentivised to fully utilize its mandate and maintain its relevance, both through the incorporation of sister agencies into its

operations and the expansion of its functional and geographic reach. Frontex may anticipate that the only way it can be sanctioned ex-post is if it commits some blunder unanimously disapproved of by its principals. So long as its implementation stays within the triangle, ex-post sanctions are deterred. That is to say, Frontex has been able to shift the policy outcome from x to x' without facing ex-post sanctions.

In the specific case of Frontex Joint Sea Operations, the policy x' can be concretised as more use of drones to conduct aerial reconnaissance, more engagement with sister agencies, and more law enforcement coordination between neighbouring Joint Operations. Arguably, these new policy elements have enabled Frontex to consolidate and expand its task turf and discretion. EU agencies' self-interest activities have, on the one hand, shaped the principals' benefit-cost calculation, and on the other hand, caused policy outcomes to differ from what was considered as the initial goal of joint principals.

The Principal Side

This thesis identifies two crucial sources of preference change at the national and EU level. The first source of change is exogenous pressures. The initial delegation to Frontex resulted in an incomplete contract that created the conditions for subsequent changes, in which exogenous shocks stimulated further functional expansion, dragging the reluctant Member States into the next incomplete agreement and so forth. Persistent migratory pressures have brought to light the shortcomings of existing institutional and administrative designs, particularly for the frontline Member States who are most affected by these pressures. These Member States have a heightened motivation to advocate for or support the increased presence of EU agencies at external borders and asylum reception centres.

Meanwhile, the presence and activities of EU agencies, particularly Frontex, at the external borders of the EU have a significant impact on the behaviour of third parties. These actions create an interconnected system that reacts to different intensities of migration and can result in temporary changes in migration patterns. The presence of Frontex at the external borders has also influenced the behaviour of neighbouring countries, some of which may attempt to leverage migration as a bargaining tool in their interactions with the EU. These changes in the behaviour of third parties, in turn, have

encouraged frontline Member States to accept and even support the growing presence of EU agencies in this field.

The second source of change is endogenous dynamics, specifically the competition between multiple principals who aim to hold EU agencies accountable. The multiple principals initially delegated authority to and then termly re-contracted with the given EU agency to realise joint preferences via the agent. This emphasis on the formal contract has been constantly challenged by unilateral channels employed or actions taken by individual stakeholders. Multiple principals have not acted as a unified board of directors, reaching consensus before delegating authority and disciplining the agencies. Instead, they compete with each other for influence over policy implementation by the concerned agencies and introduce unilateral institutional elements, such as the Frontex Scrutiny Working Group or the Greek Law 4375/2016 of 24 June 2016, alongside or in addition to existing elements. These unilateral actions often occur when the principals are unable to alter the contract due to support from main veto players or due to the contract being legally locked in.

Since the first act of delegation from the Member States to the European Commission has never occurred in border management, the Commission has not paid much sunk costs on the empowerment of Frontex. Rather, the Commission has continuously encouraged Member States to continue investing in the agency for the management of the EU's external borders. For Member States, the sunk costs associated with the empowerment of Frontex and the increasing returns from enhanced operational interdependence serve as constraints on alternative options for institutional redesign. As a result, Member States have become relatively vulnerable and passive to exogenous shocks and changes in the environment, leading to a decline in their control over the concerned agencies and the agencification process.

While the primary responsibility of oversight over EU agencies' fieldwork still lies with the Member States, the pressure for change exerted by the European Commission and the European Parliament, which are relatively disadvantaged by formal decision rules, does not result in a straightforward adaptation process. Instead, it leads to an incremental shift in policy. To a significant extent, the initial coalition of Member States in the rule-setting game failed to anticipate the impact of subsequent rule-setting plays. The evolution of the EU's approach to border management has not been centrally

controlled, but rather emerges from the interaction between endogenous competition and exogenous challenges. The key point in such 'river-crossing' reform is not the absence of a temporary equilibrium (stepping stone), but rather the abundance of temporary equilibria that exist.

8.3. Drift towards Supranational EU Border Management

The results of empirical analyses indicate that the increased involvement of EU agencies in border management has resulted in supranational effects. Specifically, empirical evidence supports the first sub-hypothesis that the empowerment of EU agencies has contributed to reducing the margin of manoeuvre for Member States. This reduction has arisen as a result of institutional reproduction and reconfiguration, which has increased the cost of previously available options for Member States' oversight over EU agencies. Member States, EU institutions, EU agencies, and third parties have formed an interconnected system that has generated costs associated with any significant policy changes. The resulting sunk costs have made it difficult for Member States to regain their previous exclusive control over external borders, reducing their margin of manoeuvre and integrating them into the evolving EU border management system.

While Member States are involved in key stages of the agencification process, they are increasingly disadvantaged by formal EU rules. It is correct to assert that the existence of sunk costs does not eliminate the possibility of spill-back and off-path outcomes. In fact, Member States may choose to exit the EU, as demonstrated by the United Kingdom's invocation of Article 50 of the Treaty on European Union in 2017, leading to its withdrawal from the EU. However, this study argues that the empowerment of EU agencies has resulted in additional sunk costs, making significant policy reversals a less appealing option for Member States. These agencies have proven to be tools used by the European Commission to promote compliance with existing EU legislation and bridge the implementation gap, thus limiting the room for moral hazard at the national level.

In this light, empirical evidence supports the second sub-hypothesis that the empowerment of EU agencies has enhanced EU regulation in the area of border management. Once established, the Schengen and Dublin regimes left border checks

and asylum procedures entirely in national hands but submitted their exercise to common EU rules. It is crucial to understand that the engagement of EU agencies in border management should not be interpreted as a delegation of authority from the European Commission to these agencies. Instead, the empowerment of these agencies has provided the Commission with significant advantages. The Commission has deliberately 'invested' in these agencies as they align with its policy goals and provide valuable sectoral knowledge, thereby fostering a positive feedback loop without paying the initial sunk costs.

The empowerment of EU agencies has provided the European Commission, as well as the European Parliament, with increased room for manoeuvring. The Commission has been able to exert considerable unilateral influence on Frontex's task performance and has added para-regulatory elements to the existing intergovernmental framework. With the support of the European Parliament, the Commission has successfully secured a monitoring role for Frontex and EUAA, thereby mitigating the risk of a decline in national standards and deterring venue shopping by migrants and refugees. The ability of Frontex and EUAA to monitor the operational and technical implementation of EU law has allowed them to identify potential deficiencies in Member States' compliance with the Schengen Evaluation and Monitoring Mechanism and the Common European Asylum System.

Empirical evidence also supports the third sub-hypothesis that the empowerment of EU agencies has contributed to institutionalising common administrative capacity at EU level. Although the ordinary legislative procedure and joint policy-making has been a feature of EU border management for decades, the development of EU agencies has bled to joint implementation and transnational cooperation in numerous dimensions of border management. European cooperation on border management was mostly supplied by harmonising national implementation of the common EU rules, and the institutional choice for transnational coordination has not been motivated by national preferences to pursue further integration in the field of core state powers.

However, the enhanced cooperation between EU agencies soothes the way for the joint formulation and execution of EU border policy in an increasingly integrated administrative order. Operational cooperation between the concerned EU agencies has provided them with opportunities to act in isolation from the narrow interests of

individual Member States and create an arm's length administrative capacity at EU level. Their joint engagement severely hampered the doctrine of a supreme authority concentrating all power over external border controls and transposed EU rules and actors into national administration. Although Member States remain the key loci of policy implementation and transnational cooperation, the exercise of joint implementation creates a systemic trap that undermines the ability of national competent authorities to implement EU border policy independently.

Finally, the empirical evidence gathered supports the fourth sub-hypothesis that the strengthening of EU agencies contributes to the consolidation of EU actorness in the external dimension of border control. The findings of this thesis indicate that Frontex, EUAA, and Europol have a strong inclination towards developing their mandate in the external dimension and actively collaborating with non-EU countries. Their international activities have far-reaching effects on EU actorness in the external dimension of EU border management. Outside of the EU, the formation of new capacities and practices by EU agencies has boosted the EU's diplomatic engagement and broadened its range of options to act in the face of new opportunities or external threats.

However, this thesis also puts forward that interaction with non-EU countries influences EU agencies discretion beyond the intent and control of policy-makers. The case of Frontex, specifically, highlights that it has operated as an unexpectedly independent international actor, and in a direct manner, has created its own external agenda. Despite having increased capacity to act on the international stage, Frontex's international objectives have yet to be fully aligned with other EU policy instruments. Furthermore, the limited scrutiny from EU stakeholders on the agency's international action hampers the transformation of Frontex from an individual actor to a representative EU actor.

Despite these gaps, this thesis concludes that the delegation of powers to EU agencies and their subsequent expansion have led to a more supranational form of cooperation in European border management. The intergovernmental nature of the initial power delegation has not served as a means for Member States to solidify their intergovernmental presence at external borders. Instead, the empowerment EU agencies has proven to be a successful approach in overcoming Member States' resistance to the

increasing EU leadership in border matters. The sustainability of this process remains uncertain, but the recent agreement on the creation of the new EUAA highlights that the EU agencification process in border management is currently robust and accompanied by comprehensive reforms in the fields of Justice and Home Affairs.

8.4. Research Challenges and Suggestions for Future Research

This research highlights the significance of a research design that traces selected activities of EU agencies through a combination of documentary analysis and triangulation interviews. While it is often feasible to explain the empowerment of EU agencies in border management as part of a larger strategic game in which side payments are made to increase sovereignty in other areas, the PA-HI approach utilised in this thesis allows for a comprehensive examination of the increasing number of policies that run counter to the interests of Member States and restrict their policy autonomy.

As a direct consequence of this methodology, however, this thesis encountered several limitations and challenges that need to be considered. One of the primary practical limitations was the persistent difficulties in obtaining data. Given the political sensitivity surrounding border issues, not all relevant official documents were readily accessible. Efforts to establish communication with crucial actors such as the Council, Europol, and key national competent authorities of EU Member States had limited success. The opportunities for conducting interviews were also limited, and some key documents were only available to residents or citizens of EU Member States, which restricted the ability to carry out a comprehensive study. Nevertheless, despite these challenges, the collection of documentary data over several years and the use of triangulation interviews still allowed for the drawing of meaningful conclusions in this thesis.

Given the ongoing development and inconclusive history of EU agencies in border management, further examination of their involvement and activities is deemed necessary. In this regard, this thesis puts forth four recommendations for future research. Firstly, it is worth considering the extent to which the division between agencies working in the Single Market and those working in Justice and Home Affairs has been reduced, as Frontex and EUAA are increasingly charged with monitoring and reporting

on Member States' compliance with EU law. Future studies may therefore benefit from taking a more comprehensive approach to the phenomenon of EU agencification, rather than limiting their analysis to narrow sectors.

Secondly, subsequent research could greatly benefit from a more thorough examination of the relationship between national expert civil servants and those working in EU agencies in the context of their everyday collaboration in implementation processes. This thesis briefly touches on the "localisation" of EUAA personnel and the daily collaboration between Frontex Standing Corps officers and national border guards. However, future studies could provide valuable insights into the effects of increased joint implementation on the integration of core state powers.

Thirdly, subsequent research on national and EU civil servants may elicit inquiries into the politics of the Management Boards. While the current literature often assumes that Member States exercise control over EU agencies through the Management Board, the actual extent of this supervision remains ambiguous, and the internal workings of EU agencies have received limited attention. Therefore, further in-depth interviews and observational studies may offer vital perspectives on the structure, implementation, and culture of EU agencies.

Finally, this thesis advocates for continued focus on migration policy and border management responses in the face of the COVID-19 pandemic, the mini-migration crisis along the EU's eastern border in the winter of 2021, and the Russian invasion of Ukraine in 2022. Although this thesis did not delve extensively into the impact of the COVID-19 pandemic on EU border management, it acknowledges that the pandemic is ongoing and that its full effects on border management have yet to be seen. Furthermore, it posits that the pandemic may not have as pronounced of a political impact as some have predicted, as the primary concern for European governments and public institutions at present is the restoration of their economies and healthcare systems post-pandemic. As such, border controls and entry restrictions implemented for COVID-19 containment may only be temporary in nature. However, future research may still benefit from exploring the evolving dimension of health security in border management.

In addition to the effects of COVID-19 related restrictions implemented by various nations, the examination of state-sponsored migration movements and Russia's

unauthorised incursion into Ukraine is a topic that warrants further research. Despite Frontex's early warnings about the potential for a new wave of migration due to the worsening situation in Afghanistan, the sudden emergence of a crisis originating from Belarus and escalating after Russia's invasion of Ukraine on 24 February 2022 was largely unforeseen. This thesis supports the notion that exogenous migratory pressures play a significant role in driving the expansion of EU agencies in border management, but the question remains as to whether the EU's eastern border will become a permanent destination for migrants and asylum seekers, or if this route will close just as rapidly as it opened.

Reference

Aas, K.F. and Gundhus, H.O.I. (2015) Policing Humanitarian Borderlands: Frontex, Human Rights and the Precariousness of Life. *British Journal of Criminology*, 55(1), pp.1–18.

Abril, G. and Martin, M. (2021) Frontex y España se enfrentan por las operaciones contra la inmigración irregular. *EL PAÍS*. 1 February. Available at: <https://elpais.com/espana/2021-02-01/frontex-y-espana-se-enfrentan-por-las-operaciones-contra-la-inmigracion-irregular.html> [Accessed 15 Apr. 2021].

Adamson, F.B. and Tsourapas, G. (2019) Migration Diplomacy in World Politics. *International Studies Perspectives*, 20(2), pp.113–128.

Adey, P. (2006) "Divided We Move": e Dromologics of Airport Security and Surveillance. In: Monahan, T. (ed) *Surveillance and Security*. New York: Routledge.

Agnew, J. (1994) The territorial trap: The geographical assumptions of international relations theory. *Review of International Political Economy*, 1(1), pp.53–80.

Akkerman, M. (2018) Expanding the Fortress: The policies, the profiteers and the people shaped by EU's border externalisation programme. Transnational Institute reports. Available at: <https://www.researchgate.net/publication/341205615_Expanding_the_Fortress_The_policies_the_profiteers_and_the_people_shaped_by_EU's_border_externalisation_programme> [Accessed 10 May 2020].

Aleksovska, M. and Schillemans, T. (2021) Dissecting multiple accountabilities: A problem of multiple forums or of conflicting demands? *Public Administration*, 1(26). Available at: <https://doi.org/10.1111/padm.12763> [Accessed 10 May 2020].

Anderlini, S. (2015) Immigrazione: oltre le polemiche, ecco la verità (amara) sulle regole europee. *Gli Stati Generali*. 18 June. Available at: <https://www.glistatigenerali.com/istituzioni-ue_politiche-comunitarie/immigrazione-ue-politiche-comunitarie-mare-nostrum-frontex-profughi/> [Accessed 4 May 2021].

Anderson, M. (2013) *Frontiers: Territory and State Formation in the Modern World*. Oxford, UK: Blackwell Publishers,

Andrijasevic, R. (2010) DEPORTED: The Right to Asylum at EU's External Border of Italy and Libya 1. *International Migration*, 48(1), pp.148–174.

ANSA (2014) Alfano seeks Mare Nostrum exit strategy. *ANSA en Politics.* 26 August. Available at: <https://www.ansa.it/english/news/politics/2014/08/26/alfano-seeks-mare-nostrum-exit-strategy_e42b4cac-5874-476c-beed-174741d5b7a7.html> [Accessed 13 May 2021].

Arab News (2018) Libyan FM rejects EU's 'disembarkation platforms'. *Arab News*, 19 October. Available at: <https://www.arabnews.com/node/1390671/middle-east> [Accessed 28 Nov. 2021].

Baird, T. (2015) Functional Actorness? Border Security in the EU and Turkey. *International Journal of Public Administration*, 38(12), pp.849–859.

Baird, T. (2017) Non-State Actors and the New Intergovernmentalism. *JCMS: Journal of Common Market Studies*, 55(6), pp.1192–1202.

Baldaccini, A. (2010) Extraterritorial Border Controls in the EU: The Role of Frontex in Operations at Sea. In: Ryan, B. and Mitsilegas, V. (eds.) *Extraterritorial Immigration Control*, Leiden: Martinus Nijhoff Publishers. pp.225–251.

Balendr, A. (2018) Current Status and Prospects for the Quality Assurance in Border Guards Training: European Experience. *Comparative Professional Pedagogy*, 8, pp.20–25.

Balla, S.J. and Deering, C.J. (2013) Police Patrols and Fire Alarms: An Empirical Examination of the Legislative Preference for Oversight. *Congress & the Presidency*, 40(1), pp.27–40.

Ballmann, A., Epstein, D. and O'Halloran, S. (2003) Delegation, Comitology, and the Separation of Powers in the European Union. *International Organization*, 56 (3), pp. 551-574.

Barker, H. and Zajovic, M. (eds.) (2020) *The Black Book of Pushback*. Border Violence Monitoring Network.

Barutciski, M. and Suhrke, A. (2001) Lessons from the Kosovo Refugee Crisis: Innovatons in Protection and Burden-sharing. *Journal of Refugee Studies*, 14(2), pp.95–134.

Bayer, L. (2020) How Orbán broke the EU — and got away with it. *POLITICO*, 24 September. Available at: <https://www.politico.eu/article/how-viktor-orban-broke-the-eu-and-got-away-with-it-hungary-rule-of-law/> [Accessed 28 Nov. 2021].

Bellanova, R. and Duez, D. (2016) The Making (Sense) of EUROSUR: How to Control the Sea Borders? In: Bossong, R. and Carrapico, H. (eds.) *Shifting Borders of EU Internal Security: Technology, Externalisation and Accountability,* Dordrecht: Springer International Publishing, pp.23–44.

Bertozzi, S. (2008) Schengen: Achievements and Challenges in Managing an Area Encompassing 3.6 million Km^2. *Centre for European Policy Studies Working Document*, 284.

Bickerton, C.J., Hodson, D. and Puetter, U. (2015) The New Intergovernmentalism: European Integration in the Post-Maastricht Era. *Journal of Common Market Studies*, 53(4), pp.703–722.

Bielby, K. (2019) 16 Countries Participate in Simulated Emergency Exercise for Coast Guards. *Homeland Security Today*, 8 June. Available at: <https://www.hstoday.us/channels/global/16-countries-participate-in-simulated-emergency-exercise-for-coast-guards/> [Accessed 8 Jun. 2021].

Bigo, D. (2014) The (in)securitization practices of the three universes of EU border control: Military/Navy – border guards/police – database analysts: *Security Dialogue*, 45(3), pp. 209-225.

Bijsmans, P. (2021) The Eurozone crisis and Euroscepticism in the European press. *Journal of European Integration*, 43(3), pp.331–346.

Border Security Report (2021) Border Security Report, *Border Security Report*, 24.

Boswell, C. (2003) The 'External Dimension' of EU Immigration and Asylum Policy. *International Affairs* 79(3), pp.619–638.

Bourbeau, P. (2006) Migration and Security: Securitization theory and its refinement. Available at: <https://www.academia.edu/4434883/Bourbeau_Philippe_2006_Migration_and_Security_Securitization_theory_and_its_refinement_ISA_San_Diego> [Accessed 10 May 2020].

Bovens, M. and Schillemans, T. (2020) *Non-majoritarian Institutions and Representation*. In: Rohrschneider, R. and Thomassen, J. (eds.) The Oxford Handbook of Political Representation in Liberal Democracies. Oxford: Oxford University Press.

Buckel, S. and Wissel, J. (2010) State Project Europe: The Transformation of the European Border Regime and the Production of Bare Life. *International Political Sociology*, 4(1), pp.33–49.

Bunyan, T. (1993) *Statewatching the new Europe: a handbook on the European state*. London: Statewatch.

Burchard, H. (2021) EU Commission VP Schinas defends border agency Frontex. *POLITICO*. 25 February. Available at: <https://www.politico.eu/article/european-commission-vice-president-margaritis-schinas-defends-frontex-migration-asylum-strategy/> [Accessed 13 Dec. 2021].

Burchard, H. and Baume, M.D.L (2021) EU Commissioner Johansson criticizes Frontex boss. *POLITICO*. 22 February. Available at: <https://www.politico.eu/article/frontex-chief-fabrice-leggeri-under-fire-from-eu-commissioner-ylva-johansson/> [Accessed 12 Dec. 2021].

Bures, O., 2008. Europol's Fledgling Counterterrorism Role. *Terrorism and Political Violence*, 20(4), pp.498–517.

Bureš, O. (2016) Intelligence sharing and the fight against terrorism in the EU: lessons learned from Europol. *European View*, 15(1), pp.57–66.

Burgess, J.P. and Gutwirth, S. (eds) (2011) *A Threat Against Europe: Security, Migration and Integration*. Acad & Scientific Pub.

Burke, A. (2008) *Fear of Security: Australia's Invasion Anxiety*. Cambridge University Press.

Busuioc, E.M. (2016) Friend or Foe? Inter-Agency Cooperation, Organizational Reputation, and Turf. *Public Administration*, 94(1), pp.40–56.

Busuioc, M. (2009) Accountability, Control and Independence: The Case of European Agencies. *European Law Journal*, 15(5), pp.599–615.

Busuioc, M. (2010) *The Accountability of European Agencies: Legal Provisions and Ongoing Practices*. Eburon Academic.

Busuioc, M., Curtin, D. and Groenleer, M. (2011) Agency growth between autonomy and accountability: The European Police Office as a 'living institution', *Journal of European Public Policy*, 18(6), pp. 848–867.

Busuioc, M. and Groenleer, M. (2013) Beyond Design: The Evolution of Europol and Eurojust. *Perspectives on European Politics and Society*, 14(3), pp. 285–304.

Buzan, B. (1983) *People, States, and Fear: The National Security Problem in International Relations*. Brighton, UK: Wheatsheaf Books.

Buzan, B., Wver, O., Wæver, O. and de Wilde, J. (1998) *Security: A New Framework for Analysis*. Boulder, Colo: Lynne Rienner Pub,

Campesi, G. (2014) Frontex, the Euro-Mediterranean Border and the Paradoxes of Humanitarian Rhetoric. *South East European Journal of Political Science*, 2(3), pp. 126-134.

Campesi, G. (2018a) Crisis, migration and the consolidation of the EU border control regime. *International Journal of Migration and Border Studies*, 4(3), pp.196–221.

Campesi, G. (2018b) *European Border and Coast Guard (Frontex): Security, Democracy, and Rights at the EU Border*. Oxford Research Encyclopedia of Criminology and Criminal Justice.

Campesi, G. (2021) *Policing Mobility Regimes: Frontex and the Production of the European Borderscape*. London: Routledge.

Capoccia, G. (2016) Critical Junctures. In Fioretos, O., Falleti T. F. and Sheingate, A. (eds.) *The Oxford Handbook of Historical Institutionalism*. Oxford: Oxford University Press.

Capoccia, G. and Kelemen, R.D. (2007) The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism. *World Politics*, 59(3), pp.341–369.

Carabott, S. (2021) EU border agency Frontex to deploy drone from Malta in €100m mission. *Times of Malta*, 3 May.

Carbone, M. (2013) Between EU actorness and aid effectiveness: The logics of EU aid to Sub-Saharan Africa. *International Relations*, 27(3), pp.341–355.

Carrera, S. and Cortinovis, R. (2019) Search and rescue, disembarkation and relocation arrangements in the Mediterranean. *Centre for European Policy Studies Working Document.* Available at: <https://www.ceps.eu/ceps-publications/search-and-rescue-disembarkation-and-relocation-arrangements-in-the-mediterranean/> [Accessed 31 Aug. 2021].

Carrera, S. and Guild, E. (2010) Joint Operation RABIT 2010 – FRONTEX Assistance to Greece's Border with Turkey: Revealing the Deficiencies of Europe's Dublin Asylum System. *Centre for European Policy Studies Liberty and Security in Europe, November 2010*. Available at: <http://aei.pitt.edu/15186/> [Accessed 12 Nov. 2020].

Carrera, S., den Hertog, A.P.L., Panizzon, M. and Kostakopoulou, D. (2018) *The EU External Policies on Migration, Borders and Asylum in an Era of Large Flows: Policy Transfers or Intersecting Policy Universes?* Leiden: Brill Nijhoff.

Carrera, S. and den Hertog, L. (2015) Whose Mare? Rule of law challenges in the field of European border surveillance in the Mediterranean. *Centre for European Policy Studies Working Document.* Available at: <https://www.ceps.eu/ceps-publications/whose-mare-rule-law-challenges-field-european-border-surveillance-mediterranean/> [Accessed 11 May 2021].

Carrera, S. and den Hertog, L. (2016) A European Border and Coast Guard: What's in a name? *Centre for European Policy Studies,* 08 March. Available at: <https://www.ceps.eu/ceps-publications/european-border-and-coast-guard-whats-name/> [Accessed 11 May 2021].

Carrera, S., Vara, J.S. and Strik, T. (eds.) (2019) *Constitutionalising the External Dimensions of EU Migration Policies in Times of Crisis: Legality, Rule of Law and Fundamental Rights Reconsidered*. Cheltenham: Edward Elgar Publishing Ltd.

Casolari, F. (2016) The EU's Hotspot Approach to Managing the Migration Crisis: A blind Spot for International responsibility? *The Italian Yearbook of International Law Online*, 25(1), pp.109–134.

Chamber of Deputies of the Italian Parliament (2013) *XVII Legislature, Reports of the Boards and Commissions.* Available at: <https://www.camera.it/leg17/824?tipo=A&anno=2013&mese=10&giorno= 10&view =&commissione=04> [Accessed 13 May 2021].

Camilleri, Ivan. (2021) No Frontex mission around Malta. *Times of Malta*. 15 May. Available at: <https://timesofmalta.com/articles/view/No-Frontex-mission-around-Malta.365397> [Accessed 11 May 2021].

Chamon, M. (2010) EU Agencies: Does the Meroni Doctrine Make Sense? *Maastricht Journal of European and Comparative Law*, 17(3), pp.281–305.

Chamon, M. (2011) EU agencies between *Meroni* and *Romano* or the devil and the deep blue sea. *Common Market Law Review*, 48(4), pp. 1055 – 1075.

Chamon, M. (2016) *EU Agencies: Legal and Political Limits to the Transformation of the EU Administration*. Oxford University Press.

Chamon, M. and Demedts, V. (2017) Constitutional Limits to the EU Agencies' External Relations. *TARN Working Paper Series*, 11.

Chetail, V. (2016) Looking beyond the Rhetoric of the Refugee Crisis: The Failed Reform of the Common European Asylum System. *European Journal of Human Rights*, 2016, pp. 584-602.

Chiti, E. (2004) Decentralisation and Integration into the Community Administrations: A New Perspective on European Agencies. *European Law Journal*, 10(4), pp.402–438.

Chiti, E. (2009) An important part of the EU's institutional machinery: Features, problems and perspectives of European agencies. *Common Market Law Review*, 46, pp.1395–1442.

Christides, G., Gebauer, M., Lüdke, S., Popp, M. and Wiedmann-Schmidt, W. (2020) Türkische Soldaten sollen auf deutsche Frontex-Beamte gezielt haben. *Der Spiegel*. 30 April. Available at: <https://www.spiegel.de/ausland/tuerkische-soldaten-sollen-auf-deutsche-frontex-beamte-gezielt-haben-a-ad7bd4ca-d7df-430e-b40a-7cf7e59bd92a> [Accessed 29 Nov. 2021].

Christides, G., Lüdke, S. and Popp, M. (2020) Wie Frontex-Chef Fabrice Leggeri die Öffentlichkeit getäuscht hat. *Der Spiegel*. 26 November. Available at: <https://www.spiegel.de/ausland/wie-frontex-chef-fabrice-leggeri-die-oeffentlichkeit-getaeuscht-hat-a-97235557-16c5-4340-bf9b-c1032b2dabab> [Accessed 3 Jan. 2022].

Clark, T. and Gandhi, J. (2015) Studying institutions. In Gandhi, J. and Ruiz-Rufino, R., *Handbook of Comparative Political Institutions*, London: Routledge, pp. 31–52.

Čmakalová, K. and Rolenc, J.M. (2012) Actorness and legitimacy of the European Union. *Cooperation and Conflict*, 47(2), pp.260–270.

Collier, D. (2011) Understanding Process Tracing. *Political Science & Politics*, 44(4), pp.823–830.

Collier, R.B. and Collier, D. (2002) *Shaping the Political Arena: Critical Junctures, the Labor Movement, and Regime Dynamics in Latin America*. Notre Dame: University of Notre Dame Press.

Coman-Kund, F. (2019) The cooperation between the European Border and Coast Guard Agency and third countries according to the new Frontex Regulation: legal and practical implications. In: Hofmann, H.C.H., Vos, E. and Chamon, M. (eds.) *The External Dimension of EU Agencies and Bodies*. Cheltenham/Northampton: Edward Elgar Publishing.

da Conceição-Heldt, E. (2017) Multiple Principals' Preferences, Types of Control Mechanisms and Agent's Discretion in Trade Negotiations. In: Delreux, T. and Adriaensen, J. (eds.) *The Principal Agent Model and the European Union*, Dordrecht: Springer International Publishing.

Cortinovis, R. (2015) The Evolution of Frontex Governance: Shifting from Soft to Hard Law? *Journal of Contemporary European Research*, 11(3), pp.252-267

Cossé, E. (2020) Greece's Moria Camp Fire: What's Next? *Human Rights Watch*, 12 September. Available at: <https://www.hrw.org/news/2020/09/12/greeces-moria-camp-fire-whats-next> [Accessed 8 Jun. 2021].

Council of the European Union (1994) *Council Conclusion of 30 November 1994 on the organization and development of the Centre for Information, Discussion and*

Exchange on the Crossing of Frontiers and Immigration (CIRFI). C.274/50. Brussels, 30 November.

Council of the European Union (1997) *Activity report on the Centre for Information, Discussion and Exchange on Asylum (CIREA) for 1994 and 1995*, Official Journal C 191, Brussels, 23 June.

Council of the European Union (1998) *Strategic Paper on Immigration and Asylum Policy,* C.9809/ 98. Brussels, 1 July.

Council of the European Union (2001) *Conclusions Adopted by the Justice and Home Affairs Council of the European Union*, C/01/327, Brussels, 20 September.

Council of the European Union (2002) *EU Schengen Catalogue, General Secretariat DG H, External borders control, removal and readmission: Recommendations and Best Practices*. February.

Council of the European Union (2003a) *Annex 6 of CIRAM*. 11476/03, Brussels, 16 July.

Council of the European Union (2003b) *Report on the implementation of programmes, ad hoc centres, pilot projects and joint operations*. Brussels, 15 March.

Council of the European Union (2005) *Council Decision of 16 March 2005 establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services*. 2005/267/EC, Brussels, 16 March.

Council of the European Union (2006) *Council Conclusions of 4-5 December 2006 on Integrated Border Management*. 2768th Justice and Home Affairs Council meeting in Brussels. 5 December.

Council of the European Union (2009a) *Updated EU Schengen Catalogue on External Borders Control, Return and Readmission - Recommendations and best practices*. 7864/09, Brussels, 19 March.

Council of the European Union (2009b) *Questionnaire on the future of CIREFI activities*. 6310/09, 12 August.

Council of the European Union (2009c) *The Stockholm Programme – An open and secure Europe serving and protecting the citizens*. 17024/09, Brussels, 2 December.

Council of the European Union (2010a) *Council conclusions on the creation and implementation of a EU policy cycle for organised and serious international crime*. 3043st Justice and Home Affairs Council meeting Brussels, 8 November.

Council of the European Union (2010b) *New JHA working structures: Abolition of CIREFI and transfer of its activities to FRONTEX and the Working Party on Frontiers*. 6504/10, 24 February.

Council of the European Union (2011) *Final report and recommendations of Project Group 'Measure 6'*. 7942/1/11, Brussels, 15 April.

Council of the European Union (2012) *Conclusions on a common framework for genuine and practical solidarity towards Member States facing particular pressures due to mixed migration flows*. 3151st Justice and Home Affairs Council meeting Brussels, 8 March 2012

Council of the European Union (2016) *Definition of Joint Action Days (JADs)*. 8127/16, Brussels, 26 April.

Council of the European Union (2018) *Enhancing the response to migrant smuggling networks: a comprehensive and operational set of measures*. 5754/20, Brussels, 14 February.

Council of the European Union (2019) *EUNAVFOR MED Operation Sophia: mandate extended until 30 September 2019*. Brussels, 29 March.

Council of the European Union (2020a) *Annual report on the practical application of Regulation (EU) No 656/2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by Frontex*. 6294/20, Brussels, 25 February.

Council of the European Union (2020b) *Strengthening migration management capacities in the Western Balkans region*. 7896/20, Brussels, 12 May.

Council of the European Union (2021) *Council conclusions on the permanent continuation of the EU Policy Cycle for organised and serious international crime: EMPACT 2022 +*. 6481/21, Brussels, 26 February.

COWI (2009) *External evaluation of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union*. P-69209-A, 15 January.

Crozier, M.J., Preston, N. and Glade, T. (2013) Antecedent Conditions. In: Bobrowsky, P., Slovic P. and McGuire, B. (eds.) *Encyclopedia of Natural Hazards*. Dordrecht: Springer Netherlands, pp.10–13.

Cruz, A. (1993) Schengen, ad hoc Immigration Group and other European intergovernmental bodies: in view of a Europe without internal borders. Churches Committee for Migrants in Europe.

Csernatoni, R. (2016) High-Tech Fortress Europe: FRONTEX and the Dronization of Border Management. *European Public Affairs*. 27 January. Available at: <https://www.europeanpublicaffairs.eu/high-tech-fortress-europe-frontex-and-the-dronization-of-border-management/> [Accessed 8 Sep. 2020].

Csernatoni, R. (2018) Constructing the EU's high-tech borders: FRONTEX and dual-use drones for border management. *European Security*, 27(2), pp.175–200.

Curtin, D. (2005) Delegation to EU Non-Majoritarian Agencies and Emerging Practices of Public Accountability' In: Pitet, N. and Geradin. D. (eds). *Regulation through Agencies in the EU. A New Paradigm of European Governance*. Cheltenham: Edward Elgar Publishing, pp.88-119

Cusumano, E. (2019) Migrant rescue as organized hypocrisy: EU maritime missions offshore Libya between humanitarianism and border control. *Cooperation and Conflict*, 54(1), pp.3–24.

Cuttitta, P. (2014) 'Borderizing' the Island Setting and Narratives of the Lampedusa 'Border Play'. *An International Journal for Critical Geographies*, 13(2), pp.196–219.

Cuttitta, P. (2018) Delocalization, Humanitarianism, and Human Rights: The Mediterranean Border Between Exclusion and Inclusion. *Antipode*, 50(3), pp.783–803.

Czaika, M and de Haas, H. (2014), The Globalisation of Migration: Has the World Become More, *International Migration Review*, 48(2), pp. 283-323.

Daily Sabah (2018) North African countries reject EU plan for migration control. *Daily Sabah*. 20 October. Available at: <https://www.dailysabah.com/africa/2018/10/20/north-african-countries-reject-eu-plan-for-migration-control> [Accessed 28 Nov. 2021].

De Bruycker, P. (2016) The European Border and Coast Guard: A New Model Built on an Old Logic. *European Papers*. 1 (2). pp. 559–569

De Genova, N. P. (2016) The "Crisis" of the European Border Regime: Towards a Marxist. *International Socialism*, 150, pp. 31-54.

De Genova, N. P. (2017) Crises, Convulsions, Concurrences: Human Mobility and the Postcolonial Dialectics of Subordinate Inclusion. PARSE Journal, 8. Available at: <https://lnu.se/mot-linneuniversitetet/aktuellt/kalender/2017/crises-convulsions-concurrences-human-mobility-and-the-postcolonial-dialectics-of-subordinate-inclusion/> [Accessed 16 Nov. 2020].

DeBardeleben, J. (ed.) (2008). *The Boundaries of EU Enlargement: Finding a Place for Neighbours*. London: Palgrave Macmillan UK.

Dehousse, R. (2008) Delegation of powers in the European union: The need for a multi-principals model. *West European Politics*, 31(4), pp.789–805.

Del Pozo, F., Dymock, A., Feldt, L. and Hebrard, P. (2010) *Maritime Surveillance in Support of CSDP*. Wise Pen Final Report, 31 March.

Del Sarto, R. (2010) Borderlands: The Middle East and North Africa as the EU's Southern Buffer Zone. In: Dimitar, B.,and Kalypso, N. (eds.) *Mediterranean frontiers: borders, conflicts and memory in a transnational world*. London: Bloomsbury Publishing, pp. 149-165

Delreux, T. and Adriaensen, J. (2017) Introduction. Use and Limitations of the Principal–Agent Model in Studying the European Union. In: Delreux, T. and Adriaensen, J. (eds.) *The Principal Agent Model and the European Union*, Palgrave Studies in European Union Politics. Dordrecht: Springer International Publishing, pp.1–34.

Demiryontar, B. (2021) Accession conditionality and migration diplomacy: Turkey's dual identity in migration policy negotiations with the EU. *European Politics and Society*, 22(1), pp.88–103.

Den Boer, M. and Monar, J. (2002) Keynote Article: 11 September and the Challenge of Global Terrorism to the EU as a Security Actor. *Journal of Common Market Studies*, 40(1), pp.11–28.

Den Boer, M. (2015) Counter-Terrorism, Security and Intelligence in the EU: Governance Challenges for Collection, Exchange and Analysis. *Intelligence and National Security*, 30(2), pp.402–419.

Dijkstra, H. (2017) Non-exclusive delegation to the European External Action Service. In: Delreux, T. and Adriaensen, J. (eds.) *The Principal Agent Model and the European Union*, Palgrave Studies in European Union Politics. Dordrecht: Springer International Publishing, pp.55–81.

Dimitriadi, A., Kaya, A., Kale, B. and Zurabishvili, T. (2018) EU-Turkey Relations and Irregular Migration: Transactional Cooperation in the Making. *Barcelona Centre for International Affairs Future online paper*, 16. Available at: <http://www.cidob.org/en/publications/publication_series/project_papers/feuture/eu_turkey_relations_and_irregular_migration_transactional_cooperation_in_the_making> [Accessed 29 Nov. 2021].

Dinmore, G. and Segreti, G. (2014) Italy's right calls for end to navy's rescue of African migrants. *Financial Times*, 22 April. Available at: <https://www.ft.com/content/4236e56c-ca08-11e3-ac05-00144feabdc0> [Accessed 13 May 2021].

DobrogeaNews (2021) Multipurpose Maritime Operation in the Black Sea – MMO Black Sea 2021". *DobrogeaNews*, 5 June. Available at: <http://www.dobrogeanews.ro/garda-de-coasta-multipurpose-maritime-operation-in-the-black-sea-mmo-black-sea-2021/> [Accessed 7 Jan. 2022].

Downs, A. and Corporation, R. (1967) *Inside bureaucracy*. Boston: Little, Brown and Company

Dupont, C., Oberthür, S. and von Homeyer, I. (2020) The Covid-19 crisis: a critical juncture for EU climate policy development? *Journal of European Integration*, 42(8), pp.1095–1110.

Edwards, M. (2020) A bloody method of control': the struggle to take down Europe's razor wire walls. *The Guardian*. 13 May. Available at: <https://www.theguardian.com/global-development/2020/may/13/a-bloody-method-of-control-the-struggle-to-take-down-europes-razor-wire-walls> [Accessed 9 Nov. 2020].

EFCA (2018) *Annual Report of the EFCA for year 2017*, 27 April,

Egeberg, M. (ed.) (2006) *Multilevel Union Administration: The Transformation of Executive Politics in Europe*. London: Palgrave Macmillan UK.

Egeberg, M. and Trondal, J. (2016) Why Strong Coordination at One Level of Government Is Incompatible with Strong Coordination Across Levels (and How to Live with It): The Case of the European Union. *Public Administration*, 94(3), pp.579–592.

Eisenhardt, K.M. (1989) Agency Theory: An Assessment and Review. *The Academy of Management Review*, 14(1), pp.57–74.

Ekelund, H. (2014) The Establishment of FRONTEX: A New Institutionalist Approach. *Journal of European Integration*, 36(2), pp.99–116.

Ekelund, H. (2019) Normative Power Frontex? Assessing agency cooperation with third countries. *The* External Dimension of EU Agencies and Bodies. *TARN Working Paper*, 15/17.

EMSA (2020) *EMSA Consolidated Annual Activity Report 2019*. 25 January.

EMSA (2021) *EMSA Consolidated Annual Activity Report 2020*, 15 January.

Esteve, F. (2017) The Search and Rescue Tasks Coordinated by the European Border and Coast Guard Agency (Frontex) Regarding the Surveillance of External Maritime Borders. *Journal of International Law and International Relations*, 17.

EUAA (2013) *EASO Annual Activity Report 2012*. 12 January.

EUAA (2019) *Country of Origin Information (COI) report on Eritrea*. 30 September.

EUAA (2020a) *EASO Annual General Report 2019*. 9 June.

EUAA (2020b) *Multi-annual Programming 2021-2023*. 20 November.

eu-LISA (2017) *Annual Activities Report 2016*. 13 January.

European Commission (2000a) *Biannual update of the scoreboard to review progress on the creation of an area of 'freedom, security and justice' in the European Union (second half of 2000)*. COM (2000) 782 final, Brussels, 30 November.

European Commission (2000b) *Communication on a Community immigration policy*. COM/2000/0757 final, Brussels, 22 November.

European Commission (2000c) *Towards a common asylum procedure and a uniform status, valid throughout the Union, for persons granted asylum*. COM/2000/0755 final, Brussels, 22 November.

European Commission (2001a) *Biannual update of the scoreboard to review progress on the creation of an area of 'freedom, security and justice' in the European Union - (first half of 2000)*. COM/2001/0278 final, Brussels, 23 May.

European Commission (2001b) *Commission Staff working paper: the exchange of statistical inforamtion in the field of asylum and migration.* SEC (2001) 602, Brussels, 15 April.

European Commission (2001c) *Communication on a Common Policy on illegal immigration*. COM/2001/0672 final, Brussels, 15 November.

European Commission (2001d) *European Governance-A White Paper*. COM (2001) 42, Brussels, 25 July.

European Commission (2002a) *Towards Integrated Management of the External Borders of the Member States of the European Union*. COM (2002) 233 final, Brussels, 7 May.

European Commission (2002b) *The operating framework for the European Regulatory Agencies, CELEX1*. COM (2002) 718 final, Brussels, 11 December.

European Commission (2003a) *Communication in view of the European Council of Thessaloniki*. COM/2003/0323 final, Brussels, 03 June.

European Commission (2003b) *Proposal for a Council Regulation establishing a European Agency for the Management of Operational Co-operation at the External Borders*. COM (2003) 687 final/2, Brussels, 20 November.

European Commission (2004a) *Annual report on the development of a common policy on illegal immigration, smuggling and trafficking of human beings, external borders, and the return of illegal residents*. SEC (2009) 320 final, Brussels, 9 March.

European Commission (2004b) Answer given by Mr Frattini on behalf of the Commission to Parliamentary Question E-2473/2004 and E-1267/2003, 14 December 2004.

European Commission (2005) *Memorandum of Understanding Concerning the development of the secure web-based Information and Co-ordination Network for Member States' Migration Management Services, between the European Commission and the European Agency for the Management of Operational Co-operation at the External Borders of the Member States of the European Union*.

European Commission (2006a) *Reinforcing the management of the European Union's Southern Maritime Borders*. COM (2006) 733 final, Brussels, 30 November.

European Commission (2006b) *Green Paper: Towards a future Maritime Policy for the Union: A European vision for the oceans and seas*. COM (2006) 275 final, Brussels, 7 June.

European Commission (2007) *Communication on an Integrated Maritime Policy for the European Union*. COM (2007) 575 final, Brussels, 10 October.

European Commission (2008a) *Examining the creation of a European Border Surveillance System (EUROSUR)*. MEMO/08/86, Brussels, 13 February.

European Commission (2008b) *Report on the evaluation and future development of the FRONTEX Agency - Executive summary of the impact assessment*. SEC (2008) 149, 13 February.

European Commission (2010), *Communication from the Commission to the European Parliament and the Council: The EU Internal Security Strategy in Action: Five steps towards a more secure Europe*. COM (2010) 673 final, Brussels, 22 November.

European Commission (2011a) *Communication on enhanced intra-EU solidarity in the field of asylum An EU agenda for better responsibility-sharing and more mutual trust*. COM/2011/0835 final, Brussels, 2 February.

European Commission (2011b) *The Global Approach to Migration and Mobility*. COM (2011) 743 final, Brussels, 8 November.

European Commission (2011c) Answer given by Ms Malmström on behalf of the Commission to the Parliamentary written questions P-004505/2011.

European Commission (2013a) *Communication on the work of the Task Force Mediterranean*. COM/2013/0869 final, Brussels, 4 December.

European Commission (2013b) *EUROSUR kicks off: new tools to save migrants' lives and prevent crime at EU borders*. Press release, Brussels, 29 November.

European Commission (2015) *Progress Report on the Implementation of the hotspots in Italy*. COM (2015) 679 final, Strasbourg, 15 December.

European Commission (2015c) *Refugee Crisis: European Commission takes decisive action - Questions and answers*. Fact Sheet, Strasbourg, 9 September.

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

European Commission (2016) *Implementing the European Agenda on Migration: Commission reports on progress in Greece, Italy and the Western Balkans*. Press release, Brussels, 10 February.

European Commission (2018a) *Communication on a credible enlargement perspective for and enhanced EU engagement with the Western Balkans*. COM (2018) 65 final Strasbourg, 6 February.

European Commission (2018b) *Evaluation of the Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (EUROSUR)*. SWD (2018) 410 final, Brussels, 12 September.

European Commission (2018c) *Managing migration: Commission expands on disembarkation and controlled centre concepts*. Press release, Brussels, 24 July.

European Commission (2019) Letter from the Directorate General for Migration and Home Affairs to Frontex Executive Director Fabrice Leggeri, Ref. Ares (2019)1755075, 18 March. Available at: < eu-letter-from-frontex-director-ares-2019)1362751 Rev.pdf (statewatch.org)> [Accessed 10 Aug. 2021].

European Commission (2020a) *A fresh start on migration: Building confidence and striking a new balance between responsibility and solidarity*. Press release, Brussels, 24 Sep 2020

European Commission (2020b) *Communication Decision approving the Memorandum of Understanding between the European Commission, European Asylum Support Office, the European Border and Coast Guard Agency, Europol and the Fundamental Rights*

Agency, of the one part, and the Government of Hellenic Republic, of the other part, on a Joint Pilot for the establishment of a new Multi-Purpose Reception and Identification Centre in Lesvos. COM (2020) 8657 final, Brussels, 2 December.

European Commission (2020c) *Communication on a New Pact on Migration and Asylum*. COM (2020) 609 final, Brussels, 23.9.2020

European Commission (2020d) *Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/794, as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role on research and innovation*. COM (2020) 796 final, Brussels, 9 December.

European Commission (2020e) *Subject: Your letter of 4 December 2020 (ref: CAB/KARO/10563/2020)*. Letter from the Directorate General for Migration and Home Affairs to Frontex Executive Director Fabrice Leggeri, Ref.Ares (2020) 7752158, 18 December.

European Commission (2021) *Report on Migration and Asylum*. COM (2021) 590 final, Brussels, 29 September.

European Council (1999) Presidency Conclusions European Council meeting in Tampere 15-16 October 1999. 16 October.

European Council (2001) *Presidency Conclusions European Council meeting in Laeken 14 and 15 December 2001*. DOC/01/18, 15 December.

European Council (2018) *European Council Conclusions, 28 June 2018*. Press release, 29 June.

European Council on Refugees and Exiles (2021) *Country Report: Italy*. 03 June.

European Parliament (2005) *Report from the LIBE Committee Delegation on the Visit to the Temporary Holding Centre in Lampedusa*. 30 March.

European Parliament (2008) *An analysis of the Commission Communication on future development of Frontex and the Creation of a European Border Surveillance System (EUROSUR)*. 26 June.

European Parliament (2009) *External Dimension of the Area of Freedom, Security and Justice*, 16 March.

European Parliament (2011) *Implementation of the EU Charter of Fundamental Rights and its Impact on EU Home Affairs Agencies*, Policy Document, Directorate General for Internal Polices.

European Parliament (2013) *Towards the negotiation and adoption of the Stockholm Programme's successor for the period 2015-2019*. 4 February.

European Parliament (2014) *The inter-agency cooperation and future architecture of the EU criminal justice and law enforcement area*. 26 November.

European Parliament (2017a) *Integration of refugees in Greece, Hungary and Italy comparative analysis*. 20 December.

European Parliament (2017b) Mission report following the LIBE Mission to Greece hotspots and Athens, 22 – 25 May 2017.

European Parliament (2018) *EU Agencies, Common Approach and Parliamentary Scrutiny*. European Parliamentary Research Service, November.

European Parliament (2020a) *Hotspots at EU external borders: State of play*. 25 September.

European Parliament (2020b) Committee on Civil Liberties, Justice and Home Affairs hearing record. Available at: < https://multimedia.europarl.europa.eu/en/webstreaming/committee-on-civil-liberties-justice-and-home-affairs_20201201-1345-COMMITTEE-LIBE> [Accessed 10 Aug. 2021].

European Parliament (2021a) *Report on the fact-finding investigation on Frontex concerning alleged fundamental rights violations*. 14 July.

European Parliament (2021b) *The EU Approach on Migration in the Mediterranean*. June 2021.

Europol (2007) *Annual Activity Report 2006.* May.

Europol (2015) *Joint Operational Team Launched to Combat Irregular Migration in the Mediterranean*. 17 May.

Europol (2017) *EMSC 1st Annual Activity Report – 2016-2017*. 6 December,

Europol (2018a) *EMSC 2th Annual Activity Report – 2017-2018*. 2 April.

Europol (2018b) Europol and Frontex Strengthen Cooperation to Tackle Cross Border Crime. 05 October.

Europol (2020) *EMSC 4th Annual Activity Report – 2019-2020*. 15 May.

Europol (2021) *Europol Programming Document 2021-2023*. 27 January.

Evans, P.B., Rueschemeyer, D. and Skocpol, T. (eds.) (1985) *Bringing the State Back In*. Cambridge: Cambridge University Press.

Fahey, E. (2016) Treading on Whose Toes? Europol, the European Parliament and the Limits of Parliamentary Control and Accountability. *European Papers - A Journal on Law and Integration*, 2016 1(1), pp.339–341.

Farrell, H. (2018) The Shared Challenges of Institutional Theories: Rational Choice, Historical Institutionalism, and Sociological Institutionalism. In: Glückler, J., Suddaby, R. and Lenz, R. (eds.) *Knowledge and Institutions*, Knowledge and Space. Dordrecht: Springer International Publishing, pp.23–44.

Fernández, F.V. (2016) The European operations in the Mediterranean Sea to deal with migration as a symptom: From the Italian operation Mare Nostrum to Frontex

operations Triton and Posseidon, EUNAVFOR-MED and NATO's assistance in the Aegean Sea. *Spanish yearbook of international law*, 20, pp.93–117.

FIDH, Migreurop, EMHRN (2014) *Frontex between Greece and Turkey: At the border of denial*, 30 April. Available at: < https://www.frontexit.org/en/news/item/380-press-release-frontex-between-greece-and-turkey-the-border-of-denial> [Accessed 10 Aug. 2021].

Field, O. (2006) Stemming the Flow: Abuses Against Migrants, Asylum Seekers and Refugees. *Human Rights Watch*. 12 September.

Fili, A. (2018) Containment Practices of Immobility in Greece. *E-International Relations*. 27 August. Available at: <https://www.e-ir.info/2018/08/27/containment-practices-of-immobility-in-greece/> [Accessed 10 Aug. 2021].

Fine, S. (2018) Back to Frontex: Europe's misguided migration policy. *European Council on Foreign Relations*. 27 September. Available at: <https://ecfr.eu/article/commentary_back_to_frontex_europes_misguided_migration_policy/> [Accessed 8 Nov. 2020].

Fink, M. (2012) Frontex Working Arrangements: Legitimacy and Human Rights Concerns Regarding 'Technical Relationships'. *Utrecht Journal of International and European Law*, 28(75), pp.20–35.

Finke, D. (2020) Turf wars in government administration: Interdepartmental cooperation in the European Commission. *Public Administration*, 98(2), pp.498–514.

Fioretos, O., Falleti, T.G. and Sheingate, A. (eds.) (2016) *The Oxford Handbook of Historical Institutionalism*. Oxford: Oxford University Press.

Forthomme, C. (2021) Europe's Disputes with Hungary and Poland: A Summer Pause? *Impakter*. 2 August 2021. Available at: <https://impakter.com/europes-disputes-with-hungary-and-poland-a-summer-pause/> [Accessed 28 Nov. 2021].

Fotiadis, A. (2020) Frontex's History of Handling Abuse Evidence Dogs Balkan Expansion. *Balkan Insight*. 6 February 2020. Available at: <https://balkaninsight.com/2020/02/06/frontexs-history-of-handling-abuse-evidence-dogs-balkan-expansion/> [Accessed 17 Dec. 2021].

Franko, K. (2021) The two-sided spectacle at the border: Frontex, NGOs and the theatres of sovereignty. *Theoretical Criminology*, 25(3), pp. 379–399

Frontex (2006a) *Frontex Annual Report 2005*. 13 June.

Frontex (2006b) *Feasibility study on Mediterranean coastal patrols network – MEDSEA*. 20 November.

Frontex (2007a) *Frontex Annual Report 2006*.

Frontex (2007b) *Frontex-led EU Illegal Immigration Technical Mission to Libya*.

Frontex (2010a) *Beyond the Frontiers-Frontex: The First Five Years*.

Frontex (2010b) *Western Balkans Annual Risk Analysis 2010. 19 November*.

Frontex (2011) *Evaluation Report for Joint Operation EPN HERA 2010.*

Frontex (2012a) *Frontex Joint Operation Hera-annexes 2012.*

Frontex (2012b) *General Report 2011.* 25 July

Frontex (2012c) *Programme of Work 2012.* 22 February.

Frontex (2014). *FRAN Quarterly April–June 2014.* 30 June.

Frontex (2015a) *FRAN Quarterly: Quarter 1 January–March 2015.* 30 June.

Frontex (2015b) *Specific Annex of the Operational Plan_Joint Operation EPN Hera 2015.* 2015/SBS/02.

Frontex (2016) *Situation at the Hungarian-Serbian border.* 14 October.

Frontex (2017a) *Frontex launches capacity building project for Africa during AFIC meeting.* 29 September.

Frontex (2017b) *Handbook to the Operation Plan: Joint Maritime Operations.* 13 February.

Frontex (2017c) *To Frontex Consultative Forum on Fundamental Rights, Ms Chairperson. Subject: Recommendation on Frontex activities at the Hungarian-Serbian border.* 1 February.

Frontex (2018a) *Annual Activity Report 2017.* 27 June.

Frontex (2018b) *Vacancy Notice: Head of Law Enforcement Sector within Coast Guard and Law Enforcement Unit.* 26 June.

Frontex (2018c) *Western Balkans Annual Risk Analysis 2018.* 8 July.

Frontex (2019a) *Consolidated Annual Activity Report 2018.* 12 June.

Frontex (2019b) *Technical and Operational Strategy for European Integrated Border Management.* 20 August.

Frontex (2020a) *Consolidated annual activity report 2019.* 27 May.

Frontex (2020b) *Vacancy Notice for Senior Liaison Officer to Eastern Partnership countries.* 9 July.

Frontex (2020c) *Report on cooperation with third countries in 2019.* 25 September.

Frontex (2021a) *Frontex continues its support for Spain.* 29 January.

Frontex (2021b) *Fundamental Rights and Legal Operational Aspects of Operations in the Aegean Sea Preliminary Report of the Frontex Management Board Working Group.* 5 March.

Frontex (2021c) Management Board Decision 13/2021 of 19 February 2021. Reg. No. 1335, 8 February.

Frontex (2021d) Conclusions of the Management Board's meeting on 20-21 January 2021 on the preliminary report of its Working Group on Fundamental Rights and Legal Operational Aspects of Operations in the Aegean Sea. 21 January.

Frontex, EMSA and EFCA (2017) *Pilot Project 'Creation of a European Coastguard Function' Final report*. 8 November.

Garelli, G. and Tazzioli, M. (2018) The Humanitarian War Against Migrant Smugglers at Sea. *Antipode*, 50(3), pp.685–703.

Gattinara, P.C. (2017) The 'refugee crisis' in Italy as a crisis of legitimacy. *Contemporary Italian Politics*, 9(3), pp.318–331.

Geeraert, A. (2016) *The EU in International Sports Governance.* London: Palgrave Macmillan UK.

George, A.L., Bennett, A. (2005) *Case Studies and Theory Development in the Social Sciences*. Cambridge, Massachusetts: MIT Press.

Georgiou, M. and Zaborowski, R. (2017) Media coverage of the "refugee crisis": A cross-European perspective. *Council of Europe report*, DG1(2017)03.

Goodin, R.E. (2006) *The Oxford Handbook of Political Institutions*. Oxford University Press.

Graham, E.R. (2014) International organizations as collective agents: Fragmentation and the limits of principal control at the World Health Organization. *European Journal of International Relations*, 20(2), pp.366–390.

Greenhill, K.M. (2016) Migration as a Weapon in Theory and in Practice. *Fort Leavenworth*, 96(6).

Griller, S. and Orator, A. (2010) Everything under control? The 'way forward' for European agencies in the footsteps of the Meroni doctrine. *European law review*, 35, pp.3–35.

Groenleer, M. (2009) *The Autonomy of European Union Agencies: A Comparative Study of Institutional Development*. PhD thesis, University of Leiden.

Guild, E. and Bigo, D. (2010) The Transformation of European Border Controls. *Extraterritorial Immigration Control*, pp.252–273.

Guild, E., Carrera, S. and Geyer, F. (2008) *The Commission's New Border Package: Does It Take Us One Step Closer to a 'Cyber-Fortress Europe'?* Centre of European Policy Studies, Policy Brief, 154.

Habermas, J. (2012) The Crisis of the European Union in the Light of a Constitutionalization of International Law. *European Journal of International Law*, 23, pp.335–348.

Hadjimatheou, K. and Lynch, J.K. (2017) 'Once they pass you, They may be gone forever': Humanitarian Duties and Professional Tensions in Safeguarding and Anti-Trafficking at the Border. *The British Journal of Criminology*, 57(4), pp.945–963.

Hall, P. and Taylor, R. (1996) Political Science and the Three New Institutionalisms. *Political Studies*, 44(5), pp.936–957.

Härtel, I. (2008) Die Europäische Grundrechteagentur: unnötige Bürokratie oder gesteigerter Grundrechtsschutz? *Europarecht*, 43 (4).

Hawkins, D., Lake, D.A., Nielson, D.L. and Tierney, M.J. (2006) Delegation under anarchy: states, international organizations, and principal-agent theory. In: Nielson, D.L, Hawkins, D.G., Lake, D.A. and Tierney, M.J. (eds.) *Delegation and Agency in International Organizations*, Political Economy of Institutions and Decisions. Cambridge University Press. pp.3–38.

Heimsoeth, E. (2021) The European External Action Service's influence in European security and defence policy: Understanding the role of its relational capital, PhD thesis, TUM School of Governance.

Helwig, N. (2017) Agent Interaction as a Source of Discretion for the EU High Representative. In: Delreux, T. and Adriaensen, J. (eds.) *The Principal Agent Model and the European Union*, Palgrave Studies in European Union Politics. Dordrecht: Springer International Publishing, pp.105–129. Dordrecht:

Hernàndez, J. (2020) *Why EU asylum policy must change after the Moria fires*. The New Humanitarian. 17 September 2020. Available at: <https://www.thenewhumanitarian.org/opinion/2020/09/17/Moria-camp-fires-migrants-asylum-seekers-EU> [Accessed 7 Nov. 2020].

den Hertog, L. and Carrera, S. (2016) *A European Border and Coast Guard: Fit for purpose?* Centre for European Policy Studies, 24 February 2016. Available at: <https://www.ceps.eu/publications/european-border-and-coast-guard-fit-purpose> [Accessed 10 May 2020].

Hofmann, H.C.H. (2008) Mapping the European administrative space. *West European Politics,* 31 (4).

Hofmann, H.C. and Türk, A. (2007) The Development of Integrated Administration in the EU and its Consequences. *European Law Journal*, 13(2), pp.253–271.

Hofmann, H.C., Vos, E. and Chamon, M. (2019) *The External Dimension of EU Agencies and Bodies: Law and Policy*. Edward Elgar Publishing.

Horii, S. (2012) It is about more than just Training: The Effect of Frontex Border Guard Training. *Refugee Survey Quarterly*, 31(4), pp.158–177.

Horii, S. (2016) The effect of Frontex's risk analysis on the European border controls. *European Politics and Society*, 17(2), pp.242–258.

Horii, S. (2018) Accountability, Dependency, and EU Agencies: The Hotspot Approach in the Refugee Crisis. *Refugee Survey Quarterly*, 37(2), pp.204–230.

Horsti, K. (2012) Humanitarian Discourse Legitimating Migration Control: Frontex Public Communication. In: Messer, M., Schroeder, R., and Wodak, R. (eds.) *Migrations: Interdisciplinary Perspectives*. Vienna: Springer.

Howlett, M. and Rayner, J. (2006) Understanding the Historical Turn in the Policy Sciences: A Critique of Stochastic, Narrative, Path Dependency and Process-Sequencing Models of Policy-Making over Time. *Policy Sciences*, 39(1), pp.1–18.

Human Rights Watch (2019) Greece: Camp Conditions Endanger Women, Girls. *Human Rights Watch*, 4 December. Available at: <https://www.hrw.org/news/2019/12/04/greece-camp-conditions-endanger-women-girls> [Accessed 8 Jun. 2021].

Huysmans, J. (2000) The European Union and the Securitization of Migration. *JCMS: Journal of Common Market Studies*, 38(5), pp.751–777.

Huysmans, J. (2004) A Foucauldian view on spill-over: freedom and security in the EU. *Journal of International Relations and Development*, 7(3), pp.294–318.

IAI (2018) IAI and Airbus Maritime Heron Unmanned Aerial System (UAS) Successfully Completed 200 Flight Hours in Civilian European Airspace for Frontex. Available at: <https://www.iai.co.il/iai-and-airbus-maritime-heron-unmanned-aerial-system-uas-successfully-completed-200-flight-hours> [Accessed 23 Feb. 2021].

ICF International (2014) *Study on the feasibility of improved cooperation between bodies carrying out European Coast Guard functions*. June.

Iljina, I. (2019) Frontex as a European Coast Guard: a scorecard of public value generation by Frontex towards the eleven coast guard functions. Unpublished Post Graduate thesis. Available at: <https://www.doria.fi/handle/10024/172744> [Accessed 14 Jan. 2021].

International Rescue Committee (2016) *Situational Briefing*. 23 February.

Jakob, C. and Schlindwein, S. (2017) *Diktatoren als Türsteher Europas: Wie die EU ihre Grenzen nach Afrika verlagert*. Berlin: Links Christoph Verlag.

Jeandesboz, J. (2008) Reinforcing the Surveillance of EU Borders: The Future Development of FRONTEX and EUROSUR. Centre for European Policy Studies Challenge Paper No 11, 19 August.

Jennequin, A. (2021) Turkey and the Weaponization of Syrian Refugees. *Brussels International Centre* Policy Brief, January. Available at: <https://www.google.com/search?q=Turkey+and+the+Weaponization+of+Syrian+Refugees> [Accessed 29 Nov. 2021].

Jensen, C. and Meckling, W.H. (1979) Theory of the Firm: Managerial Behavior, Agency Costs, and Ownership Structure. In: Brunner, K. (ed) *Economics Social Institutions*. Dordrecht: Springer.

Johansen, AI. (2020) *The European Union's Joint Operation Triton and EUNAVFOR MED Operation Sophia: Strategic Responses to the Migration Crisis?* PhD thesis, Roskilde University.

Johnson, C. (2017) Competing Para-Sovereignties in the Borderlands of Europe. *Geopolitics*, 22(4), pp.772–793.

Jupille, J., Mattli, W. and Snidal, D. (2017) Dynamics of Institutional Choice. In: *International Politics and Institutions in Time*. Oxford: Oxford University Press.

Karamanidou, L. (2015) The Securitisation of European Migration Policies: Perceptions of Threat and Management of Risk. In: Lazaridis, G. and Wadia, K. (eds.) *The Securitisation of Migration in the EU: Debates Since 9/11*, The European Union in International Affairs. London: Palgrave Macmillan UK, pp.37–61.

Karamanidou, L. and Kasparek, B. (2020) *Fundamental Rights, Accountability and Transparency in European Governance of Migration: The Case of the European Border and Coast Guard Agency Frontex.* RESPOND working paper. Available at: <https://www.academia.edu/43748622/Fundamental_Rights_Accountability_and_Transparency_in_European_Governance_of_Migration_The_Case_of_the_European_Border_and_Coast_Guard_Agency_Frontex> [Accessed 21 Jan. 2021].

Karioth, D.W. (2014) Border management issues: border security and humanitarian aspects. In Grech, O. and Wohlfeld, M. (eds.) *Migration in the Mediterranean: human rights, security and development perspectives*. Mediterranean Academy of Diplomatic Studies, pp. 78-95.

Kassim, H. and Menon, A. (2003) The Principal-Agent Approach and the Study of the European Union: Promise Unfulfilled? *Journal of European Public Policy*, 10, pp.121–139.

Katznelson, I. and Weingast, B.R. (2005) *Preferences and Situations: Points of Intersection Between Historical and Rational Choice.* New York: Russell Sage Foundation.

Kaunert, C. (2018) *European internal security: Towards supranational governance in the Area of Freedom, Security and Justice*. Manchester: Manchester University Press.

Kaunert, C. and Léonard, S. (2012) The development of the EU asylum policy: venue-shopping in perspective. *Journal of European Public Policy*, 19(9), pp.1396–1413.

Kaunert, C. and Léonard, S. (2019) The collective securitisation of terrorism in the European Union. *West European Politics*, 42(2), pp.261–277.

Keleman, D.R. (2002) The Politics of 'Eurocratic' Structure and the New European Agencies. *West European Politics*, 25(4), pp.93–118.

Kelemen, R. and Tarrant, A. (2011) The Political Foundations of the Eurocracy. *West European Politics*, 34, pp.922–947.

Kleine, M. and Pollack, M. (2018) Liberal Intergovernmentalism and Its Critics. *Journal of Common Market Studies*, 56(7), pp.1493–1509.

Kleinjung, T. (2014) Ein Monat Triton statt Mare Nostrum: Die Grenzschützer als Retter. *tagesschau*, 28 November. Available at: <https://www.tagesschau.de/ausland/eu-triton-105.html> [Accessed 27 Nov. 2021].

Klose, S. (2018) Theorizing the EU's Actorness: Towards an Interactionist Role Theory Framework. *Journal of Common Market Studies*, 56, pp. 1144-1160.

Koch, A., Weber, A. and Werenfels, I. (2018) Profiteers of migration? Authoritarian states in Africa and European migration management. *Stiftung Wissenschaft und Polotik,* 24 July. Available at: <https://www.semanticscholar.org/paper/Profiteers-of-migration-Authoritarian-states-in-and-Koch-Weber/78f5eaa299589fd9eef14a8931bfd0ea397b5005> [Accessed 27 Nov. 2021].

Koch, K. (2019) The role of territoriality in the European Union multi-level governmental cooperation framework of Finnish–Russian cross-border cooperation. *European Urban and Regional Studies*, 26(2), pp.115–133.

Kovacevic, D. (2020a) Bosnian Serb Parliament Backs Dodik's Double Veto. *Balkan Insight*. 27 February. Available at: <https://balkaninsight.com/2020/02/27/bosnian-serb-parliament-backs-dodiks-double-veto/> [Accessed 28 Nov. 2021].

Kovacevic, D. (2020b) Dodik Stops Bosnia from Cooperating With Frontex. *Balkan Insight*. 20 February 2020. Available at: <https://balkaninsight.com/2020/02/20/dodik-stops-bosnia-from-cooperating-with-frontex/> [Accessed 28 Nov. 2021].

Lægreid, P. and Christensen, T. (2006) *Autonomy And Regulation: Coping With Agencies in the Modern State*. Cheltenham: Edward Elgar Publishing Limited.

Laffont, J.-J. and Martimort, D. (2002) *The Theory of Incentives: The Principal-Agent Model*. Princeton: Princeton University Press.

Lahav, G. (2004) *Immigration and Politics in the New Europe: Reinventing Borders*. Cambridge: Cambridge University Press.

Lakic, M. (2018) Montenegro Seeks Frontex's Help over Migrant, Refugee Wave. *BalkanInsight*. 18 June.

Lavenex, S. (2002) EU enlargement and the challenge of policy transfer: The case of refugee policy. *Journal of Ethnic and Migration Studies*, 28(4), pp.701–721.

Lavenex, S. (2015) The external face of differentiated integration: third country participation in EU sectoral bodies. *Journal of European Public Policy*, 22(6), pp.836–853.

Leonard, S. (2009) The creation of FRONTEX and the politics of institutionalisation in the EU external borders policy. *Journal of Contemporary European Research*, 5(3), pp.371–388.

Léonard, S. (2010) EU border security and migration into the European Union: FRONTEX and securitisation through practices. *European Security*, 19(2), pp.231–254.

Leonardo (2018) *Leonardo deploys its Falco EVO Remotely-Piloted Air System for drone-based maritime surveillance as part of the Frontex test programme*. 7 December. Available at: <https://www.leonardocompany.com/en/press-release-detail/-/detail/falco-drone-frontex-sensori-guardia-finanza> [Accessed 23 Feb. 2021].

Leonardo (2019) *Leonardo's Falco EVO drone is used to monitor irregular migration during Frontex operation*. 22 July. Available at: <https://www.leonardocompany.com/en/press-release-detail/-/detail/12-07-2019-

leonardo-s-falco-evo-drone-is-used-to-monitor-irregular-migration-during-frontex-operation> [Accessed 23 Feb. 2021].

Levi-Faur, D. (2011) Regulatory networks and regulatory agencification: towards a Single European Regulatory Space. *Journal of European Public Policy*, 18(6), pp.810–829.

Lutz, P. and Karstens, F. (2021) External borders and internal freedoms: how the refugee crisis shaped the bordering preferences of European citizens. *Journal of European Public Policy*, 28(3), pp.370–388.

Jornal da Economia do Mar (2017) Portugal organizou o COASTEX 17. Available at: <http://www.jornaldaeconomiadomar.com/portugal-organizou-coastex-17-troia/> [Accessed 8 Jun. 2021].

Lyon, D. (2003) *Surveillance as Social Sorting: Privacy, Risk, and Digital Discrimination*. London: Psychology Press.

Mahoney, J. (2000) Path Dependence in Historical Sociology. *Theory and Society*, 29(4), pp. 507–548.

Mahoney, J. (2010) After KKV: The New Methodology of Qualitative Research. *World Politics*, 62(1), pp.120–147.

MacGregor, M., 2021. Europe warned against migrant 'hotspot' approach. *InfoMigrants*, 16 March.

Majone, G. (2000) The Credibility Crisis of Community Regulation. *Journal of Common Market Studies*, 38(2), pp.273–302.

Majone, G. (2001) Two Logics of Delegation: Agency and Fiduciary Relations in EU Governance. *European Union Politics*. 2(1), pp.103-122.

Majone, G. (2003) Delegation of Regulatory Powers in a Mixed Polity. *European Law Journal*, 8(3), pp .319-339.

Maldini, P. and Takahashi, M. (2017) Refugee Crisis and the European Union: Do the Failed Migration and Asylum Policies Indicate a Political and Structural Crisis of European Integration? *Communication Management Review*, 02(02), pp.54–72.

March, J.G. and Olsen, J.P. (1998) The Institutional Dynamics of International Political Orders. *International Organization*, 52(4), pp.943–969.

March, J.G., Olsen, J.P. (1989) *Rediscovering Institutions: The Organizational Basis of Politics*. New York: Free Press.

Marenin, O. (2010) *Challenges for Integrated Border Management in the European Union*. Geneva Centre for the Democratic Control of Armed Forces, 17. Available at: <https://css.ethz.ch/en/services/digital-library/publications/publication.html/115300> [Accessed 8 Apr. 2020].

Marin, L. (2014) Protecting the EU's Borders from … Fundamental Rights? Squaring the Circle Between Frontex's Border Surveillance and Human Rights. In: Holzhacker,

R.L. and Luif, P. (eds.) *Freedom, Security and Justice in the European Union: Internal and External Dimensions of Increased Cooperation after the Lisbon Treaty*. New York: Springer. pp.75–99.

Marin, L. (2020) The Cooperation Between Frontex and Third Countries in Information Sharing: Practices, Law and Challenges in Externalizing Border Control Functions. *European Public Law*, 26, pp.157–180.

Martin, M. and Abril, G. (2021) Frontex y España se enfrentan por las operaciones contra la inmigración irregular. *El Pais*. 1 February. Available at: <https://elpais.com/espana/2021-02-01/frontex-y-espana-se-enfrentan-por-las-operaciones-contra-la-inmigracion-irregular.html> [Accessed 10 May 2021].

Mcnamara, F. (2017) *Externalised and privatised procedures of EU migration control and border management: a study of EU member state control and legal responsibility*. PhD thesis. European University Institute.

Médecins Sans Frontières (2021) *Constructing Crisis at Europe's Borders: The EU plan to intensify its dangerous hotspot approach on Greek islands - Greece*. ReliefWeb.

Meißner, V. (2017) *The European Border and Coast Guard Agency Frontex beyond Borders - the Effect of the Agency's External Dimension*. TARN Working Paper Series.

Meißner, V. (2019) European Union Migration Agencies at the Crossroads: Significant Empowerment after the Schengen crisis? PhD thesis, TUM School of Governance.

Meißner, V. (2021) The European Border and Coast Guard Agency Frontex After theMigration Crisis: Towards a 'Superagency'? in Pollak, J. and Slominski, P. (eds.) (2021) *The Role of EU Agencies in the Eurozone and Migration Crisis: Impact and Future Challenges*. London: Palgrave Macmillan.

Merriam, S.B. and Tisdell, E.J. (2015) *Qualitative Research: A Guide to Design and Implementation*. San Francisco: Jossey-Bass.

Michaelowa, K., Reinsberg, B. and Schneider, C.J. (2018) The Politics of Double Delegation in the European Union. *International Studies Quarterly*, 62(4), pp.821–833.

Miller, D.S. and Chtouris, S. (2017) Borderland Security and Migration: Balancing Humanitarian Response with Crisis Preparedness & Emergency Management—The Social and Cultural Challenges to Homeland Security. *Journal of Applied Security Research*, 12(1), pp.1–6.

Moe, T. M. (2005). Power and political institutions. *Perspectives on Politics*, 3, pp. 215– 233.

Monar, J. (2008) The European Union as a Collective Actor in the Fight against Post-9/11 Terrorism: Progress and Problems of a Primarily Cooperative Approach. In: Gani M. and Mathew, P. (eds.) *Fresh Perspectives on the 'War on Terror'*. Canberra: ANU Press, pp.209–234.

Monar, J. (2012) The External Dimension of the EU´s Area of Freedom, Security and Justice Progress, potential and limitations after the Treaty of Lisbon. In: Eckes C. and

Konstadinides, T. (eds.) *Crime within the Area of Freedom, Security and Justice*. Cambridge: Cambridge University Press. pp.272–300.

Monroy, M. (2020) Italy and Frontex now monitor the Mediterranean Sea with large drones. *Matthias Monroy*. 26 October. Available at: <https://digit.site36.net/2020/10/26/italy-and-frontex-now-monitor-the-mediterranean-sea-with-large-drones/> [Accessed 22 Feb. 2021].

Moreno-Lax, V. (2017) Chronology and Conceptualization of 'Integrated Border Management': The 'Embodied Border' Paradigm. In: Moreno-Lax, V. *Accessing Asylum in Europe: Extraterritorial Border Controls and Refugee Rights under EU Law*. Oxford: Oxford University Press.

Moser, C., Ferahkaya, R. and Märtin, L. (2020) Frontex goes Africa: On Pre-emptive Border Control and Migration Management. *Verfassungsblog*. 06 February. Available at: <https://verfassungsblog.de/frontex-goes-africa-on-pre-emptive-border-control-and-migration-management/> [Accessed 4 Jun. 2021].

Mouzourakis, M. (2019) The Role of EASO Operations in National Asylum Systems: ECRE Report. European Council on Refugees and Exiles. Available at: <https://ecre.org/the-role-of-easo-operations-in-national-asylum-systems-ecre-report/> [Accessed 1 Dec. 2021].

Müller, A. (2014) Governing Mobility Beyond the State: Centre, Periphery and the EU's External Borders. In: Ruzza, C. and Trenz, H. (eds.) *Palgrave Studies in European Political Sociology*. London: Palgrave Macmillan UK.

Mungianu, R. (2013) Frontex: Towards a Common Policy on External Border Control. *European Journal of Migration and Law*, 15(4), pp.359–385.

Nanopoulos, E., Guild, E. and Weatherhead, K. (2018) Securitisation of Borders and the UN's Global Compact on Safe, Orderly and Regular Migration. *Queen Mary School of Law Legal Studies Research Paper*. 270/2018.

Natow, R.S. (2020) The use of triangulation in qualitative studies employing elite interviews. *Qualitative Research*, 20(2), pp.160–173.

Neal, A.W. (2009) Securitization and Risk at the EU Border: The Origins of FRONTEX. *Journal of Common Market Studies*, 47(2), pp.333–356.

Newman, K. and Walker, N. (1998) Justice and Home Affairs. *International and Comparative Law Quarterly*, 47, pp. 231-38.

Newman, D. (2006) Borders and Bordering: Towards an Interdisciplinary Dialogue. *European Journal of Social Theory*, 9(2), pp.171–186.

Nielsen, M.K. (2020) Sådan foregår bevogtningen af EU's yderste grænser: Dansk patruljebåd beordret til at sætte flygtninge tilbage i vandet. *DR*. 5 March. Available at: <https://www.dr.dk/nyheder/indland/saadan-foregaar-bevogtningen-af-eus-yderste-graenser-dansk-patruljebaad-beordret-til> [Accessed 6 Aug. 2021].

Niemann, A. and Speyer, J. (2018) A Neofunctionalist Perspective on the 'European Refugee Crisis': The Case of the European Border and Coast Guard. *Journal of Common Market Studies*, 56(1), pp.23–43.

O'Dowd, L. (2002) The Changing Significance of European Borders. *Regional & Federal Studies*, 12(4), pp.13–36.

OECD (1998) Preparing Public Administrations for the European Administrative Space. *SIGMA Papers,* 23, Paris: OECD Publishing.

Okyay, A. and Zaragoza-Cristiani, J. (2016) The Leverage of the Gatekeeper: Power and Interdependence in the Migration Nexus between the EU and Turkey. *The International Spectator*, 51(4), pp.51–66.

Pallister-Wilkins, P. (2015) The Humanitarian Politics of European Border Policing: Frontex and Border Police in Evros. *International Political Sociology*, 9(1), pp.53–69.

Pandit, N. (2012) Policing the EU's external border: legitimacy and accountability under scrutiny. *ERA Forum*, 13(3), pp.397–410.

Panebianco, S. (2020) Migration Governance in the Mediterranean: The Siracusa Experience Migration Governance in the Mediterranean: The Siracusa Experience. *Geopolitics*.

Papastavridis, E. (2010) 'Fortress Europe' and FRONTEX: Within or Without International Law? *Nordic Journal of International Law*, 79(1), pp.75–111.

Paul, R. (2017) Harmonisation by risk analysis? Frontex and the risk-based governance of European border control. *Journal of European Integration*, 39(6), pp.689–706.

Paynter, E. and Riva, S. (2020) Border Agency Recruitment: Circulating Narratives that Criminalize Asylum and Erase Border Violence. *Discover Society*. 07 October. Available at: <https://discoversociety.org/2020/10/07/border-agency-recruitment-circulating-narratives-that-criminalize-asylum-and-erase-border-violence/> [Accessed 7 Nov. 2020].

Peers, S.J. (2012) *EU Immigration and Asylum Law (text and commentary).* Leiden: Martinus Nijhoff Publishers.

Pelinka, A. (2011) The European Union as an Alternative to the Nation-State. *International Journal of Politics, Culture, and Society*, 24(1/2), pp.21–30.

Peres, A. and Norris, J. (2017) Sectoral Qualifications Framework for Border Guarding — the way towards harmonization of border guard qualifications across EU? *European Law Enforcement Research Bulletin*, (3), pp.145–158.

Perkowski, N. (2016) Deaths, Interventions, Humanitarianism and Human Rights in the Mediterranean 'Migration Crisis'. *Mediterranean Politics*, 21(2), pp.331–335.

Perkowski, N. (2018) Frontex and the convergence of humanitarianism, human rights and security: *Security Dialogue*, 49 (6), pp. 457–475.

Perkowski, N. (2019) 'There are Voices in Every Direction': Organizational Decoupling in Frontex. *Journal of Common Market Studies*, 57 (5). pp. 1182–1199.

Pierson, P. (1996) The Path to European Integration: A Historical Institutionalist Analysis. *Comparative Political Studies*, 29(2), pp.123–163.

Pierson, P. (2000) Increasing Returns, Path Dependence, and the Study of Politics. *The American Political Science Review*, 94(2), pp.251–267.

Plank, F. and Niemann, A. (2017) Impact of the Agent's Environment on Discretion in the Field of EU Conflict Resolution. In: Delreux, T. and Adriaensen, J. (eds.) *The Principal Agent Model and the European Union*, Dordrecht: Springer International Publishing, pp.131–155.

Pollack, M.A. (1997) Delegation, Agency, and Agenda Setting in the European Community. *International Organization*, 51(1), pp.99–134.

Pollack, M.A. (2003) *The Engines of European Integration: Delegation, Agency, and Agenda Setting in the EU*. Oxford: Oxford University Press.

Pollak, J. and Slominski, P. (2009) Experimentalist but not Accountable Governance? The Role of Frontex in Managing the EU's External Borders. *West European Politics*, 32(5), pp.904–924.

Pollak, J. and Slominski, P. (eds.) (2021) *The Role of EU Agencies in the Eurozone and Migration Crisis: Impact and Future Challenges*. London: Palgrave Macmillan.

Pollozek, S. (2020) Turbulences of speeding up data circulation. Frontex and its crooked temporalities of 'real-time' border control. *Mobilities*, 15(5), pp.677–693.

Protsyk, H. and Petelca, O. (2018) EU's Diplomatic Actorness in the Eastern Neighbourhood: Learning the Possible Outcomes for EU-Ukraine Bilateral Relations. *Eurolimes*, 25(25), pp.101–113.

Przeworski, A. (2004) Institutions Matter?. *Government and Opposition*, 39(4), pp.527–540.

Puetter, U. (2012) Europe's deliberative intergovernmentalism: the role of the Council and European Council in EU economic governance. *Journal of European Public Policy*, 19(2), pp.161–178.

Ramboll Management Consulting and Eurasylum Ltd (2015) *External Evaluation of the Agency under Art. 33 of the Frontex Regulation*. 28 July.

Raskovic, M. (2017) China's strategy for development: From "crossing the river by feeling the stones" to "revving up the consumer". In: Davies, H. and Raskovic, M. (eds.) *Understanding a Changing China*. London: Taylor & Francis Ltd.

Rayner, J. (2009) Understanding Policy Change as a Historical Problem. *Journal of Comparative Policy Analysis: Research and Practice*, 11(1), pp.83–96.

Rees, C. (2014) TEKEVER UAS Chosen for Maritime Surveillance in Europe. *Unmanned Systems Technology*. 18 December. Available at:

<https://www.unmannedsystemstechnology.com/2014/12/tekever-uas-chosen-for-maritime-surveillance-in-europe/> [Accessed 10 Mar. 2021].

Reykers, Y. and Beach, D. (2017a) Process-Tracing as a Tool to Analyse Discretion. In: Delreux, T. and Adriaensen, J. (eds.) *The Principal Agent Model and the European Union*, Palgrave Studies in European Union Politics. Dordrecht: Springer International Publishing, pp.255–281.

Rhodes, R.A.W., Binder, S.A. and Rockman, B.A. (2008) *The Oxford Handbook of Political Institutions*. Oxford: Oxford University Press.

Rijpma, J. (2012) Hybrid agencification in the Area of Freedom, Security and Justice and its inherent tensions: the case of Frontex. In: Trondal, J., Busuioc, M. and Groenleer, M. (eds.) *The Agency Phenomenon in the European Union: Emergence, Institutionalisation and everyday decision-making*, Manchester: Manchester University Press, pp.84-99.

Rijpma, J. and Vermeulen, M. (2015) EUROSUR: saving lives or building borders? *European Security*, 24(3), pp.454–472.

Rijpma, J. (2010) Frontex: Successful Blame Shifting of the Member States? *Elcano Newsletter*, 66.

Ripoll-Servent, A. (2019) Failing under the 'shadow of hierarchy': explaining the role of the European Parliament in the EU's 'asylum crisis'. *Journal of European Integration*, 41(3), pp.293–310.

Rittberger, B. and Wonka, A. (2011) Agency Governance in the European Union Preface. *Journal of European Public Policy*, 18, pp.779–779.

Rondinelli, D. and Heffron, J. (2009) Leadership for development. Sterling, VA: Kumarian Press, pp 1-20.

Ross, S. A. (1973) The Economic Theory of Agency: The Principal's Problem. *The American Economic Review*, 63(2), 134–139.

Ruhrmann, H. and FitzGerald, D. (2017) The Externalization of Europe's Borders in the Refugee Crisis, 2015-2016. Centre for Comparative Immigration Studies, 179. Available at: <https://escholarship.org/uc/item/2bb8x619> [Accessed 6 May 2020].

Sanhermelando, J. (2019) La UE aprueba un refuerzo de Frontex que no convence a España e Italia. *El Espanol*, 18 April. Available at: <https://www.elespanol.com/mundo/europa/20190418/ue-refuerzo-frontex-no-convence-espana-italia/391711951_0.html> [Accessed 10 May 2021].

Scharpf, F.W. (2003) Problem-solving effectiveness and democratic accountability in the EU. *Institut für Höhere Studien Working Paper*, 03/1. Available at: <https://www.econstor.eu/handle/10419/41664> [Accessed 14 Nov. 2020].

Scholten, M. and van Rijsbergen, M. (2014) The *ESMA-Short Selling* Case: Erecting a New Delegation Doctrine in the EU upon the *Meroni-Romano* Remnants. *Legal Issues of Economic Integration*, 41(4). Available at:

<https://kluwerlawonline.com/journalarticle/Legal+Issues+of+Economic+Integration/41.4/LEIE2014022> [Accessed 9 Nov. 2021].

Schout, A. (2011) Assessing the Added Value of an EU Agency for Aviation Safety1. *Journal of Public Policy*, 31(3), pp.363–384.

Selm-Thorburn, J.V. (1998) *Refugee Protection in Europe: Lessons of the Yugoslav Crisis*. Martinus Nijhoff Publishers.

Skocpol, T. (1995) Why I Am an Historical Institutionalist. *Polity*, 28(1), pp.103–106.

Sørensen, N.N. (2006) *Mediterranean Transit Migration*. Danish Institute for International Studies.

Sowell, T. (2010) *Basic Economics: A Common Sense Guide to the Economy*. 4th edition ed. New York: Basic Books.

Spires, J. (2020) Drones and thermal cameras deployed to Greek-Turkish border. *DroneDJ*. 7 September. Available at: <https://dronedj.com/2020/09/07/drones-and-thermal-cameras-deployed-to-greek-turkish-border/> [Accessed 23 Feb. 2021].

Squire, V. (2015) The Securitisation of Migration: An Absent Presence? In: Lazaridis G. and Wadia, K. (eds.) *The European Union in International Affairs*. Palgrave Macmillan UK. pp.19–36.

Stacey, J. and Rittberger, B. (2003) Dynamics of formal and informal institutional change in the EU. *Journal of European Public Policy*, 10(6), pp.858–883.

Stachowitsch, S. and Sachseder, J. (2019) The gendered and racialized politics of risk analysis. The case of Frontex. *Critical Studies on Security*, 7(2), pp.107–123.

Stagno-Navarra, K. (2011) NATO hands over rescued migrants to Tunisian frigate. *MaltaToday.com.mt.* 16 July 2011. Available at: <http://www.maltatoday.com.mt/news/national/11402/nato-hands-over-rescued-migrants-to-tunisian-frigate> [Accessed 4 May 2021].

Stark, A. (2018) New institutionalism, critical junctures and post-crisis policy reform. *Australian Journal of Political Science*, 53(1), pp.24–39.

Statewatch (2014) Seeing through trees: Frontex commissions study on 'solutions for under-foliage detection'. *Statewatch news*, 17 February. Available at: <https://www.statewatch.org/news/2014/february/seeing-through-trees-frontex-commissions-study-on-solutions-for-under-foliage-detection/> [Accessed 28 Nov. 2021].

Statewatch (2020) Danish boat in Aegean refused order to push back rescued migrants. *Statewatch news*, 07 March. Available at: <https://www.statewatch.org/news/2020/march/danish-boat-in-aegean-refused-order-to-push-back-rescued-migrants/> [Accessed 6 Aug. 2021].

Steinmo, S. (2008) Historical institutionalism. In: della Porta, D. and Keating, M. (eds.) *Approaches and Methodologies in the Social Sciences: A Pluralist Perspective*. Cambridge: Combridge University Press.

Steinmo, S., Thelen, K. and Longstreth, F. (1992) *Structuring Politics: Historical Institutionalism in Comparative Analysis*. Cambridge University Press.

Takle, M. (2017) Migration and asylum statistics as a basis for European border control. *Migration Studies*, 5 (2), pp.267–285,

Tallberg, J. (2002) Paths to Compliance: Enforcement, Management, and the European Union. *International Organization*, 56(3), pp.609–643.

Tazzioli, M. (2016) Border displacements. Challenging the politics of rescue between Mare Nostrum and Triton. *Migration Studies*, 4(1), pp.1–19.

Tazzioli, M. (2018) Spy, track and archive: The temporality of visibility in Eurosur and Jora. *Security Dialogue*, 49(4), pp.272–288.

Thatcher, M. and Stone Sweet, A. (2002) Theory and Practice of Delegation to Non-Majoritarian Institutions. *West European Politics*, 25(1), pp.1–22.

The New York Times (2006) EU sending aid to help Spain stop migrants, 23 May. Available at: <https://www.nytimes.com/2006/05/23/world/europe/23iht-union.html/> [Accessed 6 Aug. 2021].

Thelen, K. (1999) Historical Institutionalism in Comparative Politics. *Annual Review of Political Science*, 2(1), pp.369–404.

Thelen, K. and Conran, J. (2016) *Institutional Change*. In Fioretos, O., Falleti, T.G. and Sheingate, A. (edg.). *The Oxford Handbook of Historical Institutionalism*. Oxford: Oxford University Press.

Toshkov, D. and de Haan, L. (2013) The Europeanization of asylum policy: an assessment of the EU impact on asylum applications and recognitions rates. *Journal of European Public Policy*, 20(5), pp.661–683.

Trauner, F. (2012) The European Parliament and Agency Control in the Area of Freedom, Security and Justice. *West European Politics*, 35(4), pp.784–802.

Trauner, F. and Neelsen, S. (2017) The Impact of the Migration Crisis on Political Dynamics in the Western Balkans. In: *IEMed Mediterranean Yearbook 2017,* pp.108-182. Available at: <https://www.iemed.org/publication/the-impact-of-the-migration-crisis-on-political-dynamics-in-the-western-balkans/> [Accessed 28 Nov. 2021].

TRIGGER (2019) Conceptulizing EU Actorness. Available at: <https://trigger-project.eu/2019/12/03/conceptualizing-eu-actorness/> [Accessed 14 Jun. 2021].

Trondal, J. (2010) *An Emergent European Executive Order*. Oxford: Oxford University Press.

Tsourdi, E. (2017) Bottom-up salvation? from practical cooperation towards joint implementation through the European Asylum Support Office. *European papers*, 1, pp.997–1031.

Tsourdi, L. (2018) Monitoring and Steering through FRONTEX and EASO 2.0: The Rise of a New Model of AFSJ agencies? *EU Immigration and Asylum Law and Policy*.

Available at: <http://eumigrationlawblog.eu/monitoring-and-steering-through-frontex-and-easo-2-0-the-rise-of-a-new-model-of-afsj-agencies/> [Accessed 14 Nov. 2020].

Tsourdi, L. (2020) Beyond the 'Migration Crisis': The Evolving Role of EU Agencies in the Administrative Governance of the Asylum and External Border Control Policies. In: J. Pollak and P, Slominski, eds. *The Role of EU Agencies in the Eurozone and Migration Crisis: Impact and Future Challenges. Palgrave Macmillan, 2020.*

Turner, S. Munive, J. and Sørensen, N. (2006) European Attitudes and Policies towards the Migration. In: Sørensen, N, (ed.). *Mediterranean Transit Migration.* Danish Institute for International Studies, pp.67-101.

Ucarer, E.M. (2002) Justice and Home Affairs in the aftermath of September 11: opportunities and challenges. *European Union Studies Association,* 15(2).

UK Home Office (2021) *Country policy and information not: national service and illegal exit, Eritrea.* September 2021.

UK House of Commons (2016) *Oral evidence: Migration crisis, HC 427.* Available at: <https://publications.parliament.uk/pa/cm201617/cmselect/cmhaff/24/2405.htm>[Accessed 27 Nov. 2021]

UK House of Lords (2003) *European Union - Twenty-Ninth Report.* Available at: <https://publications.parliament.uk/pa/ld200304/ldselect/ldeucom/178/17802.htm> [Accessed 14 Nov. 2021]

UK House of Lords (2004) *European Union - Seventh Report.* Available at: < https://publications.parliament.uk/pa/ld200304/ldselect/ldeucom/60/6002.htm> [Accessed 27 Nov. 2021]

UK House of Lords (2005) *After Madrid: the EU's response to terrorism.* Available at: <https://publications.parliament.uk/pa/ld200607/ldselect/ldeucom/38/38we04.htm> [Accessed 27 Nov. 2021]

UK House of Lords (2007) *Minutes of Evidence.* Available at: < https://publications.parliament.uk/pa/ld200607/ldselect/ldconst/151/7030701.htm> [Accessed 27 Nov. 2021]

UK House of Lords (2008a) *Minutes of Evidence.* Available at: <https://publications.parliament.uk/pa/ld200708/ldselect/ldeucom/60/7120503.htm> [Accessed 14 Nov. 2021]

UK House of Lords (2008b) *European Union - Ninth Report.* Available at: < https://publications.parliament.uk/pa/ld200708/ldselect/ldeucom/ldeucom.htm> [Accessed 14 Nov. 2021]

UK House of Lords (2011) *The EU Internal Security Strategy -Seventeenth Report.* Available at: < https://publications.parliament.uk/pa/ld201012/ldselect/ldeucom/149/14908.htm> [Accessed 14 Nov. 2021]

UK House of Lords (2015) *EU Action Plan against migrant smuggling: 4ᵗʰ Report of Session 2015-16*. Available at: < https://publications.parliament.uk/pa/ld201516/ldselect/ldeucom/46/4602.html> [Accessed 14 Nov. 2021]

United Nations Committee Against Tortur, 2004. *Consideration of Reports Submitted by States Parties under Article 19 of the Convention Fourth periodic reports of States parties due in 2002 Italy*. 14 February.

Vara, J.S. (2015) The External Activities of AFSJ Agencies: The Weakness of Democratic and Judicial Controls. *European foreign affairs review*, 20(1), pp.115–136.

Vasilopoulou, S. (2018) The party politics of Euroscepticism in times of crisis: The case of Greece. *Politics*, 38(3), pp.311–326.

Verhoest, K., van Thiel, S. and de Vadder, S. (2020). Agencification in public administration. In Peters, B. G. and Thynne, I. (Eds.), *Oxford Research Encyclopedia of Politics,* Oxford: Oxford University Press.

Vitale, A. (2011) The Contemporary EU's Notion of Territoriality and External Borders. *European Spatial Research and Policy*, 18(2), pp.17–27.

Vitiello, D. (2018) Agencification as a Key Component of the EU Externalisation Toolkit. Observations on a Silent Escape from the Rule of Law. *EU External Migration Policies in an Era of Global Mobilities: Intersecting Policy Universes*, pp.125–152.

Walia, H. (2021) *Border and Rule: Global Migration, Capitalism, and the Rise of Racist Nationalism*, Chicago: Haymarket Books.

Waterman, R.W. and Meier, K.J. (1998) Principal-Agent Models: An Expansion? *Journal of Public Administration Research and Theory*, 8(2), pp.173–202.

Weingast, B. and Moran, M.J. (1983) Bureaucratic Discretion or Congressional Control? Regulatory Policymaking by the Federal Trade Commission. *Journal of Political Economy*, 91(5), pp.765–800.

Weingast, B.R. (1984) The Congressional-Bureaucratic System: A Principal Agent Perspective (with applications to the SEC). *Public Choice*, 44(1), pp.147–191.

Wills, A. and Vermeulen, M. (2011) *Parliamentary oversight of security and intelligence agencies in the EU*. European Parliament. Available at: <https://cadmus.eui.eu//handle/1814/19057> [Accessed 25 Jul. 2021].

Wilson, D. and Weber, L. (2008) Surveillance, Risk and Pre-emption on the Australian Border. *Surveillance & Society*, 5, pp.124–141.

Wolff, S. (2012) *The Mediterranean Dimension of the European Union's Internal Security*. In Wolff, S., The Mediterranean Dimension of the European Union's Internal Security, 18–47. New York: Palgrave.

Wolff, S. (2015) Integration in Justice and Home Affairs: A Case of New Intergovernmentalism Par Excellence? In Bickerton, C.J., Hodson, D. and Puetter, U.

(eds.) (2015) *The New Intergovernmentalism: States and Supranational Actors in the Post-Maastricht Era*. Oxford: Oxford University Press, pp.129–150.

Wolff, S. and Pawlak, P. (2018) The Southern Mediterranean: A testing ground and a litmus test for EU JHA policies and research? In: Ripoll Servent, A. and Trauner, F. (eds.) The Routledge Handbook of Justice and Home Affairs Research, London: Routledge.

Wolff, S. and Schout, A. (2013) Frontex as Agency: More of the Same? *Perspectives on European Politics and Society*, 14(3), pp.305–324.

Wu, P.K. (2011) *To liberalise or not to liberalise? explaining European shipbuilding policy*. PhD thesis, European University Institute. Available at: <https://www.semanticscholar.org/paper/To-liberalise-or-not-to-liberalise-%3A-explaining-Wu/da67f6475b2a9dbc1b7a057edd93fcc97ffb842e> [Accessed 13 Jan. 2022].

Zandonini, G. (2019) Biometrics: The new frontier of EU migration policy in Niger. *The New Humanitarian.* 6 June. Available at: <https://www.thenewhumanitarian.org/news-feature/2019/06/06/biometrics-new-frontier-eu-migration-policy-niger> [Accessed 14 Jun. 2021].

Zaun, N. (2017) EU Asylum Policies: A Case of Lowest Standard and Race to the Bottom Dynamics? In: Zaun, N. *EU Asylum Policies. Transformations of the State*, London: Palgrave Macmillan. pp.79–121.

List of Interviews:

Frontex Official A, 11 September 2021, online

Frontex Official B, 30 September 2021, online

Frontex Official C, 10 October 2021, online

Frontex Official D, 16 October 2021, online

Frontex Official E, 31 October 2021, online

Frontex Official F, 15 February 2022, online

Frontex Official G, 17 March 2022, online

Member of European Parliament A, 27 October 2021, online

Member of European Parliament B, 12 November 2021, online

European Parliament Policy Advisor A, 17 September 2021, online

European Parliament Policy Advisor B, 04 October 2021, online

European Parliament Policy Advisor C, 15 October 2021, online

European Commission Policy Officer A, 27 October 2021, online

European Commission Policy Officer B, 11 October 2021, online

European Commission Policy Officer C, 20 October 2021, online

European Commission Policy Officer D, 10 November 2021, online

EMSA Official A, 21 November 2021, online

EUAA Official, 11 September 2021, online

Former EUAA Expert, 15 October 2021, online

EFCA Official, 05 December 2021, online

EUAA Official, 11 October2021, exchange of emails

Frontex Press Office, 19 November 2021, exchange of emails