

A comparison of autonomy and accountability of Frontex before and after the adoption of EBCG Regulation (EU) 2016/1624

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Abstract

This thesis is based on the main research question:

What are the changes regarding autonomy and accountability regimes before and after the adoption of the EBCG Regulation (EU) 2016/1624?

The objective of the research question is to find out whether Frontex' amount of autonomy and the agency's accountability regime after the application of the EBCG Regulation (EU) 2016/1624 changed. Therefore, the design is a longitudinal comparative study of Frontex' autonomy and accountability. The concepts of autonomy and accountability were operationalised using frameworks by Verhoest et al. (2004), as well as Biela and Papadopoulos (2014). Based on this the necessary EU Regulations and other documents and reports concerning the activities of Frontex were coded and analysed. It revealed that before the application of the EBCG Regulation (EU) 2016/1624 Frontex had a medium amount of autonomy, with an accountability regime that could only affect the autonomy to a small extent. The comparison to Frontex' amount of autonomy and accountability regime after 2016 showed that the adoption of EBCG Regulation (EU) 2016/1624 did not generate any substantial change. Frontex still has a medium amount of autonomy, with a few enhancements and the accountability regimes effectiveness has only progressed slightly with no significant impact.

Table of Contents

1 Introduction	1
1.1 Research Question	2
2 Theory	3
2.1 European Agencies	3
2.2 Autonomy	4
2.3 Accountability	4
2.4 Measuring autonomy and accountability of a European Agency	5
3 Research Design	7
3.1 Case Selection and Sampling	7
3.2 Data Collection Methods	8
3.3 Operationalisation of Autonomy and Accountability	9
3.4 Data Analysis	10
4 Analysis	11
4.1 Frontex	11
4.2 Assessing Autonomy	12
4.2.1 Autonomy before the adoption EBCG Regulation (EU) 2016/1624	12
4.2.2 Autonomy after the adoption EBCG Regulation (EU) 2016/1624	14
4.3 Assessing the Accountability Regime	16
4.3.1 Accountability before the adoption EBCG Regulation (EU) 2016/1624	17
4.3.2 Accountability after the adoption EBCG Regulation (EU) 2016/1624	21
5 Conclusion	24
6 List of references	26
Appendix I: Data Set	28
Appendix II: Operationalisation Tables	30
Appendix III: Coding Schemes	32
Appendix IV: Coding Tables	35
Appendix V: Autonomy Assessment	60
Appendix VI: Accountability Assessment	62

1 Introduction

In 2015 the European Union was overwhelmed by the sheer number of refugees arriving on its shores. 2014 225,455 people reached Cyprus, Malta, Greece, Spain and Italy, by 2015 the number had risen to 1,032,408 (UNHCR, 2020 Article 16 §3, 26 §2). As a response to the ‘refugee crisis’, the European Commission proposed an overhaul of the European migration strategy. Part of this effort was restructuring and widening the mandate of Frontex ("REGULATION (EU) 2016/1624,"). Frontex is responsible for coordinating and managing the protection of the European borders. The new mandate included changing the name from ‘European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union’ ("COUNCIL REGULATION (EC) No 2007/2004,") to ‘European Border and Coast Guard Agency’ (EBCGA) ("REGULATION (EU) 2016/1624,"). The transformation from ‘Agency for the Management of Operational Cooperation’ to simply ‘Agency’ exemplifies the extent of the change that took place within the agency’s mandate. Before the adoption of Regulation 2016/1624 Frontex’ only task was to coordinate the different Member States’ protection of their own stretch of the Schengen border. Now the member States’ border guard authorities and the EBCGA are jointly responsible for the protection of the Schengen zone’s external borders. This increased Frontex’ regulatory and operational role, as well as its supervisory capabilities. These changes make Frontex one of the largest EU agencies and gives it an unprecedented amount of autonomy, without providing for clear accountability (Rijpma, 2016). This is a one of a kind situation in the context of European agencies, which provides an exceptional opportunity for studying such an accumulation of autonomy as well as analysing the accountability in this environment.

In the current literature there is limited attention paid to Frontex’ autonomy and accountability (Carrera, Hertog, & Parkin, 2013). However, to our knowledge, the changes brought by EBCG Regulation (EU) 2016/1624 were not further analysed, due to the article being published three years before the application of the regulation. Other works about the regulation have discussed the principles of rule of law and democratic control (Ferraro & De Capitani, 2016), its effectiveness within European migration policy (Carrera & den Hertog, 2016) or the missing structures guaranteeing fundamental rights ("Joint briefing on the European Border and Coast Guard Regulation – International Commission of Jurists, ECRE and Amnesty International," 2016). This thesis addresses this gap by analysing and comparing Frontex’ autonomy and accountability from before and after the EBCG Regulation (EU) 2016/1624 came into force.

The relevance of Frontex is apparent when one considers the last few years of European politics. Since 2015 migration to the European Union, the ‘refugee crisis’ and in connection with that Frontex has been on the agenda of the Member States, the EU institutions and the public (Ekelund, 2014). Frontex’ missions and actions in the Mediterranean Sea and on Europe’s Eastern borders have been publicly challenged and opposed. On the other hand, the Member states and EU institutions have been trying to curb the migration flow towards the EU (Leonard, 2009) in any way possible, including “a far reaching expansion of Frontex’ operational capacity and duties” (Kelemen & Majone, 2017, p. 246). Most of these actions or the agencies taking part in them are not very transparent. These contrasting actions and the non-transparency make Frontex an interesting case. Furthermore, there still are many questions concerning European

agencies, their autonomy and accountability in a relatively new governance structure (Rittberger & Wonka, 2011). Autonomy and accountability are especially important, because they are the fundamental basis of most agencies' existence; acting independently from the political process (Rittberger & Wonka, 2011) and having the necessary legitimacy (Ferraro & De Capitani, 2016) to do that.

Therefore, this paper addresses how autonomy and accountability have changed and developed during Frontex' evolution. It aims to clearly establish the amount of autonomy the agency has and to assess the accountability regime it has to answer to, as well as comparing it to the state prior to the adoption of the unparalleled EBCG Regulation (EU) 2016/1624. It intends to establish a good description of how quickly an agency can evolve and will provide a suitable basis for further research.

1.1 Research Question

In this context, my main research question is a descriptive question, which will establish a consistent base of knowledge on a yet underexplored topic. The research question is:

What are the changes regarding autonomy and accountability regimes before and after the adoption of the EBCG Regulation (EU) 2016/1624?

In order to answer this question and to provide structure it is divided into three consecutive sub-questions. These sub-questions serve to answer the main research question in a comprehensive way and define the different steps of the analysis. Thus, the first sub-question is:

1. *What is meant by autonomy and accountability and how can these concepts be measured for a European Agency?*

This sub-question is one of the first steps that will define the concepts the analysis of Frontex is based on. The following two questions are focused on applying the established concepts to Frontex before and after the EBCG Regulation (EU) 2016/1624 was adopted. Consequently, comparing the differences between the level of autonomy and the kinds of accountability to ascertain the changes of Frontex' autonomy and accountability regimes.

2. *What was the level of Frontex' autonomy before and after the EBCG Regulation (EU) 2016/1624 was adopted?*
3. *What kind of accountability regime did Frontex have to report to before and after the EBCG Regulation (EU) 2016/1624 was adopted?*

The second chapter will present the current discussion of the academic literature on the topic and present the theoretical background. The third chapter presents the methodology followed in order to conduct the study, including the case selection and sampling, the data collection methods, as well as the operationalisation of autonomy and accountability. This is followed by the analysis and its findings in chapter four. The last chapter will include a discussion of the results and provide the answer to the research question and suggest recommendations for policy and further research.

2 Theory

The theory chapter presents the current status of the literature regarding European Agencies and the concept of autonomy and accountability. This allows to formulate the answer to the first sub-question: *What is meant by autonomy and accountability and how can these concepts be measured for a European Agency?*

2.1 European Agencies

According to Kelemen (2005, p. 175):

“EU agencies [...] can be defined ‘EU level public authorities with a legal personality and a certain degree of organisational and financial autonomy that are created by acts of secondary legislation in order to perform clearly specified tasks’”
(in Kelemen & Majone, 2017, p. 237)

The reasons behind the emergence and proliferation of European agencies in the last decades can be classified into two different positions. The two perspectives are: functional and political. According to the functional perspective the growth of regulatory agencies in the Western World can be seen as part of the movement towards ‘regulatory capitalism’, which is characterised by regulators wanting to achieve effective regulatory policies and credibly commit to liberalisation. (Rittberger & Wonka, 2011) This includes shielding regulatory policies from the political process (for example re-election seeking politicians) by for instance outsourcing the policymaking from the Commission to the agencies and therefore “enhances the credibility of long-term policy commitments” (Kelemen & Majone, 2017, p. 283). Delegating the regulatory decisions and implementation to the Agencies mitigates credibility problems such as uncertainty and time inconsistency (Kelemen & Majone, 2017) which leads to a more coherent and reliable outcome (also see Groenleer, 2014; Rittberger & Wonka, 2011; Verhoest, Peters, Bouckaert, & Verschuere, 2004). This demand-side approach view can explain the functional need for independent regulatory bodies such as the European Agencies. The political view, on the other hand, has more emphasis on the supply-side, when explaining the creation of agencies. Here political considerations and strategic interactions between Member States, Commission and European Parliament lead to the design choice of agencies as regulatory bodies (Rittberger & Wonka, 2011). They decide on the structure, the format of the delegated powers and the scope of the future agency’s autonomy, as well as its accountability regime. This all depends on the political circumstances of the agency’s creation (Kelemen & Majone, 2017).

The functional view can be used to argue for more organisational autonomy, by putting the priority in policy-making on effectiveness and efficiency. Then again, the political view supports the opinion, that the parent organisations have a right to demand accountability from their agencies. On this basis autonomy and accountability will be conceptualised next.

2.2 Autonomy

Verhoest et al. (2004) developed a conceptual review of organisational autonomy in 2004. They argue that due to the popularisation of research on the influence of organisational autonomy on performance in public organisations the concept has become very diverse and too restrictive. They analyse this research and then come up with six dimensions of autonomy in public organisations. These are split up into two different categories. The first one is ‘Autonomy as decision-making competence’. It contains the dimensions of managerial autonomy and policy autonomy. The second category is called ‘Autonomy as the exemption of constraints on the actual use of the decision-making competencies’. This one includes the structural, financial, legal and interventional autonomy dimensions. They criticise contemporary research by applying their own conceptualisation and pointing out that autonomy is a multidimensional concept, which needs to be analysed as such, in order to avoid bias. Verhoest et al. support this by applying their concept to data from a survey of Flemish public organisations. They conclude that in practice tensions appear between the different dimensions of autonomy, demonstrating “the need for a combined and integrated study of the effects of the different dimensions of autonomy on performance” (Verhoest et al., 2004, p. 101). This concept and approach to the operationalisation of autonomy is well-executed and provides very clear guidelines for assessing other organisations’ autonomy. This framework will assist in measuring the autonomy of Frontex before and after the adoption of EBCG Regulation (EU) 2016/1624.

2.3 Accountability

Mark Bovens defines accountability as “a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences” (Bovens, 2007, p. 447) and therefore differentiates it from other broad concepts of accountability widely used. He discerns the different kinds of accountability relations that can be found in European governance, by using a sequence of different dimensions of accountability. Bovens dimensions are based on four different scenarios. The first one is based on the nature of the forum in which the account is to be rendered. This can either be political, legal, administrative, professional, or social accountability. The second dimension is based on the nature of the actor (Who should render account?). This is determined via corporate, hierarchical, collective, or individual accountability. The dimension based on the nature of the conduct is the fourth. This can be financial, procedural or product accountability. The last dimension is based on the nature of the obligation. The possibilities are either a vertical, a horizontal or a diagonal accountability structure. Bovens also provides three evaluative perspectives to assess these different accountability arrangements. The perspectives are democratic, constitutional, or learning. The distinction between these perspectives is, that each of them has a different goal that is expected to be achieved through accountability. (Bovens, 2007)

Based on Boven’s work Biela and Papadopoulos (2014) empirically assessed the German Bundesnetzagentur. They addressed the trend of regulation being delegated to independent agencies and questioned, if democratic accountability was being upheld. In order to test this, they improved Boven’s empirical approach to agency accountability and generalised it, so it

could be used universally and for the purpose of comparisons. Their method consists of first analysing the *dejure* and *defacto* agency accountability. Their concept of *dejure* and *defacto* accountability differs slightly from the concept already mentioned. The organisations and institutions the agency must render account to are called *fora*. The *dejure* accountability is measured by analysing how much “accountability is ensured by formal rights of accountability ‘fora’ to receive information and impose consequences” (Biela & Papadopoulos, 2014, p. 362). The *defacto* accountability is characterised by the capability of the *fora* to use its sanctioning capability. Biela and Papadopoulos next assessed the accountability individually at political, managerial, and operational levels, to evaluate the vertical, horizontal and diagonal accountability structures at the same time. At these levels, the accountability is then enacted by different systems of *foras* that together form an accountability regime.

As Biela and Papadopoulos’ work is based on Boven’s coherent conceptualisation of accountability, and they supply a transparent operationalisation framework for assessing accountability regimes effectively, this will be the basis for the evaluation of the accountability regime Frontex has to answer to.

2.4 Measuring autonomy and accountability of a European Agency

Literature on the autonomy and accountability of European Agencies is quite difficult to find and very specific. For example Groenleer (2014) analysed the early autonomy development of European Agencies in the case of the EMA and EFSA. Pollak & Slominskis (2009) research is focused on Frontex’ accountability through the lens of experimentalist governance. The paper that comes closest to this thesis’ intentions is the analysis of autonomy and accountability of a European Agency (EUROPOL) by Busuioc, Curtin, and Groenleer (2011). They also rely on Verhoest et al. (2004) for the autonomy assessment and Bovens (2007) for the accountability evaluation, however their paper did not provide a clear framework for an assessment of these concepts. This means, that there still is a need for comprehensive assessment frameworks of accountability and autonomy that can be applied to European Agencies. The two conceptualisations and evaluation methods, that were chosen, were not intended for European Agencies; instead they were developed for national agencies. Still, Verhoest et al. (2004) supply the best agency autonomy assessment framework that can easily be adapted to fit the subject. The same applies to Biela and Papadopoulos (2014). Another benefit of their framework is that it was especially developed to be applied universally and to take all kinds of accountability relationships into account. This makes it uniquely suited for an assessment of the rare and complicated nature of European Agencies.

This results in the answer for the first sub-question of the thesis. Autonomy “is the extent to which the agency can decide itself about matters it finds important” (Verhoest et al., 2004, p. 104). Accountability is defined by the “relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences” (Bovens, 2007, p. 447). These concepts can be measured by applying the concepts provided by Verhoest et al. (2004) and

Biela and Papadopoulos (2014). In order to use them for a European Agency they have to be slightly adjusted to the European level (see 3.4 Data Analysis).

Based on the theory, a few expectations can be developed. Firstly, with the evolvement of Frontex through EBCG Regulation (EU) 2016/1624, the agency's autonomy will increase. Secondly, the increase in autonomy will result in a rise of accountability. These hypotheses should be proven or disproven within the course of this study.

3 Research Design

The aim of the research question is to find out if the amount of autonomy and the agencies accountability regime changed after the application of the EBCG Regulation (EU) 2016/1624. The regulation fully came into force by the 7th of January 2017 ("REGULATION (EU) 2016/1624,"). Therefore, this case study will focus on the status of autonomy and accountability before and after this date. As a result, my research design is a longitudinal comparative case study of Frontex.

A single case with a qualitative approach was chosen because of Frontex' unique nature as one of the European Union's largest and most autonomous agencies. Qualitative data, such as the different regulations applying to the agency over time, evaluation reports and analyses of Frontex, will provide a large body of information to examine. This is how an extensive description of the agency's autonomy and accountability regime will be achieved. Consequently, the internal validity of this study will be very high (Ruona, 2005). Single case studies, however, share the trait of having a low external validity. This is due to the difficulty of generalising the very specific findings characteristic for single case studies (Seawright & Gerring, 2008). But, especially for qualitative research the goal is not to achieve a straightforward transferability of the findings, but to provide the necessary evidence and arguments for the reader to understand them, which presents the possibility of using the study as a guide to what might apply to other cases as well (Ruona, 2005). For the analysis of Frontex, the foremost goal is to identify the development and relationship of its autonomy and accountability regimes with one another, a trait that is unique to this agency and warrants thorough investigation. The potential threat of possible bias in data collection is limited by using a variety of sources, as the only data that is used is secondary data. Different sources capture a diverse set of perspectives regarding the variation on the perception of autonomy and accountability regime of Frontex.

3.1 Case Selection and Sampling

This paper is based on a qualitative approach, compared to a quantitative one, that focusses on the evolution of the variables of one case over time. This makes the study a small-n-research, hence the sampling of cases follows a different structure, than common random sampling. The best option is purposeful sampling. According to Patton (1990) "the logic and power of purposeful sampling lies in selecting information-rich cases for study in dept" (p.169). These cases are characterised by offering a lot of information about socially relevant topics. In this case it is the European Border and Coast Guard Agency. By capturing the development of autonomy and accountability of such a fast-growing, widely debated and opaque agency, the base for further research, the future development of Frontex and other agencies, as well as more transparency are created.

The one of a kind nature of Frontex also plays a role in its sampling (van Thiel, 2007). Not only are EU agencies in themselves quite unique, but the contested topic of its work, the excessive growth of the agency in the past few years and its unprecedented autonomy in nationally sensitive areas makes it exceptional in many ways. Seawright and Gerring (2008) would

classify it as a deviant case. According to them a deviant case “demonstrates a surprising value” (Seawright & Gerring, 2008, p. 302), can be therefore characterised as anomalous and usually is not yet explained. This is the case with Frontex’ recent development. The purpose of deviant cases is to find an explanation for the researched phenomenon, to hopefully gain a better understanding that can also be applied to similar instances (Seawright & Gerring, 2008). In this case understanding the relationship between autonomy and accountability and its development is the main focus, as these have not been comprehensively researched for Frontex. Studying the connection between autonomy and accountability in the study shows whether the increase of autonomy impedes the legitimacy of the agency and can also be applied to improve its future development.

3.2 Data Collection Methods

This paper aims to describe the European Border and Coast Guard Agency by using qualitative data. The documents that provide the data must contain the necessary information to determine the amount of autonomy that Frontex has and the type of accountability regime the agency has to answer to, before and after the application of EBCG Regulation (EU) 2016/1624. In order to ascertain the autonomy of an agency, its decision-making competencies and the exemptions of constraints on the actual competencies must be known. The accountability assessment is based on the different powers of the overseeing bodies in the accountability forum. The decision-making capabilities of an agency can be found in its mandate and usually the overseeing bodies are also named in it. To trace the change over time, the different mandates of Frontex between its inception in 2004 and before the most recent mandate change in 2019, are part of the data. These are the COUNCIL REGULATION (EC) 2007/2004 amended by Regulation (EU) 1168/2011 and then the EBCG Regulation (EU) 2016/1624, which repealed the previous one. Other documents required for the autonomy analysis are other regulations that are referenced in the mandate or records pertaining to the agency’s budget over the years. For the assessment not only primary sources, but also secondary sources were used, because they offer a perspective outside of the EU on Frontex’ autonomy and accountability. These documents are mainly papers by scholars reviewing or describing Frontex’ development with a focus either on autonomy or accountability. Material on the overseeing bodies’ powers pertaining to their access to information, their capability to process this information, as well the character of the sanctions and their credibility of imposing them, which are important when assessing Frontex’ accountability regime, can be found in regulations and EU documents on each of these institutions and organisations. A full list of the data recording the population of the documents used in this study can be found in Appendix I. All of the documents mentioned here only concern the *de jure* nature of both concepts. Determining the *de facto*/actual autonomy and accountability, on the other hand, is a lot more complicated. These are usually established by having access to the organisation and by conducting expert interviews (Biela & Papadopoulos, 2014; Bovens, 2007; Verhoest et al., 2004). The necessary capacities for this are unfortunately not available for this project and do not fit the scope of this thesis. In order to offer some facts on the actual behaviour of the agency the official evaluation reports on Frontex and reports by human rights organisations are part of the data set. This unfortunately cannot present a complete

picture of Frontex' *defacto* autonomy and accountability, as most of the reports and evaluations focus on the agency's accountability and less on autonomy.

3.3 Operationalisation of Autonomy and Accountability

In order to fully assess organisational autonomy different dimensions of it must be measured. Verhoest et al. (2004) established six autonomy dimensions when doing a conceptual review of autonomy: managerial, policy, structural, financial, legal, and interventional autonomy. They then also used different indicators to measure these dimensions in their research. Managerial autonomy is evaluated by looking at the freedoms the agency has when making strategic, operational or financial decisions concerning the management (salary, appointing, promoting and evaluating personnel, as well as setting loans and implementing the budget). Policy autonomy involves the lack of restrictions for making policy decisions. Structural autonomy reviews the composition of the board and the governments representation in it. Financial autonomy investigates where the agencies income originates from, which has a very strong influence on its autonomy. Legal autonomy is focused on the kind of legal personality the agencies has and what kind of independences are associated with it. Lastly, interventional autonomy is characterised by how or if the agency is evaluated or audited and whether it is subject to sanctions. This dimension essentially evaluates the accountability of the agency, but not as thoroughly as Biela and Papadopoulos' model. Biela and Papadopoulos also based part of their work on Verhoest et al. so it can be viewed as the evolved and more exhaustive version of interventional autonomy. Another important aspect is that the relationship between the two different concepts is the focus in this thesis. For that to work there should not be any overlapping dimensions. Consequently, the interventional dimension is not part of the autonomy assessment, however, accountability is still accounted for by using Biela and Papadopoulos' model. The other indicators used by Verhoest et al. (2004) are used for this study on Frontex' autonomy (Appendix II). This operationalisation was chosen because it was developed to assess the level of autonomy of an agency without any bias. These biases occur when not all of the dimensions of autonomy mentioned above are taken into account (Verhoest et al., 2004). As the intention of this paper is, to compare the different levels of Frontex' autonomy before and after the adoption of EBCG Regulation 2016/1624, this comprehensive analysis framework seems to be the most appropriate.

Organisational accountability is measured by evaluating the accountability regime the organisation has to answer to. Biela and Papadopoulos (2014) successfully improved Bovens (2007) conceptual framework of accountability to assess the German Bundesnetzagentur. It is a generalised approach capable of comparing "accountability regimes over time, agencies and countries" (Biela & Papadopoulos, 2014, p. 363), which is why it is uniquely suitable for comparing Frontex' accountability before and after the application of EBCG Regulation 2016/1624. In their approach Biela and Papadopoulos develop a complete picture of agency accountability, in order to detect any weaknesses in the accountability regime surrounding them. This is achieved by using an empirical approach. It is based on two formative elements of accountability; firstly, information exchange, characterised by the kind of access the accountability institution has to information concerning the agency (*de jure*) and if they have

the capability to process that information (*defacto*). The second element are the consequences i.e. the kind of sanctions the accountability institution can impose (*dejure*) and how credible they are (*defacto*). These are usually monitored by different actors; therefore, Biela and Papadopoulos evaluate the accountability mechanisms on the political, operational and managerial level of the agency. The agency's actions on a political level concern policy and strategy. Regulatory decisions the agency takes in order to reach its statutory goals are the operational level. The managerial level contains budget use, internal organisation, as well as personnel management and taking the variety of accountability relations the agency faces into account. Together this results in the accountability regime. How these indicators are used specifically is shown in Biel and Papadopoulos' paper and will be used in the case of Frontex as well (Appendix II: Table 2).

3.4 Data Analysis

For this study the relevant information for the assessment is derived via content analysis of the selected material in the data set. Specifically, this is achieved by coding the documents. All the codes are based on how Verhoest et al. (2004) as well as Biela and Papadopoulos (2014) operationalise autonomy and accountability, because their method of analysing and classifying the results will be used in the following step. Therefore, all the codes are theory-driven (Ruona, 2005). With, however, one caveat: the models by Verhoest et al. (2004) as well as Biela and Papadopoulos (2014) are meant to be applied to national agencies within the 'normal' setting of a governance apparatus, but the European Union has on many occasions been defined quite fittingly as a 'sui generis' institution. Consequently, the aspects of the operationalisation and the subsequent coding are modified to fit the sui generis nature of the European Union if necessary. When this is the case it is indicated in an extra column in the coding scheme (Appendix III: Table 3).

In order to ascertain Frontex' autonomy the developed coding scheme (Appendix III: Table 5) was applied and the necessary answers derived by first coding the regulations and then following the references in the regulations to further clarify certain aspects. To determine Frontex' accountability regime the different forums (Table 4) for the political, operational and managerial level of the agency were identified in the regulations. The accountability coding scheme (Appendix III: Table 2) was applied to each individual body. The necessary information could either be found directly in the regulations or further research on the overseeing body had to be done. Both coding schemes were applied to the documents concerning the time before and after the application of EBCG Regulation (EU) 2016/1624.

4 Analysis

The second and third sub-questions for this thesis are:

What was the level of Frontex' autonomy before and after the EBCG Regulation (EU) 2016/1624 was adopted?

and

What kind of accountability regime did Frontex have to report to before and after the EBCG Regulation (EU) 2016/1624 was adopted?

In order to answer both questions, a general overview of Frontex will be provided first. Then the results of the coding for autonomy and accountability are presented and classified and subsequently the situations before and after the application EBCG Regulation (EU) 2016/1624 are compared.

4.1 Frontex

The circumstances of Frontex' creation play a big role in its current duties and operational capacities; therefore, its inception and development will be described here:

“The ideas that led to the creation of Frontex have a deep history in the European project. Fostering the free movement of people has been an important objective of European integration. In 1957, free movement of goods, persons, services and capital were identified as foundations of the Community in the Treaty of Rome.”
(FRONTEX, 2020b)

In 1995 the ‘Schengen area’ entered into force, fulfilling this objective. It entailed a territory in which a free movement of persons was allowed, creating a single external border, making common rules for visas, the right to asylum and external border control necessary. The need for an agency like Frontex became apparent, after the European Council on Justice and Home Affairs (JHA) created the External Border Practitioners Common Unit in 1999 to coordinate “national projects of Ad-Hoc Centres on Border Control” (FRONTEX, 2020b). The unit lacked operational ability and was hindered by its institutional arrangements, therefore was not very effective (Leonard, 2009). Another reason for the establishment of Frontex, was the accession of the new Member States in 2004. “There were specific concerns that these new Member States would not be able to effectively control the new external borders of the EU” (Leonard, 2009, p. 376). The terrorist attacks of 9/11 were also a motivation for further measures enforcing ‘homeland’ security, like a tightening of border controls (Leonard, 2009). After long discussions within the European Community and the Member States the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) was established by Council Regulation (EC) 2007/2004 (FRONTEX, 2020b). It

“is important to note that Member States’ positions were particularly unchallenged in the negotiations regarding FRONTEX, as the European Parliament was only consulted on the draft Council Regulation. The lack of involvement of the European Parliament also meant that issues

such as transparency and accountability received relatively less attention in the debates leading to the adoption of the Council Regulation.” (Leonard, 2009, p. 381)

The main tasks of the Agency were laid down in article 2 of Council Regulation 2007/2004. Firstly, it was responsible for the coordination of operational cooperation between Member States in the field of management of external borders. Secondly, it was in charge of assisting Member States in the training of national border guards. It also had to carry out risk analyses, as well as following up on developments in research relevant for the control and surveillance of external borders. Other tasks the Agency was supposed to fulfil were assisting Member States when increased technical and operational assistance at external borders is required, and, lastly, assisting Member States in organising joint return operations.

Frontex can be classified as a community agency of the regulatory type. The European Union distinguishes between community, second or third pillar agencies. The latter operate under the authority of the council compared to the community agencies, which “are distinct bodies from the EU institutions – separate legal entities set up to perform specific tasks under EU law” (European Union, 2020). The EU also differentiates between regulatory and executive agencies. Regulatory agencies can vary in their specific roles, which are defined in their legal basis. In contrast to regulatory agencies executive agencies have more narrowly defined tasks that are aimed at managing Community programs (Commission of the European Communities, 2008).

The Council Regulation 2007/2004 which set up Frontex was repealed by Regulation 2016/1624 in September of 2016 and established Frontex, the European Border and Coast Guard Agency, (FRONTEX, 2020b) providing Frontex with an new mandate and a new task.

4.2 Assessing Autonomy

In their conceptual review Verhoest et al. (2004) developed a taxonomy of autonomy (Appendix V: Table 30) with which they classify the different dimensions of autonomy has according to the level of independence the agency possesses in that field. Each dimension is divided into four categories on a spectrum from minimum, low, then high, to maximum autonomy. Based on this the autonomy of Frontex before and after the adoption of EBCG Regulation (EU) 2016/1624 will be classified. Due to the same problem presenting itself here as with the coding scheme Verhoest et al. term ‘central government’ must be understood as either the European Council, the Commission, the European Parliament or a combination of them.

4.2.1 Autonomy before the adoption EBCG Regulation (EU) 2016/1624

The rules and regulations Frontex had to adhere to before 2016 were Council Regulation (EC) 2007/2004 and Regulation (EU) 1168/2011 these as well as any documents referenced in them are analysed in order to establish Frontex’ autonomy before the adoption EBCG Regulation 2016/1624. The autonomy of decision-making competences is portrayed by the managerial and policy autonomy dimensions. They show the level of independence the agency has when making decisions concerning human resources, as well as policy and financial decisions.

Frontex had to adhere to the EUs Staff Regulations and procedures for the way of appointing personnel, evaluating personnel, the conditions for promotion and the pre-determined EU-wide salary brackets. It could not change or diverge from these procedures (Appendix IV: Tables 6,7); it did not have any strategic managerial autonomy. However, Frontex did the appointing, evaluating, and promoting of employees itself, within the set standards of the Staff Regulations (Appendix IV: Tables 6,7). The financial management of the agency was not very autonomous, because most of the indicators by Verhoest et al. (2004) are not relevant for the case of Frontex. Other indicators such as whether it can shift budgets over several years were prohibited by the principle of annuality from the European Budget Principles (Appendix IV: Table 14). This concludes that in the managerial dimension of autonomy Frontex had a low level of autonomy, as it was only allowed to make managerial decisions within strict procedures set by the Council, Commission and European Parliament. Nevertheless, the agency was awarded a high operational managerial autonomy.

In order to classify, how autonomous Frontex could act within the policy dimension the extent to which the agency was able to choose the target groups and policy instruments in relation to the oversight minister and the parent government department have to be evaluated. Frontex' equivalent to a parent government department is the Commission Directorate-General for Migration and Home Affairs (DG HOME) (Appendix IV: Table 25) and its Commissioner can be considered as the oversight minister. In regard to deciding on the policy target groups Frontex was very restrained, because its mandate as the 'European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union' its tasks were clearly defined as facilitating Community border protection measures "by ensuring the coordination of Member States' actions in the implementation of those measures" (Appendix IV: Table 7). Within that tight mandate the target groups were already specified. In determining the necessary instruments to implement a certain policy, however, the agency had free reign. The DG Home set the goals that were to be achieved and Frontex adopted the required programme to attain them (Appendix IV: Table 21). In this case Frontex had a low level of autonomy due to having the power to decide upon which policy instruments to use within the objectives and effects wanted by the DG Home.

To sum up: Frontex' autonomy in the field of decision-making competencies was medium, it did not reach the minimum or maximum amount, but remained in the lower middle of the spectrum. This was accompanied by a high operational autonomy.

Verhoest et al. portray autonomy as the exemption of constraints on the actual use of the decision-making competencies are also described as the ex-ante constraints the government can use are structural, financial, legal and interventional autonomy. As already discussed, the interventional autonomy dimension is not employed in this analysis. The structural autonomy is evaluated by investigating the composition of the management board and its share of government representatives on the total number of members. Frontex' management board was comprised of one representative of each of the 25 Member States that were signatories of the Schengen acquis, as well as Iceland, Lichtenstein, Norway, Switzerland, the UK and Ireland. The states were all represented by the heads of their border agencies. The board also included two representatives of the Commission from the DG Home (Appendix IV: Tables 7, 21, 22). In

this case the Commission representatives are counted as government officials and the Member State representatives have the position of stakeholders. Therefore, there was a ratio of two government representatives to 31 stakeholders. This is relevant because the management board appointed the executive director candidate proposed by the Commission through a two-thirds majority vote of all members. The executive director could be dismissed according to the same procedure (Appendix IV: Table 7). This establishes that Frontex had a maximum level of structural autonomy, due to the Member States having a majority vote on the board and the board being the instance appointing and dismissing the executive director.

The level of financial autonomy of an agency is discerned by investigating the sources of its income, to see whether it is dependent on other institutions or whether it can generate it itself. Frontex had four different strands of income annually. The first one was the main income which consists of a subsidy entered in the general budget of the European Union (Appendix IV: Tables 7, 21), which between 2014 and 2016 increased from 86.810.00 € to 218.686.000 € (Appendix IV: Table 13). The Member States associated with the implementation, application and development of the Schengen acquis provided the second strand of income (Appendix IV: Tables 7, 21), which was a lot less (2014 N2: 5.640.000 €, 2016 N2: 13.971.000 €) than the subsidy from the EU (Appendix IV: Table 13). The agency did not raise any taxes to sustain itself, but its third strand of revenue stemmed from fees charged for services provided (Appendix IV: Tables 7, 21). These services were mostly provided to Member States who received help in border protection matters. The fourth and last strands of revenue consisted of voluntary contributions from member States (Appendix IV: Tables 7, 21), this especially included the ones not associated with the Schengen acquis but still part of the agency, such as the United Kingdom or Ireland. They both contributed to Frontex' budget until Great Britain exited the EU in 2016 (Appendix IV: Table 13). Not accounted for in the different strands of Frontex' income was the fact that the agency could also access Community financial means available in the field of return for its return operations (Appendix IV: Table 7). Overall, Frontex is primarily financed by the subsidy in the general budget of the European Union, which classifies it as low financial autonomy.

The legal autonomy distinguishes the agencies legal personality. Frontex had its own legal personality under public law that was created by a parliamentary act (Appendix IV: Table 7), which according to Verhoest et al. gave it a high level of agency autonomy.

Overall, the different autonomy levels of the dimensions that concerned ex-ante constraints show that before 2016 the composition of the management board afforded the agency the maximum amount of structural autonomy, a high amount of legal autonomy and a low financial autonomy.

4.2.2 Autonomy after the adoption EBCG Regulation (EU) 2016/1624

After the adoption of EBCG Regulation 2016/1624 Frontex' autonomy has experienced some changes. This is shown in the coming part of the analysis by examining EBCG Regulation 2016/1624 and all the documents referenced in it. The basis for the managerial autonomy dimension, however, has not changed particularly since before 2016. There have been no

updates to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (Appendix IV: Table 6). The Budget Principles (Appendix IV: Table 16), as well as the Financial Provisions (Appendix IV: Table 10) have also stayed the same. Therefore, the only changes can be detected in the new regulation, which essentially has only developed into being more specific in this area. For example, the executive director is now assigned the task of appointing experts from the staff of the agency to be deployed as liaison or coordinating officers. He or she is also in charge of appointing the fundamental rights officer (FRO) (Appendix IV: Table 10). Nevertheless, this does not alter the previous assessment that Frontex' managerial autonomy level is low with a high share of operational autonomy.

The same applies for the choice of target groups in the policy autonomy dimension. The agency mandate has become a lot more detailed, accentuating the increase in tasks that has taken place. Some of these are search and rescue operations at sea, risk analyses of threats that might affect the external borders and assessment of risks for internal security (Appendix IV: Table 10). The mandate still does not enable Frontex to choose the target groups for its policy. Nonetheless, Frontex has gained more autonomy in its choice of policy instruments. Firstly, in the new regulation it is now clearly indicated that "the Agency shall be independent in implementing its technical and operational mandate" (Appendix IV: Table 10). Secondly, it can initiate a proposal to Member States to coordinate or organise return operations (Appendix IV: Table 10). And, thirdly, it can independently decide whether to establish a common integrated risk analysis model or carry out the vulnerability assessments (Appendix IV: Table 10). Here the main legislation is providing Frontex with the choice for its policy instruments, as well as the option of freely assessing Member States and recommending measures to the Commission in case of negative outcomes (Appendix IV: Table 10). This puts Frontex on a high level of policy autonomy in Verhoest et al.'s taxonomy because now the executive director and the management board can freely decide on individual applications of general regulations.

In general, it does not seem like Frontex' decision-making competencies changed much, but the rising independence in choosing policy instruments can have a significant impact.

The dimensions about the exemption of constraints on the actual use of the decision-making competencies is the second part of the post EBCG Regulation 2016/1624 adoption autonomy assessment. The composition of the board pertaining to the structural autonomy has not changed and the ratio of two Commission representatives and 31 Member State stakeholders still remains (Appendix IV: Table 10). Yet, the way of appointing the executive director of Frontex did change. The candidates are proposed by the Commission, then must make a statement and answer before the relevant Committee of the European Parliament, after which the parliament forms an opinion and selects a preferred candidate. This, however, does not have a lot of impact, because the management board merely has to take the views into account and then vote the candidate into office with a two-thirds majority (Appendix IV: Table 10). Compared to beforehand the European Parliament is now involved in appointing the executive director, but that does not have any *de facto* impact on the final decision, which is why Frontex still has the maximum amount of structural autonomy.

The financial autonomy has hardly been altered either, a few more sources of possible income have been added. Such as the option of profiting from delegation agreements or ad-hoc grants (Appendix IV: Table 10), as well as accessing provisions regarding the external relations policy additionally to the Union fund for return activities (Appendix IV: Table 10). Article 14 §4 of Regulation (EU) 2016/1624 stipulates that if the Agency has substantial additional financial needs due to a situation at the external borders, it shall inform the European Parliament, the Council and the Commission thereof without delay. Furthermore, it must be pointed out how much Frontex' subsidy in the general budget of the European Union has increased: from 86.810.00 € in 2014 (Appendix IV: Table 13) to 268.909.520 € in 2018 (Appendix IV: Table 15). Ultimately the structural scope of autonomy has not changed from low except that its budget has risen extraordinarily over the past years.

Lastly, the legal autonomy of Frontex must be assessed. Frontex still possesses, legal personality under public law which was awarded by a parliamentary act. The high level of legal autonomy remains.

In general, it appears that the core autonomy dimensions have not changed dramatically, except for Frontex' policy autonomy increase. Nonetheless, it should be noted that the European Parliament is still effectively excluded from imposing ex-ante constraints on Frontex and that its dramatic increase in budget grants the agency a lot more power. The first hypothesis stating that with the evolvement of Frontex through EBCG Regulation (EU) 2016/1624, the agency's autonomy will increase is proven right in this context, even though the increase was minimal.

To answer the research question: Before the EBCG Regulation (EU) was adopted Frontex had low decision-making competencies that were characterised by high operational managerial autonomy and within the realm of ex-ante constraints it was afforded a maximum amount of structural autonomy, a high amount of legal autonomy and low financial autonomy. The application of the Regulation only changed Frontex' autonomy so far, that decision-making competencies were increased by the ability to choose more policy instruments and that its income through the general budget subsidies has dramatically increased. Otherwise Frontex' autonomy was not altered.

4.3 Assessing the Accountability Regime

In their approach to agency accountability Biela and Papadopoulos (2014) developed a strategy to assessing the accountability regime. To take the different dimensions and levels into account and capture their interactions they combine all of them in an evaluation table, by which the ultimate effectiveness of the accountability arrangements is determined. This is achieved by entering a value for every forum's dimensions, that displays if it has a positive, negative or no effect in the accountability regime. The developed table also includes the 'exchange and cooperation between fora' as a category that can influence the effectiveness. However, there is very little information available on this in the documents analysed because these cooperative interactions are mostly informal and can only be discovered via interviews, which are not part of the data set of this thesis. Thus, the column pertaining to the exchange and cooperation

between fora will be excluded from the tables used in the following assessment (Tables 9 and 10).

Information rights and sanctioning rights belong to the formal accountability mechanisms. The effect of the information rights dimension is determined via classifying it as either extensive, moderate or limited (Appendix VI: Table 31). For the sanctioning rights Biela and Papadopoulos (2014) constructed a table. It enables a classification of the different kinds of consequences sanctions can generate into limited, moderate, and severe consequences (Appendix VI: Table 32).

The effectiveness of any forum is profoundly influenced by its capability and credibility. These are measured by evaluating the overseeing bodies capability to process information and its credibility to impose consequences. The information capability is classified as either high (+), intermediate (o) or low (-), via evaluating the time resources of the accountability institutions and if it has enough personal expertise or qualified staff to process the sometimes highly technical tasks the agency performs. Credibility of an overseeing body relies on the perceived likeliness of it imposing consequences on the agency. This is reduced by three factors: Firstly, the structure of the accountability institution. The more heterogenous (qualified majority rule) an actor is the less likely it is to easily reach a decision. Secondly, the interest of the body to impose a sanction plays a role. Sanctioning an agency could have a negative effect on the accountability institution, which would deter it from sanctioning. Lastly, a high number of foras can cause a lack of coordination, in which each forum expects the other one to react. (Biela & Papadopoulos, 2014)

4.3.1 Accountability before the adoption EBCG Regulation (EU) 2016/1624

The analysis of Frontex' accountability before the application of EBCG Regulation (EU) 2016/1624 commences at the political level of agency action represented by the European Parliament, the Council of the European Union, the European Commission, the European Economic and Social Committee and the Member States that are on the board of Frontex. Formal information rights provided in Frontex' mandates ("COUNCIL REGULATION (EC) No 2007/2004.," ; "REGULATION (EU) No 1168/2011.,") were given to all the previously mentioned institutions. They all received the draft programme and the activity report from Frontex, as well as other specialised reporting on relevant topics to the overseeing body (Appendix IV: Tables 7, 21, 22). The European Parliament and the Council could invite the executive director of the agency to report on the carrying out of his or her tasks, especially regarding the implementation and monitoring of the Fundamental Rights Strategy, the general report of the Agency for the previous year, the work programme for the coming year and the Agency's multi-annual plan (Appendix IV: Tables 7, 21, 22). The Commission and the Member States had the opportunity to question the executive director through having seats on the management board (Appendix IV: Tables 7, 21, 22). None of the aforementioned accountability institutions had direct access to internal documents. Therefore, on the level of political action every body had moderate information rights, except for the Economic and Social Committee whose were only limited.

Related to the information rights the capability to process the obtained information is vital. The European Parliament had specialised standing committees for specific topics that apply to Frontex, especially the LIBE committee (Appendix IV: Table 11). The Members of the Committees were not selected on the basis of their expertise but within the European Institutions it is customary to rely on expertise offered by outside interest groups and stakeholders, which could be expected. Hence, the European Parliament had intermediate capabilities to process the material. The same is the case for the Commission. As it was Frontex' task to provide expertise to the Commission one could expect it to have enough expertise to evaluate the data, but it probably still would have had sufficient expertise to analyse it. There was the specified DG Home with an adequate amount of staff, but it is impossible to tell the time constraints for work on Frontex, for example (Appendix IV: Table 25). A high processing capability can be ascribed to the Council, whose two specialised committees (SCIFA and COSI) consisted of personnel with high-level expertise (Appendix IV: Tables 17, 27, 28). The same counts for the Member States, who were mostly represented by the heads of their national border protection agencies and therefore had enough expertise to process the incoming information (Appendix IV: Table 22). The European Economic and Social Committee had no personnel with expertise on the matter or specially delegated to topics concerning Frontex (Appendix IV: Table 23), which is why there do not seem to be any distinct capabilities regarding information processing.

The character of the sanctions as well as the policy level autonomy regimes credibility of imposing them is the next part of the assessment. The sanctions that generated the most impact were the European Parliaments, Councils and the Commissions power over the general budget of the European Union and therefore Frontex' income (Appendix IV: Tables 22, 24), as well as the Commission being able to change or revise the agencies mandate based on an independent external evaluation (Appendix IV: Table 25). Both sanction mechanisms are severe when classified according to Table 32. The European Economic and Social Committee could not impose sanctions, it only had an advisory role to European Parliament, Council and Commission (Appendix IV: Table 23). The same applied to the Member States who on their own were not provided the ability to impose sanctions over Frontex (Appendix IV: Table 7). Even though, the potential for severe consequences was there, the Council had little interest in imposing sanctions on Frontex, due to it being composed of the Member States and them usually being in favour of Frontex' activities (Appendix IV: Table 27). This made the imposition of sanctions from it highly unlikely. The European Parliament on the other hand was very aware of its capabilities as it was its only influence over Frontex. Based on the amendments proposed by various European Parliament committees (especially LIBE) it was very active in trying to oversee Frontex and make it more accountable. Its sanctioning credibility was highly likely. The Commission's position was ambiguous as it had the most insight into Frontex, as the agency was a delegated body of the Commission, but also had the responsibility of initiating the procedure for a mandate change (Appendix IV: Table 25). A very arduous process, with many involved parties and unforeseeable outcomes. Initiating that constituted taking a risk. Despite this, it has taken on its responsibility and Frontex' mandate has been changed in the past.

The second part of Frontex' accountability analysis concerning the time before 2016 assesses the operational level of agency action. The capabilities of the European parliament were the

same on this level of agency action as on the policy one. The already determined results are also used here. For the other accountability forums, the information rights, and the capability to process the information are evaluated. The Fundamental Rights Officer (FRO) and the Consultative Forum worked very closely together and had the same information rights (Appendix IV: Table 8). They, according to Regulation (EU) 1168/2011 article 26a §4, “*shall have access to all information concerning respect for fundamental rights, in relation to all the activities of the Agency*”. In reality however in 2015 there still seemed to be some difficulties in attaining this information (Appendix IV: Table 19). Consequently, the extensive information rights can only be applied with reservations. The same applied to the FRO regarding the capability to process information. The FRO must be qualified and have experience in the field of fundamental rights, which was the case (Appendix IV: Table 8). But in the Third Annual Report by the Consultative Forum it was reported that “*the allocation of limited staff to the Fundamental Rights Officer has barred her from fulfilling her supporting and monitoring roles to their full extent throughout 2015.*” (p. 18). Which is why in this case the high information capability is also accompanied by reservations. The Consultative forum then again can be classified as having had a high information capability, as it was composed of various fundamental rights agencies and organisations who have expertise. The information rights of the European Ombudsman were similarly extensive. Any community body, including Frontex, was obliged to supply the Ombudsman with any information requested and provide access to the files concerned. He or she also had access to classified information and documents. It can be expected that the Ombudsman had the necessary personnel and expertise to process the information (Appendix IV: Table 29) because the Ombudsman’s main assignment was to uncover maladministration within the European Union, a very difficult task.

The sanctioning on the level of operational agency action however is problematic. Even though, the FRO, Consultative Forum and the Ombudsman had extensive information rights and capabilities they could not impose sanctions.

Lastly, the managerial level of agency actions accountability regime is to be analysed. This consists of the European Court of Auditors, Frontex’ management board and the European Anti-Fraud Office (OLAF). The European Court of Auditors received the usual annual reports from Frontex in order to audit the agency (Appendix IV: Tables 7, 21). This included any information relevant to the outcome of the evaluation procedures, which equates to moderate information rights. Because it dealt with Frontex’ financial statements and it was the auditing institution its information capabilities were high. Likewise, the Frontex management board enjoyed moderate information rights and a high processing capability. The board received frequent reports about the agencies activities as well as having informal exchanges with the executive director or agency staff, but it could not access internal documents. Due to the members of the board primarily being heads of national border guard agencies the level of expertise was very high (Appendix IV: Tables 7, 22). Then again OLAF had extensive information rights because, as the anti-fraud office, the agency was required to fully cooperate and supply all useful information and explanations, in case of an investigation (Appendix IV: Tables 7, 9, 18). It also has a high information processing capability for the same reason as the court of auditors. The ability to impose sanctions is a mixed field on the level of agency action. The European Court of Auditors reported its findings, but it could not impose sanctions. The management board on

the other hand could sanction via dismissing the executive director and the deputy executive director independently (Appendix IV: Table 22). According to Biela and Papadopoulos personal dismissals were regarded as moderate consequences. As the board could also decide on the executive director independently, there usually was no reason to dismiss him or her (Appendix IV: Table 7). Hence, the likelihood of it imposing sanctions was low. On the basis of OLAF's work any official or servant of the Union could be dismissed (Appendix IV: Table 9). Therefore, it can impose sanctions with moderate consequences. It does not suffer any consequences from this, which is why the imposition of sanctions is highly likely.

Table 9. Accountability regime assessment based on (Biela & Papadopoulos, 2014)

The accountability regime of Frontex pre Regulation (EU) 2016/1624						
Level of agency action	Accountability forum	Information rights	Information capability	Sanction rights	Sanction capability	Effectiveness of accountability arrangements
Political	European Parliament	o	o	+	+	o
	Council of the European Union	o	+	+	-	
	European Commission	o	o	+	o	
	EESC	-	-	--		
	Member States	o	+	--		
Operational	European Parliament	o	o	+	+	o
	Fundamental Rights Officer	+ ¹	+ ²	--		
	Consultative Forum	+ ³	+	--		
	European Ombudsman	+	+	--		
Managerial	European Court of Auditors	o	+	--		o
	Frontex Management Board	o	+	o	-	
	European Anti-Fraud Office	+	+	o	+	

Note: The meaning of symbols is:

Information rights: extensive (+)/moderate (o)/limited (-); Information capability: high (+)/intermediate (o)/low (-); Sanctioning rights: severe (+)/ moderate (o)/limited (-)/none(--); Sanctioning credibility: highly likely (+)/ambiguous (o)/highly unlikely (-); Effectiveness of accountability arrangements: high (+)/intermediate (o)/low (-). The arrows indicate cooperation at informational and sanction stages. Empty cells indicate no powers for the respective forum.

¹ No true extensive information rights.

² FRO was kept from fulfilling her role to a full extent through limited staff allocations.

³ No true extensive information rights.

Overall, the outcome of the assessment of Frontex' accountability before the adoption of EBCG Regulation (EU) 2016/1624 demonstrates that the effectiveness of the accountability arrangements was intermediate (Table 9). This is the case, because there were autonomy structures in place which did not go all the way. It is apparent that the forums with extensive information rights did not have any sanctioning abilities. The ones who could sanction either did not have the information or no incentive to do so. This result could have probably been slightly improved by including the 'exchange and cooperation between fora' category because it is to be expected that forums with useful information would communicate with ones that can impose sanctions. This should be a topic for further explorations.

4.3.2 Accountability after the adoption EBCG Regulation (EU) 2016/1624

The aim of this part of the analysis is to find out whether the accountability regime of Frontex has changed since the application of EBCG Regulation (EU) 2016/1624. In order to achieve this the previous results are compared to the accountability regime after 2016. The initial step is to assess the accountability of the political level of agency action. As Frontex' mandate has grown, the European Parliament receives more reports on the different agency activities. It has gained in influence over Frontex, such as being consulted in some areas, taking part in establishing the agencies budget and therefore having the ability to request any information necessary for the discharge procedure every year (Appendix IV: Table 10). Nonetheless, inviting the executive director is still the best way for the EP to gain information and the European parliament has stayed at the level of moderate information rights. The information rights of the Council have similarly gained in volume, but not in substance (Appendix IV: Table 10). Subsequently, it still has moderate information rights. It is the same case for the Commission. Its rights, abilities and tasks were made more explicit, but the core statement is essentially the same (Appendix IV: Table 10). Even if it has more oversight than the European Parliament or Council, it still relies on reports from Frontex and cannot access any internal documents. Therefore, it also has moderate information rights. The European Economic and Social Committees opinion is only acknowledged in the new mandate, it does not receive any reports anymore (Appendix IV: Table 10). Including to the previous information rights the Member States are now also informed of complaints towards their border guards if they take part in Frontex missions (Appendix IV: Table 10). This does not affect the information rights assessment (still moderate), but it is a factor for the sanctioning capabilities. In the researched timeframe the internal structure and procedures of the European Parliament did not change, which is why it has a moderate information processing capability (Appendix IV: Table 12). This also applies to the Council (Appendix IV: Tables 22, 27, 28), the Commission (Appendix IV: Table 25), and the Member States (Appendix IV: Table 10). Vast institutions such as the European Parliament, the Council and the Commission do not change very quickly or often. Because of this they still impose the most severe sanctions via the budget and the ability to change Frontex' mandate (Appendix IV: Tables 10, 24, 25). Their credibility of imposing sanctions has not changed either. As already indicated the Member States can now impose sanctions, namely if one of their border guards is subject to disciplinary measures, which need to be taken by the home Member State (Appendix IV: Table 10). This is according to Biela and Papadopoulos a limited consequence. Unfortunately, this also means that the interest in

imposing sanctions depends on the Member State. Some follow through, but others do not. This is easily done because the complaints and incidents are very removed from the actual sanctioning mechanism. This leads to a highly unlikely sanctioning credibility.

For the operational level of agency action, the values for the European Parliament stay the same again. The formal bases and instructions for the FRO and the Consultative Forum stayed the same (Appendix IV: Table 10), but the problem of not actually receiving the deserved information has been resolved and their information rights are now in their entirety extensive. Moreover, the FRO has actually received more support to fulfil her role, but it is still not appropriate for the size of the agency and the amount of its operations (Appendix IV: Table 20). Even though the FRO and the Consultative Forum still have their expertise and cooperate with Frontex as well as its management board, the European Parliament etc. they cannot impose consequences on the agency (Appendix IV: Table 10). The internal structure and procedures of the European Ombudsman have also not changed since 2016 (Appendix IV: Table 29). All of the evaluations are the same.

The managerial level of agency action is the last part to be analysed. As in all the other cases the European Court of Auditors rights were specified but its information rights actually increased (Appendix IV: Table 10). It is now allowed to access internal documents and make on-the-spot-inspections. This means that its information rights increase from moderate to extensive. Its information capability stayed at high as to be expected. No new information rights were added to the management board. However, its expertise was bolstered (Appendix IV: Table 10). The new mandate explicitly states that

“The management board members shall be appointed on the basis of their degree of high level relevant experience and expertise in the field of operational cooperation on border management and return and their relevant managerial, administrative and budgetary skills.” ("REGULATION (EU) 2016/1624," Article 63 §2).

The information processing capability is high. Although OLAFs legal base was revised in 2016 no changes relevant to its information rights or capabilities took place (Appendix IV: Table 18). They are still both at top level. The sanctioning structure in the managerial level was also not altered.

As already mentioned in the autonomy evaluation Frontex' mandates have grown increasingly more detailed and complicated. The same applies in this instant. The rights and competencies of the different foras have multiplied by becoming incredibly meticulous. This does not mean that the accountability mechanisms have dramatically increased or improved, the volume has just been amplified. The only positive developments in hindsight to accountability have been the Consultative Forum's and the FRO's improved access to information they were supposed to have, and the European Court of Auditor's increase in information rights. Before the adoption of EBCG Regulation (EU) 201/1624 Frontex' autonomy regime was classified as intermediate, which is also the case for the accountability regime after 2016 (Table 10). This answers the third sub-question. The second hypothesis that an increase in autonomy will result in a rise of accountability, is disproven in this case.

Table 10. Accountability regime assessment based on (Biela & Papadopoulos, 2014)

The accountability regime of Frontex post Regulation (EU) 2016/1624						
Level of agency action	Accountability forum	Information rights	Information capability	Sanction rights	Sanction capability	Effectiveness of accountability arrangements
Political	European Parliament	o	o	+	+	o
	Council of the European Union	o	+	+	-	
	European Commission	o	o	+	o	
	EESC					
	Member States	o	+	-	-	
Operational	European Parliament	o	o	+	+	+/o
	Fundamental Rights Officer	+	+ ⁴	--		
	Consultative Forum	+	+	--		
	European Ombudsman	+	+	--		
Managerial	European Court of Auditors	+	+	--		+
	Frontex Management Board	o	+	o	-	
	European Anti-Fraud Office	+	+	o	+	

Note: The meaning of symbols is:

Information rights: extensive (+)/moderate (o)/limited (-); Information capability: high (+)/intermediate (o)/low (-); Sanctioning rights: severe (+)/ moderate (o)/limited (-); Sanctioning credibility: highly likely (+)/ambiguous (o)/highly unlikely (-); Effectiveness of accountability arrangements: high (+)/intermediate (o)/low (-). The arrows indicate cooperation at informational and sanction stages. Empty cells indicate no powers for the respective forum.

⁴ Still not enough support for the FRO to fulfil her role, when compared to the size of Frontex and the amount of its operations.

5 Conclusion

The analysis has revealed that Frontex' autonomy and accountability has undergone some changes over the course of time. Before the adoption of EBCG Regulation (EU) 2016/1624 Frontex' decision-making ability (managerial and policy autonomy) was classified as low, but it still had a high operational autonomy which meant that it did not have any restrictions for policy implementation. The ex-ante constraints on the decision-making capabilities were very low for the structural autonomy of the agency. There also were only minor ex-ante constraints on the legal autonomy. However, Frontex' financial autonomy was constrained. Therefore, the level of managerial and policy autonomy Frontex had was not limited by its structural or legal autonomy. Only the financial autonomy had the potential of obstructing decision making, which seems unlikely in wake of its increasing income. The effectiveness of the accountability regime surrounding Frontex pre EBCG Regulation (EU) 2016/1624 was graded as intermediate, because the forums with extensive information rights did not have any sanctioning capabilities and vice versa. Another factor was that often there were no incentives to sanction for the institutions with that ability. Overall, Frontex had a medium amount of autonomy, with an accountability regime that could only affect it marginally.

The adoption of EBCG Regulation (EU) 2016/1624 only altered this situation to some extent. Frontex' decision-making competencies were deepened, by further acknowledging its expertise in border and coast guard matters. This, however, did not change its formal level of autonomy from the previous level. Concerning the constraints on the use of the decision-making competencies no vast changes could be detected, that would trigger a classification change. Nonetheless, the remarkable increase in budget grants the agency a lot more decision-making freedom, as the possibility of being constrained by financials decreases. The European Parliament on the other hand is still effectively excluded from imposing ex-ante constraints on Frontex. A fact that was deliberately implemented when Frontex was founded and should change to provide it more legitimacy in its actions. The intermediate classification of Frontex' accountability regime did not change either. However, some small points have improve. The FRO's and the Consultative Forum's actual access to information was adjusted to their formal access and the European Court of Auditors information rights were raised. In conclusion the adoption of EBCG Regulation (EU) 2016/1624 did not generate any substantial change that would be reflected in the formal result of the analyses. After the adoption Frontex still has a medium amount of autonomy, with a few enhancements. The accountability regimes effectiveness has only progressed slightly with no significant impact. This answers the main research question of this thesis: *What are the changes regarding autonomy and accountability regimes before and after the adoption of the EBCG Regulation (EU) 2016/1624?*

At its inception in 2004 the autonomy regime surrounding Frontex was a lot less effective than it is now. This was changed by establishing the FRO and the Consultative Forum in 2011 ("REGULATION (EU) No 1168/2011.,"). Since then Frontex has continued to evolve and grow at an incredible pace, but its autonomy and accountability have stayed constant. This can explain why there were no significant changes detected in this assessment.

The frameworks that were used for the evaluation of autonomy and accountability proved to be a good choice, as working with them was uncomplicated and they provided clear results.

However, distinguishing autonomy and accountability from one another is not totally possible, because the accountability regime of an agency influences its autonomy. This is why one always has to be aware of their connection. Ex-ante control mechanisms were assessed as part of Frontex' autonomy and only ex-post control mechanisms were considered for the accountability evaluation, even though ex-ante control mechanisms can also influence an accountability regime. However, in order to assess both concepts successfully theoretical choices such as this one have to be made.

This thesis is at the beginning of closing a sizable research gap on the accountability and autonomy of Frontex in recent years. Therefore, there are ample opportunities for further research. A study focused on gathering information on Frontex' *de facto* autonomy and accountability by conducting interviews would be a good step in that direction, especially because it could include the 'exchange and cooperation between fora' category, which would reveal a much more comprehensive picture of the accountability. This thesis has also revealed steps that could be taken in policy practice to improve Frontex' accountability, as it is not very effective at the moment. It is argued that particularly EU Home Affairs agencies such as Frontex should have higher standards of accountability apply to them due to their fundamental rights sensitive work (Carrera et al., 2013). First of all, the accountability regime should be shaped more effectively by not splitting information rights from sanctioning abilities. Secondly, institutions with less disincentives should be able to sanction Frontex. Lastly, the European Parliament should not only receive better information and a more direct way of sanctioning than via the budget, it should also be included in the ex-ante control mechanisms in order to provide Frontex with more legitimacy.

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Appendix I: Data Set

EU Regulations:

1. REGULATION No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community
2. COUNCIL REGULATION (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
3. REGULATION (EU) No 1168/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2011 amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
4. REGULATION (EU, EURATOM) No 883/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999.
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Appendix II: Operationalisation Tables

Table 1. *Autonomy dimensions and indicators by Verhoest et al. (2004) p. 116*

Dimensions	Indicators used	
Managerial autonomy	Strategic managerial autonomy concerning HRM:	Whether the organisation can take decisions without interference from government about the level of salary of employees, the conditions for promoting personnel, the way of evaluating personnel and the way of appointing personnel (all questions towards strategic personnel management).
	Operational managerial autonomy concerning HRM:	Whether the organisation can itself give extra-legal advantages to a certain employee, promote a certain employee, evaluate a certain employee and appoint a certain employee (all questions about operational personnel management).
	Strategic and operational managerial autonomy concerning financial management:	Whether the organisation can fully, partly (with interference from above concerning rules e.g.) or not set loans for investments, set tariffs for products or services, participate in private law legal persons. Whether the organisation can shift budget between personnel and running costs, between costs and investments, over several years.
Policy autonomy	To what extent the organisation can take decisions about the choice of target groups for its policy in relation with the oversight minister and in relation with the parent government department.	
	To what extent the organisation can take decisions about the choice of policy instruments for its policy in relation with the oversight minister and in relation with the parent government department.	
Structural autonomy	What is the composition of the board and what is the share of representatives of government on the total number of representatives	
Financial autonomy	Does the organisation receive income from:	budget allocation of the oversight department and how much in million euro
		transfers from other public authorities
		self raised taxes
		selling products and services (market)
		gifts, sponsoring and memberships
		other sources
Legal autonomy	whether the organisation has the legal personality	
	what type of legal personality it has (under public law, under private law and hybrid)	
Interventional autonomy ⁵	Whether the organisation has influence in the setting of goals and norms of the organisation or not	
	What do indicators to measure organisational results (with respect to set goals) measure (the scope of the indicators; output, effect, quality, one of these three in relation to organisational resources)	
	Whether the performance of the organisation is measured	
	Whether the performance of the organisation is evaluated by the government	
	Whether the organisation is subject to sanctions and rewards in case of good or bad performance.	
	Whether the organisation is subject to audit (ex-post), and if so, whether the organisation is audited by the oversight authority	

⁵ The *interventional autonomy* dimension by Verhoest et al. (2004) will be replaced by Biela and Papadopoulos's (2014) accountability assessment

Table 2. Accountability dimensions and indicators based on Biela and Papadopoulos (2014)

Two formative elements of accountability		Measurement
<i>de jure</i>	Access to information	<ul style="list-style-type: none"> - Analysis of formal information rights (legal documents) focusing on: - Reporting duties for agencies - Transparency requirements - Quality of information
	Character of sanctions	<ol style="list-style-type: none"> 1. Does the consequence apply to a particular situation or does it generate structural change within the agency? 2. Are the consequences imposed on single individuals or on the whole agency? <p>The case of structural consequences imposed on the whole agency are interpreted as severe, compared to situational consequences for a single individual (limited impact). The other two are considered moderate.</p>
<i>de facto</i>	Capability to process information	<p>The effectiveness of the accountability institution depends on the resources to analyse the information:</p> <ul style="list-style-type: none"> - Time - Personal expertise/qualified staff (due to agencies mostly performing highly specialised tasks, that are difficult to evaluate)
	The credibility of imposing consequences	<p>Is based on the perceived likelihood of sanctions being imposed. Three factors reduce that chance:</p> <ul style="list-style-type: none"> - Internal structure of the overseeing body - The interest of the forum in imposing sanctions - The number of fora responsible for imposing sanctions

Appendix III: Coding Schemes

Table 3.

Autonomy (1000) Coding Scheme					
Dimension	Variables	Indicators		Changes due to the EU's sui generis nature	Code
Managerial autonomy (1100)	Strategic managerial autonomy (1110)	Whether the organisation can take decisions without interference from government about	the level of salary of employees		1111
			the conditions for promoting personnel		1112
			the way of evaluating personnel		1113
			the way of appointing personnel		1114
	Operational managerial autonomy (1120)	Whether the organisation can	itself give extra-legal advantages to a certain employee	Not relevant	1121
			promote a certain employee		1122
			evaluate a certain employee		1123
			appoint a certain employee		1124
	Strategic and operational managerial autonomy concerning financial management (1130)	Whether the organisation can	fully set loans for investments	Not relevant because Frontex' main income is provided in the European Budget, therefore it does not rely on other income	1131
			partly (with interference from above concerning rules e.g.) set loans for investments		1132
			not set loans for investments		1133
			set tariffs for products		1134
			set tariffs for services		1135
			participate in private law legal persons		1136
			shift budget between personnel and running costs over several years		1137
			shift budget between costs and investments over several years		1138
Policy autonomy (1200)	Choice of target groups (1210)	To what extent the organisation can take decisions about the choice of target groups for its policy in relation with the oversight minister and in relation with the parent government department.	oversight minister = European Commissioner for Migration, Home Affairs and Citizenship parent government department = Commission Directorate-General for Migration and Home Affairs (DG HOME) (FRONTEX, 2020a)	1211	
	Choice of policy instruments (1220)	To what extent the organisation can take decisions about the choice of policy instruments for its policy in relation with the oversight minister and in relation with the parent government department.		1221	
Structural autonomy (1300)		What is the composition of the board	Commission representatives as representatives of government, MS as	1311	
		What is the share of representatives of government on the total number of representatives		1312	

Table 3.

Autonomy (1000) Coding Scheme						
Dimension	Variables	Indicators		Changes due to the EU's sui generis nature	Code	
				other parties (stakeholders)		
Financial autonomy (1400)	Income	Does the organisation receive income from:	budget allocation of the oversight department and how much		1411	
			transfers from other public authorities		1412	
			Self-raised taxes	Not relevant	1413	
			selling products and services	Services rendered to MS and other countries	1414	
			gifts, sponsoring and memberships	Not relevant	1415	
			other sources		1416	
Legal autonomy (1500)	Legal personality	Whether the organisation has the legal personality			1511	
		What type of legal personality it has	Under public law			1512
			Under private law			1513
			Hybrid			1514

Table 4.

Frontex Accountability Forums					
Political level of agency action	Code	Operational level of agency action	Code	Managerial level of agency action	Code
European Parliament	2000	European Parliament	2000	European Court of Auditors	9000
Council of the European Union	3000	Fundamental Rights Officer (FRO)	6000	Frontex Management Board	10000
European Commission	4000	Consultative Forum for independent advice on fundamental rights matters	7000	European Anti-Fraud Office (OLAF)	11000
European Economic and Social Committee	5000	European Ombudsman/woman	8000		
Member States (MS)	12000				

Table 5.

Accountability (2000-13000) Coding Scheme				
Dimension	Variable	Measurement		Code
dejure (x100)	Access to information (x110)	Analysis of formal information rights (legal documents) focusing on:	Reporting duties for agencies	x111
			Transparency requirements	x112
			Quality of information/ Information rights: <i>Extensive/Moderate/Limited</i>	x113
	Character of sanctions (x120)	Does the consequence apply to a particular situation? (moderate)		x121
		Does the consequence generate structural change within the agency? (severe)		x122
		Are the consequences imposed on single individuals? (limited impact)		x123
		Are the consequences imposed on the whole agency? (moderate)		x124
defacto (x200)	Capability to process information (x210)	Does the accountability institution have enough time resources to analyse the information?		x211
		Does the accountability institution have personal expertise/qualified staff to analyse the information?		x212
	Credibility of imposing consequences (x220)	What is the internal structure of the overseeing body?		x221
		How interested is the forum in imposing sanctions?		x222
		How many foras are responsible for imposing sanctions?		x223

Appendix IV: Coding Tables

Table 6. REGULATION No 31 (EEC), 11 (EAEC)

Code	Article	Data
1111	Article 66	<p><i>Basic monthly salaries are for each grade and step in function groups AD and AST as provided in the following table:(...)</i></p> <p><i>Basic monthly salaries are for each grade and step in function group AST/SC as provided in the following table:</i></p>
1112	Article 45, §1	<p><i>1. Promotion shall be by decision of the appointing authority in the light of Article 6(2). Unless the procedure laid down in Articles 4 and 29(1) is applied, officials may only be promoted if they occupy a post which corresponds to one of the types of posts set out in Annex I, Section A, for the next higher grade. Promotion shall be effected by appointment of the official to the next higher grade in the function group to which he belongs. Promotion shall be exclusively by selection from among officials who have completed a minimum of two years in their grade after consideration of the comparative merits of the officials eligible for promotion. When considering comparative merits, the appointing authority shall in particular take account of the reports on the officials, the use of languages in the execution of their duties other than the language for which they have produced evidence of thorough knowledge in accordance with point (f) of Article 28 and the level of responsibilities exercised by them.</i></p>
1113	Article 43	<p><i>The ability, efficiency and conduct in the service of each official shall be the subject of an annual report as provided for by the appointing authority of each institution in accordance with Article 110. That report shall state whether or not the performance level of the official has been satisfactory. The appointing authority of each institution shall lay down provisions conferring the right to lodge an appeal within the reporting procedure, which has to be exercised before the lodging of a complaint as referred to in Article 90(2).</i></p> <p><i>As of grade AST 5, the report may also contain an opinion as to whether the official, on the basis of his performance, has the potential to carry out an administrator's function.</i></p>
1114	Article 16, §3	<p><i>The Agency's staff shall consist of a sufficient number of officials and of national experts in the field of control and surveillance of the external borders seconded by the Member States to carry out management duties. The remaining staff shall consist of other employees recruited by the Agency as necessary to carry out its tasks.</i></p>
1122	Article 45, §1	<p><i>1. Promotion shall be by decision of the appointing authority in the light of Article 6(2). Unless the procedure laid down in Articles 4 and 29(1) is applied, officials may only be promoted if they occupy a post which corresponds to one of the types of posts set out in Annex I, Section A, for the next higher grade. Promotion shall be effected by appointment of the official to the next higher grade in the function group to which he belongs. Promotion shall be exclusively by selection from among officials who have completed a minimum of two years in their grade after consideration of the comparative merits of the officials eligible for promotion. When considering comparative merits, the appointing authority shall in particular take account of the reports on the officials, the use of languages in the execution of their duties other than the language for which they have produced evidence of thorough knowledge in accordance with point (f) of Article 28 and the level of responsibilities exercised by them.</i></p>
1123	Article 43	<p><i>The ability, efficiency and conduct in the service of each official shall be the subject of an annual report as provided for by the appointing authority of each institution in accordance with Article</i></p>

Table 6. REGULATION No 31 (EEC), 11 (EAEC)

Code	Article	Data
		<p><i>110. That report shall state whether or not the performance level of the official has been satisfactory. The appointing authority of each institution shall lay down provisions conferring the right to lodge an appeal within the reporting procedure, which has to be exercised before the lodging of a complaint as referred to in Article 90(2).</i></p> <p><i>As of grade AST 5, the report may also contain an opinion as to whether the official, on the basis of his performance, has the potential to carry out an administrator's function.</i></p>
1124	Article 2	<i>Each institution shall determine who within it shall exercise the powers conferred by these Staff Regulations on the appointing authority.</i>

Table 7. COUNCIL REGULATION (EC) No 2007/2004

Code	Article	Data
1114	Article 16, §3	<i>The Agency's staff shall consist of a sufficient number of officials and of national experts in the field of control and surveillance of the external borders seconded by the Member States to carry out management duties. The remaining staff shall consist of other employees recruited by the Agency as necessary to carry out its tasks.</i>
1114	Article 26, §2	<i>The Executive Director of the Agency shall be appointed by the Management Board on the grounds of merit and documented administrative and management skills, as well as his/her relevant experience in the field of management of the external borders. The Management Board shall take its decision by a two-thirds majority of all members with a right to vote.</i>
1124	Article 16, §2	<i>The powers conferred on the appointing authority by the Staff Regulations, and by the Conditions of employment of other servants, shall be exercised by the Agency in respect of its own staff.</i>
1124	Article 26, §2	<i>The Executive Director of the Agency shall be appointed by the Management Board on the grounds of merit and documented administrative and management skills, as well as his/her relevant experience in the field of management of the external borders. The Management Board shall take its decision by a two-thirds majority of all members with a right to vote.</i>
1211	Article 1, § 2	<i>While considering that the responsibility for the control and surveillance of external borders lies with the Member States, the Agency shall facilitate and render more effective the application of existing and future Community measures relating to the management of external borders. It shall do so by ensuring the coordination of Member States' actions in the implementation of those measures, thereby contributing to an efficient, high and uniform level of control on persons and surveillance of the external borders of the Member States.</i>
1311	Article 21, §1	<i>the Management Board shall be composed of one representative of each Member State and two representatives of the Commission. To this effect, each Member State shall appoint a member of the Management Board as well as an alternate who will represent the member in his/her absence. The Commission shall appoint two members and their alternates.</i>
1312	Article 21, §1	<i>the Management Board shall be composed of one representative of each Member State and two representatives of the Commission. To this effect, each Member State shall appoint a member of the Management Board as well as an alternate who will represent the member in his/her absence. The Commission shall appoint two members and their alternates.</i>
1411	Article 29, §1	<i>The revenue of the Agency shall consist, without prejudice to other types of income, of a subsidy from the Community entered in the general budget of the European Union (Commission section),</i>

Table 7. COUNCIL REGULATION (EC) No 2007/2004

Code	Article	Data
1412	Article 29, §1	<i>The revenue of the Agency shall consist, without prejudice to other types of income, of a contribution from the countries associated with the implementation, application and development of the Schengen acquis,</i>
1414	Article 29, §1	<i>The revenue of the Agency shall consist, without prejudice to other types of income, of fees for services provided</i>
1415	Article 29, §1	<i>The revenue of the Agency shall consist, without prejudice to other types of income, of any voluntary contribution from the Member States</i>
1416	Article 9	<i>The Agency may use Community financial means available in the field of return.</i>
1511	Article 15, 1-2	<i>It shall have legal personality.</i>
1512	Article 15, 1-2	<i>It shall have legal personality.</i>
2111	Article 25, §2	<i>The European Parliament or the Council may invite the Executive Director of the Agency to report on the carrying out of his/her tasks.</i>
2111	Article 20, §2b	<i>before 31 March each year, adopt the general report of the Agency for the previous year and forward it by 15 June at the latest to the European Parliament, the Council, the Commission, the European Economic and Social Committee and the Court of Auditors. The general report shall be made public;</i>
2111	Article 33, §3	<i>The Management Board shall receive the findings of the evaluation and issue recommendations regarding changes to this Regulation, the Agency and its working practices to the Commission, which shall forward them, together with its own opinion as well as appropriate proposals, to the Council. An action plan with a timetable shall be included, if appropriate. Both the findings and the recommendations of the evaluation shall be made public.</i>
3111	Article 25, §2	<i>The European Parliament or the Council may invite the Executive Director of the Agency to report on the carrying out of his/her tasks.</i>
3111	Article 20, §2b	<i>before 31 March each year, adopt the general report of the Agency for the previous year and forward it by 15 June at the latest to the European Parliament, the Council, the Commission, the European Economic and Social Committee and the Court of Auditors. The general report shall be made public;</i>
3111	Article 33, §1-3	<p><i>1. Within three years from the date of the Agency 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.</i></p> <p><i>2. The evaluation shall examine how effectively the Agency fulfils its mission. It shall also assess the impact of the Agency and its working practices. The evaluation shall take into account the views of stakeholders, at both European and national level.</i></p> <p><i>3. The Management Board shall receive the findings of the evaluation and issue recommendations regarding changes to this Regulation, the Agency and its working practices to the Commission, which shall forward them, together with its own opinion as well as appropriate proposals, to the Council. An action plan with a timetable shall be included, if appropriate. Both the findings and the recommendations of the evaluation shall be made public.</i></p>
3113	Article 25, §2	<i>The European Parliament or the Council may invite the Executive Director of the Agency to report on the carrying out of his/her tasks.</i>
4111	Article 20, §2b	<i>before 31 March each year, adopt the general report of the Agency for the previous year and forward it by 15 June at the latest to the European Parliament, the Council, the Commission, the European Economic and Social Committee and the Court of Auditors. The general report shall be made public;</i>

Table 7. COUNCIL REGULATION (EC) No 2007/2004

Code	Article	Data
4111	Article 6	<i>The Agency shall follow up on the developments in research relevant for the control and surveillance of external borders and disseminate this information to the Commission and the Member States.</i>
4111	Article 29, §5-7	<p><i>Budget</i></p> <p><i>5. The Management Board shall adopt the draft estimate, including the provisional establishment plan accompanied by the preliminary work programme, and forward them by 31 March to the Commission and to the countries associated with the implementation, application and development of the Schengen acquis.</i></p> <p><i>6. The estimate shall be forwarded by the Commission to the European Parliament and the Council (hereinafter referred to as the budgetary authority) together with the preliminary draft budget of the European Union.</i></p> <p><i>7. On the basis of the estimate, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 272 of the Treaty.</i></p>
4111	Article 33, §1-3	<p><i>1. Within three years from the date of the Agency 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.</i></p> <p><i>2. The evaluation shall examine how effectively the Agency fulfils its mission. It shall also assess the impact of the Agency and its working practices. The evaluation shall take into account the views of stakeholders, at both European and national level.</i></p> <p><i>3. The Management Board shall receive the findings of the evaluation and issue recommendations regarding changes to this Regulation, the Agency and its working practices to the Commission, which shall forward them, together with its own opinion as well as appropriate proposals, to the Council. An action plan with a timetable shall be included, if appropriate. Both the findings and the recommendations of the evaluation shall be made public.</i></p>
4112	Article 11	<p><i>Information exchange systems</i></p> <p><i>The Agency may take all necessary measures to facilitate the exchange of information relevant for its tasks with the Commission and the Member States.</i></p>
4113	Article 6	<i>The Agency shall follow up on the developments in research relevant for the control and surveillance of external borders and disseminate this information to the Commission and the Member States.</i>
5111	Article 20, §2b	<i>before 31 March each year, adopt the general report of the Agency for the previous year and forward it by 15 June at the latest to the European Parliament, the Council, the Commission, the European Economic and Social Committee and the Court of Auditors. The general report shall be made public;</i>
9111	Article 20, §2b	<i>before 31 March each year, adopt the general report of the Agency for the previous year and forward it by 15 June at the latest to the European Parliament, the Council, the Commission, the European Economic and Social Committee and the Court of Auditors. The general report shall be made public;</i>
9111	Article 20, §6	<i>The Management Board shall forward annually to the budgetary authority any information relevant to the outcome of the evaluation procedures.</i>

Table 7. COUNCIL REGULATION (EC) No 2007/2004

Code	Article	Data
10000	(15)	<i>The Commission and the Member States should be represented within a Management Board in order to control effectively the functions of the Agency. The Board should, where possible, consist of the operational heads of the national services responsible for border guard management or their representatives. This Board should be entrusted with the necessary powers to establish the budget, verify its execution, adopt the appropriate financial rules, establish transparent working procedures for decision making by the Agency and appoint the Executive Director and his/her deputy.</i>
10111	Article 33, §1-3	<p><i>1. Within three years from the date of the Agency 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.</i></p> <p><i>2. The evaluation shall examine how effectively the Agency fulfils its mission. It shall also assess the impact of the Agency and its working practices. The evaluation shall take into account the views of stakeholders, at both European and national level.</i></p> <p><i>3. The Management Board shall receive the findings of the evaluation and issue recommendations regarding changes to this Regulation, the Agency and its working practices to the Commission, which shall forward them, together with its own opinion as well as appropriate proposals, to the Council. An action plan with a timetable shall be included, if appropriate. Both the findings and the recommendations of the evaluation shall be made public.</i></p>
11000	(17)	<i>Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) (1) should apply without restriction to the Agency, which should accede to the Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by the European Anti-Fraud Office (OLAF) (2).</i>
12111	Article 6	<i>The Agency shall follow up on the developments in research relevant for the control and surveillance of external borders and disseminate this information to the Commission and the Member States.</i>
12111	Article 11	<p><i>Information exchange systems</i></p> <p><i>The Agency may take all necessary measures to facilitate the exchange of information relevant for its tasks with the Commission and the Member States.</i></p>
12111	Article 29, §5	<p><i>Budget</i></p> <p><i>The Management Board shall adopt the draft estimate, including the provisional establishment plan accompanied by the preliminary work programme, and forward them by 31 March to the Commission and to the countries associated with the implementation, application and development of the Schengen acquis.</i></p>
12111	Article 29, §11	<i>11. The Management Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project, which may have significant financial implications for the funding of its budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof as well as the countries associated with the implementation, application and development of the Schengen acquis.</i>

Table 8. REGULATION (EU) No 1168/2011

Code	Article	Data
6000	Article 26a §3,4	<p><i>Fundamental Rights Strategy</i></p> <p>3. A Fundamental Rights Officer shall be designated by the Management Board and shall have the necessary qualifications and experience in the field of fundamental rights. He/she shall be independent in the performance of his/her duties as a Fundamental Rights Officer and shall report directly to the Management Board and the Consultative Forum. He/she shall report on a regular basis and as such contribute to the mechanism for monitoring fundamental rights.</p> <p>4. The Fundamental Rights Officer and the Consultative Forum shall have access to all information concerning respect for fundamental rights, in relation to all the activities of the Agency. ';</p>
7000	Article 26 §2	<p><i>Fundamental Rights Strategy</i></p> <p>1. The Agency shall draw up and further develop and implement its Fundamental Rights Strategy. The Agency shall put in place an effective mechanism to monitor the respect for fundamental rights in all the activities of the Agency.</p> <p>2. A Consultative Forum shall be established by the Agency to assist the Executive Management Board in fundamental rights Director and the matters. The</p> <p>Agency shall invite the European Asylum Support Office, the Fundamental Rights Agency, the United Nations High Commissioner for Refugees and other relevant organisations to participate in the Consultative Forum. On a proposal by the Executive Director, the Management Board shall decide on the composition and the working methods of the Consultative Forum and the modalities of the transmission of information to the Consultative Forum. The Consultative Forum shall be consulted on the further development and implementation of the Fundamental Rights Strategy, Code of Conduct and common core curricula.</p> <p>The Consultative Forum shall prepare an annual report of its activities. That report shall be made publicly available.</p>
7111	Article 26a §4	<p>4. The Fundamental Rights Officer and the Consultative Forum shall have access to all information concerning respect for fundamental rights, in relation to all the activities of the Agency. ';</p>

Table 9. REGULATION (EU, EURATOM) No 883/2013

Code	Article	Data
11120	Article 1 §4	<p>To that end, it shall investigate serious matters relating to the discharge of professional duties constituting a dereliction of the obligations of officials and other servants of the Union liable to result in disciplinary or, as the case may be, criminal proceedings, or an equivalent failure to discharge obligations on the part of members of institutions and bodies, heads of offices and agencies or staff members of institutions, bodies, offices or agencies not subject to the Staff Regulations</p>

Table 10. REGULATION (EU) 2016/1624

Code	Article	Data
1124	Article 22, §2	<i>The executive director shall appoint one or more experts from the staff of the Agency to be deployed as a coordinating officer for each joint operation or rapid border intervention.</i>
1124	Article 62, §2	<i>The management board shall: (y) appoint the fundamental rights officer in accordance with Article 71(1);</i>
1125	Article 12, §2	<i>The executive director shall appoint experts from the staff of the Agency to be deployed as liaison officers.</i>
1139	Article 79	<i>Financial provision</i> <i>The financial rules applicable to the Agency shall be adopted by the management board after consulting the Commission. They shall not depart from Delegated Regulation (EU) No 1271/2013 unless such a departure is specifically required for the Agency's operation and the Commission has given its prior consent.</i>
1211	Article 4	<i>European integrated border management shall consist of the following components:</i> <i>(a) border control, including measures to facilitate legitimate border crossings and, where appropriate, measures related to the prevention and detection of cross-border crime, such as migrant smuggling, trafficking in human beings and terrorism, and measures related to the referral of persons who are in need of, or wish to apply for, international protection;</i> <i>(b) search and rescue operations for persons in distress at sea launched and carried out in accordance with Regulation (EU) No 656/2014 of the European Parliament and the Council (1 situations which may arise during border surveillance operations at sea;</i> <i>) and with international law, taking place in</i> <i>(c) analysis of the risks for internal security and analysis of the threats that may affect the functioning or security of the external borders;</i> <i>(d) cooperation between Member States supported and coordinated by the Agency;</i> <i>(e) inter-agency cooperation among the national authorities in each Member State which are responsible for border control or for other tasks carried out at the border and among the relevant Union institutions, bodies, offices and agencies; including the regular exchange of information through existing information exchange tools, such as the European Border Surveillance System ('EUROSUR') established by Regulation (EU) No 1052/2013 of the European Parliament and of the Council (2);</i> <i>(f) cooperation with third countries in the areas covered by this Regulation, focusing in particular on neighbouring countries and on those third countries which have been identified through risk analysis as being countries of origin and/or transit for illegal immigration;</i> <i>(g) technical and operational measures within the Schengen area which are related to border control and designed to address illegal immigration and to counter cross-border crime better;</i> <i>(h) return of third-country nationals who are the subject of return decisions issued by a Member State; (i) use of state-of-the-art technology including large-scale information systems;</i> <i>(j) a quality control mechanism, in particular the Schengen evaluation mechanism and possible national mechanisms, to ensure the implementation of Union legislation in the area of border management;</i> <i>(k) solidarity mechanisms, in particular Union funding instruments.</i>
1221	Article 28, §1	<i>The Agency may, on its own initiative, propose to Member States that it coordinate or organise return operations.</i>
1221	Article 56, §3	<i>The Agency shall be independent in implementing its technical and operational mandate.</i>
1221	Article 3, §2	<i>The Agency shall, by decision of the management board based on a proposal of the executive director, establish a technical and operational strategy for European integrated border management.</i>
1221	Article 11, §1	<i>Monitoring of migratory flows and risk analysis: For this purpose, the Agency shall, by a decision of the management board based on a proposal of the executive director, establish a common integrated risk analysis model, which shall be applied by the Agency and the Member States.</i>
1221	Article 13, §1	<i>Vulnerability assessment: The Agency shall, by decision of the management board based on a proposal of the executive director, establish a common vulnerability assessment methodology. This shall include objective criteria against which the Agency shall carry out the vulnerability</i>

Table 10. REGULATION (EU) 2016/1624

Code	Article	Data
		<i>assessment, the frequency of such assessments and how consecutive vulnerability assessments are to be carried out.</i>
1221	Article 13, §6	<i>When necessary the executive director shall, in consultation with the Member State concerned, make a recommendation setting out the necessary measures to be taken by the Member State concerned and the time limit within which such measures shall be implemented.</i>
1300	Article 69, §2	<i>The executive director shall be appointed by the management board on the grounds of merit and documented high-level administrative and management skills, including relevant senior professional experience in the field of management of the external-borders and return. Before appointment, the candidates proposed by the Commission shall be invited to make a statement before the competent committee or committees of the European Parliament and answer questions put by its or their members. Following such a statement, the European Parliament shall adopt an opinion setting out its views and may indicate a preferred candidate. The management board shall appoint the executive director taking these views into account. The management board shall take its decision by a two-thirds majority of all members with a right to vote. If the management board takes a decision to appoint a candidate other than the candidate whom the European Parliament indicated as its preferred candidate, the management board shall inform the European Parliament and the Council in writing of the manner in which the opinion of the European Parliament was taken into account.</i>
1311	Article 63, §1	<i>Without prejudice to paragraph 3, the management board shall be composed of one representative of each Member State and two representatives of the Commission,</i>
1311	Article 63, §3	<i>Countries associated with the implementation, application and development of the Schengen acquis shall participate in the Agency. They shall have one representative and one alternate each on the management board.</i>
1311	Article 69, §2	<i>The executive director shall be appointed by the management board on the grounds of merit and documented high-level administrative and management skills, including relevant senior professional experience in the field of management of the external-borders and return. Before appointment, the candidates proposed by the Commission shall be invited to make a statement before the competent committee or committees of the European Parliament and answer questions put by its or their members. Following such a statement, the European Parliament shall adopt an opinion setting out its views and may indicate a preferred candidate. The management board shall appoint the executive director taking these views into account. The management board shall take its decision by a two-thirds majority of all members with a right to vote. If the management board takes a decision to appoint a candidate other than the candidate whom the European Parliament indicated as its preferred candidate, the management board shall inform the European Parliament and the Council in writing of the manner in which the opinion of the European Parliament was taken into account.</i>
1312	Article 63, §1	<i>Without prejudice to paragraph 3, the management board shall be composed of one representative of each Member State and two representatives of the Commission,</i>
1312	Article 63, §3	<i>Countries associated with the implementation, application and development of the Schengen acquis shall participate in the Agency. They shall have one representative and one alternate each on the management board.</i>
1411	Article 75, §1	<i>The revenue of the Agency shall consist, without prejudice to other types of income, of: (a) a subsidy from the Union entered in the general budget of the European Union (Commission section);</i>
1412	Article 75, §1	<i>The revenue of the Agency shall consist, without prejudice to other types of income, of: (b) a contribution from the countries associated with the implementation, application and development of the Schengen acquis, as established in the respective arrangements that specify their financial contribution;</i>
1412	Article 75, §1	<i>The revenue of the Agency shall consist, without prejudice to other types of income, of:</i>

Table 10. REGULATION (EU) 2016/1624

Code	Article	Data
		<i>(c) Union funding in the form of delegation agreements or ad-hoc grants in accordance with the Agency's financial rules referred to in Article 79 and with the provisions of the relevant instruments supporting the policies of the Union;</i>
1414	Article 75, §1	<i>The revenue of the Agency shall consist, without prejudice to other types of income, of:</i> <i>(d) fees for services provided;</i>
1415	Article 75, §1	<i>The revenue of the Agency shall consist, without prejudice to other types of income, of:</i> <i>(e) any voluntary contribution from the Member States.</i>
1416	Article 14, §4	<i>If the Agency has substantial additional financial needs due to a situation at the external borders, it shall inform the European Parliament, the Council and the Commission thereof without delay.</i>
1416	Article 27, §4	<i>The Agency may make use of the financial means of the Union which are available for return activities.</i>
1416	Article 54, §9	<i>The Agency may benefit from Union funding in accordance with the provisions of the relevant instruments supporting the external relations policy of the Union.</i>
1511	Article 56, §1	<i>The Agency shall be a body of the Union. It shall have legal personality.</i>
1512	Article 56, §1	<i>The Agency shall be a body of the Union. It shall have legal personality.</i>
2000	Article 7	<i>The Agency shall be accountable to the European Parliament and to the Council in accordance with this Regulation.</i>
2111	Article 11, §2	<i>The Agency shall prepare general risk analyses, which shall be submitted to the European Parliament, to the Council and to the Commission in accordance with Article 50</i>
2111	Article 13, §9	<i>The results of the vulnerability assessment shall be transmitted, in accordance with Article 50, on a regular basis and at least once a year to the European Parliament, to the Council and to the Commission.</i>
2111	Article 20, §12	<i>The Agency shall inform the European Parliament on an annual basis of the number of border guards that each Member State has committed and the number of border guards actually deployed to the European Border and Coast Guard teams in accordance with this Article. This report shall list the Member States that have invoked the exceptional situation referred to in paragraphs 3 and 8 in the previous year. It shall also include the reasons and information provided by the Member State concerned.</i>
2111	Article 37, §1	<i>The Agency shall proactively monitor and contribute to research and innovation activities relevant for European integrated border management including the use of advanced surveillance technology. The Agency shall disseminate the results of that research to the European Parliament, to the Member States and to the Commission in accordance with Article 50.</i>
2111	Article 39, §12	<i>The executive director shall regularly report on the composition and the deployment of equipment which is part of the technical equipment pool to the management board. Where the minimum number of items of technical equipment required in the pool has not been met, the executive director shall inform the management board without delay. The management board shall take a decision on the prioritisation of the deployment of the technical equipment urgently and take the appropriate steps to remedy the shortfall. The management board shall inform the Commission of the shortfall and the steps it has taken. The Commission shall subsequently inform the European Parliament and the Council thereof and of its own assessment.</i>
2111	Article 39, §13	<i>The Agency shall on an annual basis submit a report to the European Parliament on the number of items of technical equipment that each Member State has committed to the technical equipment pool in accordance with this Article. That report shall list the Member States that invoked the exceptional situation referred to in paragraph 8 in the previous year and include the reasons and information provided by the Member State concerned.</i>
2111	Article 54, §11	<i>Cooperation with third countries:</i> <i>The Agency shall inform the European Parliament of activities conducted pursuant to this Article. It shall include an assessment of the cooperation with third countries in its annual reports.</i>
2111	Article 55, §4	<i>The decision to deploy liaison officers to third countries shall be subject to receiving the prior opinion of the Commission. The European Parliament shall be kept fully informed of those activities without delay.</i>
2111	Article 62, §2	<i>The management board shall: (j) before 30 November each year, and after taking into account the opinion of the Commission, adopt, by a two thirds majority of the members with a right to vote, a</i>

Table 10. REGULATION (EU) 2016/1624

Code	Article	Data
		<i>single programming document containing the Agency's multiannual programming and its work programme for the following year and forward it to the European Parliament, to the Council and to the Commission;</i>
2111	Article 62, §2	<i>The management board shall: (i) adopt an annual activity report of the Agency for the previous year and forward it, by 1 July at the latest, to the European Parliament, to the Council, to the Commission and to the Court of Auditors;</i>
2111	Article 62, §6	<i>The management board shall forward annually to the European Parliament and the Council ('the budgetary authority') any information relevant to the outcome of the evaluation procedures conducted by the Agency.</i>
2111	Article 68, §2	<i>The European Parliament or the Council may invite the executive director to report on the carrying out of his or her tasks. This includes reporting on the implementation and monitoring of the fundamental rights strategy, the annual activity report of the Agency for the previous year, the work programme for the following year and the Agency's multiannual programming or any other matter related to the activities of the Agency. The executive director shall also make a statement before the European Parliament, if requested and report to it regularly.</i>
2111	Article 64, §1	<i>The management board shall, by 30 November each year, adopt a programming document containing the Agency's multiannual programming and annual programming for the following year, based on a draft put forward by the executive director, taking into account the opinion of the Commission and, as regards the multiannual programming, after having consulted the European Parliament. The management board shall forward the document to the European Parliament, to the Council and to the Commission.</i>
2111	Article 81	<i>Evaluation</i> <i>1. By 7 October 2019 and every four years thereafter, the Commission shall commission an independent external evaluation to assess in particular:</i> <i>(a) the results achieved by the Agency having regard to its objectives, mandate and tasks;</i> <i>(b) the impact, effectiveness and efficiency of the Agency's performance and its working practices in relation to its objectives, mandate and tasks;</i> <i>(c) the implementation of European cooperation on coast guard functions; (d) the possible need to modify the mandate of the Agency; (e) the financial implications of any such modification.</i> <i>The evaluation shall include a specific analysis on the way the Charter and other relevant Union law has been complied with in the application of this Regulation.</i> <i>2. The Commission shall send the evaluation report together with its conclusions on the report to the European Parliament, to the Council and to the management board. The management board may issue recommendations regarding changes to this Regulation to the Commission. The evaluation report and the conclusions on the report shall be made public.</i>
2111	Article 75, §5	<i>The management board shall, on the basis of the draft statement of estimates drawn up by the executive director, adopt a provisional draft estimate of the Agency's revenue and expenditure, including the provisional establishment plan. The management board shall forward them to the European Parliament, to the Council and to the Commission by 31 January every year, together with the draft single programming document.</i>
2111	Article 75, §7	<i>The estimate shall be forwarded by the Commission to the budgetary authority together with the draft budget the European Union.</i>
2111	Article 76, §2-4	<i>2. By 1 March of a financial year N + 1, the Agency's accounting officer shall communicate the provisional accounts for the financial year N to the Commission's accounting officer and to the Court of Auditors. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 147 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council</i> <i>3. The Agency shall send a report on the budgetary and financial management for year N to the European Parliament, the Council and the Court of Auditors by 31 March of year N + 1.</i> <i>4. The Commission's accounting officer shall send the Agency's provisional accounts for year N, consolidated with the Commission's accounts, to the Court of Auditors by 31 March of year N + 1.</i>

Table 10. REGULATION (EU) 2016/1624

Code	Article	Data
2111	Article 76, §7	<i>By 1 July of year N + 1, the executive director shall send the final accounts, together with the opinion of the management board, to the European Parliament, to the Council, to the Commission and to the Court of Auditors.</i>
2112	Article 81, §2	<i>2. The Commission shall send the evaluation report together with its conclusions on the report to the European Parliament, to the Council and to the management board. The management board may issue recommendations regarding changes to this Regulation to the Commission. The evaluation report and the conclusions on the report shall be made public.</i>
2113	Article 76, §10	<i>The executive director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for year N, in accordance with Article 165(3) of Regulation (EU, Euratom) No 966/2012.</i>
2124	above	<i>Involvement of the EP in the Budget procedure</i>
3000	Article 7	<i>The Agency shall be accountable to the European Parliament and to the Council in accordance with this Regulation.</i>
3111	Article 11, §2	<i>The Agency shall prepare general risk analyses, which shall be submitted to the European Parliament, to the Council and to the Commission in accordance with Article 50</i>
3111	Article 13, §9	<i>The results of the vulnerability assessment shall be transmitted, in accordance with Article 50, on a regular basis and at least once a year to the European Parliament, to the Council and to the Commission.</i>
3111	Article 39, §12	<i>The executive director shall regularly report on the composition and the deployment of equipment which is part of the technical equipment pool to the management board. Where the minimum number of items of technical equipment required in the pool has not been met, the executive director shall inform the management board without delay. The management board shall take a decision on the prioritisation of the deployment of the technical equipment urgently and take the appropriate steps to remedy the shortfall. The management board shall inform the Commission of the shortfall and the steps it has taken. The Commission shall subsequently inform the European Parliament and the Council thereof and of its own assessment.</i>
3111	Article 62, §2	<i>The management board shall: (i) adopt an annual activity report of the Agency for the previous year and forward it, by 1 July at the latest, to the European Parliament, to the Council, to the Commission and to the Court of Auditors;</i>
3111	Article 62, §2	<i>The management board shall: (j) before 30 November each year, and after taking into account the opinion of the Commission, adopt, by a two thirds majority of the members with a right to vote, a single programming document containing the Agency's multiannual programming and its work programme for the following year and forward it to the European Parliament, to the Council and to the Commission;</i>
3111	Article 62, §6	<i>The management board shall forward annually to the European Parliament and the Council ('the budgetary authority') any information relevant to the outcome of the evaluation procedures conducted by the Agency.</i>
3111	Article 64, §1	<i>The management board shall, by 30 November each year, adopt a programming document containing the Agency's multiannual programming and annual programming for the following year, based on a draft put forward by the executive director, taking into account the opinion of the Commission and, as regards the multiannual programming, after having consulted the European Parliament. The management board shall forward the document to the European Parliament, to the Council and to the Commission.</i>
3111	Article 68, §2	<i>The European Parliament or the Council may invite the executive director to report on the carrying out of his or her tasks. This includes reporting on the implementation and monitoring of the fundamental rights strategy, the annual activity report of the Agency for the previous year, the work programme for the following year and the Agency's multiannual programming or any other matter related to the activities of the Agency. The executive director shall also make a statement before the European Parliament, if requested and report to it regularly.</i>
3111	Article 75, §5	<i>The management board shall, on the basis of the draft statement of estimates drawn up by the executive director, adopt a provisional draft estimate of the Agency's revenue and expenditure, including the provisional establishment plan. The management board shall forward them to the</i>

Table 10. REGULATION (EU) 2016/1624

Code	Article	Data
		<i>European Parliament, to the Council and to the Commission by 31 January every year, together with the draft single programming document.</i>
3111	Article 76, §2-4	<p>2. By 1 March of a financial year $N + 1$, the Agency's accounting officer shall communicate the provisional accounts for the financial year N to the Commission's accounting officer and to the Court of Auditors. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 147 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council</p> <p>3. The Agency shall send a report on the budgetary and financial management for year N to the European Parliament, the Council and the Court of Auditors by 31 March of year $N + 1$.</p> <p>4. The Commission's accounting officer shall send the Agency's provisional accounts for year N, consolidated with the Commission's accounts, to the Court of Auditors by 31 March of year $N + 1$.</p>
3111	Article 76, §7	<i>By 1 July of year $N + 1$, the executive director shall send the final accounts, together with the opinion of the management board, to the European Parliament, to the Council, to the Commission and to the Court of Auditors.</i>
3111	Article 81	<p><i>Evaluation</i></p> <p>1. By 7 October 2019 and every four years thereafter, the Commission shall commission an independent external evaluation to assess in particular:</p> <p>(a) the results achieved by the Agency having regard to its objectives, mandate and tasks;</p> <p>(b) the impact, effectiveness and efficiency of the Agency's performance and its working practices in relation to its objectives, mandate and tasks;</p> <p>(c) the implementation of European cooperation on coast guard functions; (d) the possible need to modify the mandate of the Agency; (e) the financial implications of any such modification.</p> <p>The evaluation shall include a specific analysis on the way the Charter and other relevant Union law has been complied with in the application of this Regulation.</p> <p>2. The Commission shall send the evaluation report together with its conclusions on the report to the European Parliament, to the Council and to the management board. The management board may issue recommendations regarding changes to this Regulation to the Commission. The evaluation report and the conclusions on the report shall be made public.</p>
3113	Article 81, §2	<p><i>Evaluation</i></p> <p>2. The Commission shall send the evaluation report together with its conclusions on the report to the European Parliament, to the Council and to the management board. The management board may issue recommendations regarding changes to this Regulation to the Commission. The evaluation report and the conclusions on the report shall be made public.</p>
3113	Article 68, §2	<i>The European Parliament or the Council may invite the executive director to report on the carrying out of his or her tasks. This includes reporting on the implementation and monitoring of the fundamental rights strategy, the annual activity report of the Agency for the previous year, the work programme for the following year and the Agency's multiannual programming or any other matter related to the activities of the Agency. The executive director shall also make a statement before the European Parliament, if requested and report to it regularly.</i>
4111	Article 13, §9	<i>The results of the vulnerability assessment shall be transmitted, in accordance with Article 50, on a regular basis and at least once a year to the European Parliament, to the Council and to the Commission.</i>
4111	Article 28, §6	<i>If the Agency has concerns regarding the respect of fundamental rights in respect of return operation, it shall communicate them to the participating Member States and to the Commission.</i>
4111	Article 37, §1	<i>The Agency shall proactively monitor and contribute to research and innovation activities relevant for European integrated border management including the use of advanced surveillance technology. The Agency shall disseminate the results of that research to the European Parliament, to the Member States and to the Commission in accordance with Article 50.</i>
4111	Article 39, §12	<i>The executive director shall regularly report on the composition and the deployment of equipment which is part of the technical equipment pool to the management board. Where the minimum number of items of technical equipment required in the pool has not been met, the executive</i>

Table 10. REGULATION (EU) 2016/1624

Code	Article	Data
		<i>director shall inform the management board without delay. The management board shall take a decision on the prioritisation of the deployment of the technical equipment urgently and take the appropriate steps to remedy the shortfall. The management board shall inform the Commission of the shortfall and the steps it has taken. The Commission shall subsequently inform the European Parliament and the Council thereof and of its own assessment.</i>
4111	Article 54, §3	<i>In circumstances requiring increased technical and operational assistance, the Agency may coordinate operational cooperation between Member States and third countries with respect to management of the external borders. The Agency shall have the possibility of carrying out actions at the external borders involving one or more Member States and a third country neighbouring at least one of those Member States, subject to the agreement of that neighbouring third country, including on the territory of that third country. Operations shall be carried out on the basis of an operational plan that has the agreement of the Member State or Member States bordering the operational area. The participation of Member States in joint operations on the territory of third countries shall be on voluntary basis. The Commission shall be informed of such activities.</i>
4111	Article 54, §10	<i>When concluding bilateral agreements with third countries, Member States may, in agreement with the Agency, include provisions concerning the role and competence of the Agency in accordance with this Regulation, in particular regarding the exercise of executive powers by members of the European Border and Coast Guard teams deployed by the Agency during the joint operations, pilot projects, rapid border interventions, return operations or return interventions. The Member States shall notify the Commission of any such provisions.</i>
4111	Article 55, §4	<i>The decision to deploy liaison officers to third countries shall be subject to receiving the prior opinion of the Commission. The European Parliament shall be kept fully informed of those activities without delay.</i>
4111	Article 62, §2	<i>The management board shall: (i) adopt an annual activity report of the Agency for the previous year and forward it, by 1 July at the latest, to the European Parliament, to the Council, to the Commission and to the Court of Auditors;</i>
4111	Article 62, §1-2	<i>The management board shall, by 30 November each year, adopt a programming document containing the Agency's multiannual programming and annual programming for the following year, based on a draft put forward by the executive director, taking into account the opinion of the Commission and, as regards the multiannual programming, after having consulted the European Parliament. The management board shall forward the document to the European Parliament, to the Council and to the Commission. The management board shall: (j) before 30 November each year, and after taking into account the opinion of the Commission, adopt, by a two thirds majority of the members with a right to vote, a single programming document containing the Agency's multiannual programming and its work programme for the following year and forward it to the European Parliament, to the Council and to the Commission;</i>
4111	Article 75, §5	<i>The management board shall, on the basis of the draft statement of estimates drawn up by the executive director, adopt a provisional draft estimate of the Agency's revenue and expenditure, including the provisional establishment plan. The management board shall forward them to the European Parliament, to the Council and to the Commission by 31 January every year, together with the draft single programming document.</i>
4111	Article 75, §6	<i>The management board shall send the final draft estimates of the Agency's revenue and expenditure including the draft establishment plan accompanied by the preliminary work programme to the Commission by 31 March every year.</i>
4111	Article 76, §2-4	<i>2. By 1 March of a financial year N + 1, the Agency's accounting officer shall communicate the provisional accounts for the financial year N to the Commission's accounting officer and to the Court of Auditors. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 147 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council 3. The Agency shall send a report on the budgetary and financial management for year N to the European</i>

Table 10. REGULATION (EU) 2016/1624

Code	Article	Data
		Parliament, the Council and the Court of Auditors by 31 March of year N + 1. 4. The Commission's accounting officer shall send the Agency's provisional accounts for year N, consolidated with the Commission's accounts, to the Court of Auditors by 31 March of year N + 1.
4111	Article 76, §7	By 1 July of year N + 1, the executive director shall send the final accounts, together with the opinion of the management board, to the European Parliament, to the Council, to the Commission and to the Court of Auditors.
4111	Article 81	<i>Evaluation</i> 1. By 7 October 2019 and every four years thereafter, the Commission shall commission an independent external evaluation to assess in particular: (a) the results achieved by the Agency having regard to its objectives, mandate and tasks; (b) the impact, effectiveness and efficiency of the Agency's performance and its working practices in relation to its objectives, mandate and tasks; (c) the implementation of European cooperation on coast guard functions; (d) the possible need to modify the mandate of the Agency; (e) the financial implications of any such modification. The evaluation shall include a specific analysis on the way the Charter and other relevant Union law has been complied with in the application of this Regulation. 2. The Commission shall send the evaluation report together with its conclusions on the report to the European Parliament, to the Council and to the management board. The management board may issue recommendations regarding changes to this Regulation to the Commission. The evaluation report and the conclusions on the report shall be made public.
4112	Article 44, §1	The Agency may take all necessary measures to facilitate the exchange of information relevant to its tasks with the Commission and the Member States and, where appropriate, the relevant Union agencies. It shall develop and operate an information system capable of exchanging classified information with those actors, and of exchanging personal data referred to in Articles 45, 47, 48 and 49 of this Regulation in accordance with Council Decision 2013/488/EU (1 Commission Decision (EU, Euratom) 2015/444 (2) and).
4113	Article 37, §1	The Agency shall proactively monitor and contribute to research and innovation activities relevant for European integrated border management including the use of advanced surveillance technology. The Agency shall disseminate the results of that research to the European Parliament, to the Member States and to the Commission in accordance with Article 50.
5000	p. 1	Having regard to the opinion of the European Economic and Social Committee
6111	Article 72, §9	The fundamental rights officer shall report to the executive director and to the management board as to the Agency's and Member States' findings and follow-up made in response to complaints. The Agency shall include information on the complaints mechanism in its annual report.
6112	Article 71, §3	He or she shall have access to all information concerning respect for fundamental rights in all the activities of the Agency.
6223	Article 72, §6	6. In the case of a registered complaint concerning a staff member of the Agency, the executive director shall ensure appropriate follow-up, in consultation with the fundamental rights officer, including disciplinary measures as necessary. The executive director shall report back within a determined timeframe to the fundamental rights officer as to the findings and follow-up made by the Agency in response to a complaint, including disciplinary measures as necessary. If a complaint is related to data protection issues, the executive director shall involve the data protection officer of the Agency. The fundamental rights officer and the data protection officer shall establish, in writing, a memorandum of understanding specifying their division of tasks and cooperation as regards complaints received.
7112	Article 70, §5	Without prejudice to the tasks of the fundamental rights officer, the consultative forum shall have effective access to all information concerning the respect for fundamental rights, including by carrying out on-the-spot visits to joint operations or rapid border interventions subject to the

Table 10. REGULATION (EU) 2016/1624

Code	Article	Data
		<i>agreement of the host Member State, and to hotspot areas, return operations and return interventions.</i>
7113	Article 70, §5	<i>Without prejudice to the tasks of the fundamental rights officer, the consultative forum shall have effective access to all information concerning the respect for fundamental rights, including by carrying out on-the-spot visits to joint operations or rapid border interventions subject to the agreement of the host Member State, and to hotspot areas, return operations and return interventions.</i>
7221	Article 70, §2	<i>The Agency shall invite EASO, the European Union Agency for Fundamental Rights, the United Nations High Commissioner for Refugees and other relevant organisations to participate in the consultative forum. On a proposal by the executive director, the management board shall decide on the composition of the consultative forum and the terms of the transmission of information to the consultative forum. The consultative forum shall, after consulting the management board and the executive director, define its working methods and set up its work programme.</i>
9111	Article 75, §7	<i>The estimate shall be forwarded by the Commission to the budgetary authority together with the draft budget of the European Union.</i>
9111	Article 75, §8	<i>On the basis of the estimate, the Commission shall enter in the draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Articles 313 and 314 TFEU.</i>
9111	Article 76, §2-4	<i>2. By 1 March of a financial year N + 1, the Agency's accounting officer shall communicate the provisional accounts for the financial year N to the Commission's accounting officer and to the Court of Auditors. The Commission's accounting officer shall consolidate the provisional accounts of the institutions and decentralised bodies in accordance with Article 147 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council</i> <i>3. The Agency shall send a report on the budgetary and financial management for year N to the European Parliament, the Council and the Court of Auditors by 31 March of year N + 1.</i> <i>4. The Commission's accounting officer shall send the Agency's provisional accounts for year N, consolidated with the Commission's accounts, to the Court of Auditors by 31 March of year N + 1.</i>
9111	Article 76, §7	<i>By 1 July of year N + 1, the executive director shall send the final accounts, together with the opinion of the management board, to the European Parliament, to the Council, to the Commission and to the Court of Auditors.</i>
9113	Article 77, §2	<i>The Court of Auditors shall have the power of audit, on the basis of documents and of on-the-spot inspections, over all grant beneficiaries, contractors and subcontractors who have received Union funds from the Agency.</i>
9111	Article 62, §2	<i>The management board shall: (i) adopt an annual activity report of the Agency for the previous year and forward it, by 1 July at the latest, to the European Parliament, to the Council, to the Commission and to the Court of Auditors;</i>
10111	Article 81	<i>Evaluation</i> <i>1. By 7 October 2019 and every four years thereafter, the Commission shall commission an independent external evaluation to assess in particular:</i> <i>(a) the results achieved by the Agency having regard to its objectives, mandate and tasks;</i> <i>(b) the impact, effectiveness and efficiency of the Agency's performance and its working practices in relation to its objectives, mandate and tasks;</i> <i>(c) the implementation of European cooperation on coast guard functions; (d) the possible need to modify the mandate of the Agency; (e) the financial implications of any such modification.</i> <i>The evaluation shall include a specific analysis on the way the Charter and other relevant Union law has been complied with in the application of this Regulation.</i>

Table 10. REGULATION (EU) 2016/1624

Code	Article	Data
		<i>2. The Commission shall send the evaluation report together with its conclusions on the report to the European Parliament, to the Council and to the management board. The management board may issue recommendations regarding changes to this Regulation to the Commission. The evaluation report and the conclusions on the report shall be made public.</i>
10111	Article 68, §4	<i>The executive director shall be accountable for his or her activities to the management board.</i>
10111	Article 72, §9	<i>The fundamental rights officer shall report to the executive director and to the management board as to the Agency's and Member States' findings and follow-up made in response to complaints. The Agency shall include information on the complaints mechanism in its annual report.</i>
10111	Article 39, §12	<i>The executive director shall regularly report on the composition and the deployment of equipment which is part of the technical equipment pool to the management board. Where the minimum number of items of technical equipment required in the pool has not been met, the executive director shall inform the management board without delay. The management board shall take a decision on the prioritisation of the deployment of the technical equipment urgently and take the appropriate steps to remedy the shortfall. The management board shall inform the Commission of the shortfall and the steps it has taken. The Commission shall subsequently inform the European Parliament and the Council thereof and of its own assessment.</i>
10212	Article 63, §2	<i>The management board members shall be appointed on the basis of their degree of high level relevant experience and expertise in the field of operational cooperation on border management and return and their relevant managerial, administrative and budgetary skills.</i>
11111	Article 77, §1	<i>1. In order to combat fraud, corruption and other illegal activities, the provisions of Regulation (EU, Euratom) No 883/2013 shall apply without restriction. The Agency shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by the European Anti-Fraud Office (OLAF) and shall adopt, without delay, the appropriate provisions applicable to all the employees of the Agency using the template set out in the Annex to that Agreement.</i>
11112	Article 77, §3	<i>3. OLAF may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and Council Regulation (Euratom, EC) No 2185/96 affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract funded by the Agency.</i>
11113	Article 77, §3	<i>3. OLAF may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and Council Regulation (Euratom, EC) No 2185/96 affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract funded by the Agency.</i>
12111	Article 72, §9	<i>Complaints mechanism</i> <i>The fundamental rights officer shall report to the executive director and to the management board as to the Agency's and Member States' findings and follow-up made in response to complaints. The Agency shall include information on the complaints mechanism in its annual report.</i>
12111	Article 28, §6	<i>If the Agency has concerns regarding the respect of fundamental rights in respect of return operation, it shall communicate them to the participating Member States and to the Commission.</i>
12111	Article 37, §1	<i>The Agency shall proactively monitor and contribute to research and innovation activities relevant for European integrated border management including the use of advanced surveillance technology. The Agency shall disseminate the results of that research to the European Parliament, to the Member States and to the Commission in accordance with Article 50.</i>
12112	Article 44, §1	<i>The Agency may take all necessary measures to facilitate the exchange of information relevant to its tasks with the Commission and the Member States and, where appropriate, the relevant Union agencies. It shall develop and operate an information system capable of exchanging classified information with those actors, and of exchanging personal data referred to in Articles 45, 47, 48 and 49 of this Regulation in accordance with Council Decision 2013/488/EU (1 Commission Decision (EU, Euratom) 2015/444 (2) and).</i>
12123	Article 21, §5	<i>Members of the teams shall remain subject to the disciplinary measures of their home Member State. The home Member State shall provide for appropriate disciplinary or other measures in</i>

Table 10. REGULATION (EU) 2016/1624

Code	Article	Data
		<i>accordance with its national law regarding violations of fundamental rights or international protection obligations in the course of a joint operation or rapid border intervention.</i>
12123	Article 29, §5	<i>Forced-return monitors shall remain subject to the disciplinary measures of their home Member State in the course of a return operation or return intervention.</i>
12123	Article 30, §5	<i>Forced-return escorts shall remain subject to the disciplinary measures of their home Member State in the course of a return operation or return intervention.</i>
12123	Article 31, §5	<i>Return specialists shall remain subject to the disciplinary measures either of the Agency or of their home Member State in the course of a return operation or return intervention.</i>
12223	Article 72, §7-8	<p><i>7. If a complaint is registered that concerns a border guard of a host Member State or a member of the teams, including a seconded member of the teams or seconded national expert, the home Member State shall ensure appropriate follow-up, including disciplinary measures as necessary or other measures in accordance with national law. The relevant Member State shall report back to the fundamental rights officer as to the findings and follow-up made in response to the complaint within a determined time period, and if necessary, at regular intervals thereafter. The Agency shall follow-up the matter if no report is received from the relevant Member State.</i></p> <p><i>8. Where a border guard or a seconded national expert is found to have violated fundamental rights or international protection obligations, the Agency may request that the Member State remove that border guard or seconded national expert immediately from the activity of the Agency or the rapid reaction pool.</i></p>

Table 11. RULES OF PROCEDURE EUROPEAN PARLIAMENT 7th parliamentary term

Code	Rule	Data
2211	ANNEX VII XVII. Committee on Civil Liberties, Justice and Home Affairs	<i>4. the establishment and development of an area of freedom, security and justice, in particular: (a) measures concerning the entry and movement of persons, asylum and migration; (b) measures concerning an integrated management of the common borders; (c) measures relating to police and judicial cooperation in criminal matters;</i>
2212	Rule 186	<i>1. Members of committees and committees of inquiry shall be elected after nominations have been submitted by the political groups and the non-attached Members. The Conference of Presidents shall submit proposals to Parliament. The composition of the committees shall, as far as possible, reflect the composition of Parliament.</i>
2221	Rule 188	<p><i>Duties of committees</i></p> <p><i>1. Standing committees shall examine questions referred to them by Parliament or, during an adjournment of the session, by the President on behalf of the Conference of Presidents. The responsibilities of special committees and committees of inquiry shall be defined when they are set up; they shall not be entitled to deliver opinions to other committees.</i></p>

Table 12. European Parliament Rules of Procedure 8th parliamentary term

Code	Article	Data
2211	Rule 201	<i>Does the EP have enough time resources to analyse the information?</i>
2211	ANNEX V XVII. Committee on Civil Liberties,	<p><i>4. the establishment and development of an area of freedom, security and justice while respecting the principles of subsidiarity and proportionality, in particular:</i></p> <p><i>a) measures concerning the entry and movement of persons, asylum and migration,</i></p> <p><i>b) measures concerning an integrated management of the common borders,</i></p>

Table 12. European Parliament Rules of Procedure 8th parliamentary term

Code	Article	Data
	Justice and Home Affairs	<i>c) measures relating to police and judicial cooperation in criminal matters, including terrorism, and substantive d) and procedural measures relating to the development of a more coherent Union approach to criminal law;</i>
2212	Rule 199	<i>Does the EP have personal expertise/qualified staff to analyse the information?</i>

Table 13. Frontex Amended Budget 2016 N2

Code	Page	Data
1411	p. 1	<i>Subsidy from the Commission Budget 2014 N2: 86.810.000 € Budget 2015 N3: 133.528.000 € Budget 2016 N2: 218.686.000 €</i>
1412	p. 1	<i>Contribution from Schengen Associated Countries Budget 2014 N2: 5.640.000 € Budget 2015 N3: 8.852.000 € Budget 2016 N2: 13.971.000 €</i>
1415	p. 1	<i>Contribution from the United Kingdom and Ireland Budget 2014 N2: 900.000 € Budget 2015 N3: 820.000 € Budget 2016 N2: 0 €</i>

Table 14. Ohlmann, K. (2017). Frontex FINAL Financial Statements Reports on the Implementation of the Budget 2016.

Code	Page	Data
1137	p. 31	<i>b) Principle of annuality The appropriations entered in the budget shall be authorised for one financial year which shall run from 1 January to 31 December.</i>
1138	p. 31	<i>b) Principle of annuality The appropriations entered in the budget shall be authorised for one financial year which shall run from 1 January to 31 December.</i>

Table 15. Frontex Budget 2018 N5

Code	Page	Data
1411	p. 2	<i>Subsidy from the Commission: Budget 2017 N3: 261.267.000 € Budget 2018 N5: 268.909.520 €</i>
1412	p. 2	<i>Contribution from Schengen Associated Countries Budget 2017 N3: 19.193.000 € Budget 2018 N5: 19.754.000 €</i>
1415	p. 2	<i>Contribution from the United Kingdom and Ireland Budget 2017 N3: 0 € Budget 2018 N5: 0 €</i>

Table 16. Frontex FINAL Annual accounts 2018

Code	Page	Data
1137	p. 28	<i>b) Principle of annuality The appropriations entered in the budget shall be authorised for one financial year which shall run from 1 January to 31 December.</i>
1138	p. 28	<i>b) Principle of annuality The appropriations entered in the budget shall be authorised for one financial year which shall run from 1 January to 31 December.</i>

Table 17. The future of SCIFA. (2011). General Secretariat of the Council

Code	Page	Data
3211	p. 2	<i>Over the years SCIFA has proved to be an invaluable network for senior officials acting in politically sensitive and fast-developing EU policy field to find solutions to interrelated problems, covered by several working parties, before these escalate, thus allowing COREPER and the Council to focus on the most contentious political issues</i>
3212	p. 2	<i>Over the years SCIFA has proved to be an invaluable network for senior officials acting in politically sensitive and fast-developing EU policy field to find solutions to interrelated problems, covered by several working parties, before these escalate, thus allowing COREPER and the Council to focus on the most contentious political issues</i>
3221	Annex 1	<i>SCIFA shall assist COREPER in relation to legal, horizontal and strategic matters in the field of immigration, asylum and frontiers, working in collaboration with other Council working parties and relevant Committees. However, COREPER remains solely responsible for preparing legislative acts and preparing the JHA Council.</i>

Table 18. INTERINSTITUTIONAL AGREEMENT of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by the European Anti-fraud Office (OLAF). (1999)

Code	Article	Data
11111	Article 1	<i>The Secretary-General, the services and any manager, official or servant of (the institution, body, office or agency) shall be required to cooperate fully with the Office's agents and to lend any assistance required to the investigation. With that aim in view, they shall supply the Office's agents with all useful information and explanations</i>

Table 19. THIRD ANNUAL REPORT: Frontex Consultative Forum on Fundamental Rights

Code	Page	Data
6210	p.18	<i>The allocation of limited staff to the Fundamental Rights Officer has barred her from fulfilling her supporting and monitoring roles to their full extent throughout 2015.</i>
7112	p.17	<i>With the support of the Consultative Forum Secretariat, the Consultative Forum standardised its procedure for requesting information from Frontex on issues relevant to fundamental rights. This procedure will hopefully contribute to the timely provision of information to the Forum in accordance with the Frontex Regulation.</i>

Table 20. SIXTH ANNUAL REPORT: Frontex Consultative Forum on Fundamental Rights

Code	Page	Data
6112		FRO and Consultative Forum no have full access to documents (see Table 19, 7112)

Table 20. 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), 371-388.

Code	Page	Data
1221	p.382-383	<i>it is responsible for adopting the (...) the work programme of FRONTEX for the coming year after receiving the opinion of the Commission.</i>
1311	p.382	<i>The Management Board of FRONTEX is composed of one representative of each Member State and two representatives of the European Commission, who are “appointed on the basis of their degree of high level relevant experience and expertise in the field of operational cooperation on border management” (Council Regulation EC 2007/2004, Article 21)</i>
1411	p.383	<i>the budget of the Agency has four different strands: (1) a Community subsidy</i>
1411	p.383	<i>the Community subsidy is by far the most important income strand for FRONTEX, which gives the European Parliament a substantial amount of leverage on the Agency</i>
1412	p.383	<i>the budget of the Agency has four different strands: (...) (2) a contribution from the countries associated with the implementation, application and development of the Schengen acquis</i>
1414	p.383	<i>the budget of the Agency has four different strands: (...) (3) fees charged for the services provided</i>
1415	p.383	<i>the budget of the Agency has four different strands: (...) (4) any voluntary contribution from the Member States</i>
2110	p.384	<i>Article 33 of Council Regulation EC 2007/2004 stipulates that an independent external evaluation of FRONTEX will be commissioned within three years from the date at which it took up its responsibilities, and every five years thereafter.</i>
2111	p.383	<i>the draft programme and the activity report (...) are subsequently forwarded to the European Parliament</i>
2111	p.384	<i>the European Parliament and the Council “may” invite the Executive Director of FRONTEX to report on the activities of the Agency.</i> <i>“in practice, this has not prevented the European Parliament from managing to convey the importance, if not the necessity, of attending hearings to FRONTEX representatives, thanks to its budgetary powers” (Leonard, 2009, p. 384)</i>
2112	p.384	<i>The European Parliament had also suggested the insertion of an amendment to the effect that, like the Council, it would also receive the documents relating to the evaluation of the Agency. However, these proposals were not included in the final text of the Regulation.</i>
3111	p. 84	<i>the European Parliament and the Council “may” invite the Executive Director of FRONTEX to report on the activities of the Agency.</i>
3111	p. 383	<i>the draft programme and the activity report (...) are subsequently forwarded to (...) the Council</i>
3112	p. 384	<i>The European Parliament had also suggested the insertion of an amendment to the effect that, like the Council, it would also receive the documents relating to the evaluation of the Agency. However, these proposals were not included in the final text of the Regulation.</i>
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4111	p. 383	<i>the draft programme and the activity report (...) are subsequently forwarded to (...) the Commission</i>

Table 20. 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), 371-388.

Code	Page	Data
4111	p. 384	Article 33 of Council Regulation EC 2007/2004 stipulates that an independent external evaluation of FRONTEX will be commissioned within three years from the date at which it took up its responsibilities, and every five years thereafter. “This disposition is rather vague as to the exact content of this evaluation, as it merely indicates that the evaluation should examine the effectiveness of the Agency, its impact and its working practices, and that it should include the views of ‘stakeholders at both the European and national level’,” (Leonard, 2009, p. 384)
5111	p. 383	<i>the draft programme and the activity report (...) are subsequently forwarded (...) to the European Economic and Social Committee</i>
9111	p. 383	<i>the draft programme and the activity report (...) are subsequently forwarded to (...) the Court of Auditors in the case of the activity report only</i>
10111	p. 384	Article 33 of Council Regulation EC 2007/2004 stipulates that an independent external evaluation of FRONTEX will be commissioned within three years from the date at which it took up its responsibilities, and every five years thereafter. “This disposition is rather vague as to the exact content of this evaluation, as it merely indicates that the evaluation should examine the effectiveness of the Agency, its impact and its working practices, and that it should include the views of ‘stakeholders at both the European and national level’,” (Leonard, 2009, p. 384)

Table 21. Gianetto, L. (2012). *The Borders of Accountability: the Case of FRONTEX* (Master in European and International Studies Master Thesis). Università Degli Studi di Trento, Trento.

Code	Page	Data
1311	p. 108	<i>The Management Board is the assembly – constituted by representatives of the heads of the border agencies of the 25 EU Member States that are signatories of the Schengen acquis, plus Iceland, Lichtenstein, Norway, Switzerland and UK and Ireland representatives, and two members of the European Commission</i>
1312	p. 108	<i>The Management Board is the assembly – constituted by representatives of the heads of the border agencies of the 25 EU Member States that are signatories of the Schengen acquis, plus Iceland, Lichtenstein, Norway, Switzerland and UK and Ireland representatives¹⁸², and two members of the European Commission</i>
2111	p. 117-118	<i>enhanced monitoring carried out by the EP itself: art. 3b introduces an annual report on the number of seconded border guards and equipment deployed per MS; art. 13 and 14 require that the EP is “fully informed” regarding both arrangements made with any other EU agency/body and the deployment of liaison officers in third countries (of transit or origin for “illegal” migration and return operations); and art. 25(2) states that the EP can invite Frontex Executive Director to report “on the carrying out of his/her tasks. in particular on the implementation and monitoring of the Fundamental Rights Strategy, the general report of the Agency for the previous year, the work programme for the coming year and the Agency's multi-annual plan referred to in Article 20(2)(i)”</i>
2111	p. 119	<i>Management Board to forward its annual work programme to the EP along with the approval of the budget. The ex-post dimension, instead, implies the agency reporting on its activity to the EP; in this sense the work programme can be useful for the Parliament to assess the performance of Frontex against its annual report. However, there is no provision that formally requires the EP to produce an evaluation of the agency activities</i>

Table 21. Gianetto, L. (2012). *The Borders of Accountability: the Case of FRONTEX* (Master in European and International Studies Master Thesis). Università Degli Studi di Trento, Trento.

Code	Page	Data
2111	p. 119	<i>Another possibility for the EP to hold Frontex accountable is the possibility to require hearings to the Executive Director, provided by article 25(2). This has happened quite often even though it is difficult to assess whether it is the EP which requests the hearings or those are proposed by the agency itself in order to “promote” (Busuioc M. , 2010, p. 112) its work and increase its chances to raise more money for the next year’s activity.</i>
2111	p. 120	<i>once the annual budget of Frontex is endorsed by the Management Board, it is passed on to the Commission, then also to the European Parliament and the Council</i>
2111	p. 120	<i>The agency is legally obliged to give a detailed report of its activities and finances and equipment to the EP.</i>
2112	p. 120	<i>The agency is legally obliged to give a detailed report of its activities and finances and equipment to the EP.</i>
2113	p. 119	<i>Management Board to forward its annual work programme to the EP along with the approval of the budget. The ex-post dimension, instead, implies the agency reporting on its activity to the EP; in this sense the work programme can be useful for the Parliament to assess the performance of Frontex against its annual report. However, there is no provision that formally requires the EP to produce an evaluation of the agency activities</i>
2113	p. 117-118	<i>the EP can invite Frontex Executive Director to report “on the carrying out of his/her tasks. in particular on the implementation and monitoring of the Fundamental Rights Strategy, the general report of the Agency for the previous year, the work programme for the coming year and the Agency's multi-annual plan referred to in Article 20(2)(i)”</i>
2124	p. 119	<i>Sanctioning can be considered as being enshrined in the EP power to discharge or not Frontex annual budget and to limit Frontex financial assets for the next year.</i>
3111	p. 120	<i>once the annual budget of Frontex is endorsed by the Management Board, it is passed on to the Commission, then also to the European Parliament and the Council</i>
4111	p. 120	<i>once the annual budget of Frontex is endorsed by the Management Board, it is passed on to the Commission, then also to the European Parliament and the Council</i>
10111	p. 125	<i>Executive Director, who has a duty to report to the Management Board regarding MSs operations at the external borders outside the framework of the Agency (art. 2(2)). For what concerns joint operations and rapid interventions (art. 3(4)), the Agency has a duty to transmit detailed evaluation reports to the Board along with the comments of the FRO and to inform immediately the Board in case of incidents.</i>
10123	p. 126	<i>Finally, the sanctioning from the Board comes mainly in the form of the dismissal of the Executive Director and the Deputy Executive Director, which is possible without the consent of any other European body and with a two-thirds majority of all members with the right to vote.</i>
10212	p. 125	<i>Information is passed on to the Board both from the Executive Director and from “the Agency” according to the “Rules of Procedure”, established by the Board itself. For what concerns the debate phase, instead, there is no clear pattern that should be instead further studied; M. Busuioc has found out that this phase is conducted mainly through informal exchanges of views and informal practices that differ for every agency. However, the expertise of the members of the Management Board – that are primarily representatives of the Member States – is essential to be able to ask the right questions to the Agency or its Executive Director and to decide on the issues reported by them, and, differently from other agencies, this is required in article 21 of Frontex Regulation (2011), thus enhancing managerial accountability.</i>

Table 22. Strategic Committee on Immigration, Frontiers and Asylum - Continuation until 1 January 2012 and re-evaluation by Coreper. (2020).

Code	Page	Data
3221	p. 2	<i>SCIFA shall focus its discussions on strategic issues where COSI would not be able to contribute and meet as necessary, as convened by the Presidency.</i>

Table 23. About, European Economic and Social Committee. (2020). Retrieved from <https://www.eesc.europa.eu/en/about> (Last Accessed 23.06.2020)

Code	Data
5120	<i>Consultation of the EESC by the Commission or the Council is mandatory in certain cases; in others it is optional. The EESC may, however, also adopt opinions on its own initiative. The Single European Act (17.2.1986) and the Maastricht Treaty (7.2.1992) extended the range of issues which must be referred to the Committee. The Amsterdam Treaty further broadened the areas for referral to the Committee, and allowed it to be consulted by the European Parliament. On average, the EESC delivers 170 advisory documents and opinions a year (of which about 15% are issued on its own initiative). All opinions are forwarded to the EU's decision-making bodies and then published in the EU's Official Journal.</i>

Table 24. The budgetary procedure. (2020). Fact Sheets on the European Union. Retrieved from <https://www.europarl.europa.eu/factsheets/en/sheet/10/the-budgetary-procedure> (Last Accessed 23.06.2020)

Code	Data
3124	<i>The Council has equal say over the European budget with the EP.</i>

Table 25. FRONTEX. (2020a). EU Partners - European Commission. RONTEx: European Border and Coast Guard Agency. Retrieved from <https://frontex.europa.eu/partners/eu-partners/european-commission/> (Last Accessed 15.06.2020)

Code	Data
4112	<i>As part of its function to supervise the implementation of the EU treaties and legislation, the European Commission oversees the work of EU agencies, including Frontex, the European Border and Coast Guard Agency.</i>
4113	<i>Frontex also contributes to various areas of Commission work particularly by providing its technical expertise. This can include input at the consultation stage of legislative proposals, or regular attendance to Commission-run expert groups and networks (such as the European Network on Migration)</i>
4122	<i>Frontex also contributes to various areas of Commission work particularly by providing its technical expertise. This can include input at the consultation stage of legislative proposals, or regular attendance to Commission-run expert groups and networks (such as the European Network on Migration)</i>
4122	<i>The Commission may delegate relevant powers to Frontex when it implements border security related parts of the Framework Programme for Research and Innovation. It also provides prior approval to proposed Frontex working arrangements with EU or non-EU institutions, agencies, organisations or countries. Every four years, the Commission contracts independent external evaluations to assess the agency's work, results achieved and possible need to modify its mandate. Finally, the European Commission also has an important role in coordinating the activities of the migration management support teams deployed in hotspot areas.</i>
4212	<i>Beyond supporting the implementation of existing policies, Frontex also contributes to various areas of Commission work particularly by providing its technical expertise</i>
4221	<i>As part of its function to supervise the implementation of the EU treaties and legislation, the European Commission oversees the work of EU agencies, including Frontex, the European Border and Coast Guard Agency.</i>

Table 25. FRONTEX. (2020a). EU Partners - European Commission. RONTEx: European Border and Coast Guard Agency. Retrieved from <https://frontex.europa.eu/partners/eu-partners/european-commission/> (Last Accessed 15.06.2020)

Code	Data
4221	<i>Frontex falls within the responsibility and portfolio of its “parent DG”, Commission Directorate-General for Migration and Home Affairs (DG HOME), and the European Commissioner for Migration, Home Affairs.</i>

Table 26. FRONTEX. (2020b). EU Partners - European Parliament. RONTEx: European Border and Coast Guard Agency. Retrieved from <https://frontex.europa.eu/partners/eu-partners/european-parliament/> (Last Accessed 15.06.2020)

Code	Data
2111	<i>The Regulation also specifies this accountability in a number of defined areas of activity where Frontex shall directly report to the European Parliament. These areas include border management research, risk analysis, vulnerability assessment results, additional financial or operational needs and situations requiring urgent action at the external borders.</i>
3111	<i>The Frontex mandate also defines a number of additional reporting and notification obligations related to the Council. In particular, the agency provides the Council with risk analysis products, vulnerability assessment results, financial and operational needs, and the annual activity and single programming documents</i>

Table 27. Justice and Home Affairs Council configuration (JHA). (2020). Retrieved from <https://www.consilium.europa.eu/en/council-eu/configurations/jha/> (Last Accessed 23.06.2020)

Code	Data
3221	<i>The Justice and Home Affairs (JHA) Council is made up of justice and home affairs ministers from all the EU member states. In general, justice ministers deal with judicial cooperation in both civil and criminal law and fundamental rights, while home affairs ministers are responsible for migration, border management and police cooperation, among other matters.</i>

Table 28. Standing Committee on Operational Cooperation on Internal Security (COSI) (2020). Retrieved from <https://www.consilium.europa.eu/en/council-eu/preparatory-bodies/standing-committee-operational-cooperation-internal-security/> (Last Accessed 23.06.2020)

Code	Data
3211	<i>COSI facilitates, promotes and strengthens coordination of EU member states' operational actions related to the EU's internal security</i>
3212	<i>COSI consists of high-level officials from each EU member state's Ministry of Interior and/or Justice, as well as Commission and EEAS representatives. Europol, Eurojust, Frontex, CEPOL and other relevant bodies may be invited to attend the meeting as observers</i>

Table 29. Statute: Decision of the European Parliament on the regulations and general conditions governing the performance of the Ombudsman's duties. (1994). Retrieved from <https://www.ombudsman.europa.eu/en/legal-basis/statute/en> (Last accessed 29.06.2020)

Code	Data
8112	<p>2. The Community institutions and bodies shall be obliged to supply the Ombudsman with any information he has requested from them and give him access to the files concerned. Access to classified information or documents, in particular to sensitive documents within the meaning of Article 9 of Regulation (EC) No 1049/2001, shall be subject to compliance with the rules on security of the Community institution or body concerned.</p> <p>The institutions or bodies supplying classified information or documents as mentioned in the previous subparagraph shall inform the Ombudsman of such classification.</p> <p>For the implementation of the rules provided for in the first subparagraph, the Ombudsman shall have agreed in advance with the institution or body concerned the conditions for treatment of classified information or documents and other information covered by the obligation of professional secrecy.</p> <p>The institutions or bodies concerned shall give access to documents originating in a Member State and classed as secret by law or regulation only where that Member State has given its prior agreement.</p> <p>They shall give access to other documents originating in a Member State after having informed the Member State concerned.</p> <p>In both cases, in accordance with Article 4, the Ombudsman may not divulge the content of such documents.</p> <p>Officials and other servants of Community institutions and bodies must testify at the request of the Ombudsman; they shall continue to be bound by the relevant rules of the Staff Regulations, notably their duty of professional secrecy.</p>
8210	<p>The Ombudsman shall be chosen from among persons who are Union citizens, have full civil and political rights, offer every guarantee of independence, and meet the conditions required for the exercise of the highest judicial office in their country or have the acknowledged competence and experience to undertake the duties of Ombudsman.</p>
8120	<p>No sanctioning abilities</p>

Appendix V: Autonomy Assessment

Table 30. Autonomy taxonomy based on Verhoest et al. (2004)

	Managerial autonomy	Policy autonomy	Structural autonomy	Financial autonomy	Legal autonomy
Minimum	The decisions concerning managerial actions are taken externally by central government without prior advice of the agency (no managerial autonomy).	The decisions concerning the structure and content of the primary production process, policy instruments and outputs, objectives and effects are taken by central government without prior advice of the agency. The agency may not decide on individual applications of general rules and has no authorisation to set general rules.	The agency head is appointed and evaluated by central government. He is directly accountable to central government. There is no advisory or supervisory board involved.	The agency is fully funded by central government, does not have to cover deficits itself and has no ability to extent its funding by product sales or loans on the capital market.	The agency is a part of central government with no own status different from classical bureaus.
Low	The agency may take managerial decisions concerning e.g. financial transactions within strict procedures set by central government (high operational managerial autonomy).	The agency may take decisions concerning the structure and content of the production processes within the lines of the policy instruments, output norms, objectives and effect norms set by central government (high operational policy autonomy).	The agency head is appointed by central government. He is accountable to central government and to a supervisory board in which a majority of the members is representing central government. The representatives of government in the supervisory board could be resigned by government at any time.	The agency is financed primarily through central government, but a minor part of funding stems from budget allocation of other governments, product sale or loans. The agency has to cover only a minor extent of deficits itself.	The agency has a separate status within central government based on delegation acts taken by the cabinet or the spending minister itself. The agency has no own legal personality different from that of central government.
High	The agency may set the procedures for e.g. financial transactions itself within general principles concerning the use of inputs set by central government.	The agency may decide upon which policy instruments to use and output norms within the objectives and effect norms set by government. The agency head may decide itself on individual applications of general regulations.	The agency head is appointed and evaluated by the supervisory board in which the representatives of government have a majority vote. These representatives could be resigned by government at any time.	The agency is financed primarily through income from other sources than central government (e.g. tariffs, contributions and prices), but a minor part of funding stems from central government. The agency has to cover a major extent of deficits itself (e.g. by the imposition of a hard budget constraint).	The agency has a legal personality under public law and is created by a parliamentary act.

Table 30. *Autonomy taxonomy based on Verhoest et al. (2004)*

	Managerial autonomy	Policy autonomy	Structural autonomy	Financial autonomy	Legal autonomy
Maximum	The agency may decide itself upon all aspects of management like the general principle, the procedures and the transactions (high strategic managerial autonomy).	The agency may decide itself upon all aspects of policy like objectives, policy instruments to use and processes. The agency is authorised to issue general regulations (high strategic policy autonomy).	The agency head is appointed and evaluated by the supervisory board in which the representatives of third parties have a majority vote.	The agency is financed exclusively through income from other sources than central government (e.g. tariffs, contributions and prices). The agency has to cover all deficits itself.	The agency has a legal personality under private law.

Appendix VI: Accountability Assessment

Table 31. Information rights based on Biela and Papadopoulos (2014)

Information rights	Forum has direct access to primary sources	Forum can ask for specific information	Examples
Extensive (+)	Yes	Yes	Direct access to internal documents, investigations within the agency
Moderate (o)	No	Yes	Written or oral report with ability to ask for specific information (hearing, special report, questioning)
Limited (-)	No	No	Report by agency without ability to ask specific questions

Table 32. Consequences aspect of accountability based on Biela and Papadopoulos (2014)

Character of consequence	Bearer of consequence	
	Individual	Agency
Situational	Limited consequences (-) Disciplinary measures, e.g. salary cuts	Moderate consequences (o) Reduce discretion in concrete case (decision override, detailed instructions), formal disapproval, negative publicity fines
Structural	Moderate consequences (o) Personal dismissals	Severe consequences (+) Law revision (changing the policy or the agency's competencies), budget cuts, major changes of internal structure or processes