

To:  
Frontex Consultative Forum on Fundamental Rights  
Ms Marta Ballesterro  
Chairperson

Our ref: CAB/DED/ANKO/5164/2017  
Please quote when replying.

Warsaw, 07 March 2017

Dear Ms Ballesterro,  
Dear Members of the Frontex Consultative Forum on Fundamental Rights,

I would like to thank you once again for the fruitful Consultative Forum meeting held on 2 February 2017. In response to your email addressed to DED on 03.02.2017 by the CF Secretariat, I hereby provide you with the required additional further information related to the topics which were discussed during the sessions.

1) Further information related to the Frontex reply to CF recommendation on Frontex activities on HU-SE border

As outlined during the CF meeting and following the letter by the Frontex Executive Director dated 1 February 2017, there are in principle the two following options of addressing the challenges as described in the CF recommendation of 14 November 2016: Either suspending Frontex operational action in case of which the situation would become very difficult to assess and appropriate actions or follow up could not take place properly, or - with all relevant safeguards - to continue our presence and to be able to guide, support and observe in accordance with Frontex standards. This is why I decided to continue Frontex operational tasks in this area.

Frontex reiterates its statement that the presence of members of the EBCG Teams and Frontex staff in the Hungarian-Serbian border can actively contribute to minimize any possible risk as those highlighted by the CF, as well as to provide an objective and reliable source of information on all the circumstances on the ground. Their absence could in fact negatively impact the works and conditions in the area.

The continuation of Frontex operational activities in this area - even a step up of the support - is important and was consulted with the Commission for ensuring the execution of EU law in terms of proper border management at EU external borders. It is also advised in this context, that the Frontex Fundamental Rights Officer is paying special attention to the implementation of the joint operations and that any serious incidents reported to the Agency and/or complaints submitted are followed up properly.

For incidents occurring outside of Frontex operational area, Frontex cannot take responsibility; in any case the situation and fundamental rights aspects are discussed in different occasions through the existing platforms and environments as well as ad hoc meetings also raising awareness of MS and main stakeholders to identify possible mitigation measures.



