

REFORMING FRONTEX: A HUMAN RIGHTS-BASED APPROACH

*Note: this one-pager has been produced by the **Greens/EFA group** and is not formally part of the study.*

Why a revision of the Frontex regulation?

When appointed for her second term, **President von der Leyen** followed up on the electoral promise by the EPP group to further **expand the amount of the Frontex standing corps to 30,000**, despite internal Commission advice that current deployments are adequate. **This expansion requires a change of the legal framework.** The revision of the Frontex Regulation was subsequently announced for Q3 2026.

An opportunity for human rights

Against this backdrop, **Tineke Strik**, Member of the European Parliament for the Greens/EFA group and former Rapporteur on the LIBE Committee's fact-finding investigation on Frontex, **commissioned a study.** The study analyses key institutional reports about the Agency over the past years, such as by the EU Ombudsman, the Anti-Fraud Agency OLAF and the European Parliament, and on that basis issues recommendations for **improvement of the Agency during the reform, with a focus on governance, accountability and respect for human rights.**

Key recommendations:

- **Frontex should be prohibited from operating in return hubs hosted outside EU territory**, given the impossibility of effectively complying therein with EU and international fundamental rights standards;
- **The Fundamental Rights Officer (FRO) should be given a more prominent role within the Agency**, including in relation to the decision to suspend operations where pushbacks or other human rights violations occur;
- **Frontex should bear direct and autonomous responsibility where it identifies a vessel in distress at sea to ensure that search and rescue obligations are fulfilled**, including the coordination of rescue efforts where necessary. It is responsible to guarantee the respect of fundamental rights and disembarkation in a place of safety on EU soil;
- **It should become possible, easier and clear for affected individuals to launch court cases against Frontex** in order to seek reparations for pushbacks and other fundamental rights violations, and for civil society organisations to represent them before court;
- **Frontex should be granted greater operational autonomy from Member States** in order to improve the reporting of violations, prevent the concealment of abuses, and strengthen accountability mechanisms;
- **Frontex should immediately cease its ongoing cooperation with the 'so called' Libyan Coast Guard** in light of persistent and well-documented fundamental rights concerns.

Other thematic recommendations:

Governance & accountability:

- **The mechanism for reporting violations (Serious Incident Reports) should be reformed.** Member States that fail to cooperate with investigations should face a suspension of Frontex support. The FRO should play a central role in investigations, and stronger avenues for appeal and judicial review should be established;
- **The legal framework** governing the suspension of Frontex operations due to fundamental rights violations **should be revised to improve transparency, legal certainty, and predictability;**
- Before any operation is launched, Frontex and the involved Member State should formally **define and publish their respective responsibilities to enhance accountability and facilitate access to legal remedies.** Serious breaches of these arrangements should trigger the suspension of Frontex support;
- **A dedicated Fundamental Rights Coordination Officer should be appointed for every operation.** This officer's instructions should be binding on all participants and should include the authority to halt operational activities where there is a foreseeable risk of immediate and irreversible harm.

Data protection:

- **Bulk data sharing** with law enforcement or other agencies should be **prohibited;**
- **Operational intelligence** should not be shared with countries where there is a risk of data protection breaches or human rights violations;
- The European Data Protection Supervisor (EDPS) should have a **stronger and binding supervisory role** in the data sharing regime of the Agency.

Transparency

- **Operational plans should be public by default.** Exceptions should be limited;
- **The FRO and Fundamental Rights Monitors should enjoy unrestricted access to all operational areas and relevant documentation.** Refusal of access should result in the suspension of operational activities and funding;
- **Members of the European Parliament should be granted enhanced access to Frontex documents,** exceeding the level of access currently available under the Public Access to Documents (PAD) framework, allowing them to discharge their political accountability and democratic control functions.

Cooperation with third countries:

- **Frontex should be prohibited from cooperating with authorities that systematically violate fundamental rights.** The FRO should give mandatory advice before each envisaged cooperation;
- **Cooperation with third countries should be formalised under legally binding instruments** and be subject to strict fundamental rights conditionality, robust monitoring mechanism, and immediate suspension in cases of serious violations. Informal cooperation should be prohibited. **Only countries that observe the Refugee Convention and other core human rights treaties, in law and in practice, are eligible for cooperation.**