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A principal-agent analysis of inter-agency cooperation in EU border management

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ABSTRACT

In the wake of the 2015 Migration Crisis, the European Union has embarked on an extensive process to reinforce external border controls and make horizontal cooperation between EU agencies critical. This article leverages the principal-agent model to elucidate the impact of inter-agency cooperation on agency autonomy and, by extension, the management of the EU's external borders. The findings reveal that inter-agency cooperation leads to a situation in which the participating agencies enjoy more room for manoeuvre than originally granted by the EU legislature. This research sheds light on the proactive efforts of the concerned agencies in working alongside their counterparts to bolster their institutional standing and policy turf, thereby fuelling the institutionalisation of joint implementation in EU border management.



KEYWORDS

EU agencies; inter-agency cooperation; border management; the principal-agent model

1. Introduction

The Euro Crisis in 2010 and the Migration Crisis in 2015 revealed severe gaps in policy implementation and administrative capacity of the European Union (EU). Consequently, Brussels embarked on an extensive process of institutional reform by empowering a group of EU agencies that shoulder a diverse spectrum of regulatory and/or executive tasks. The proliferation of EU agencies has been perceived as a new governance paradigm within the EU and has drawn considerable academic interest (Chamon 2016; Pollak and Slominski 2021). Much of the existing literature on EU agencies has focused on the politics behind their creation (Leonard 2009; Neal 2009), the accountability-autonomy tensions (Busuioac 2009; Pollak and Slominski 2009), operational activities (Bachiller López 2023), and external relations (Hofmann, Vos, and Chamon 2019). The literature remains, however, rather limited where inter-agency cooperation is concerned. This gap is particularly problematic in EU border management, given the increasingly formalised horizontal collaboration in the field.

Against this background, the aim of this article is two-fold: to contribute to empirical knowledge of the horizontal cooperation between EU agencies in border management, and to contribute to the principal-agent literature by demonstrating how agent

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interactions can bring institutional significance to bear beyond what is suggested in individual agents' legal mandate. Specifically, this article seeks to answer how inter-agency cooperation at EU level has impacted agency autonomy and, by extension, the management of the EU's external border. In addressing this inquiry, the author embraces the principal-agent model, which is a superior tool for analysing and explaining the politics of delegation and autonomy (Delreux and Adriaensen 2017; Menz 2015).

To operationalise the principal-agent analysis, the article undertakes multiple case study analysis, focusing on horizontal information exchange and three flagship projects of inter-agency cooperation. The cases were chosen based on the main tasks of the involved agencies, with each case addressing specific tasks: information collection, policy implementation support, operational coordination, and cross-sector cooperation. The empirical analysis relies on official documents published by various EU institutions and bodies, supplemented by semi-structured interviews with officials working in the European Commission and EU agencies, conducted in 2021 and 2022. The article begins by delineating the theoretical framework that underpins inter-agency cooperation. Next, the article identifies the legal provisions that govern the concerned agencies' mandate to collaborate with sister agencies. The focus then shifts to empirical analysis, focusing on inter-agency cooperation on information and intelligence, as well as operational collaboration in the hotspot centres, the Joint Action Days, and the Multipurpose Maritime Operations, respectively.

2. A principal-agent perspective on EU agencies and inter-agency cooperation

Despite various delegation regimes in EU executive order, the act of conferring power is at the core of the proliferation of EU agencies (Chamon 2016; Delreux and Adriaensen 2017; Trondal 2010). Consequently, it is unsurprising that the principal-agent model has emerged as a favoured analytical framework for examining delegation politics within the EU. Originating in the early 1970s, this model initially sought to conceptualise the dynamics between insurers and policyholders, as well as between business managers and capital owners (Jensen and Meckling 1976; Ross 1973; Spence and Zeckhauser 1971). In political science, its early applications revolved around understanding how the United States Congress exercised political control over regulatory agencies, committees, and the delegation of monetary policy to the Central Bank (Weingast and Moran 1983). In European integration studies, the principal-agent model has been mainly employed by rational-choice institutionalists to explore the conditions under which Member States delegate powers to supranational bodies, the control mechanisms that Member States created to hold the latter accountable, as well as the autonomy and influence of supranational bodies (Kassim and Menon 2003; Pollack 1997, 2018; Tallberg 2002).

The principal-agent model claims that Member States, with their bounded rationality, delegate powers to EU bodies when perceived benefits outweigh costs (Kassim and Menon 2003; Tallberg 2002). Delegation typically yields advantages such as diminished transactional costs, heightened credibility in commitment, enhanced policy efficacy, and refined specialisation. Nonetheless, delegation also entails potential drawbacks, which are known as the agent problem, including but not limited to bureaucratic drift, coalition drift, and political drift (Shepsle 1992). Although the principal could rely on various control

mechanisms to detect and remedy the agent's hidden information and hidden actions, compliance by the agent cannot be taken for granted. Since the principal-agent model does not privilege the role played by either delegator or delegatee, it enables a departure from the dichotomous debate between neo-functionalism and intergovernmentalism (Delreux and Adriaensen 2017).

Regarding the relevant agencies engaged in border management, however, Ekelund (2014) insightfully suggests that, to understand their emergence, one must go beyond rational choice institutionalism and consider the broader social dynamics and historical context. The creation of the European Border and Coast Guard (Frontex), for instance, was related to concerns that the elimination of internal border controls would provide a fertile ground for cross-border crime (Leonard 2009; Neal 2009). The 9/11 attacks, as well as the Madrid and London attacks, catalysed the politicisation and securitisation of migration, further making sense of the empowerment of Frontex and other extraordinary measures to overcome the threat (Boswell 2007).

Nonetheless, despite the importance of social and cognitive factors at the macro level, they fall short in explaining why Frontex was entrusted with particular tasks at specific times, especially considering the array of policy options available to Member States. Therefore, this article aligns with Leonard's (2009) view that the introduction of Frontex is first and foremost an institutional process determined by key stakeholders' preferences. As a replacement for the preceding, less efficacious Practitioners Common Unit, Frontex emerged as a compromise among EU and national stakeholders. This compromise is reflected in the multiplicity of controls to which Frontex, as well as other concerned agencies, are subjected (Dehousse 2008; Perkowski 2019).

Following the Lisbon Treaty's entry into force, the regulations of the concerned agencies are now revised under the ordinary legislative procedure, in which the Council can be identified as a principal that links Member States and the agency in question, while the European Parliament collaborates with the Council as another principal. The European Parliament further exerts ex-post controls over the agencies' functioning through budgetary control and hearings (Wills and Vermeulen 2011). Both the European Commission and the Member States play critical roles in ensuring the agencies' effective governance and transparency through their participation on the agencies' Management Boards. The agencies' field activities are overseen primarily by the host Member States (Bachiller López 2023). It is worth noting that while Member States have outsourced certain border management functions to EU-level agencies, national authorities continue to carry out this function themselves. Given the multi-polar power distribution, established control mechanisms, and non-exclusive delegation, the principal-agent model remains relevant and is useful in accommodating the real-life complexity of EU border management within a simplified dyadic hierarchical model.

With regard to the growing sophistication of the principal-agent analyses of EU agencies, significant attention has been devoted to the legal act of delegation and the controls imposed by multiple principals (Rittberger et al. 2024; Wolff and Schout 2013). Other studies emphasise that 'agents matter' and include the agencies' strategic behaviour and discretion as an integral part of the analysis (Meissner 2017; Zhong and Carrapico 2023). In this regard, a trend is noted among EU Justice and Home Affairs (JHA) agencies to broaden their autonomy and operational scope by developing field operations and international actions without the proper legal basis, with legal aspects

emerging afterwards to validate these activities ex-post facto (Guild et al. 2011; Zhong and Carrapico 2024). While some studies explored the cooperation between Frontex and the European Union Agency for Asylum (EUAA) in the hotspot approach (Calarco 2024; Fernández-Rojo 2021; Horii 2018; Loschi and Slominski 2022), horizontal cooperation between the concerned agencies and its implications for agency autonomy and EU border management are generally under-researched.

Notably, despite widespread acknowledgement of its importance for policy implementation and government performance, inter-agency coordination cannot be taken for granted, and it can be difficult to achieve. In fact, scholars in both the principal-agent and rational choice traditions often cast a shadow over the prospects of inter-agency cooperation. Downs (1964), for instance, argues that bureaux have to continually demonstrate the uniqueness of their services, influence, and resourcefulness for survival; they seek expansion and will advance their own policy goals at the expense of functional rivals. In his study on American bureaucracy, Wilson (1989) argues that government agencies worry about their maintenance, seek to reduce the number of bureaucratic rivals, and pursue more autonomy over their own policy turf. Bjurstrøm (2021) further suggests that government agencies with greater autonomy are less likely to coordinate with other agencies as they prefer to independently complete tasks using their higher autonomy. In situations where cooperation necessitates one or both sides to move beyond their sectoral boundaries, prisoner's dilemma may develop, where, although both parties acknowledge the advantages of coordination, neither is willing to assume the primary responsibility for fulfilling obligations. In such a scenario, agencies may attempt to safeguard their material and reputational resources and so refrain from sharing intelligence and resource with other agencies (see also Busuioc 2016; Gilad and Yogev 2012).

This, however, is not to say that reducing agencies' autonomy and exercising greater control over them will encourage cooperation. On the contrary, coordination and accountability have often been perceived as mutually exclusive. Rigorous accountability can encourage vertical silos in administration, leading agencies to focus more on meeting individual performance targets rather than collaborating with others (Bjurstrøm 2021; Lægveid and Rykkja 2022; Wegrich 2019). Vertical silos can result in ineffective collaboration, as well as resource and information segmentation. From the decision-maker's perspective, delegating overlapping tasks to more than one agency can introduce competition among them, thus encouraging the agencies to improve their performance and act in the best interest of decision-makers (Kunioka and Rothenberg 1993). Agencies may not be expected to move beyond their task boundaries through horizontal coordination, which might divert their focus away from their core tasks.

Consequently, a dilemma of cooperation arises when autonomous agencies may be reluctant to collaborate, while those lacking autonomy may also resist such efforts. We are thus confronted with a puzzle that has theoretical and practical implications: Why is there an escalating trend of inter-agency cooperation at EU level in border management? The principal-agent model might suggest that the reason lies in EU policy-makers' confidence that the agencies are performing as expected, attributed to their well-defined mandates and the established oversight mechanisms. In such scenarios, one could perceive the existing arrangements as efficient conduits for realising multiple principals' collective objectives. But an alternative interpretation might be that, in the absence of collective (or clear) interests

among multiple principals, EU policy-makers allow agencies some leeway for autonomous action. This offers agencies the room to tacitly expand their operational scope as long as there are no objections from principals. The agencies may leverage cooperation to bridge resource gaps and fulfil the same or highly related tasks (Eckert 2022; Heims 2019). The prevalence of inter-agency cooperation implies that it must be more beneficial for both principals and agencies than to perform tasks independently. By analysing a range of inter-agency cooperation projects, we may uncover what those benefits are.

3. Agencies' mandate for horizontal cooperation

The prospect of inter-agency cooperation in border management arose as a result of the Hague Programme (European Council 2005). Initiated by the European Council in March 2005, the Hague Programme recognised the importance of closer collaboration between JHA agencies to effectively combat crime and manage the EU's external borders. During this period, only three JHA agencies were operational: Frontex, Europol, and Eurojust. The European Council stressed that addressing border (in)securities requires a holistic approach and a combination of the expertise and capacities of different sectors. In 2006, EU policy-makers gave their nod to the formation of a JHA agencies' network, which would serve as a platform for the three agencies to strengthen cooperation in migration and security sectors and identify collaborative opportunities. The Stockholm Programme, which replaced the Hague Programme in 2010, further emphasised the need to enhance the complementarity of the agencies' operational activities and ensure a coherent and comprehensive framework for sharing information and engaging with third parties (Council of the European Union 2009).

The European Commission and the co-legislators also demonstrated their support for inter-agency cooperation through legislation. Council Regulation (EC) 2007/2004 of Frontex, for instance, stipulated that the agency may cooperate with the European Union Agency for Law Enforcement Cooperation (Europol) and the international organisations competent in matters covered by the regulation in the framework of working arrangements concluded with those bodies. However, this regulation appears to be more of an incomplete contract, lacking in definitive procedures and instruments the agency shall apply in the cooperation with sister agencies. It seems that EU policy-makers adopt an experimentalist approach towards Frontex's horizontal partnerships, expecting the agency to explore, adapt and adjust its strategies, while maintaining hierarchical steering and controls.

A similar approach is discernible in the regulations governing other agencies. For instance, Article 22 of the Council Decision of 6 April 2009 provided that Europol 'may establish and maintain cooperative relations with the institutions, bodies, offices and agencies (...) in particular: (...) Frontex.' Similarly, Article 52 of Regulation 439/2010 of EUAA stipulated that the agency 'shall cooperate with the bodies of the Union having activities relating to its field of activity, and in particular with Frontex (...) within the framework of working arrangements.' These legal bills have been characterised by their lack of clarity concerning the manner and scope of inter-agency cooperation, requiring the agencies to experiment and adopt diverse collaborative strategies in the field. While subsequent legislative measures sought to address and refine the early incomplete

provisions according to the given agency's experience and its updated mandate, the renewed regulations continue to specify what the agencies are allowed to do, rather than detailing how they should accomplish it.

In the aftermath of the 2015 Migration Crisis, EU policy-makers formalised the European cooperation on coast guard functions by revising the regulations of Frontex, the European Fishery Control Agency (EFCA), and the European Maritime Safety Agency (EMSA). Although the three agencies fall into three different policy sectors, they share the tasks of supporting Member States with information sharing, maritime surveillance, and communication services. In the same vein, Regulation (EU) 2016/1642 of Frontex and Regulation (EU) 2021/2303 of EUAA provided the legal basis for the so-called Migration Management Support Teams, which assemble teams of experts from Frontex, EUAA, and Europol at irregular border-crossing hotspot areas, conducting a variety of tasks (such as identification, registration) alongside national administrations.

Interestingly, the concept of Migration Management Support Teams was initially proposed by the European Commission in May 2015 and became fully operational in September of that year (European Commission 2015b). This, again, suggests that EU policy-makers employ an experimentalist or 'learning by doing' approach, in which their practices inform the creation of new EU regulations or amendments to existing mandates. However, the updates to legal bills do not always occur concurrently, leading to mismatches in the agencies' mandates and operational capacities. While the concept of Migration Management Support Teams has now been incorporated into Frontex and EUAA Regulations, the Regulation governing Europol has yet to include the term. This highlights that legal changes affecting one agency may indirectly influence the task performance of another, with inter-agency cooperation emerging as a source of autonomy.

4. Cooperation on information and intelligence

In principal-agent studies, the assumption of information asymmetry may not be taken for granted (Waterman and Meier 1998). In the management of the EU's external borders, high-quality information sources, real-time situational awareness, and access to accurate information are all essential for identifying potential threats and planning actions. Nevertheless, in their early stages of development, Europol and Frontex grappled with challenges in acquiring the essential information not only to meet their objectives, let alone having asymmetric information (Busuioc 2016; Busuioc and Groenleer 2013). Consequently, it comes as no surprise that both Frontex and Europol began exploring external databases managed by sister agencies in order to offer value-added risk analyses and become valuable players in EU migration and border management.

According to Europol's 2006 Annual Report, Europol and Frontex agreed to a division of labour, with the former being responsible for information collection and risk analysis while the latter would handle operational coordination (Europol 2007, 8). Conversely (Frontex's 2006), Annual Report made no mention of any such agreement, stating only that a memorandum of cooperation with Europol was negotiated that year (Frontex 2006, 19). Frontex seemed less than content with solely spearheading operational coordination. It voiced a desire to further embed itself in the field of data collection and risk assessment, which is one of its core tasks provided by its founding regulation (Frontex 2006, 6).

Despite this initial difficulty, the two agencies found common ground and penned a strategic cooperation agreement in 2008. This agreement did not explicitly define the respective roles of each agency, just allowing the exchange of strategic and technical information related to illegal migration smuggling, threat and risk assessment sharing, and analytical methodology harmonisation. Additionally, the agreement championed stronger ties between Frontex's Risk Analysis Unit and Europol's Crime Against Persons Unit and Analysis Unit, promoting the development of permanent working contacts between the units.

Parallel to the negotiation with Europol, Frontex also embarked on forging partnerships with EMSA and EFCA, primarily with the intent of information collection. EMSA manages an extensive range of maritime digital services and infrastructure, such as the THETIS system for Port State Control inspection, the European Marine Casualty Information Platform, and the Marine Equipment Directive Inspection Database. EMSA is also responsible for the technical implementation of the SafeSeaNet Service, which connects the maritime surveillance services of Member States and can detect suspicious small boats. Despite no mention of EMSA in Council Regulation (EC) 2004/2007, Frontex was undoubtedly drawn to EMSA's database.

In December 2008, Frontex successfully reached a service-level agreement with EMSA. Although the agreement's details have not been publicly disclosed or mentioned in either agency's annual reports, an EMSA Official (2021) reveals that it focused on risk analysis cooperation and information exchange related to maritime domain threats. The agreement also included provisions for Frontex's case-by-case access to the SafeSeaNet Service. This service-level cooperation between EMSA and Frontex expanded to EFCA in December 2009 when the first tripartite agreement on maritime surveillance information sharing was reached. Afterwards, Frontex formally requested direct access to SafeSeaNet in November 2011. Following the establishment of the European Border Surveillance System (EUROSUR), Frontex renewed its service-level agreement with EMSA and EFCA. The updated agreement allowed EMSA to provide surveillance services to Frontex-led joint sea operations and the Frontex-managed European situational picture for external borders and the pre-frontier area (Frontex 2014).

It was not until March 2016 that Frontex signed the first public service-level agreement with EMSA under the umbrella of the newly formalised European cooperation on coast guard functions. According to the agreement, EMSA would deliver services and information products tailored to Frontex's operational needs. Frontex would also have access to EMSA's Copernicus Maritime Surveillance Service, a satellite-based maritime surveillance service corroborated with terrestrial observation that collects data from the Long-Range Tracking and Identification and Satellite Automatic Identification System. In May of that year, Frontex entered into a similar agreement with EFCA, enabling access to EFCA's Vessel Monitoring System, a satellite-based technology that transmits the position data of fishing vessels to control authorities. Although this system might not directly help Frontex identify small boats involved in cross-border crime or irregular migration, it can distinguish if a suspicious vessel is a registered legal fishing boat or a small yacht, significantly improving the efficiency of Frontex's surveillance activities (EFCA Official, 2021).

When the inputs of EMSA and EFCA feed into Frontex risk analyses, Frontex's database significantly contributes to Europol's investigative capabilities. After Regulation (EU) No

1168/2011 came into force, Frontex is now allowed to develop and operate an information system capable of exchanging classified information with the Commission and sister agencies, including personal data. In this regard, Frontex has started transferring personal data collected during operations to Europol and Eurojust on a case-by-case basis. At the peak of the 2015 Migration Crisis, Europol and Frontex concluded the second agreement to ensure the exchange of information, including the personal data of suspected criminals, on a regular basis. The agreement also allows the two agencies to organise high-level meetings 'as often as necessary' to discuss their cooperation, in particular with the aim of avoiding duplication of activities.

In February 2016, Frontex initiated the Processing of Personal Data for Risk Analysis (PeDRA) Project, aiming to seamlessly transfer the personal data of individuals suspected of cross-border crimes to Europol. Since Frontex is not authorised to conduct criminal investigations and there is less competition between the two agencies, Frontex has been able to hand over data and information to Europol more 'selflessly' than national crime agencies (Frontex Official B, 2021). In 2017, Europol introduced the concept of the Information Clearing House (ICH) to the Joint Action Plan with Frontex. According to Europol (2020), 'the current legal cooperation possibilities allow for a limited degree of initiative from Europol, while in turn require strong leadership from the European competent authorities.' This suggests that the main purpose of the ICH is to see Europol as the recipient of the information collected by Frontex. Europol seeks to leverage the latter's expertise and resources to improve its own performance.

In sum, information exchange between EU agencies has been characterised by dynamics at arm's-length with multiple principals. Many agreements are spontaneous, driven by agencies' practical needs, and proceed without objections from multiple principals. Agencies, though persistent in delineating their respective roles and policy turf, are adaptive and responsive to the informational needs of their counterparts, contributing to a mutual enrichment of databases and services. The asymmetry in benefits from information exchange has not led to a prisoner's dilemma. However, as databases become more widely distributed and information flows more streamlined, more detailed arrangements are needed to prevent duplication of efforts, especially as agencies increasingly participate in joint field operations.

5. Joint implementation in migration hotspots

Upon EUAA's full operation in 2011, the European Commission (2011) stressed the importance for Frontex, EUAA, and Europol to make specific arrangements to coordinate their activities and clearly delimit their respective roles to provide effective and rapid emergency assistance to Member States. Similarly, the Council of the European Union (2012) invited Frontex and EUAA to collaborate closely at the expert level and investigate the potential for establishing joint or mixed teams of border management and asylum experts. Consequently, Frontex and EUAA reached a working arrangement in 2012, recognising the complementarity of their mandates and agreeing to synchronise their assistance to Member States. The arrangement called upon Frontex and EUAA to coordinate their operational teams when supporting the Member States facing extraordinary migratory pressures at their external borders. Nevertheless, the two agencies did not

establish regular operational cooperation before the 2015 Migration Crisis, owing to EUAA's lack of mandate and staff at that time (Former EUAA Official 2021).

The surge in migration flows in the spring of 2015 prompted the EU to enhance operational collaboration between agencies with similar and complementary tasks. The sudden influx of asylum applicants in the hotspot areas of Italy and Greece overwhelmed the limited capacity of the local asylum systems (European Commission 2016). To remedy shortcomings in the frontline reception centres, the European Commission rapidly organised teams from Frontex, EUAA, and Europol in the identified hotspot centres (Papoutsi et al. 2019). Frontex deployed Joint Screening Teams to assist the national authorities in the process of registration and identification. EUAA deployed Asylum Support Teams with expert know-how in the different steps of the asylum process and to facilitate the analysis of asylum applications under examination by the national authorities through joint processing. Europol experts provided support to the national authorities in dismantling criminal networks responsible for migration smuggling and at disembarkation points through the scanning of documentation. Notably, despite working in the same place, the agencies entered into separate partnerships with the host Member States. EUAA has its own operating plan with Greece and Frontex engages within the context of Joint Operation Poseidon (hosted by Greece), and Triton (now Themis, hosted by Italy).

The hotspot approach, as applied in the context of the Italian and Greek frontline reception systems, was initially a temporary measure intended to address the challenges posed by a crisis situation at an external border section. However, these interventions have integrated themselves into the routine operations of both Italian and Greek frontline reception systems. Meanwhile, the hotspot approach created a platform for innovative practices by the participating agencies in order to reform the host Member States' asylum systems.

A glaring gap in the early stages of the hotspot implementation was the low rate of fingerprinting of arrivals. To bridge this gap, Frontex initiated a pilot project in cooperation with EUAA to make the European Asylum Dactyloscopy Database (EURODAC) devices available at the frontline centres and the vessels participating in joint operations so that Frontex deployees can complete registration and fingerprinting at one time (UK House of Lords 2015). The pilot project bridged the implementation gaps and allowed Frontex to assist in determining the nationality of the disembarked migrants. Despite being slightly out of its working remit, Frontex has been able to provide the asylum screening (first) interview and conduct fingerprinting and voluntary debriefing for migrants (European Ombudsman 2022).

Similarly, despite the restrictions under Regulation (EU) No 439/2010, which precluded EUAA from influencing individual asylum decisions by Member States, Greek Law 4375/2016 permits the agency to interview applicants during fast-track border procedures. According to the European Parliament (2017), approximately half of all interviews conducted with migrants are performed independently by EUAA staff without Greek authorities present. The agency's involvement in the Greek hotspots has resulted in a single administrative procedure where both national authorities and EUAA have been involved. In this procedure, EUAA teams are exclusively responsible for one or more parts that involve administrative discretion, irrespective of whether a final decision will be taken by the national authorities or EUAA.

Since 2020, Greek hotspots have witnessed substantial operational and infrastructural shifts. Erdoğan's 'open-the-door' policy and the devastating fire at the Moria hotspot in September 2020 prompted a re-evaluation of the EU and Greek migrant reception mechanisms. Recognising the urgency for enhancements, European Commissioner Ylva Johansson, under the aegis of the new Pact on Migration and Asylum, emphasised the EU's responsibility to ensure dignified reception for asylum seekers. In December 2020, the European Commission and Greece tabled the Blueprint for Multi-Purpose Reception and Identification Centres, which are modernised hotspot centres aimed to replace outdated camps on Greek islands. To demonstrate its commitment, the European Commission allocated €276 million, and the Samos centre, opened in September 2021, stands as the first Multi-Purpose Centres. Significant infrastructure projects are also underway in Lesbos, Chios, Kos, and Leros. The Multi-Purpose Centres are envisioned as an all-encompassing facility, compliant with EU laws and offering vital services, healthcare, and protected areas for vulnerable individuals. In order to oversee the construction and functioning of the centres, the Commission is now directly involved, co-chairing a Steering Committee in Athens with the Greek authorities and channelling adequate support for policy implementation.

In Italy, given fewer pressures on the country's first instance and reception infrastructure from 2017 onwards, Frontex and EUAA have actually deployed more staff than needed to the Italian hotspots that were found to be almost empty (European Parliament 2020). Anticipating the reduction in pending asylum cases, plans were set by the EUAA to phase out certain procedures of the Italian asylum system. However, the local asylum authorities expressed concerns about a potential capacity gap if the EUAA were to withdraw, citing their reliance on the agency's support (Mouzourakis 2019). EUAA's phase-out plan has thus not been realised. Notably, a considerable fraction of the EUAA workforce comprises experts sourced locally from Italy—59% in 2018 and a significant 83% in 2019 (EUAA 2020). This raises the question as to why the national authorities allow an EU agency to expand its presence in their regulatory domain rather than amplifying its native expert pool. The reasoning seems straightforward: budgetary limitations (EUAA 2020). Horii (2018) argues that EUAA, Frontex and Europol remain largely dependent on the willingness of the host Member States to perform their tasks in the hotspot centres. Nevertheless, as EUAA amplifies its 'localised' engagement, a burgeoning symbiosis emerges between the agency and regional or national bodies, especially in asylum processing and border regulation facets.

Diverging from pure information exchange, joint implementation within hotspot centres requires intensive synergies with national authorities. Agencies' on-the-ground tasks are directly outsourced by the host Member States, with some of these tasks bearing beyond what is suggested in their legal mandate. In close cooperation with the Commission, the national authorities enter into distinct agreements with different agencies, coordinating and steering their task performance. This setup largely precludes duplication of activities between agencies. However, strong principal's control has not resulted in vertical silos; instead, agencies engage in moderate horizontal cooperation, with new policy experiments emerging. Meanwhile, agencies are increasingly advantaged by the hotspot approach, owing to considerable sunk costs (human, financial, and material resources, as well as negotiation and legislation efforts) infused by Member States in implementation. The sunk costs, coupled with consistent migratory pressures, support the hotspot centres to take hold where they are transplanted.

6. Joint coordination in joint action days

With the implementation of stricter border control measures, illegal border crossing has become increasingly difficult. This has prompted migrant smuggling networks to become more organised and sophisticated in their operations. Europol reports that approximately 90% of individuals who illegally cross the EU's external borders do so with the aid of migrant smugglers (Europol 2018). In response, the European Commission adopted a five-year Action Plan against migrant smuggling (2016–2020), calling for an increased role for Frontex and Europol in combating migrant smuggling, and, by extension, the European Multidisciplinary Platform Against Criminal Threats (EMPACT) (European Commission 2015a).

Although crime-fighting was originally Europol's policy domain and not envisioned to be among Frontex activities, the latter has actively participated in the Joint Action Days (JAD) targeting drug trafficking, facilitation of illegal immigration, trafficking in human beings, illicit firearms trafficking, and document fraud. In 2018, Frontex established the Coast Guard and Law Enforcement Unit to maintain operational synergies and workflows with the coast guard and law enforcement authorities at the national, EU, and international levels. One of the Unit's main tasks includes coordinating and leading internal cross-cutting cooperation among divisions/units on matters related to EMPACT and other Law Enforcement supporting operational actions. Its set-up indicates that crime-fighting has moved from being a task only indirectly associated with Frontex to being one of its core purposes.

Since 2017, Frontex has increased its involvement in JADs, working alongside Europol and EU Member States. Frontex-coordinated Joint Operations, such as Poseidon, Alexis, and Pegasus, are increasingly designed to allow for parallel or complementary JAD organised within the framework of the EMPACT (Frontex 2018). A case in point is JAD Aeolos 2017, which was intricately woven into the framework of Joint Operation Pegasus (Frontex 2018). JAD Aeolos was carried out to identify organised criminal involvement in arranging irregular migration and trafficking in human beings. The activity involved the participation of partners from Europol and Interpol and was performed at 39 airports across Europe. Europol provided intelligence and analytical tools to JAD Aeolos, and it dispatched staff directly to certain airports.

After 2018, Frontex co-led three JADs series that are organised annually, including Danube, Mobile, and Arktos. JAD Danube is dedicated to combating the smuggling and trafficking of migrants and document fraud in Central and South-Eastern Europe. Conversely, JAD Arktos targets trafficking and smuggling in human beings and document fraud in Eastern Europe. JAD Mobile targets serious and organised cross-border crime across Europe, with a particular concentration on detecting stolen cars. Europol supported these operations by providing intelligence and expertise from a dedicated coordination centre at Frontex headquarters. Meanwhile, Europol also co-led several JADs that target firearms trafficking, migration smuggling, and drug trafficking across Europe, with intelligence input and operational support from Frontex.

Frontex and Europol's involvement in JADs is different from their involvement in the hotspot centres. In the hotspots, the agencies are delineated with distinct tasks, exhibiting minimal duplication of efforts. However, when it comes to JADs, concerns have been raised that functional creep and synchronous expansion may result in turf

competition and an unclear division of labour between the two coordination agencies. Nonetheless, Frontex and Europol have found benefits in their collaborative efforts, and do not consider the other's involvement as a threat to their own organisational uniqueness (Frontex Official B, 2021). As Europol's Executive Director Catherine De Bolle commented, Frontex and Europol have been 'already extensively working together on a daily basis, which has led to positive operational outcomes. Broadening this cooperation to other areas beyond migrant smuggling [...] will allow both agencies to be more effective and consequently make Europe safer' (Europol 2018). To this end, Europol and Frontex signed a Joint Action Plan in 2019, which outlines their mutual commitment to developing joint engagement in EMPACT and dedicating complementary capabilities to support the implementation of both agencies' mandates. In January 2024, the two agencies took a further step in enhancing their collaboration. A new joint statement provides that Frontex's primary role is to provide intelligence and Europol's primary role is to provide a law enforcement response to organised cross-border crime. At the time of writing (March 2024), Frontex and Europol are negotiating the renewal of the working agreement, which is anticipated to elevate their cooperation to an even greater level.

The successful Frontex-Europol cooperation can be attributed to their increased involvement in a domain where EU Member States previously had exclusive power. Turf competition has primarily occurred between the agencies and national authorities, rather than between Frontex and Europol. As extensively documented in the literature, Europol encountered significant turf-protective backlash from national police services and struggled to obtain substantial support from them (Bureš 2016; Busuioc, Curtin, and Groenleer 2011). Since many of Europol's priority concerns lack a strong transnational dimension and are primarily tacked on by national authorities at the local level, collaborating with Europol thus entails a loss of control by national forces of key turf to an institutional rival at EU level (Busuioc 2016).

In the wake of the 2015 Migration Crisis, Europol timely prioritised measures against migrant smuggling and human trafficking, which have strong cross-border and transnational characteristics. Europol's expertise is crucial to analysing the information collected by EU and national authorities, identifying cross-border links between targets and coordinating transnational investigations. By contrast, Frontex's added value lies in delivering data to competent authorities for investigation purposes and following up on operational coordination. Despite overlapping tasks, the complementary nature of their respective expertise and resources has inevitably led to a convergence of efforts.

Furthermore, since Frontex's operational activities have been concentrated on combating irregular migration since its inception in 2005, its presence in Member States has heavily depended on the migratory pressure encountered by host Member States. While the cat-and-mouse game between Frontex and irregular migrants encourages frontline Member States to accept Frontex's engagement, a sole focus on irregular migrants is not conducive to the long-term development of the agency (Frontex Official A, 2021). In order to diversify its services and offer law enforcement assistance to Member States, Frontex needs expertise and operational support from Europol. Therefore, reciprocal cooperation between Europol and Frontex helps both sides consolidate their own turf vis-à-vis national competent authorities, enabling joint coordination in the policy area of Member States' previously exclusive control.

7. Cross-sector cooperation in multipurpose maritime operations

In the hotspot approach and EMPACT, inter-agency cooperation is closely coordinated and steered by multiple principals, especially the host Member States, allowing limited autonomy to the participating agencies. Conversely, in maritime domains, Frontex, EMSA, and EFCA have crafted their collaboration strategies more independently, primarily because there was no centralised coordination from EU or national level. As early as 2007, the European Commission initiated a consultation process to explore the possibility of European cooperation on coast guard functions. The majority of Member States expressed their preference for enhancing cooperation between the national coast guard authorities, while maintaining the existing distribution of competencies (European Commission 2007). This led to the creation of the European Coast Guard Functions Forum in 2009, which operated as a non-binding, voluntary, independent, and non-political framework for cooperation.

Post the 2015 Migration Crisis, the European Commission (2015c) recalled the importance of addressing the coast guard aspects of border controls and argued for an increase in cross-sectoral and inter-agency cooperation to avoid duplications. In this light, the Commission initiated a pilot project *Creation of a European Coastguard Function* to address four tasks between the concerned agencies, namely, sharing information, surveillance services, capacity building, and capacity sharing (Frontex, EMSA and EFCA 2017). The pilot project included two particular activities: a EMSA-led demonstration of drone-based aerial surveillance, and a Frontex-led demonstration of aerial surveillance based on fixed-wing manned aircraft.

During the pilot project, EMSA collaborated with Portuguese and Spanish companies to perform drone demonstrations for maritime patrol and general surveillance, marine pollution monitoring, vessel identification and tracking, search and rescue, illegal fishing monitoring, and anti-drug trafficking. Following the success of these demonstrations, EMSA built its drone fleet and began deploying them in Frontex-led Joint Sea Operations in 2018. EMSA also permanently deploys a vertical-take-off-and-landing drone onboard EFCA's chartered vessel *Lundy Sentinel* to support fishery monitoring and inspection activities. In maritime operations, images collected by EMSA drones are shared with Frontex and EFCA through the data centre of EMSA in real-time and then contextually integrated into EUROSUR.

In parallel to EMSA's drone project, Frontex has also been chartering drones and manned aircraft to conduct multipurpose aerial surveillance in the contract framework of the Frontex Aerial Surveillance Services since 2017. As incidents in EFCA and Frontex's fields of interest often occur in the same geographical areas, both parties pioneered a framework contract for testing multifunctional flights in Operation Poseidon 2017 (Frontex, EFCA, and EMSA 2017). The framework contract enabled EFCA to deploy staff on Frontex manned aircraft and perform operational briefings in Frontex Coordination Centres. EFCA would receive tailored briefings from the Frontex side on fisheries control, enabling them to quickly spot and react to any signs of illegal fishing. The pilot was coordinated by a Joint Maritime Interagency Team that consisted of both agencies' liaison officers (Frontex, EFCA, and EMSA 2017). The team established a standard operational procedure, containing specific rules under which the operational collaboration should be

developed and a sighting report template which would be completed and sent to both agencies during aerial and maritime surveillance. After Operation Poseidon 2017 closed, EFCA staff was then permanently deployed to Frontex joint sea operations as an inherent component of EU border management.

According to the first tripartite working agreement signed in 2017, Frontex, EMSA, and EFCA shall fuse information systems hosted by or accessible to them and share capacities to jointly plan and implement multipurpose maritime operations (MMO). Notably, as early as 2011, Frontex sought to integrate other EU agencies in Operation Hera with the objective of supporting the Spanish authorities to address not only migrant smuggling or trafficking of human beings but also other serious crimes that adversely affect the security of the external sea borders (Frontex 2011). The primary purpose of this initiative was to maximise the added value of Frontex Joint Operations to the host Member States (Frontex Official A, 2021). Given the relatively weak position of Frontex in the early stages, the agency sought to defend its presence in the field through a 'pre-emptive' turf expansion.

Although EMSA and EFCA have been involved in Frontex-led sea operations since Operation Hera 2011, it was not until March 2020 that Frontex was able to upgrade its so-called Focal Points Sea Joint Operation (Black Sea) to the first MMO. Bulgaria and Romania have expressed their interest in an MMO Black Sea during the 2016 pilot project (EFCA 2018, 17). Between 7 May to 15 June 2019, Frontex organised a short-term MMO Black Sea in close coordination with EMSA and EFCA. MMO Black Sea was formalised in 2020, with the objective of combating illegal migration, cross-border crime, illegal fishing, and maritime pollution. As part of MMO Black Sea, Frontex held several exercises with the Romanian and Bulgarian authorities and sister EU agencies, which allows the three EU agencies to foster complementarity in their respective mandates and brought the national competent authorities that had previously lacked coordination around the table (EMSA Official, 2021).

In March 2021, Frontex, EMSA, and EFCA signed the second tripartite working agreement, in which the three agencies decided to set up a Steering Committee. The Steering Committee is tasked with supervising the implementation of the agreement and establishing generic modalities for MMOs. Notably, the Steering Committee is only composed of the Executive Directors of the three agencies or their representatives, and is chaired by one of them in an annual rotation. The committee may create technical sub-committees, and their members are appointed by the Executive Directors from their respective agencies. The tripartite agreement did not mention whether or how the Steering Committee would be overseen by their Management Boards or other EU institutions. The agreement was approved by the European Commission, whereas the three parties are clearly implementing the deal at arm's length from the Commission.

According to the European Commission Policy Officer (2021), the Commission provided considerable autonomy to the tripartite cooperation since it held that such an arm's-length approach could better promote European cooperation on coast guard functions. As early as 2014, the Commission launched a feasibility study on the cooperation between bodies carrying out ECGFs. The study identified 316 public authorities in Member States carrying out coast guard functions, indicating that there were an average of 13 national authorities per Member State performing coast guard functions (ICF

International 2014). Given that many of these public authorities are primarily performing their tasks within the local and sectoral communities they serve, rather than across national borders, a supranational approach towards coast guard cooperation will be self-defeating (European Commission Policy Officer, 2021; EMSA Official, 2021). Alternatively, an agency-led, region-based approach has been demonstrated as a better solution for addressing the reluctance of national authorities to agree on any further collaboration.

The concept of MMO has a short and rather inconclusive past, but its future looks promising. Although Frontex, EMSA, and EFCA have extended their tasks into each other’s policy domains in MMOs, the blurring boundaries have not resulted in turf competition since the agencies have different audiences at the local, national, and EU levels. EMSA and EFCA are organisationally smaller bodies with limited operational recourse. Many of their services are better delivered in cooperation with Frontex. For the latter in particular, the transformation of Frontex Focal Points Joint Operations into MMOs has strengthened its presence in maritime border sections with low-level migratory pressure (Frontex Official A, 2021). If it were not for the launch of MMOs, it would be hard to imagine that Frontex could play a significant role in the Black Sea, where the coastal Member States can fully handle the modest flow of migrants (Frontex Official A 2021). In this light, collaborating with sister agencies has promoted Frontex’s presence in the field and consolidate its policy turf.

8. Conclusion

Through a principal-agent lens, this article has elucidated the dynamics of inter-agency cooperation in EU border management. It scrutinised four cases of inter-agency cooperation, encapsulating four main tasks performed by the participating agencies: information collection, policy implementation support, operational coordination, and cross-sector cooperation. While overlaps exist, each task involves different principal-agent dynamics (Table 1). In the exchange of information, it appears that multiple principals have remained somewhat detached from the operational aspects, exhibiting a degree of disinterest, which enables agencies to maintain a certain level of autonomy and operate at arm’s length. In

Table 1. Synthetic overview of the four case studies.

Analytical dimensions	Cases			
	Information exchange	Hotspot approach	MMO	JAD
Initiation	Voluntary	Required by all stakeholders	Required by the commission	Required by the council
Principals’ Joint Policy Objective	Moderate	High	Low	Moderate
Agency Autonomy	High	Low	High	Low
National Authorities-Agency Mission Overlap	Low	High	Moderate	High
Inter-agency Mission Overlap	Moderate	Low	Moderate	Moderate
Inter-agency Resource Complementarity	High	Moderate	High	High
Inter-agency Division of Labour	Self-negotiated	Assigned by Host Member States	Self-negotiated	Self-negotiated
Outcome	Asymmetric Benefit	Moderate Benefit	Mutual Benefit	Mutual Benefit

the hotspot approach, the host Member States stand out as the primary principal, working closely with the European Commission to organise and steer each agency' task performance and inter-agency cooperation. Although the autonomy of each agency is more restricted, they remain receptive to collaborating with one another. In JADs, the onus lies on Frontex and Europol to amalgamate their intelligence and resources and to coordinate Member States' efforts to combat cross-border crime. Despite overlapping missions, the two agencies' resources complement each other, and they seek to strengthen and broaden their individual policy turf vis-à-vis national competent authorities through horizontal collaborative efforts. As sea, with the Commission's backing, the participating agencies not only autonomously structure their work to support Member States, but also undertake efforts to develop the MMO concept and motivate national authorities to participate in these cross-sector, transnational maritime operations.

The empirical cases reveal that the involved agencies operate within a multiple-principal, multiple-agent system. Despite the multifaceted dynamics of inter-agency cooperation, the principal-agent model remains a useful tool that offers a simplified understanding of delegation and its consequences without compromising on empirical rigor. While acknowledging the significance of agency autonomy, mission overlap, and resource complementarity in inter-agency cooperation, this contribution emphasises that a deeper understanding of such cooperation necessitates consideration of principal-agent dynamics, especially the (non-exclusive) delegation pattern and goal conflict between principals.

In EU border management, the Commission has consistently advocated for an expanded role for the agencies, while Member States and the European Parliament show relatively little interest in inter-agency cooperation. Consequently, inter-agency cooperation has provided opportunities for agencies to operate more independently of the narrow interests of individual Member States. The agencies have deliberately and actively pursued horizontal cooperation with the goal of accessing the necessary data, ensuring adequate personnel presence, and reducing dependency on Member States. Despite being influenced by the territorial-based border management tradition, inter-agency cooperation has contributed to addressing implementation gaps among Member States, transposing EU rules into national administration, and institutionalising common administrative capacity at EU level. With an intensified cooperation at EU level, the EU's external borders are evolving from a physical patchwork of national borders into a new emerging institution with distinct rules and patterns.

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