



Brussels, 21 January 2025
(OR. en)

5511/1/25
REV 1

FIN 78
INST 9
PE-L 3

NOTE

From:	Budget Committee
To:	Permanent Representatives Committee/Council
Subject:	Frontex new permanent premises for its headquarters in Warsaw (Poland)

1. On 20 December 2024, the European Border and Coast Guard Agency (Frontex) submitted to the Council for prior approval, in accordance with Article 272(3) and (6) of the Financial Regulation¹, a revised request to finance a building project through a loan.
2. This request concerns the construction of Frontex new permanent premises of its headquarters in Warsaw on the plot of land donated by the Polish Authorities. The cost analysis is based on a 15-year life cycle costing integrating operation and maintenance costs. The financing of the project will be a combination of Frontex's own budget and external financing via a loan.

¹ Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast) (OJ L, 2024/2509, 26.9.2024, ELI: <http://data.europa.eu/eli/reg/2024/2509/oj>).

3. The Council had already been informed by Frontex of its intention to launch a Competitive Dialogue tender procedure and secure a loan for the project in October 2021², as provided for in Article 272(2) of the Financial Regulation.
4. At its meetings on 9 and 14 January 2025, the Budget Committee examined the new request and was not able to approve it, although no Member State objected. However, in view of the exceptional nature of the request and of the political and financial implications, a decision was deemed to be necessary at more than technical level.
5. In view of the above, the Permanent Representatives Committee is invited to indicate if the project can be approved. If the approval is confirmed by the Committee, it will be invited to:
 - (i) recommend the Council to approve the request of Frontex to complete the building of the new permanent premises for its headquarters in Warsaw (Poland) with partial financing through a loan as an item without discussion at one of its forthcoming meetings and
 - (ii) to approve the wording of the draft letter as set out in the ANNEX to this note.

In the absence of a reinforced qualified majority in favour of the request, the deadline for the Council will expire on 30 January 2025, in which case the project will be deemed to be rejected.

² Doc. WK 2203/2021.

DRAFT LETTER

from: President of the Council

to: Hans Leijten, Executive Director of the European Border and Coast Guard Agency

copy: President of the European Parliament

Dear Sir,

In accordance with Article 272(6) of the Financial Regulation of 23 September 2024³, I inform you that the Council has approved the request of the European Border and Coast Guard Agency (Frontex), dated 20 December 2024, to complete the building of the new permanent premises of its headquarters in Warsaw (Poland) through a loan.

The Council underlines that this exceptional case does not constitute a precedent for any other body of the European Union to finance the construction of a building on a purchased plot of land by a loan.

(Complimentary close).

³ Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast) (OJ L, 2024/2509, 26.9.2024, ELI: <http://data.europa.eu/eli/reg/2024/2509/oj>).