

From: Press
Sent: 06 August 2019 13:10
To: [REDACTED] personal data
Cc: Press
Subject: Incorrect information in recent article published in The Guardian
Importance: High
Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam,

We are writing to express the disquiet of Frontex, the European Border and Coast Guard, at the incorrect information expressed in the article "Once migrants on Mediterranean were saved by naval patrols. Now they have to watch as drones fly over", published in The Guardian on 4 August.

One of the agency's tasks is to monitor EU's external border and share the information on the situational picture with EU member states. In the Central Mediterranean Sea, Frontex uses planes (**not drones**) that stream video directly to the agency's headquarters in Warsaw.

We would like to clarify the incorrect information published by The Guardian one by one:

- 1) Frontex has surveillance drones that fly over Libya

This is not true. Frontex is not flying any drones at present. The agency ran a pilot project in the south Central Mediterranean that lasted for less than a month. The test has finished in June and drones are no longer used. We tested whether drones could be used for border surveillance, including search and rescue activities.

- 2) Photo of drone used to illustrate the article

The photo used to illustrate the article is a drone that has never been used in the Central Mediterranean.

- 3) "There is no ship to answer the SOS, just an unmanned aerial vehicle"; "The drones are not equipped for SAR"

This information is incorrect. People in distress at sea cannot be saved by planes. Planes provide information on the location and situation of a boat in distress. The surveillance planes are manned, they can answer SOS signals and communicate with the maritime rescue centers responsible for coordinating SAR operations.

Our aircraft are equipped with sensors that are able to capture the position of all nearby vessels. In this way, when communicating about a boat in distress to the relevant maritime search and rescue coordination center, we are able to let them know what vessels are nearby to allow for an even faster reaction and rescue.

It is crucial to understand that Search and Rescue (SAR) consists of two elements: search – monitoring and locating a vessel in distress, and rescue – the action performed to save people at risk at sea.

In the vast majority of SAR operations, planes are tasked with surveillance and determining the exact location of a boat in distress. If a plane spots a vessel in distress, it immediately informs the relevant maritime rescue coordination center that sends the closest and most capable vessel to perform the rescue.

4) Frontex replaced vessels with drones

Frontex's presence in Central Mediterranean remains significant and by no means is it limited to using of aircraft: at the moment, Frontex deploys eight vessels, two helicopters, two aircraft and nearly 200 officers to assist Italy with border control as part of operation Themis in the Central Mediterranean.

Please note that the two planes are not deployed instead, but on top of other means.

Thanks to using aerial surveillance Frontex has actually increased its monitoring capacities as the planes can cover larger area than vessels, and locate the exact position of a boat in distress much faster.

5) Switch to drones is an effort to monitor the Mediterranean without being pulled into rescue missions

This information is false. In fact, the European Border and Coast Guard Agency has never before patrolled so close to Libyan territorial waters.

In 2017, based on risk assessment, the agency decided to start aerial surveillance on top of its joint operation in Italy. This way, we have increased our awareness and are able to react to any situation, including a boat in distress, faster than ever before.

Saving lives remains the priority for Frontex: so far this year, the agency contributed to the rescue of more than 8000 people in all its sea operations.

6) Frontex is using drones that were used for combat missions in Gaza

This is not true. As explained before, Frontex was testing drones none of which was armed. They were used for monitoring, there were no weapons, only cameras.

7) Drones operate in a legally grey zone

The planes used by Frontex for monitoring the Mediterranean, operate according to the Eurosur Regulation (Regulation (EU) No 1052/2013 of the European Parliament and of the Council), if they spot a boat in distress they operate according to Search and Rescue conventions.

8) There are no available mission instructions for drone operators

The instructions that the operators follow are according to international law. Specifically the IAMSAR Manual (International Aeronautical and Maritime Search and Rescue Manual), regulations by the International Civil Aviation Organization and International Maritime Organization.

9) "A drone operator has to take actions intended to search, rescue and disembark those rescued at safe port"

This is incorrect. It is never a drone operator or a pilot assessing whether a vessel is in distress and where it should be disembarked.

In the case of the two planes used by Frontex to monitor the Central Mediterranean, the video is live-streamed to the agency's headquarters, where a group of experts, including maritime surveillance experts, analyse the image and make an initial assessment whether a case can be qualified as SAR based on certain parameters (number of people on board, condition on boat, distance from shore, presence of life vests, weather conditions). This initial assessment is communicated to the maritime search and rescue center (MRCC) for further action.

10) Accountability

Frontex reports on its activities to the European Parliament and the Council, and that the two institutions are actively involved in the Agency's work, exercising supervision. For example, the Agency's Management Board is obliged to share Frontex' annual activity report and annual/multiannual work programs with the European Parliament and the Council, who may choose to invite the executive director to report on his tasks and any matter related to the activities of the Agency. The Management Board comprises heads of border and coast guards from all EU Member States and Schengen Associated Countries and two representatives from the European Commission.

Moreover, as defined in the founding Regulation of Frontex, the Agency submits to the European Parliament and the Council general risk analyses and, at least once a year, transmits the results of the vulnerability assessment. Frontex is also accountable to national border guard authorities sitting on the Agency's Management Board.

The agency's Fundamental Rights Officer also briefs the Frontex Management Board on any incidents on a regular basis.

For your background:

If the Frontex plane spots a boat in distress, it immediately informs the relevant national authorities responsible for search and rescue. Incidents related to boats in distress are reported in line with the international conventions to the responsible maritime rescue coordination center. Frontex, in order to enhance the situational awareness and for a rescue to happen even faster in case of a boat in distress, communicates this information also to the neighbouring coordination centers and operation Sophia. The SAR coordinator has a list of all available assets with the capability to rescue lives and will dispatch the closest or most capable one immediately.

It is important to underline that SAR operations are always coordinated by the national Maritime Rescue Coordination Centres (MRCC). The MRCC orders vessels that are either the closest to the incident or the most capable ones (due to the specialised training of the crew, or the vessels specifications, etc.) to assist in the rescue. These may include national, commercial or military vessels, vessels deployed by Frontex, private boats and other.

We are disappointed that a publication as well respected as The Guardian did not take the trouble to read the available information on the agency's surveillance activities in the Central Mediterranean.

For the reasons stated above, we request that you correct the original article and publish a factual version within the next 24 hours.

Yours faithfully,

Frontex Press Office

From: Press
Sent: 09 August 2019 09:49
To: Observer Readers
Cc: Press
Subject: RE: your email

Dear [REDACTED] personal data,

Thank you for your response.
Please see our replies below,

Best wishes,

[REDACTED] personal data
Frontex press office

The article does not say Frontex flies surveillance drones over Libya. It states that Frontex surveillance drones are flying over waters off Libya. The waters off Libya are part of the south Mediterranean.

Have I understood correctly: you state that Frontex tested drones for less than a month, ending in June, and no longer uses drones.

Frontex tested drones in Italy in the south Central Mediterranean for less than month and currently does not use drones.

I am advised that the provider of a drone has stated in a public document that its drone had been deployed in December 2018. Are you saying that the deployment of that drone had nothing to do with Frontex and EMSA, or that you do not regard that deployment as relevant to answering a question about use of drones over the waters of the south Central Mediterranean?

Do you intend to convey that Frontex no longer uses drones in the south Central Mediterranean?

Correct. Please see the reply above.

Do you mean to convey that the contract involving Frontex and relating to drones was for the test only, and is complete?

Which model of drone was used for the test?

Was the test successful?

Will further contracts for the acquisition and use of drones follow?

The European Border and Coast Guard Agency ran two tests involving drones.

One in Greece, until December 2018 in cooperation with Hellenic authorities. The type of drones that was tested for border control purposes were MALE (medium-altitude long-endurance unmanned aerial vehicle) in the Aegean and Ionian Sea. The type of vehicle used was Heron 1.

The second test was run in Italy, more precisely in Lampedusa, to test whether small medium-altitude long-endurance unmanned aerial vehicle could be used in the agency's operations for border control purposes. The test included two phases, the first one between November 2018-May 2019, covering 120 flight hours north of Lampedusa. The second phase lasted less than a month and was conducted in the south Central Mediterranean limited to an area of 55 miles off Lampedusa. The type of vehicle used was Falco Evo.

Both tests are now completed and being evaluated.

I am advised that two other contracts relating to drones involve EMSA. Is that correct?

I am also advised that EMSA and Frontex have an interagency agreement regarding intelligence sharing on border surveillance. Is that correct?

If correct, consistent with material on your website that, I am advised, makes clear that EMSA and Frontex assets stream video to the Frontex situation centre, would it be correct to say that Frontex, while itself no longer using drones, has access to video collected by EMSA with its pilotless aerial vehicles?

Frontex works closely with EMSA, as well as the European Fisheries Control Agency (EFCA), to support Member States with information sharing, surveillance and communication services, capacity building activities as well as risk analysis and information exchange on threats in the maritime domain.

Each European agency supports the European cooperation on coast guard functions with different objectives and responsibilities. Frontex aims at improving the management of the external borders in order to ensure a high level of internal security in the EU and to tackle cross-border crime. EMSA focuses on enhancing maritime safety, security and prevention of and response to pollution caused by ships and oil and gas installations.

You can find more information about this cooperation on our website, and the website of EMSA <https://frontex.europa.eu/operations/european-coast-guard-functions/>

EMSA has a framework contract in place that can be used by other EU agencies for example for border or fisheries control. Drones provided by EMSA were used by Frontex last year in South Portugal to monitor the Atlantic to detect cross-border crime, more specifically drug smuggling, to Europe.

As already explained before, currently Frontex is not using any drones and is not receiving any information, including livestreaming, from drones.

2) Photo of drone used to illustrate the article

The photo used to illustrate the article is a drone that has never been used in the Central Mediterranean.

I am advised that the photo is of a Heron TP drone (Israel Aerospace Industries Limited or IAI).

I am also advised that on 30 November 2018, the European Commission answered a European Parliament question ("Long-distance drones for monitoring the Mediterranean") as follows -

Has a drone of the type shown in the photo which has been used to illustrate the article been used by Frontex or EMAS anywhere?

No.

Can you send a photo, and provide the specific model name and manufacturer's name, of the drone that has been used by Frontex and/or EMAS in the south and Central Mediterranean, for tests or otherwise?

As explained above, the drone used for the tests was a Falco Evo.

3) "There is no ship to answer the SOS, just an unmanned aerial vehicle"; "The drones are not equipped for SAR"

This information is incorrect. People in distress at sea cannot be saved by planes. Planes provide information on the location and situation of a boat in distress. The surveillance planes are manned, they can answer SOS signals and communicate with the maritime rescue centers responsible for coordinating SAR operations. Our aircraft are equipped with sensors that are able to capture the position of all nearby vessels. In this way, when communicating about a boat in distress to the relevant maritime search and rescue coordination center, we are able to let them know what vessels are nearby to allow for an even faster reaction and rescue.

It is crucial to understand that Search and Rescue (SAR) consists of two elements: search – monitoring and locating a vessel in distress, and rescue – the action performed to save people at risk at sea.

In the vast majority of SAR operations, planes are tasked with surveillance and determining the exact location of a boat in distress. If a plane spots a vessel in distress, it immediately informs the relevant maritime rescue coordination center that sends the closest and most capable vessel to perform the rescue.

4) Frontex replaced vessels with drones

Frontex's presence in Central Mediterranean remains significant and by no means is it limited to using of aircraft: at the moment, Frontex deploys eight vessels, two helicopters, two aircraft and nearly 200 officers to assist Italy with border control as part of operation Themis in the Central Mediterranean. Please note that the two planes are not deployed instead, but on top of other means.

Thanks to using aerial surveillance Frontex has actually increased its monitoring capacities as the planes can cover larger area than vessels, and locate the exact position of a boat in distress much faster.

As I understand the article, the issue is not much the question of the area Frontex might choose to monitor from the air as the area within which Frontex can mount on-water rescue missions. Has operation Themis increased the area in which on-water rescue missions can be mounted?

The operational are of every Frontex-coordinated operation is always decided together with the host member states. When Search and Rescue is declared, Frontex assets (vessels, aircraft) pass under the command of the national Maritime Rescue Coordination Centres (MRCC). The MRCC can direct Frontex assets to a SAR incident without geographical limitations, often outside the operational area.

During a standard border control operation, Frontex-deployed vessels operate under the command of the International Coordination Centre (ICC), but when contacted by the Maritime Rescue Coordination Centre and redirected to a SAR operation, it is the MRCC that takes command.

As to the second part of your question, the answer is no - the area in which rescue missions can take place is independent of the operational area. Every country has a designated search and rescue zone in which it is responsible for coordination of SAR. You can find additional information on rules governing SAR in the International Convention for the Safety of Life at Sea (SOLAS), 1974 and the SAR Convention (International Maritime Organization).

5) Switch to drones is an effort to monitor the Mediterranean without being pulled into rescue missions

This information is false. In fact, the European Border and Coast Guard Agency has never before patrolled so close to Libyan territorial waters.

In 2017, based on risk assessment, the agency decided to start aerial surveillance on top of its joint operation in Italy. This way, we have increased our awareness and are able to react to any situation, including a boat in distress, faster than ever before.

Saving lives remains the priority for Frontex: so far this year, the agency contributed to the rescue of more than 8000 people in all its sea operations.

Noting the two elements you describe in (3) above - search and rescue - in relation to the statement "so far this year, the agency contributed to the rescue of more than 8000 people in all its sea operations", can you advise -

How many discrete operations Frontex has contributed to so far this year?

The agency is conducting regular sea surveillance according to a daily and weekly schedule that is agreed with EU member states. The aim of the surveillance flights is border control, search and rescue, contributing to combatting cross-border crime (detecting drugs or people smuggling), illegal fisheries or oil pollution. See above section on coast guard functions. When it comes to the number of flights, please specify the area and operation you are referring to.

Of those, in how many was the Frontex contribution to search - for example, through the provision of surveillance, information, video, coordinates and the like - and in how many was the Frontex contribution to rescue - for example, through the provision of vessels and/or helicopters which took part in removing people from other vessels or the water and transporting them to land?

So far this year, between January and July, the European Border and Coast Guard Agency contributed to the rescue of 15469 persons in all our sea operations. These include 5521 people in operation Indalo (Spain), 8374 in operation Poseidon Sea and 1601 in operation Themis. This data includes all forms of contribution – detection, interception and direct involvement of Frontex assets.

Please specify which of the operations were conducted as part of Themis and which as part of the EU naval mission Operation Sophia (also known as EUNAVFORMED)?

Please contact EUNAVFOR Med for this information.

6) Frontex is using drones that were used for combat missions in Gaza

This is not true. As explained before, Frontex was testing drones none of which was armed. They were used for monitoring, there were no weapons, only cameras.

That is understood, and I do not believe that a reasonable reader would understand the article to be conveying otherwise. However, I will review the article to check that no reasonable reader could understand the relevant sections to convey the meaning that the drones deployed by Frontex for surveillance were armed as the same or similar drones might be when they are deployed over Gaza.

7) Drones operate in a legally grey zone

The planes used by Frontex for monitoring the Mediterranean, operate according to the Eurosur Regulation (Regulation (EU) No 1052/2013 of the European Parliament and of the Council), if they spot a boat in distress they operate according to Search and Rescue conventions.

Can you please specify what parts of the cited Regulation the aerial vehicles used by Frontex for monitoring the Mediterranean are operated under? It is only by having the relevant details that I will be able to test with the journalists and their expert sources the use of the term "legally grey zone".

Articles 11 and 12 of the Regulation (EU) No 1052/2013 of the European Parliament and of the Council.

8) There are no available mission instructions for drone operators

The instructions that the operators follow are according to international law. Specifically the IAMSAR Manual (International Aeronautical and Maritime Search and Rescue Manual), regulations by the International Civil Aviation Organization and International Maritime Organization.

Which parts of the manual and regulations are understood by Frontex to relate to drone operations?

None of the manual refers to drone operators. All SAR operations are performed according to IAMSAR Manual, volume 3.

9) "A drone operator has to take actions intended to search, rescue and disembark those rescued at safe port"

This is incorrect. It is never a drone operator or a pilot assessing whether a vessel is in distress and where it should be disembarked.

In the case of the two planes used by Frontex to monitor the Central Mediterranean, the video is live-streamed to the agency's headquarters, where a group of experts, including maritime surveillance experts, analyse the image and make an initial assessment whether a case can be qualified as SAR based on certain parameters (number of people on board, condition on boat, distance from shore, presence of life vests, weather conditions). This initial assessment is communicated to the maritime search and rescue center (MRCC) for further action.

This is now understood, and further relevant information will be incorporated as appropriate. I am advised that it could have been considered for incorporation in the article had it been provided during exchanges prior to publication.

10) Accountability

Frontex reports on its activities to the European Parliament and the Council, and that the two institutions are actively involved in the Agency's work, exercising supervision. For example, the Agency's Management Board is obliged to share Frontex' annual activity report and annual/multiannual work programs with the

European Parliament and the Council, who may choose to invite the executive director to report on his tasks and any matter related to the activities of the Agency. The Management Board comprises heads of border and coast guards from all EU Member States and Schengen Associated Countries and two representatives from the European Commission.

Moreover, as defined in the founding Regulation of Frontex, the Agency submits to the European Parliament and the Council general risk analyses and, at least once a year, transmits the results of the vulnerability assessment. Frontex is also accountable to national border guard authorities sitting on the Agency's Management Board.

The agency's Fundamental Rights Officer also briefs the Frontex Management Board on any incidents on a regular basis.

Understood.

Does Frontex dispute that an online archive of all Frontex operations was recently removed?

If it was not removed, please provide the url to it.

If it was removed, why was it removed and will it be made available again?

We have changed the layout of the website for readers to navigate the page easier. The information about the operations was not removed. Documents related to our operations are available under the following link in a form of reports: <https://frontex.europa.eu/about-frontex/key-documents/> and Frontex Evaluation Reports on our website: <https://frontex.europa.eu/about-frontex/key-documents/?category=frontex-evaluation-reports> We are always ready to provide additional information if needed, email addresses and phone contacts to the press office can be found on the website.

For your background:

If the Frontex plane spots a boat in distress, it immediately informs the relevant national authorities responsible for search and rescue. Incidents related to boats in distress are reported in line with the international conventions to the responsible maritime rescue coordination center. Frontex, in order to enhance the situational awareness and for a rescue to happen even faster in case of a boat in distress, communicates this information also to the neighbouring coordination centers and operation Sophia. The SAR coordinator has a list of all available assets with the capability to rescue lives and will dispatch the closest or most capable one immediately.

It is important to underline that SAR operations are always coordinated by the national Maritime Rescue Coordination Centres (MRCC). The MRCC orders vessels that are either the closest to the incident or the most capable ones (due to the specialised training of the crew, or the vessels specifications, etc.) to assist in the rescue. These may include national, commercial or military vessels, vessels deployed by Frontex, private boats and other.

We are disappointed that a publication as well respected as The Guardian did not take the trouble to read the available information on the agency's surveillance activities in the Central Mediterranean.

For the reasons stated above, we request that you correct the original article and publish a factual version within the next 24 hours.

Yours faithfully,

Frontex Press Office

From: [REDACTED] personal data
On Behalf Of Observer Readers
Sent: 07 August 2019 17:47
To: Press <Press@frontex.europa.eu>
Subject: Re: your email

Frontex Press Office,

Initial checks have resulted in a few queries about the facts.

Once the facts are straight I will be in a position to make a decision about your complaint and whether any amendments to the article, accompanying photo or caption to the photo would be appropriate.

Can you let me have responses to the queries (in **bold**) listed under your points in the email below.

with thanks,

[REDACTED] personal data

On Tue, 6 Aug 2019 at 13:43, Observer Readers <observer.readers@observer.co.uk> wrote:

Your email has been referred to this office, which handles editorial complaints relating to the Observer.

We will look into your concerns and respond in due course.

1) Frontex has surveillance drones that fly over Libya

This is not true. Frontex is not flying any drones at present. The agency ran a pilot project in the south Central Mediterranean that lasted for less than a month. The test has finished in June and drones are no longer used. We tested whether drones could be used for border surveillance, including search and rescue activities.

The article does not say Frontex flies surveillance drones over Libya. It states that Frontex surveillance drones are flying over waters off Libya. The waters off Libya are part of the south Mediterranean.

Have I understood correctly: you state that Frontex tested drones for less than a month, ending in June, and no longer uses drones.

I am advised that the provider of a drone has stated in a public document that its drone had been deployed in December 2018. Are you saying that the deployment of that drone had nothing to do with Frontex and EMSA, or that you do not regard that deployment as relevant to answering a question about use of drones over the waters of the south Central Mediterranean?

Do you intend to convey that Frontex no longer uses drones in the south Central Mediterranean?

Do you mean to convey that the contract involving Frontex and relating to drones was for the test only, and is complete?

Which model of drone was used for the test?

Was the test successful?

Will further contracts for the acquisition and use of drones follow?

I am advised that two other contracts relating to drones involve EMSA. Is that correct?

I am also advised that EMSA and Frontex have an interagency agreement regarding intelligence sharing on border surveillance. Is that correct?

If correct, consistent with material on your website that, I am advised, makes clear that EMSA and Frontex assets stream video to the Frontex situation centre, would it be correct to say that Frontex, while itself no longer using drones, has access to video collected by EMSA with its pilotless aerial vehicles?

2) Photo of drone used to illustrate the article

The photo used to illustrate the article is a drone that has never been used in the Central Mediterranean.

I am advised that the photo is of a Heron TP drone (Israel Aerospace Industries Limited or IAI).

I am also advised that on 30 November 2018, the European Commission answered a European Parliament question ("Long-distance drones for monitoring the Mediterranean") as follows -

Has a drone of the type shown in the photo which has been used to illustrate the article been used by Frontex or EMAS anywhere?

Can you send a photo, and provide the specific model name and manufacturer's name, of the drone that has been used by Frontex and/or EMAS in the south and Central Mediterranean, for tests or otherwise?

3) "There is no ship to answer the SOS, just an unmanned aerial vehicle"; "The drones are not equipped for SAR"

This information is incorrect. People in distress at sea cannot be saved by planes. Planes provide information on the location and situation of a boat in distress. The surveillance planes are manned, they can answer SOS signals and communicate with the maritime rescue centers responsible for coordinating SAR operations.

Our aircraft are equipped with sensors that are able to capture the position of all nearby vessels. In this way, when communicating about a boat in distress to the relevant maritime search and rescue coordination center, we are able to let them know what vessels are nearby to allow for an even faster reaction and rescue.

It is crucial to understand that Search and Rescue (SAR) consists of two elements: search – monitoring and locating a vessel in distress, and rescue – the action performed to save people at risk at sea.

In the vast majority of SAR operations, planes are tasked with surveillance and determining the exact location of a boat in distress. If a plane spots a vessel in distress, it immediately informs the relevant maritime rescue coordination center that sends the closest and most capable vessel to perform the rescue.

4) Frontex replaced vessels with drones

Frontex's presence in Central Mediterranean remains significant and by no means is it limited to using of aircraft: at the moment, Frontex deploys eight vessels, two helicopters, two aircraft and nearly 200 officers to assist Italy with border control as part of operation Themis in the Central Mediterranean.

Please note that the two planes are not deployed instead, but on top of other means.

Thanks to using aerial surveillance Frontex has actually increased its monitoring capacities as the planes can cover larger area than vessels, and locate the exact position of a boat in distress much faster.

As I understand the article, the issue is not much the question of the area Frontex might choose to monitor from the air as the area within which Frontex can mount on-water rescue missions. Has operation Themis increased the area in which on-water rescue missions can be mounted?

5) Switch to drones is an effort to monitor the Mediterranean without being pulled into rescue missions

This information is false. In fact, the European Border and Coast Guard Agency has never before patrolled so close to Libyan territorial waters.

-

In 2017, based on risk assessment, the agency decided to start aerial surveillance on top of its joint operation in Italy. This way, we have increased our awareness and are able to react to any situation, including a boat in distress, faster than ever before.

Saving lives remains the priority for Frontex: so far this year, the agency contributed to the rescue of more than 8000 people in all its sea operations.

Noting the two elements you describe in (3) above - search and rescue - in relation to the statement "so far this year, the agency contributed to the rescue of more than 8000 people in all its sea operations", can you advise -

How many discrete operations Frontex has contributed to so far this year?

Of those, in how many was the Frontex contribution to search - for example, through the provision of surveillance, information, video, coordinates and the like - and in how many was the Frontex contribution to rescue - for example, through the provision of vessels and/or helicopters which took part in removing people from other vessels or the water and transporting them to land?

Please specify which of the operations were conducted as part of Themis and which as part of the EU naval mission Operation Sophia (also known as EUNAVFORMED)?

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surveillance were armed as the same or similar drones might be when they are deployed over Gaza.

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8) There are no available mission instructions for drone operators

-

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experts, analyse the image and make an initial assessment whether a case can be qualified as SAR based on certain parameters (number of people on board, condition on boat, distance from shore, presence of life vests, weather conditions). This initial assessment is communicated to the maritime search and rescue center (MRCC) for further action.

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It is important to underline that SAR operations are always coordinated by the national Maritime Rescue Coordination Centres (MRCC). The MRCC orders vessels that are either the closest to the incident or the most capable ones (due to the specialised training of the crew, or the vessels specifications, etc.) to assist in the rescue. These may include national, commercial or military vessels, vessels deployed by Frontex, private boats and other.


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Yours faithfully,

Frontex Press Office

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theguardian.com

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London N1 9GU
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From: Press
Sent: 12 August 2019 15:28
To: [REDACTED] personal data
Cc: Press
Subject: Incorrect information in recent article published in Correctiv

Dear Sir/Madam,

We are writing to express the disquiet of Frontex, the European Border and Coast Guard, at the incorrect information expressed in the article "Frontex: Die Überwacher überwachen", published in Correctiv on 4 August.

The article contains a series of false statements and we would like to clarify them one by one.

1) Lack of accountability when it comes to respect for fundamental rights

"Kaum einer kann noch kontrollieren, ob die Agentur die Grundrechte von Flüchtlingen achtet. Ob sie wirklich versucht, auf See Menschenleben zu retten."

Fundamental rights are at the core of all the agency's activities. They are integrated into the Frontex Codes of Conduct, the Common Core Curricula for border guards, specialised training for border surveillance officers or officers conducting forced return operations.

The Code of Conduct obliges every officer who has a reason to believe fundamental rights of any person were violated, either by witnessing such violation directly, or by hearing about it, to report this immediately to Frontex in form of a Serious Incident Report.

All reports related to potential violation of fundamental rights are immediately passed on to the agency and Fundamental Rights Office, an independent body established to advise the agency and monitor compliance with fundamental rights in all its activities.

Frontex officers did write such reports in the past and the agency immediately contacted the authorities of the countries concerned and informed the European Commission. It should be noted however that while the agency can suspend an officer deployed by Frontex, it does not have the authority over the national border police forces nor does it have the power to conduct investigations in the EU Member States.

Another such measure is the complaints mechanism which allows anyone who believes their rights have been violated by a Frontex deployed officer to lodge a complaint.

All those measures – specific guidelines for officers, training, monitoring by independent experts, the Fundamental Rights Office and Consultative Forum (an independent advisory body on fundamental rights comprised of European and international organisations and NGOs) are intended to make sure the appropriate checks and balances are in place.

As to the second part of your statement related to search and rescue, so far this year, between January and July, the European Border and Coast Guard Agency contributed to the rescue of 15469 persons in all our sea operations. This includes 5521 people in operation Indalo (Spain), 8374 in operation Poseidon Sea and 1601 in operation Themis. This data includes all forms of contribution – detection, interception and direct involvement of Frontex assets.

Search and Rescue is a legal obligation. International law obliges all vessels to provide assistance to any persons found in distress, making search and rescue (SAR) a priority for everyone operating at sea. SAR is a specific objective of the operational plan of every Frontex joint maritime operation. For this reason,

vessels deployed by Frontex to an operational area are always ready to also provide support to the national authorities in SAR operations.

2) Suspicion: Frontex vessels stay away on purpose from areas where boats get in distress and people drown in the sea.

Es geht in dieser Geschichte um einen schlimmen Verdacht, von dem Seenotretter hinter vorgehaltener Hand berichten und der an Europas Gewissen nagt: Schiffe der europäischen Grenzüberwachung sollen sich bewusst von den Orten fernhalten, an denen Flüchtlingsboote im Mittelmeer kentern und Menschen im Mittelmeer untergehen und ertrinken. Kann das sein?

In order to explain your doubts, we would like to provide you some information on how joint operations are coordinated.

Firstly - the exact extent of the operational area of a Frontex-coordinated operation can only be decided together with the member states hosting our operations and Frontex cannot run an operation independently.

When a vessel deployed by Frontex performs border surveillance activities, it operates under the command of the national border control authorities (the International Coordination Centre (ICC), but when Search and Rescue is declared, Frontex assets (vessels, aircraft) pass automatically under the command of the national Maritime Rescue Coordination Centres (MRCC). The MRCC can direct Frontex assets to a SAR incident without geographical limitations, often outside the operational area.

As to the second part of your question, the answer is no - the area in which rescue missions can take place is independent of the operational area. Every country has a designated search and rescue zone in which it is responsible for coordination of SAR. You can find additional information on rules governing SAR in the International Convention for the Safety of Life at Sea (SOLAS), 1974 and the SAR Convention (International Maritime Organization).

3) Accusations related to lack of transparency

The agency fully abides by the principle of transparency and provides access to its documents, to the general public. In the past years Frontex released hundreds of documents to EU citizens. Frontex regularly meets with researchers and journalists and gives them access to its operations, for example embedding on patrols, and officers. Every year we organise tens of patrols and hundreds of visits to our operations and to our headquarters where we show and explain our activities and mandate.

4) One of Frontex officers offered to leak information

The article states that: „Ein Mitarbeiter von Frontex ist in der Leitung. „Er hat gesagt, wenn wir den Widerspruch zurückziehen, würde er uns die Daten irgendwie zukommen lassen,“ erinnert sich Semsrott. Doch die Aktivisten lassen sich darauf nicht ein. Sie wollen die Daten auf offiziellem Weg erhalten. Sie wollen erreichen, was der Frontex-Anrufer mit seinem Angebot eines Leaks offensichtlich verhindern wollte: einen Präzedenzfall, auf den sich später auch andere berufen können. Also klagen sie. Es ist die erste Auskunftsklage gegen Frontex überhaupt.

This is a false accusation. We hereby request that correction be issued within 24 hours. The Frontex officer in question gave a call to ██████████ *personal data* on 13 December 2019.

This was in follow-up to an email sent on 10 December 2017 from ██████████ *personal data* offering not to go to court if the agency decides to disclose certain operational information : “(...) a decision by

Frontex to publish and/or make available the requested documents prior to this deadline - thus during the first week of January 2018 - would be considered by us a positive step towards greater transparency, and would certainly make us reconsider our decision to challenge Frontex's confirmatory decision before the General Court.

We would therefore like to request from Frontex a confirmation on whether this is indeed something it would be willing to do, or whether its refusal to disclose this information will still stand on the 1 January 2018."

In the said call to ██████████ *personal data*, the Frontex officer informed ██████████ *personal data* about the fact that Frontex conducts a case-by-case examination of every application for public access to documents according to the Regulation (EC) [No 1049/2001](#) of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents. He also informed ██████████ *personal data* that the agency would not be able to release information about ongoing operational activities.

Furthermore, to assist ██████████ *personal data*, the Frontex officer informed him that he could specify his query so that it could be handled by the Frontex Press Office as a request for information. Frontex never offered to leak any information.

5) Meeting with Fundamental Rights Officer

Frontex's Fundamental Rights Officer, representing an independent body established to advise the agency and monitor compliance with fundamental rights in all its activities, invited the authors of the article for a meeting in January 2019. She gave them an interview on the work of the Fundamental Rights Office and the measure the agency has to monitor potential fundamental rights violations. The Fundamental Rights Officer asked the authors to submit the draft article to her to make sure that everything she said was represented in a factual way. They agreed in writing that the draft will be shared. Unfortunately, the authors did not submit the draft version to the Fundamental Rights Officer.

6) Accusations related to lack of accountability

The European Border and Coast Guard Agency is a European Union body and as such it is fully accountable to all relevant European institutions: Frontex reports on its activities to the European Parliament and the Council, and the two institutions exercise supervision. The agency's Executive Director regularly attends hearings at the European Parliament and European Council meetings. Furthermore, the European Court of Auditors and the European Ombudsman oversee the agency's budget and its functioning.

Frontex is governed by the Management Board comprising heads of border authorities from all EU Member States and Schengen Associated Countries as well as two representatives from the European Commission.

The agency's Fundamental Rights Officer also briefs the Frontex Management Board on any incidents on a regular basis.

7) Accusations towards Frontex officers and their alleged violation of fundamental rights during return operations

Einem Bericht der Grundrechtebeauftragten aus dem März 2019 zufolge verstoßen Frontex-Beamte bei Abschiebeflügen immer wieder gegen Menschenrechtsstandards und eigene Richtlinien

This information is false. In no part do the FRO's observations to return operations coordinated by the agency (2nd semester of 2018) include any reference to any violation allegedly committed by Frontex officers.

No Frontex officer was present on board of the two flights referred to in the article.

The return of the minor was in line with the national law, but not with Frontex internal regulations and best practices. This is why, after the incident was brought to the agency's attention, Frontex introduced changes to the reporting of passenger lists for return flight to avoid such a situation in the future. Frontex is responsible for the coordination of the logistical side of the return operations, but it is crucial to understand that the decision about who should be returned can only be taken by the judicial or administrative authorities of the Member States. According to European legislation, the individual is always given the possibility to appeal against this return decision. Frontex does not have the mandate to enter into the merits of return decisions issued by the Member States. This is the exclusive responsibility of Member States. However, after the report of the independent monitor and the FRO observations, presented to the agency's Management Board and the Consultative Forum, Frontex took action to mitigate the situation by introducing changes to the reporting system so that the agency will be notified if a minor is on the list of passengers to be returned.

8) Frontex has not reacted to information about violation of fundamental rights by Hungarian border police

This is not true. In 2017, the agency asked the European Commission for a legal opinion related to legislative changes in Hungary. Furthermore, Frontex consequently reduced the number of officers deployed in the area.

9) Frontex is trying to limit the contact of the agency's officers with migrants at the external borders and invests in aerial surveillance instead

This information is false. At the moment, the agency deploys 1368 officers at the external borders, 25 vessels, 13 aircraft, 90 patrol cars, 13 thermovision vans, as well as other smaller equipment.

Aerial surveillance is, and has always been, part of our border control activities and aim at detecting possible boats in distress, but also cross-border crime, such as drugs or weapons smuggling, people smuggling, illegal fishing or environmental crime.

It is crucial to understand that Search and Rescue (SAR) consists of two elements: search – monitoring and locating a vessel in distress, and rescue – the action performed to save people at risk at sea.

In the vast majority of SAR operations, planes are tasked with surveillance and determining the exact location of a boat in distress. If a plane spots a vessel in distress, it immediately informs the relevant maritime rescue coordination center that sends the closest and most capable vessel to perform the rescue.

10) Frontex coordinates (...) dealing with newly arrived refugees in EU countries and other countries

This information is false. The agency does not replace border control duty of the individual EU member states, but provides additional assistance to Member States in the identification and registration of migrants, but works under the command of national authorities. Just like on board of every vessel, helicopter, aircraft and patrol car deployed by Frontex a national border police/coast guard officer is always present, officers deployed by Frontex to the hotspots work under the command of the national team leader.

11) Since last year, Frontex has not only received images from its own reconnaissance satellites and from the defense, aerospace company Airbus, but also from reconnaissance drones.

This information is incorrect. Frontex does not own satellites. It can use satellite images for monitoring purposes and acquires them via the Copernicus Programme managed by the European Commission and from the EU SATCen. Furthermore it is important to stress that Frontex is not flying any drones at present and does not receive any information from drones. The agency merely tested the possible use of drones in Italy and in Greece and the tests finished in June.

The quality of the article would have been considerably improved had the authors dedicated more time to scrutiny of the Frontex Regulation governing the agency's activities and the regular publicly available information on its operations

Frontex Press Office stands ready to assist researchers and journalists with any queries which might help the public to better understand the agency's work.

For the reasons stated above, we request that you correct the original article and publish a factual version within the next 24 hours.

Kind regards,
Frontex Press Office

From: [REDACTED] personal data
Sent: 22 January 2020 16:10
To: [REDACTED] personal data
Cc: Press
Subject: Letter of concern - HesaMag

Follow Up Flag: Follow up
Flag Status: Completed

Dear [REDACTED] personal data

We are extremely concerned by the number of false statements and inaccuracies contained in the article, "Frontex, keeping a forceful watch at the borders of Fortress Europe". We ask you to correct the article to reflect the following issues:

- [REDACTED] *personal data*, who accompanied the journalists to the operational area in Albania, made it very clear that she cannot be quoted. Her request was ignored by the journalist who not only quotes her by name (spelled wrongly, by the way), but she is also quoted as a spokesperson (p. 33 and p.34).
- Prior to the embedment of your journalists on board of our patrol car, [REDACTED] *personal data* made it clear to the journalists that no personal data of the officers nor any sensitive information related to the Frontex operation can be photographed. To our great disappointment, the article includes a photo of our officer with his name and badge fully visible. This must be blurred.
- On the same note, someone's identity documents photographed in the Albanian officer's booth are fully visible. Please note this constitutes a serious violation of personal data of the owner of this document. This also needs to be blurred.

Furthermore, we are concerned with the high number of **factual** mistakes, namely:

- On p. 35 the author writes "With his blue armband, [REDACTED] *personal data* seems happy with his current job, which gives him more responsibility." It is **not true** as **only Frontex -deployed officers coming from either EU Member States and Schengen Associated Countries can legally wear blue armbands with EU and Frontex logos**. None of the Albanian officers delegated to work with Frontex deployed officers can wear Frontex or EU insignias or armbands – we are not sure why the journalist wrote so, as it is clear from the photos illustrating your article that the Albanian officer is NOT wearing such armband.
- Title on p. 35 mentions *643 agents*. **The number is incorrect**. At the time of the interview, Frontex had about 1400 officers (agents) coming from EU Member States at the external borders of the EU. Presumably, the journalist referred to the number of *employees* (staff members) working at the headquarters in Warsaw, Poland.
- On p. 35 the author writes "*This change gave rise to the reform adopted in 2016 by the European Council of heads of state or government. This was a real turning point in the prerogatives of Frontex, then reaffirmed in October 2018 by a new reform along these lines.*" **This is also wrong**, as the latest regulation 2019/1896 has been adopted on 13 **November 2019**. There was no reform introduced in October 2018
- On p. 36 the author links tenders held by Frontex specifically with technology. **This is not correct**: if you look on our website you will see that many of them relate to day-to-day activities of the agency such as: provision of postal services for Frontex, space Planning & Workplace

Consultancy, provision of Maintenance Services of Audio-video Equipment in Frontex Premises, provision of hosting and maintenance services for Frontex official website, framework Contract for the Provision of Mobile office containers, rather than being only linked to aerostats or surveillance equipment <https://frontex.europa.eu/about-frontex/procurement/general-information/>.

- On p. 36, the author implies that Frontex is not saving lives: *“Frontex observes, but does not rescue”*. This is a very serious and completely wrong accusation. In fact, since 2015 Frontex officers helped saved more than **340 000 lives** in all its sea operations. This information is available not only on our website, but also in the press pack given to the author.
- As far as the reference to Salvamento Maritimo on p. 36 is concerned, please note that Salvamento Maritimo is a **governmental body** under the Ministry of Transportation, explicitly tasked with search and rescue by the Spanish state.
- On the same page the journalist mentions that *“Salvamento Maritimo has very little to do with the agency. We never see them. Actually, no one really knows what they’re doing”*. Had the journalist contacted us, he would learn that in Spain Frontex works with two law-enforcement partners: Cuerpo Nacional de Policía and Guardia Civil. Please consult our website: <https://frontex.europa.eu/partners/national-authorities/s>
- The author says that our operation Hera *“involves patrolling off the coasts of Morocco, Senegal and Mauritania”*. Also **this information is also wrong**: Operation Hera, **which ended in 2018, never involved patrolling of the national waters of Morocco**.
- In the same subsection, we also have concerns about the following sentence: *“As evidence of its power outside Europe, the agency has numerous liaison officers posted there, particularly in Niger”*. **This is also wrong**. There is **only one** Frontex liaison officer located in Niger. At that moment, we only had two more liaison officers outside the EU: one in the Western Balkans and one in Turkey.

Last but not least, norms of professional journalism require providing the right of reply when accusing an organisation of serious violations. It is regrettable that the journalist did not even seek our response to the accusations of the Belgian CIRE (p.34) either during our interactions, or via email.

There are several safeguards that guarantee respect for fundamental rights in our operations: they are at the core of all the agency’s activities. They are integrated into the Frontex Codes of Conduct, the Common Core Curricula for border guards, specialised training for border surveillance officers or officers conducting forced return operations. Frontex adheres to the Charter of Fundamental Rights of the European Union. The Code of Conduct obliges every officer who has a reason to believe fundamental rights of any person were violated, either by witnessing such violation directly, or by hearing about it, to report this immediately to Frontex in form of a Serious Incident Report. All reports related to potential violation of fundamental rights are immediately passed on to the agency and Fundamental Rights Office, an independent body established to advise the agency and monitor compliance with fundamental rights in all its activities. Frontex is also setting up a pool of 40 fundamental rights monitors for our operations. It is a shame the journalist did not ask this question during his interview in Warsaw.

I would like to stress that our concern is not with the opinion of the author of the article about Frontex as we respect the editorial decisions either to support or to criticise EU institutions, but rather with the disturbing number of factual mistakes. Many of them stem from simple lack of research which is easily available on our website and in the press pack we provided to the journalist.

This is surprising as the author spent a lot of time with us both in Albania and in Warsaw and I believe we showed ourselves open enough to answer questions and provide information to your magazine.

Quoting of the person who accompanied the journalist to the operational area who explicitly said she is not authorised to talk on the record or publishing personal details of our officers and of a document at the border crossing point violates the agreements made prior to giving the journalist access to an area which otherwise is not open to the media for exactly the reasons listed above.

We would be grateful if you corrected as soon as possible the mistakes in your article and blurred the personal data on the photos in the online version.

 personal data

 personal data

From:  personal data

Sent: Monday, January 20, 2020 2:38 PM

To: Press <Press@frontex.europa.eu>

Subject: published article on Frontex

Dear Sir/ Madam,

I'm the deputy editor of the magazine *HesaMag*, published by the European Trade Union Institute in Brussels. Our latest issue was on the subject of migrant workers in Europe and there was an article about Frontex, for which some of your staff gave interviews. I just wanted to notify you that the issue is now out and that I would be happy to send you a copy if you provide me with an address. Otherwise, you can read the PDF version online here: <https://www.etui.org/Publications2/Periodicals/HesaMag-20-Migrant-workers-in-Fortress-Europe>

Kind regards,

 personal data

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From: Press
Sent: 24 January 2020 10:48
To: [REDACTED] personal data
Cc: Press
Subject: Reaction to article "Europe's migration crisis seen from orbit"
Categories: [REDACTED] personal data

Dear [REDACTED] personal data,

We are contacting you with regard to the article "Europe's migration crisis seen from orbit" published in Politico on 19 January.

The article implies that the European Union does not use Earth Observation capabilities for saving lives at sea.

As a matter of fact, earth observation data is a key element in the EU's efforts to protect Europe's external borders and to save people in distress at sea.

We would like to clarify the role of Frontex in monitoring EU's external borders and explain how the agency uses earth observation tools to save people in distress at sea, fight against cross-border crime and to improve the internal security of the EU.

Frontex continuously develops and improves surveillance capabilities by using state-of-the art technologies, including machine learning and processing of big data.

One of the agency's tasks is to monitor EU's external border and share the information on the situational picture with EU member states.

Frontex has developed a set of surveillance tools under Eurosur Fusion Services, which allow the agency and the Member States to monitor external EU borders and pre-frontier area, including the Mediterranean Sea. These services include vessel detection, surveillance of an area of interest, pre-frontier and coastal monitoring and other.

Frontex has been a part of the Copernicus Programme since 2015, when the Delegation Agreement between Frontex and the European Commission on the Implementation of the Border Surveillance Component of the Copernicus Security Service was signed.

Copernicus data allow Frontex to achieve its primary objective – to increase situational awareness at European external borders by mapping, monitoring and providing risk assessments.

For the provision of these products, Frontex mainly uses optical and radar satellites and in situ data. The actual provision of the products is done in cooperation with several external partners, including the European Maritime Safety Agency (EMSA), the EU Satellite Centre (SatCen), the European Fisheries Control Agency (EFCA) as well as commercial partners.

We are surprised that a publication as well respected as Politico did not present the EU's efforts when it comes to satellite surveillance.

We remain at your disposal for any additional information and will be happy to work together in the future,

Best wishes,

 personal data

