

# Annexes of Operational Plan

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## ANNEX 1a - CODE OF CONDUCT APPLICABLE TO ALL PERSONS PARTICIPATING IN FRONTEX OPERATIONAL ACTIVITIES

### CHAPTER I GENERAL PROVISIONS

#### Article 1

##### *Application, scope and objectives*

1. This code of conduct applies to all Frontex operational activities, including those which take place outside the territory of the Union and, subject to paragraph 2, to all persons participating in them.
2. The basic principles set out in this code of conduct should serve as a framework for persons who are seconded national experts, other law enforcement officers or officers or participants from third countries. This code of conduct is without prejudice to the provisions of any status agreement pursuant to Article 54 of the European Border and Coast Guard Regulation<sup>2</sup>.
3. This code of conduct aims to promote general values intended to guarantee the principles of the rule of law and respect for fundamental rights with particular focus on vulnerable persons, as well as on persons seeking international protection, and is applicable to all persons participating in Frontex operational activities.

#### Article 2

##### *Definitions*

For the purpose of this code of conduct, the following definitions apply:

- (a) The term 'participant' refers to any person participating or engaged in a Frontex operational activity.
- (b) The term 'Frontex operational activity' means any activity coordinated, assisted, financed or co-financed by Frontex in the context of assisting Member States in undertaking border control and return tasks, in accordance with Article 8 of the European border and coast guard regulation. Frontex operational activities include joint operations, pilot projects, return operations and training of relevant staff.
- (c) The term 'law enforcement officers' includes members of the European Border and Coast Guard teams and/or relevant staff from the Member States and/or from third countries, who have law enforcement prerogatives.
- (d) The term 'vulnerable persons' may include women, children (unaccompanied or with family members), persons with disabilities, the elderly, victims of torture or trauma, persons susceptible to exploitation and victims of exploitation or trafficking in human beings.
- (e) The term 'Member State' also includes the Schengen associated countries.
- (f) The term 'discrimination' means any unequal treatment or arbitrary action or distinction based on a person's sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, nationality, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation or other status.
- (g) The term 'harassment' means intentional behaviour which is unwanted by the person to whom it is directed and which has the purpose or effect of offending that person or creating an intimidating, hostile or offensive environment.
- (h) The term 'social media' includes blogs, business networks, social networks, forums, photo sharing, products/services review, social bookmarking, social gaming, video sharing and virtual worlds.

<sup>2</sup> Pursuant to Article 54 of Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard (OJ L 251, 16.09.2016, p. 1), a status agreement shall be concluded by the Union with the third country concerned in cases where it is envisaged that teams will be deployed to a third country in actions where the team members will have executive powers, or where other actions in third countries require it.

**CHAPTER II  
PRINCIPLES**

**Article 3  
*Lawfulness***

1. Participants must:
- a) comply with international law and Union law as well as the national law of both home and host Member States;
  - b) meet the obligations imposed upon them by the provisions stated in the operational/implementation plan.

**Article 4  
*Fundamental rights***

Participants must:

- (a) promote, respect, fulfil and protect human dignity and the fundamental rights of every individual, regardless of their sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, nationality, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation or other status, with particular focus on vulnerable persons;
- (b) ensure respect for the relevant international and European instruments regarding fundamental rights protection, including the asylum acquis.

**Article 5  
*International protection***

Participants must:

- (a) promote, respect, fulfil and protect the right of persons seeking international protection to be identified, receive adequate assistance and be informed in an appropriate way, preferably using a number of the most common languages that third-country nationals understand or are reasonably believed to understand, about their rights and relevant procedures;
- (b) ensure that persons in (a) above must be referred without delay to the national authorities responsible for considering their requests, in compliance with the principle of non-refoulement, the prohibition against arbitrary and collective expulsions and the right to seek asylum;
- (c) ensure that persons in their custody are treated in accordance with the right to human dignity, and are provided with basic necessities, including food, water, shelter and medical attention to meet their individual needs;
- (d) ensure that special consideration is given to vulnerable persons as well as to persons seeking international protection.

**Article 6  
*Performance of duties***

Participants must:

- a) ensure that instructions, directives and required duties given to them are carried out promptly and in accordance with the training received on the protection of fundamental rights;
- b) display that they are on a Frontex operational activity, unless such transparency would compromise either their personal safety or duly justified operational objectives;
- c) use resources put at their disposal responsibly and avoid unnecessary waste: such resources may include mobile offices, cars, computers or phones.

**Article 7  
*Responsibility***

Participants are primarily responsible for all the actions in the context of their participation in a Frontex operational activity. Any breach of the participants' legal obligations or this code of conduct, or any failure by

those participants to refer or report any suspected breaches of this code of conduct, should be reported using the appropriate channels.

**Article 8**  
***Conflict of interests***

Participants must refrain from any activities which would undermine or compromise their impartiality and the appropriate performance of their duties.

**Article 9**  
***Confidentiality***

1. The processing of personal data by participants must comply with the applicable Union as well as national data protection law.
2. Participants must not record any aspect of Frontex operational activities for private use. Professional information in the possession of a participant in current, past or planned Frontex operational activities must not be publicly disclosed, including on social media, unless the performance of the duty strictly requires disclosure, or such disclosure has been appropriately authorised in accordance with the applicable standards.
3. Participants must not express themselves regarding current, past and planned Frontex operational activities in the media, including social media, unless explicit authorisation is given, in accordance with the operational/implementation plan or other similar agreed rules.

**Article 10**  
***Behavioural Standards***

Participants, whether on or off duty, must:

- (a) not behave in a way likely to compromise the prestige and the nature of the public mission in which they are invested, or to bring discredit upon their organisation, entity or Frontex;
- (b) act with fairness, impartiality and non-discrimination and treat all persons with dignity, courtesy and respect;
- (c) not take any actions contrary to public order;
- (d) not use vulgar, obscene or otherwise offensive speech or gestures that could be considered abusive;
- (e) not be ignorant of cultural differences when interacting with persons so as to cause misunderstandings.

**CHAPTER III**  
**PROHIBITED CONDUCTS**

**Article 11**  
***Prohibition of abuse of authority and position***

All improper use of a position of influence, power or authority is forbidden.

**Article 12**  
***Non-Discrimination***

All forms of discrimination as defined in Article 2(f) towards persons participating in, involved in or otherwise affected by Frontex operational activities, or the general public is forbidden.

**Article 13**  
***Prevention of harassment***

All forms of harassment as defined in Article 2(g) towards persons participating in, involved in or otherwise affected by Frontex operational activities, or the general public is forbidden.

[REDACTED]

**Article 14**

***Consumption of alcohol***

1. The consumption of alcohol while on duty is forbidden.
2. The consumption of alcohol off duty must be moderate, unless the operational/implementation plan prohibits any such consumption.
3. A participant unexpectedly called out for duty is obliged, at no risk of discredit, to say that he/she has consumed alcohol and may not be fit for duty.
4. A participant in a state of intoxication due to the consumption of alcohol must not report for duty or appear in public.

**Article 15**

***Use of narcotics and drugs***

1. The use or possession of narcotics or drugs, unless prescribed for medical reasons, is forbidden.
2. A participant in a state of intoxication due to the use of narcotics or drugs must not report for duty or appear in public.

**Article 16**

***Prohibition on sexual services and sexual abuse***

1. Using or soliciting services of a sexual nature by participants, whether in public or in private, is forbidden. Engaging in abusive and exploitative sexual activities by participants is strictly prohibited.
2. Participants shall refrain from any conduct of a sexual nature that implies an abuse of their power and influence by virtue of their position.
3. Participants should show full awareness of cultural differences in particular related to gender issues when interacting with persons affected by Frontex operational activities in order to avoid any misperceptions.

**Article 17**

***Corruption and misconduct***

1. Participants must not engage in any form of corrupt activity.
2. The use by participants of their public position for illegitimate private gain as well as the acceptance of unjustified rewards for actions taken in Frontex operational activities is forbidden.

**CHAPTER IV**

**SPECIAL RULES AND PRINCIPLES APPLICABLE TO LAW ENFORCEMENT OFFICERS**

**Article 18**

***Use of force and weapons***

1. Pursuant to Article 40 of the European border and coast guard regulation, while performing their tasks, members of the teams may only use force, including service weapons, ammunition and equipment, with the consent of the home Member State and the host Member State, in the presence of border guards of the host Member State and in accordance with the national law of the host Member State. The host Member State may, with the consent of the home Member State, authorise members of the teams to use force in the absence of border guards of the host Member State.
2. The host Member State may prohibit the carrying of certain service weapons, ammunition and equipment, provided that its own legislation applies the same prohibition to its own border guards or staff involved in return-related tasks. This information is shared in advance with Frontex and the Member States.
3. The use of force, and in particular of weapons, must be as a last resort and not exceed the minimum degree necessitated by the circumstances. It has to be proportionate for the performance of duties or in legitimate self-defence or in legitimate defence of other persons and must be in strict compliance with the relevant guarantees provided for in national, Union and international law.

[REDACTED]

**CHAPTER V  
FINAL PROVISIONS**

**Article 19  
Awareness**

Participants must:

- (a) prior to their engagement in a Frontex operational activity, get acquainted with the content of this code of conduct, for example through appropriate means provided by national authorities responsible for the deployment of the participants or by Frontex;
- (b) keep themselves informed about the most up-to-date Frontex objectives, good practices and policies.

**Article 20  
Duty to cooperate and to inform**

1. Participants have the duty to cooperate in the gathering of facts of any incident which was reported during a Frontex operational activity.
2. Participants must provide information about the complaints mechanism and complaint form to any person who wants to report an alleged fundamental rights violation under that mechanism.

**Article 21  
Sanctions**

1. In the case of a violation of this code of conduct by a member of Frontex staff, the Executive Director must take adequate measures which may include the immediate removal of the member of Frontex staff from the Frontex operational activity, in accordance with the Staff Regulations<sup>3</sup> and the Frontex Disciplinary Procedure<sup>4</sup>.
2. If the violation was committed by a person deployed by a Member State, the Executive Director communicates the incident to the responsible Member State. The Executive Director expects the relevant authority of the Member State to use its powers regarding the necessary disciplinary measures and, if applicable, suspend or remove the person concerned from the respective pool for a defined period. Nevertheless, if the continued engagement of this person jeopardises the Frontex operational activity in question, the Executive Director may decide to suspend or remove him or her from that activity.

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<sup>3</sup> Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968 laying down the Staff Regulations of Officials of the European Communities (and the Conditions of employment of other servants of those Communities) (OJ L 561, 4.3.1968, p. 1).

<sup>4</sup> MB Decision 23/2012 adopting Frontex Disciplinary Procedure or its successor.



# ANNEX 1b - CODE OF CONDUCT FOR RETURN OPERATIONS AND RETURN INTERVENTIONS COORDINATED OR ORGANISED BY FRONTEX

## CHAPTER I INTRODUCTION

### Article 1 Scope and subject matter

1. This Code sets out common standardised procedures and principles to be followed during all return operations (hereinafter "RO") and return interventions (hereinafter "RI") coordinated or organised by the European Border and Coast Guard Agency (Frontex).
2. This Code is addressed to all participants as defined below.

### Article 2 Relation with Frontex Code of Conduct applicable to all persons participating in Frontex operational activities and other relevant documents

1. This Code complements the provisions of the Code of Conduct applicable to all persons participating in Frontex operational activities and is to be read and interpreted in line with the relevant international and EU law (see Annex).
2. Technical and detailed instructions for the practical implementation of Frontex coordinated or organised RO and RI are included in operational documents agreed between Frontex and the Member States involved.
3. Other documents adopting guidelines or best practices for RO and RI developed and updated by Frontex together with the authorities of Member States and the Frontex Consultative Forum, provide operational guidance for Frontex coordinated or organised RO and RI in order to standardise procedures and to simplify their organisation.

### Article 3 Definitions

1. For the purpose of this Code, the following definitions apply:
  - a) The term 'Member State' (hereinafter "MS") also includes the Schengen Associated Countries.
  - b) The term 'participant' means any person, including escorts, monitors, interpreters and medical staff, taking part in an RO or RI, other than the returnee.
  - c) The term 'return operation' means an operation that is coordinated by Frontex and involves technical and operational reinforcement being provided to one or more MS under which returnees from one or more MS are returned either on a forced or voluntary basis.
  - d) The term 'return intervention' means an activity of the European Border and Coast Guard Agency providing MS with enhanced technical and operational assistance consisting of the deployment of European return intervention teams to MS and the organisation of RO.
  - e) The term 'collecting return operation' means a RO for which the means of transport and forced-return escorts are provided by a third country of return.
  - f) The term 'Organising Member State' (hereinafter "OMS") means the MS which is responsible for the organisation of a RO.
  - g) The term 'Participating Member State' (hereinafter "PMS") means a MS other than the OMS which participates in a RO or RI by providing technical equipment or staff.
  - h) The term ' ' means the forced-return escort who are, in accordance with the instructions given, in charge of managing a national group of escorts during a RO. Each organising and participating MS appoints there.
  - i) The term 'forced-return escort(s)' refers to the security personnel, including persons employed by a private contractor, responsible for accompanying the returnees, in particular during their transportation out of the MS.
  - j) The term 'head of RO' means the person appointed by the OMS as having the overall responsibility for a RO. Where no particular person is appointed, the OMS is to be considered as the head of the RO.

- [REDACTED]
- k) The term 'forced-return monitor(s)' refers to persons who monitor the RO in accordance with the effective monitoring system established by MSs pursuant to Article 8(6) of the Directive 2008/115/EC5 (hereinafter "Return Directive").
  - l) The term 'fit-to-travel' refers to a returnee's medical condition (both physical and mental), which allows the person to travel safely.
  - m) The term 'pre-departure phase' means the period starting with transportation of the returnee(s) to the place of departure of the means of transportation used to implement the RO.
  - n) The term 'vulnerable person' may include minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illness, persons with mental disorders and persons who have been subject to torture, rape or other serious forms of psychological, physical or sexual violence.
  - o) The term 'non-refoulement' means a legal principle in accordance with which no persons should be returned to a country where, inter alia, there is a serious risk that they would be subjected to the death penalty, torture, persecution or other inhuman or degrading treatment or punishment, or where their life or freedom would be threatened on account of their race, religion, nationality, sexual orientation, membership of a particular social group or political opinion.
2. Other definitions provided for in the European Border and Coast Guard Regulation<sup>6</sup> (hereinafter "Regulation") apply.

## CHAPTER II GENERAL PRINCIPLES

### Article 4 Respect for Fundamental Rights

1. RO and RI are to be conducted in a humane manner and in compliance with fundamental rights as enshrined in the EU Charter of Fundamental Rights and in other relevant international instruments, in particular human dignity, the right to life, the principle of non-refoulement, the right to asylum, the prohibition of torture and of inhuman or degrading treatment or punishment, the right to liberty and security, the rights of the child, the best interests of the child, the rights to the protection of personal data and non-discrimination, and the right to respect for private and family life and privacy.
2. RO and RI are to be conducted without discrimination on any ground such as gender, racial or ethnical origin, genetic features, language, religion or belief, nationality, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation or other status.
3. An RO or RI must be suspended or terminated in whole or in part if the Executive Director considers that there are violations of fundamental rights or international protection obligations that are of a serious nature or are likely to persist in accordance with Article 25(4) of the Regulation.
4. In accordance with Article 27(4) of the Regulation, Frontex's financial support to MS for the RO is conditional upon full respect of the EU Charter of Fundamental Rights.

### Article 5 Safety in return operations and return interventions

Returnees' safety, as well as the safety of the participants and of the crew members, are paramount during RO and RI. The captain of the aircraft/vessel or head of RO/the competent authorities of the MS hosting an RI or Frontex, depending on the phase of the RO or RI, must suspend or terminate the RO or RI in case they consider its continuation unsafe.

<sup>5</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

<sup>6</sup> Regulation (EU) 2016/1624 of 14 September 2016 on the European Border and Coast Guard (OJ L 251, 16.9.2016, p. 1).

**Article 6**  
**Cooperation with returnees and duty to inform**

1. The competent authorities of the OMS and PMS as well as participants, taking into account individual risk assessments, shall seek cooperation with each returnee at all stages of the RO or RI in order to avoid or limit to the minimum extent necessary the use of force.
2. The competent authorities of the OMS and PMS are expected to give sufficient and clear information to the returnees about the RO or RI.
3. The head of RO or the competent authorities of the MS hosting an RI, as applicable, ensure that information about the possibilities to lodge a complaint concerning alleged fundamental rights violation during the RO or RI is provided, for example via Frontex complaints mechanism in compliance with the applicable rules.

**Article 7**  
**Use of coercive measures**

1. The use of coercive measures must be legal, necessary and proportional, not exceeding reasonable force, and with due respect to the returnee's rights, dignity and their physical integrity. The use of coercive measures takes appropriate account of the individual circumstances of each person, such as their vulnerable condition.
2. Coercive measures may be used only when strictly necessary on returnees who refuse or resist removal or in response to an immediate and serious risk of the returnee escaping, causing injury to themselves or to a third party, or causing damage to property.
3. Coercive measures likely to compromise or threaten the possibility of the returnees to breathe normally are prohibited. The relevant periodically reviews the continuing necessity and proportionality of deploying coercive measures, and particularly of applying means of restraint, when these are used for prolonged periods, based on a dynamic risk assessment.
4. The OMS and Frontex provide for a list of authorised restraints in the operational documents in advance of the RO or RI. Where applicable, this list must be distributed to the relevant PMSs prior to the RO or RI. The use of sedatives to facilitate the removal is forbidden without prejudice to emergency measures under medical supervision to ensure flight security.
5. No PMS participants are required to use coercive measures not allowed under their national legislation even if those measures are accepted by the OMS and Frontex for that particular RO or RI.
6. Returnees must not be threatened in order for them to board a means of transport. They must not be punished for not having done so without prejudice to sanctions provided for by applicable legislation.

**CHAPTER III**  
**ORGANISATION OF THE REMOVAL**

**Article 8**  
**Fitness to travel and medical examination**

1. The returnees are to be removed only as long as they are "fit-to-travel" at the time of the RO or RI. The OMS must refuse the participation of a returnee who is not fit-to-travel.
2. In a reasonable time prior to the RO or RI, the authorities of the MS are required to provide for a medical examination of a returnee, subject to their agreement, where they have a known medical condition or where medical treatment is required. Medical procedures should be carried out in a manner that observes the principles of medical confidentiality and dignity.
3. Relevant PMS inform the OMS in advance about any medical condition of a returnee which would need special care and attention.
4. The processing of medical information must be carried out in line with applicable EU or national data protection legislation. The medical data may only be exchanged among doctors to the minimum necessary extent. In the case medical information cannot be exchanged amongst doctors, s will enable the exchange of this data with due confidentiality.

**Article 9**  
**Selection and training**

MS and, where applicable, Frontex, carefully select participants taking into account their particular functions in RO and RI and ensure that, prior to their participation, they have received appropriate training in relevant Union and international law, including on the protection of fundamental rights and access to international protection.

**Article 10**  
**Referrals**

Participants must refer persons seeking international protection and vulnerable persons without delay to the competent authorities of the relevant MS that are responsible for considering their requests.

**Article 11**  
**Responsibility**

Without prejudice to individual responsibility pursuant to Article 7 of the Code of Conduct applicable to all persons participating in Frontex operational activities, the competent authorities of the MS have the overall responsibility in accordance with general principles of State responsibility (e.g. for investigating and sanctioning actions of their staff), and according to Article 20 of this Code as well as Articles 29(5), 30(5) and 31(5) of the Regulation, irrespective of whether the participants are State employees or employed by a private contractor.

**Article 12**  
**Identification**

All participants should be identifiable and fully distinguishable from returnees. For this purpose, official vests, armbands, badges or some other distinguishing signs are required to be worn while on duty.

**Article 13**  
**Recording**

Any form of recording during a RO or RI is possible only when specifically agreed between the relevant MS, Frontex and/or the company operating the means of transport, and in compliance with applicable legislation on protection of personal data. Recording for private use is prohibited.

**Article 14**  
**Medical staff and interpreters**

1. During each RO and RI at least one medical doctor provided by the OMS should be present.
2. The OMS provides appropriate medical staff and, depending on an assessment of the returnees and escorts' needs and language skills, suitable interpreters during the RO or RI.
3. If necessary, the PMS may also provide own medical staff in an RO or RI.

**CHAPTER IV**  
**MONITORING SYSTEM FOR FORCED-RETURN OPERATIONS**

**Article 15**  
**Scope and nature**

1. The monitoring of forced RO aims at gathering information and reporting of Fundamental Rights compliance and, where appropriate, making recommendations for the strengthening of the protection of returnees.

- [REDACTED]
2. The monitoring system established in accordance with Article 8(6) of the Return Directive must be effective and involve monitoring by organisations/bodies independent from the authorities enforcing return. MS taking part in a forced RO are required to ensure that they have an effective forced return monitoring system in place.
  3. The monitoring of forced RO should be carried out on the basis of objective and transparent criteria and covers the whole forced RO, from the pre-departure phase until the hand-over of the returnees in the country of return or back to the country of departure.

**Article 16**  
**Forced-return monitors**

1. In order to ensure an effective monitoring system, forced-return monitors must have access to all relevant information concerning the RO, including:
  - a) timely communication of the date and time of the RO, the country(ies) of return and necessary travel documents, the number and origin of returnees particularly including any forms of vulnerability, e.g. pregnant women, families with children, elderly people, persons with disabilities or with a medical condition;
  - b) access to returnees, unless prevailing individual or collective risk assessment prescribes otherwise;
  - c) unimpeded access to all areas used for the RO.
3. Forced-return monitors have the right to attend the briefings prior to the RO as well as participate in the debriefings where they may provide a brief account of the main findings.
4. Forced-return monitors may inform the head of RO and/or the (s) of any perceived irregularities but may not interfere with the planned execution of the RO.
5. When feasible and subject to prior agreement between the MS concerned, forced-return monitors may also monitor on behalf of other MS taking part in an RO.
6. Forced-return monitors may use the services of participating interpreters in order to communicate with the returnees.

**CHAPTER V**  
**FINAL PROVISIONS**

**Article 17**  
**Data protection**

The processing of personal data by participants must comply with the applicable EU and/or national data protection law.

**Article 18**  
**Awareness**

1. MS ensure that participants are:
  - d) acquainted with the content of this Code prior to their deployment in the RO or RI;
  - e) informed about the most up-to-date Frontex objectives, best practices and policies;
  - f) acquainted with relevant referral mechanisms according to Article 10.
2. Frontex ensures that the content of this Code is communicated to the national authorities of the countries of return.

**Article 19**  
**Reporting**

Any participant in the RO or RI who has reasons to believe that a violation of this Code or of Fundamental Rights has occurred is required to report it to Frontex via the appropriate channels, such as the Frontex Serious Incident Reporting (SIR) system.



**Article 20**  
**Investigation procedure and right to be informed**

1. If the violation was committed by a person assigned by a MS, Frontex must communicate the facts to the competent national authority concerned that provides for an effective and independent investigation.
2. The competent authorities of the MS are expected to inform Frontex of the conduct and results of such investigation.
3. The Executive Director may request information on the conduct and results of the investigation and may decide to inform the Management Board accordingly.
4. The returnee may request information from the competent authority and should be informed of the measures taken and possible remedies.

**Article 21**  
**Sanctions**

1. In the case of a violation of this Code by a member of Frontex staff, the Executive Director takes adequate measures in accordance with the relevant applicable rules<sup>7</sup>.
2. If the violation was committed by a person deployed by a MS, the Executive Director communicates the incident to the responsible MS. The Executive Director expects the relevant authority of the MS to use their powers regarding the necessary disciplinary measures and, if applicable, suspend or remove the person concerned from the respective pool for a defined period. Nevertheless, if the continued engagement of this person jeopardises the Frontex RO or RI in question, the Executive Director may decide to suspend or remove him or her from that activity.

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<sup>7</sup> Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968 laying down the Staff Regulations of Officials of the European Communities (and the Conditions of employment of other servants of those Communities) (OJ L 561, 4.3.1968, p. 1) and Frontex Management Board Decision No 23/2012 adopting Frontex Disciplinary Procedure.

## ANNEX 2 - GENERAL INSTRUCTIONS ON HOW TO ENSURE THE SAFEGUARDING OF FUNDAMENTAL RIGHTS DURING THE OPERATIONAL ACTIVITY INCLUDING COMPLAINTS MECHANISM

### European Border and Coast Guard obligations in regard to safeguarding fundamental rights

- **Frontex's obligations**

Frontex guarantees the protection of fundamental rights in the performance of its tasks in accordance with the relevant EU law, including the Charter of Fundamental Rights of the European Union, the relevant international law, including the Convention Relating to the Status of Refugees of 1951, the respect for fundamental rights, in particular the access to international protection, and the compliance with the principle of non-refoulement, and taking into account the recommendations of the Frontex Consultative Forum on fundamental rights.

The European Border and Coast Guard Regulation requires Frontex to put in place an effective mechanism to monitor the respect for fundamental rights in all its activities. Frontex developed a Fundamental Rights Strategy, adopted a Code of Conduct applicable to all persons participating in Frontex operational activities ("CoC") and established a complaints mechanism. The CoC lays down procedures intended to guarantee the principles of the rule of law and the respect for and promotion of fundamental rights with particular focus on vulnerable persons, including children and other persons in a vulnerable situation, as well as on persons seeking international protection, including the obligation of referral to national authorities competent for receiving asylum requests.

Furthermore, Frontex is obliged to ensure that all border guards and other personnel of the Member States, who participate in the European Border and Coast Guard Teams (EBCGT), as well as Frontex staff members, have received, prior to their participation in operational activities, a training in relevant EU and international law, including fundamental rights and access to international protection and maritime law.

Pursuant to the provisions of Article 46(4) and (5) of the Regulation, Frontex has the obligation to suspend, terminate or not to launch its operational activity in case of serious or persistent violations of fundamental rights or international protection obligations.

- **Obligations of all persons involved in operational activities coordinated by Frontex**

All persons involved in Frontex operational activities are obliged to maintain the highest standards of integrity, ethical conduct, professionalism and respect for fundamental rights. They are expected to meet obligations imposed upon them by the provisions of the present Operational Plan and are obliged to comply with the rules of their mandates. They are obliged to comply with European law, international law, fundamental rights and also the national law of the host Member State.

All persons involved in Frontex operational activities are expected to act responsibly and proportionately to the current operational objectives. While performing their duties they shall not discriminate against persons on any grounds such as sex, race, ethnic or social origin, genetic features, language, religion or belief, nationality, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. They are expected to treat every person with courtesy, respect and due consideration for the nature of any legitimate activity in which they are engaged. They are obliged to report any alleged violation of fundamental rights that has occurred or is about to occur via the appropriate reporting channel.

In addition to the obligations set forth above, all persons participating in the joint operation must act with discretion and with respect for the right to privacy of other persons and the right to the protection of personal data concerning them. Unless explicitly authorized by Frontex Coordinating Officer and the national authorities, it is forbidden to make any type of records (e.g., photos, videos) of the activities carried out under the joint operation, except recordings performed during the border surveillance activity as defined under the chapter 4.3.1 in the Main part of the Operational Plan.

[REDACTED]

The Codes of Conduct are available as Annex 1.

#### Tasks and responsibilities with regard to respect for fundamental rights<sup>8</sup>

During the deployment and within their mandate, deployed Team Members have the following tasks and responsibilities with regard to respect for fundamental rights:

- Identify and refer to the competent authorities the persons in need of international protection and vulnerable persons
- Share expertise and best practices on fundamental rights compliance and protection
- Provide information about the Frontex complaints mechanism
- Report about potential fundamental rights violations and challenges

The general instructions to fulfil these tasks include:

**1. Identify and refer the persons in need of international protection, medical assistance, unaccompanied minors, victims of trafficking in human beings, and other persons in a vulnerable situation to the competent national authorities for appropriate assistance**

- **Special measures applicable to persons in need of international protection**

Host and the participating MSs shall address the special needs of persons in need of international protection.

Team Members shall refer to the national officer with whom they work with when a person is identified to or expressed, in any way, a fear of suffering serious harm if (s)he is returned to his/her country of origin or former habitual residence, or if he/she asks or claims for asylum or any other form of international protection.

The national officer shall hand over those persons referred by the Team Members to the competent host authority for an examination of their status.

Applicants in a need of international protection shall be informed on where and how their relevant applications may be lodged in accordance with the EU law and following the guidance of the EASO/Frontex practical tool on access to the asylum procedure.

- **Special measures applicable to vulnerable persons**

All participants of the JO shall identify vulnerable persons.

Team Members shall refer without delay to the national officer with whom they work vulnerable persons as described below. The national officer shall hand them over to the competent national authority. The potential victims of trafficking of human beings shall be handed over by the national officer to the competent host authorities.

A non-exhaustive list of the categories of vulnerable persons and applicable immediate actions:

- Children, in particular unaccompanied minors. In situations when the age of a person is uncertain and there are reasons to believe that the person is a child, that person is presumed to be a child, and should be referred to child protection authorities for further age determination proceedings;

<sup>8</sup> According to the Article 38(3)(d) of the Regulation the operational plan shall cover i.a. a description of the tasks, including those requiring executive powers, responsibilities, including with regard to the respect for fundamental rights.



- victims of trafficking in human beings, and due to the risk of exploitation, should be always separated from their potential traffickers during arrival proceedings. Specific referral mechanisms are available in each MS for their urgent protection, and they are available on FOSS;
- persons in need of urgent medical assistance, should be always referred to medical facilities without delay;
- persons with disabilities, should be provided with adequate support that prevents their isolation and ensure their basic needs are covered;
- elderly people;
- pregnant women;
- families consisting of single parents with children are not to be separated;
- victims of shipwrecks;
- persons with mental disorders, should be provided with adequate medical and psychological support;
- persons who could have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, should be referred to specialised protection services and receive adequate assistance also during arrival.

Each case should be evaluated individually during different operational activities.

Team members shall use objective criteria and available indicators, for instance, of victims of trafficking, described in the Handbook on Risk Profiles on Trafficking in Human Beings, to ensure a prompt identification of vulnerable persons and subsequent referral for their protection. Team Members should consider the gender of the vulnerable persons taking into account their dignity and cultural and physical diversity by possibly engaging female officers in their proceedings, if available. Where communication is needed with a potential vulnerable person, interpretation should be made available and the conversations should be performed with respect of their dignity and confidentiality<sup>9</sup>.

*More information on fundamental rights matters during screening, debriefing, fingerprinting and registration activities are available in the Handbook.*

*The answers to the "Questionnaire on the Legislative framework and procedural safeguards in host MS and cooperating third countries", including referral mechanisms, provided by Member States and Third Countries, are available in FOSS.*

## **2. Share expertise and best practices related to the protection and compliance with fundamental rights**

The Team Members should gather best practices and share their expertise in relation to the protection and compliance with fundamental rights while performing their tasks and are encouraged to share them through the reports.

Team Members should also inform the respective coordinating staff from Frontex and the Host MS about any challenges related to safeguarding of fundamental rights observed in the operational activities. Frontex Coordinating Officer will inform Fundamental Rights Monitors or Fundamental Rights Officer on the challenges reported by Team Members.

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<sup>9</sup> Training material on how to interview persons with trauma is available from EASO.

### 3. Provide information on Frontex complaints mechanism and the right to submit a complaint

#### **Background information**

According to Article 111 of the European Border and Coast Guard Regulation (hereinafter "Regulation"), the Agency sets up, in cooperation with the Fundamental Rights Officer (FRO), an independent and effective complaints mechanism to monitor and ensure the respect for fundamental rights in all the activities of the Agency.

Further, Article 38(3)(n) of the Regulation mandates the Agency's to adopt in the Operational Plan the procedures setting out a mechanism to receive and transmit to the Agency complaints against any person participating in an operational activity of the Agency.

Complaints include personal data and therefore should be dealt with in confidentiality and not transmitted via any other channel than those specifically designated by the complaints mechanism and established in the rules and procedures that follow.

For more information on the complaints mechanism please consult the Frontex website:

[www.frontex.europa.eu/complaints/](http://www.frontex.europa.eu/complaints/)

#### **General information**

##### ***Who can submit a complaint?***

Any person who is directly affected by the actions or failure to act on the part of staff involved in an Agency activity and who considers him or herself to have been the subject of a breach of his or her fundamental rights due to those actions or that failure to act, may submit a complaint. The complainant may be represented by any party.

##### ***What is the subject of the complaint?***

A concrete fundamental rights violation, or potential violation, resulting from an action or failure to act by a participant in an Agency activity.

##### ***Possible ways to submit a complaint***

A complaint must be made in writing and may be made using the official complaint form. Although the use of the complaint form is preferable, complaints can be submitted in any format, provided that the complaint is in writing.

The complainant has three (4) possible ways to present a complaint:

- Sending the complaint electronically, **including via mobile devices:**

Complainants can use the official complaint forms available in Frontex website in several languages, such as English, French, Spanish, Arabic, Russian, Farsi, Kurdish, Urdu, Pashtu, Tigrinya, Serbian or Albanian among others.

It is possible to download complaint forms and submit them electronically via Frontex website <https://microsite.frontex.europa.eu/en/Complaints>

Complainants can also find, in the above mentioned website, a link to a user-friendly complaint form to be submitted directly from their mobile devices.

- Sending the complaint via email to [complaints@frontex.europa.eu](mailto:complaints@frontex.europa.eu)

- Sending the complaint by post:  
Frontex Fundamental Rights Officer, Complaints Team  
Frontex, Plac Europejski 6,  
00-844 Warsaw, Poland
- Handing over the complaint to Frontex staff present in the operational area

#### **Duty to inform**

Frontex staff and members of the teams have the obligation to provide information about the complaints mechanism, including information on the complaint form, the privacy statement and relevant booklet on the applicable procedures to any person who expresses a wish to report an alleged fundamental rights violation against the staff involved in an Agency activity.

A booklet information on the complaints mechanism in several languages and/or posters will be available for distribution and/or to be displayed in the operational areas. In addition, a printable PDF version of the booklet is available in the Agency's website at [www.frontex.europa.eu/complaints](http://www.frontex.europa.eu/complaints) and upon request to [complaints@frontex.europa.eu](mailto:complaints@frontex.europa.eu).

Frontex staff and Team Members shall also provide information on the right to submit a complaint when a deployed officer in the Frontex coordinated or organized activity, in the course of any activity (screening, debriefing, registration, fingerprinting, etc.), indicates any potential violation of fundamental rights. They shall also provide such information to any individual who is an alleged victim of a fundamental rights violation or expresses in any way a complaint or an interest or will to lodge a complaint.

#### **Availability and using the hard copy of the complaint form**

Hard copies of the complaint form, privacy statement and booklets are available and accessible to everyone in the operational areas.

Persons who want to file a complaint using the hard copy of the form, will be granted the forms, the privacy statement and booklet on the complaints mechanism by the Frontex staff or the members of the team.

*The Complaint Form including the Privacy Statement are stored on FOSS.*

#### **4. Submit a serious incident report in case of alleged violations of fundamental rights**

Officers participating in JOs shall report immediately serious incidents (SI) to Frontex, in case he/she witnesses, is involved, or has grounds to suspect about the occurrence of an incident representing a possible violation of fundamental rights or international protection obligations [REDACTED]

SI involving allegations on possible violation of fundamental rights and/or CoC can be reported via standard SIR procedure in accordance to the SI reporting lines defined in the operational plan or the exceptional reporting mechanism explained below.

An exceptional reporting mechanism can be applied, for example when the reporting person has concerns that the disclosure of sensitive information on possible violation of fundamental rights or the CoC via the SIR mechanism could have consequences on their or others' integrity, reputation or deployment. After acknowledgement of such information, the participant shall immediately report such incidents to the FSC.

*The Serious Incidents Reporting procedure including Serious Incidents Catalogue is available in the Handbook.*

**Commented [A1]:** The non-disclosed part contains detailed information related to reporting tools and methods used by law enforcement officials to conduct border control tasks and counter criminal activities. Its disclosure would jeopardize the implementation of ongoing and future operations, and thus facilitate irregular migration and trafficking in human beings as the effectiveness of law enforcement measures would be significantly reduced. As disclosing this information would undermine the protection of the public interest as regards public security, this part is not disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001 .

## Fundamental Rights Monitors

The role of Fundamental Rights Monitors' (FRM) is to continuously assess the fundamental rights compliance of operational activities, provide advice and assistance in that regard and contribute to the promotion of fundamental rights as part of European integrated border management.

### Pilot Project on Fundamental Rights Monitors

A pilot project on FRM is being implemented in selected Frontex operational activities. In the course of the pilot project, the pilot FRM will conduct visits to the operational areas and observe the Frontex operational activities, including daily briefings and daily tasks of all participants. The pilot FRM report to the Fundamental Rights Officer.

The pilot FRM shall have access to all areas in which the operational activity takes place and to all its documents relevant for the implementation of the pilot project.

### Specific fundamental rights safeguards on Third Country observers<sup>10</sup>

Activities of Third Country observers (TC Observers) shall not affect the safety of TC nationals or pose any risk to their fundamental rights, including with regard to access to asylum and the principle of non-refoulement.

Fundamental rights safeguards as regards participation of TC Observers in Frontex operational activities specifically include:

- TC Observers shall not transmit to the participating Third Country authorities' personal data to which they had access while acting in their observer role.
- TC Observers shall be required to adhere to the CoC of the Agency while participating in its activities.
- TC Observers shall not actively participate in readmission/return activities due to the risks of violation of the principle of non-refoulement.

*The detailed tasks and responsibilities of TC Observers are defined in the Main part and respective annex 9 (if applicable) of the Operational Plan.*

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<sup>10</sup> In accordance with Article 78(1) of the Regulation, detailed rules on the participation of observers shall be included in the operational plan. Article 78(3) of the Regulation states that the Agency shall ensure that the presence of observers does not pose any risk related to respect for fundamental rights.

## ANNEX 3 - THOROUGH ASSESSMENT

### Overview

After the migration crisis of 2015 and 2016, as a consequence of the set of measures implemented by the law-enforcement authorities of some EU MSs and third countries, and following the introduction of the EU-Turkey statement in March 2016, the level of illegal entries by sea remained moderate until August 2017. After August, an increase was recorded, with the number of detections reaching a peak in September. The increase was mainly caused by Syrian and Iraqi nationals who fled from their countries due to political developments and due to increasing tensions in the region (such as independence referendum for Iraqi Kurdistan, and the Turkish occupation of northern Syria to create a Safe Zone).

While Iraqi nationals continued arriving from Turkey to Greece by sea in 2018 in relatively stable numbers, the number of Syrian nationals drastically dropped. In July-December only 2 673 Syrian nationals landed from Turkey (5 164 in January-June, a 48% decrease). The reason for the drop is the change in the policy of Turkey regarding Syrian nationals who were apprehended in the western provinces in the act of attempting to illegally leave Turkey.

In July-December 2018, a total of 7 897 Afghan nationals landed from Turkey, while only 1 752 in the first six months, that is a 351% increase, which made Afghans the top nationality in 2018.

In 2019, as a consequence of the organization of the “Caravan of Hope” in Turkey, the Turkish authorities further intensified their patrolling activities. This mainly affected the routes of Afghan nationals, decreasing their monthly number of arrivals to 500 in April and 700 in May. However, once the Turkish patrolling was resumed to previous standards, the monthly arrival of Afghan nationals rapidly increased (to 1 700 in June, 2 000 in July, then further to 4 400 in August and in September). A slight decrease (3 500) in the number of Afghan nationals was reported in October.

The monthly number of Syrian migrants landing in Greece remained below 500 between June 2018 and June 2019, due to the abovementioned reasons. In this period, the vast majority of Syrian nationals departed from Syria; only few Syrians spent a considerable time in Turkey. However, with the implementation of a new measure in Istanbul (whereby migrants not registered in Istanbul were moved back to their original places of registration) more and more Syrian nationals started to depart from Turkey. In July 2019 almost 1 500 Syrian nationals arrived and the number further increased in August (1 800), and September (3 800), only slightly decreasing in October (3 200).

In total, 49 837 irregular migrants were apprehended in January-October 2019, which equates to a 72% increase compared with the same period in 2018 (28 878 migrant apprehensions).

### Nationalities and screening

In January-October 2019, Afghan nationals were the top nationality targeting the Greek Islands with 20 213 arrivals, while Syrians were the second with 12 195. As mentioned above, the majority of Afghans and Syrians. It is expected that, despite the fact that in winter the weather conditions

**Commented [A2]:** The non-disclosed part contains detailed information regarding the modus operandi of criminal networks involved in the smuggling and migrants and trafficking in human beings. Its disclosure would jeopardize the work of law enforcement officials and pose a hazard to the course of ongoing and future operations aimed at curtailing the activities of such networks, ultimately obstructing their purpose to counter and prevent cross-border crime as well as to prevent unauthorized border crossings. The disclosure would thus undermine the protection of the public interest as regards public security as laid down in Article 4(1)(a) first indent of Regulation (EC) 1049/2001.

**Commented [A3]:** The non-disclosed parts refer to details of the operational area and cannot be released. As ongoing operations tend to cover similar operational areas as the operations conducted in preceding years, disclosing details of previous operational areas would be tantamount to disclosing the current state of play. This would provide smuggling and other criminal networks with intelligence, enabling them to change their modus operandi, which would ultimately put the life of migrants in danger. Consequently, the course of ongoing and future operations of similar nature would be hampered by depriving the operations of any strategy and element of surprise, ultimately defeating their purpose to counter and prevent cross-border crime and unauthorized border crossings. In this light, the disclosure of documents containing such information would undermine the protection of the public interest as regards public security in the sense of Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

**Commented [A4]:** The information related to this part is also used for the development of risk analyses, which constitute a specific form of internal decision-making processes based on the intelligence derived from previous and presently ongoing activities and have a bearing on the conduct of current and future operations. Being an important base for determining the strategic orientation of the Agency, the possibility to conduct such analyses without interference is crucial for Frontex to effectively exercise its mandate. Consequently, releasing this information would enable third parties to gain insights into this decision making process and, with ascertainable likelihood, result in depriving Frontex of the possibility to conduct such analyses wholly independently, free from any external pressure or third-party influence. In sum, releasing this information would seriously undermine Frontex internal decision making-processes. As no overriding public interest that is objective and general in nature and not indistinguishable from individual or private interests for the release of this information is ascertainable in the present case, information pertaining to this variable cannot be released based on Article 4(3) of Regulation (EC) No 1049/2001.

[REDACTED]

are less favorable for the crossing, a higher number of Afghans and Syrian nationals will attempt sea-crossing compared to the same period of the previous 2-3 years.

[REDACTED] migrants.

[REDACTED]

[REDACTED]

Main modi operandi as regards the sea crossing

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Commented [A5]:** The information related to this part is also used for the development of risk analyses, which constitute a specific form of internal decision-making processes based on the intelligence derived from previous and presently ongoing activities and have a bearing on the conduct of current and future operations. Being an important base for determining the strategic orientation of the Agency, the possibility to conduct such analyses without interference is crucial for Frontex to effectively exercise its mandate. Consequently, releasing this information would enable third parties to gain insights into this decision making process and, with ascertainable likelihood, result in depriving Frontex of the possibility to conduct such analyses wholly independently, free from any external pressure or third-party influence. In sum, releasing this information would seriously undermine Frontex internal decision making-processes. As no overriding public interest that is objective and general in nature and not indistinguishable from individual or private interests for the release of this information is ascertainable in the present case, information pertaining to this variable cannot be released based on Article 4(3) of Regulation (EC) No 1049/2001.

[REDACTED]

#### Death toll

In 2015, 2016 and 2017, 2018 and 2019 the number of fatalities was 219, 105, 16, and 16, respectively. In 2019, 23 persons have reportedly lost their lives while crossing the sea.

According to IOM reports (which also include figures from Turkish sources), in 2019, 71 fatalities were registered in the Eastern Mediterranean in January-October; for the same period in 2018, IOM reported 174 casualties.

#### Vulnerable groups

As the journey from departure to destination countries became cheaper in 2015, more and more families could afford to travel to the EU. This encouraged a high number of individuals belonging to some vulnerable groups, namely elderly people, pregnant women, unaccompanied minors, people with illnesses or injuries, fatigue or hypothermia to make the journey. Frontex systematically collects information only with regard to gender and age (minors), there are no figures or trends available on the number of emergency cases or special treatments. However, the statistics reveal that the majority of Syrian, Iraqi and Afghan migrants have been families. In line with that, the monthly share of minors ranged between 28% and 38%. Furthermore, during 2019, 66% of the adult migrants were male, 34% were female.

#### Outlook

The following factors have to be taken into consideration in terms of the trend in the flows of migrants travelling from Turkey along the Eastern Aegean coast:

- Weather conditions.
- Measures implemented by EU Member States and Schengen Associated Countries to address irregular migratory flows.
- Measures implemented by Western Balkan countries.
- Measures implemented by Turkey.
- The situation in crisis-stricken regions (e.g. North Syria, Iraq, Afghanistan and the Gaza Strip).
- The measures implemented in Greece overall and more specifically in the Hotspots (contingency planning, number of transfers to the mainland, situation in the Hotspot camps, etc).

[REDACTED]

[REDACTED]

[REDACTED]

#### Commented [A6]:

The non-disclosed part contains detailed information regarding the modus operandi of law enforcement officials performing border control. Disclosing such information would expose the working methods applied in ongoing and future operations, thus obstructing their effectiveness in prevention of cross-border crime and unauthorized border crossings. In consequence, it would undermine the protection of the public interest as regards public security and thus, cannot be disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

The information related to this part is also used for the development of risk analyses, which constitute a specific form of internal decision-making processes based on the intelligence derived from previous and presently ongoing activities and have a bearing on the conduct of current and future operations. Being an important base for determining the strategic orientation of the Agency, the possibility to conduct such analyses without interference is crucial for Frontex to effectively exercise its mandate. Consequently, releasing this information would enable third parties to gain insights into this decision making process and, with ascertainable likelihood, result in depriving Frontex of the possibility to conduct such analyses wholly independently, free from any external pressure or third-party influence. In sum, releasing this information would seriously undermine Frontex internal decision-making-processes. As no overriding public interest that is objective and general in nature and not indistinguishable from individual or private interests for the release of this information is ascertainable in the present case, information pertaining to this variable cannot be released based on Article 4(3) of Regulation (EC) No 1049/2001.

## ANNEX 4 - OPERATIONAL OBJECTIVES

Objectives	Specific objectives	Indicators
Enhance border security	<ul style="list-style-type: none"> <li>Carrying out maritime border surveillance and coastal patrol activities in order to detect, identify and intercept the suspicious objects of interest and persons within the operational area, to prevent unauthorized border crossings, also taking into account that some situations may involve humanitarian emergencies and distress situations at sea.</li> <li>Carrying out border checks of all persons crossing the external maritime borders including means of transport and objects in their possession at Border Crossing Points enabling to intercept persons, refusing entry for third country nationals not fulfilling entry conditions.</li> <li>Preventing and tackling cross-border crime including smuggling of migrants, trafficking in human beings and terrorism and taking measures against persons who have crossed the border illegally as well as reporting other illegal activities detected to the competent authorities.</li> <li>Fostering MS operational structures (NCC/ICC/LCC/FP).</li> </ul>	<ul style="list-style-type: none"> <li>Number of the suspicious objects detected and intercepted.</li> <li>Number of persons detected.</li> <li>Number of people smugglers apprehended.</li> <li>Number of early detections resulted to the preventions of departures of migrants.</li> <li>Number of cross-border crimes detected, prevented, intercepted and reported.</li> <li>Number of man-days / monthly deployments of human resources supporting border surveillance and border checks (total and per profile).</li> <li>Number of man-days / monthly deployments / patrolling hours performed of TE (total and per type of TE).</li> <li>Number of prevented illegal border crossings.</li> <li>Number of refusals of entry.</li> <li>Assessment of the role of central and local operational structures.</li> </ul>
Technical and operational assistance in SAR	<ul style="list-style-type: none"> <li>As a part of joint maritime operations concept assist MS respective authorities in conducting search and rescue operations in order to render assistance to persons found in distress at sea, whenever and wherever so required.</li> </ul>	<ul style="list-style-type: none"> <li>Number of SAR incidents during the JO in operational area.</li> <li>Number of SAR incidents during the JO outside operational area.</li> <li>Number of SAR incidents in which Frontex co-financed assets have been engaged.</li> <li>Establishment of communication contacts and link between ICC and MRCC/JRCC.</li> </ul>
Support MS on carrying out coast guard functions	<ul style="list-style-type: none"> <li>Establish and enhance cooperation with EFCA and EMSA and with the national authorities carrying out coast guard functions responsible for maritime safety, security, search and rescue, fisheries control, customs control, general law enforcement and environmental protection, to increase maritime situational awareness and to support coherent and cost-efficient action.</li> <li>Provide, in cooperation with EFCA and EMSA, services, information, equipment and training.</li> </ul>	<ul style="list-style-type: none"> <li>Dedicated contacts established for cooperation with EFCA and EMSA on CG functions.</li> <li>Tripartite WA concluded as a basis for interagency cooperation as well as tailored SLAs.</li> <li>Tailored SOPs developed in cooperation with other agencies for the CG functions activities in JO's.</li> <li>Dedicated briefings and common patrols, staff exchange implemented</li> </ul>



	<ul style="list-style-type: none"> <li>To produce common risk analysis involving EFCA, EMSA and Frontex for emerging risks at maritime domain.</li> </ul>	among agencies in relation to CG functions.
Enhance operational cooperation	<ul style="list-style-type: none"> <li>High level of MS participation in the operational activities.</li> <li>Enhanced cooperation between the national authorities of the host MS as well as on an international level.</li> <li>Enhanced cooperation with other Union agencies and bodies or international organisations in the frame of JO<sup>11</sup>.</li> <li>Seeking an active involvement of Third Countries in the operational activities.</li> </ul>	<ul style="list-style-type: none"> <li>Number of MS participated.</li> <li>List national authorities involved in the JO.</li> <li>List other Union agencies and bodies or international organisations involved in the JO.</li> <li>List of TC which deployed Observers.</li> </ul>
Support to migration management	<ul style="list-style-type: none"> <li>Assisting in screening of nationality, documents' checks, fingerprinting and registration of third-country nationals.</li> <li>Support administrative tasks related to readmission procedures.</li> <li>Support the physical transportation of the migrants to the country of readmission.</li> </ul>	<ul style="list-style-type: none"> <li>Number of man days / monthly deployments of Screening Experts, Advanced-Level Document Officers (ALDO), Fingerprinting and Registration Officers, Interpreters (total and per profile).</li> <li>Number of man days / monthly deployments of human and technical resources for Readmission activity (total and per profile/type of TE).</li> <li>Readmission operations performed.</li> </ul>
Enhance collection and exchange of information, including personal data	<ul style="list-style-type: none"> <li>Collection of operational information in a timely manner from all operational actors involved, in particular information on incidents as well as, on identification and registration of migrants reported in JORA.</li> <li>Processing of personal data relating to individuals suspected of involvement in the migrants' smuggling, THB, terrorism or other cross-border crimes at the EU level.</li> <li>Distribution of operational information to all operational actors through the respective authorized channels.</li> <li>Seeking standardized format and quality of the including debriefing interviews.</li> <li>Use of the "Guidelines for JORA Incident Template" giving detailed information on definitions and establishing a sets of priorities when selecting the appropriate attributes.</li> </ul>	<ul style="list-style-type: none"> <li>Average delay in sending incident reports in JORA.</li> <li>Level of data coherence between incident reports and identification and registration reports in JORA.</li> <li>Level of cooperation in sharing information among main stakeholders (Hellenic Police (HP), Hellenic Coats Guard (HCG), Frontex).</li> <li>Loss or lack of information due to non-appropriate format of reporting templates or due to changing reporting formats.</li> <li>Level of discrepancies in reporting due to ignorance of definitions/descriptions of the JORA Guidelines.</li> </ul>
Identify possible risks and threats	<ul style="list-style-type: none"> <li>Carrying out debriefing interviews to collect operational information and personal data related to suspects of cross border crimes, to be further processed and analysed.</li> <li>Operational analytical products will be shared with relevant stakeholders to maintain and improve situational awareness and support operational planning and implementation.</li> </ul>	<ul style="list-style-type: none"> <li>Number and quality and timeliness of debriefing interview reports sent to Frontex Risk Analysis Unit.</li> <li>Average level of preparedness and expertise and knowledge of the Team Members deployed as debriefing experts.</li> </ul>

<sup>11</sup> Excluding EMSA and EFCA, which falls under the general objective "Support on carrying out coast guard functions"

	<ul style="list-style-type: none"> <li>• Detecting and reporting relevant cases of document and identity fraud, frauds concerning stolen transportation means and parts as well as <i>modi operandi</i>.</li> </ul>	<ul style="list-style-type: none"> <li>• Level of activities and pro-activeness of debriefing experts.</li> <li>• Level of response of debriefing reports to operational requests to fill in information gaps and needs of RAU.</li> <li>• Production and dissemination of relevant analytical products with adequate content responding to the needs of relevant stakeholders.</li> <li>• Number of FDAs reported.</li> </ul>
Establish and exchange the best practices	<ul style="list-style-type: none"> <li>• Delivering and supporting workshops, meetings, other networking events to participants.</li> <li>• Delivering and supporting operational briefings/debriefings to all participants of the JO including information on the fundamental rights and access to international protection.</li> <li>• Building on MS capacity by implementing activities related with administrative solutions, standardization, fleet management and operational technologies as well as technical solutions/best practices linked with EUROSUR and/or EU CG Functions and other cooperation.</li> <li>• Supporting targeted training activities.</li> </ul>	<ul style="list-style-type: none"> <li>• List of workshops, meetings, other networking events implemented in the frame of the JO.</li> <li>• Number of operational briefings and debriefings delivered.</li> <li>• List of other Frontex activities, services and products implemented in the frame of JO.</li> <li>• List training activities implemented in the frame of JO.</li> </ul>

ANNEX 5 - OPERATIONAL AREA



**Commented [A7]:** The non-disclosed parts refer to details of the operational area and cannot be released. As ongoing operations tend to cover similar operational areas as the operations conducted in preceding years, disclosing details of previous operational areas would be tantamount to disclosing the current state of play. This would provide smuggling and other criminal networks with intelligence, enabling them to change their modus operandi, which would ultimately put the life of migrants in danger. Consequently, the course of ongoing and future operations of similar nature would be hampered by depriving the operations of any strategy and element of surprise, ultimately defeating their purpose to counter and prevent cross-border crime and unauthorized border crossings. In this light, the disclosure of documents containing such information would undermine the protection of the public interest as regards public security in the sense of Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

Operational Area



WP					
1.					
2.					
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Operational area

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**Commented [A8]:** The non-disclosed parts refer to details of the operational area and cannot be released. As ongoing operations tend to cover similar operational areas as the operations conducted in preceding years, disclosing details of previous operational areas would be tantamount to disclosing the current state of play. This would provide smuggling and other criminal networks with intelligence, enabling them to change their modus operandi, which would ultimately put the life of migrants in danger. Consequently, the course of ongoing and future operations of similar nature would be hampered by depriving the operations of any strategy and element of surprise, ultimately defeating their purpose to counter and prevent cross-border crime and unauthorized border crossings. In this light, the disclosure of documents containing such information would undermine the protection of the public interest as regards public security in the sense of Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

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More detailed information about the Operational Area will be provided to those participants in the JO in a need-to-know basis. To this end,

## ANNEX 6 - DESCRIPTION OF THE TASKS AND SPECIFIC INSTRUCTIONS TO THE MEMBERS OF THE EUROPEAN BORDER AND COAST GUARD TEAMS INCLUDING RULES ON USE OF FORCE

### 1. Executive powers

The national border guards of Greece have the leading role in the implementation of the JO.

Team Members have the capacity to perform tasks and exercise powers for border control as well as those which are necessary for the realisation of the objectives of Regulation (EU) 656/2014<sup>12</sup>, Regulation (EU) 2016/399 on the rules governing the movement of persons across borders (Schengen Borders Code)<sup>13</sup> and Directive 2008/115/EC<sup>14</sup>.

Team Members may only perform tasks and exercise powers under instructions from and, as a general rule, in presence of the border guards or staff involved in return-related tasks of the host MS. The host MS may, on a case by case basis, authorize the members of the teams to act on its behalf.

#### Visual personal identification

All Team Members shall wear their national uniform and a blue armband with the insignia of the European Union and Frontex while performing their tasks and exercising their powers.

Exceptionally, for operational reasons, Frontex Support Officers, Screening and Debriefing experts, Advanced-Level Document Officers, Registration and Fingerprinting Officers, Field Press Coordinators and Forced-Return Escorts shall not wear uniform. Those officers (for the exception of Frontex Support Officers deployed in the ICC) shall wear a vest with the insignia of the European Union and Frontex while performing their tasks and exercising their powers.

National Officials deployed in the ICC are not required to wear uniform.

Members of EBCGT shall wear a visible personal identification document issued accordingly to Decision of the Executive Director No R-ED-2019-147<sup>15</sup>. For the purpose of identification vis-à-vis the Greek national authorities they shall present it upon request.

After the termination of the deployment, the identification document shall be collected from the TM by the NFPOCs or other respective national authorities of the Participating MS and returned to Frontex after the end of the JO.

At the end of the deployment of a Third Country observer the identification document shall be handed over at the deployment location to the hosting MS authorities who will ensure the return of the document to Frontex via the NFPOC.

<sup>12</sup> Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union.

<sup>13</sup> (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1-52).

<sup>14</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98-107).

<sup>15</sup> Decision of the Executive Director No R-ED-2019-147 on the issuing of identification and accreditation documents to the members of the teams and other participants in operational activities coordinated by Frontex.

## Consultation of European and National Databases

Hellenic authorities shall authorise TM to consult European databases for operational objectives as set out in this Operational Plan. Where necessary, the host MS may also authorise them to consult its national databases for the same purposes.

## Use of force and coercive measure

When using force, the TM, including Forced-return officers shall not exceed the minimum degree that is absolutely necessary, proportional and reasonable in the circumstances. The use of force or coercive measures is possible for the performance of a duty or in legitimate self-defence and in legitimate defense of other persons. The use of force or coercive measures shall never be arbitrary or abusive.

TM may only use force including use of coercive measures with the consent of both, the host MS and the respective participating MS, in the presence of border guards of the host MS and in accordance with the national law of the host MS. The host MS may, with the consent of the participating MS, authorize TM to use force in the absence of border guards of the host MS.

Any use of force shall be immediately and promptly reported with all necessary details to ICC/NFPOC and Frontex.

## Use of weapons

The use of weapons is the last resource of the actions of Team Members and should only be envisaged as a last resort. It must be strictly necessary and proportionate and may only be used in the performance of duties or in case of legitimate self-defence and in legitimate defence of other persons. If the use of a firearm is inevitable the Team Members shall ensure that it will be done in such a way that causes the least possible injuries and minimizes the damages.

Any use of weapons by the participants of the JO shall be immediately and promptly reported with all necessary details to ICC and Frontex.

## Conditions to use weapons (warnings, targets, etc.) - Law of the host Member State (Greece)

Use of firearms is defined, according to the Greek law 3169/2003<sup>16</sup>, as activation of firearm against a target and the projection of a missile (shooting). Shooting, accordingly to shooting is escalated as following:

1. Intimidating shooting, when no harm is intended against any target.
2. Shooting against objects, when harm is intended to objects.
3. Immobilization shooting, when harm to non-vital parts of the body -especially to lower limbs- is intended.
4. Elimination shooting, when harm to a person is intended and his/her death may be possible.

(An armed attack shall exist when the person who attacks uses a weapon, stipulated in Article 1 of Law 2168/1993<sup>17</sup> against a person or threatens someone by its direct use. As armed attack shall be also defined a threat under a convincing imitation of a weapon or an inactive weapon)

According to Article 3 of the above mentioned law:

1. Police officers while executing their duty are allowed to precede their firearm, in case of there is danger of armed attack against them or a third person.
2. Police officers are allowed to make use of firearms, if is necessary in order to execute their duty, and the following conditions apply:

<sup>16</sup> Law 3139/2003 "Carrying, use of arm by police officers, training in arms and relevant provisions" (Government Gazette A' 189/2003).

<sup>17</sup> Law 2168/1993 "Regulations concerning weapons, ammunitions, explosive materials, explosive mechanisms and relevant provisions" (Government Gazette A' 14/1993).

- [REDACTED]
- a. All means lenient to shooting have been exhausted, unless they are not available or feasible in a particular case. Lenient to shooting means include advices, suggestions, use of barriers, physical violence, police batons, allowed chemical substances or other means, advance notice for use of firearm and threat for the of firearm.
  - b. They have declared their capacity and have clearly and understandably notice for the imminent use of firearm, giving enough time for response, unless this action is futile under the specific circumstances or intensifies the danger of death or physical damage.
  - c. Use of firearm shall not consist of excessive means in relation to kind of damage and the risk of the threat.
3. In the event that the aforementioned conditions apply, a lenient use of firearms is obligatory, unless such action is futile under the specific circumstances or it intensifies the death risk or physical damage. Lenient use of firearm shall be defined as the escalation of its use with the least possible and necessary harm: intimidating shooting, shooting against objects, immobilization shooting and elimination shooting (pursuant to subparagraph d of Article 1 law 3169/2003).
  4. Shooting for intimidation purposes or shooting against objects is permitted, especially in cases of danger from an animal or advance notice for shooting against person, since all proper measures have been taken, so as no person shall be hurt by miss or banishment of missile. Shooting against a vehicle, which involves danger of physical damage of persons in it, is allowed exclusively under conditions of the following paragraph.
  5. Shooting for immobilization purposes shall be allowed, since it is required:
    - a. In order to repel an armed attack, since such attack commenced or is about to commence, and any delay may render defense ineffective.
    - b. In order to prevent materialization or continuance of dangerous crime or crime that is committed under the use or threat of physical violence.
    - c. In order to arrest a sentenced person or a person under trial or a person under pursuit who shall be detected to commit "flagrante delicto" a felony or a regulatory offence, since such person demonstrated opposition to his/her arrest and there is direct risk to make use of firearm.
    - d. In order to prevent illegal entrance in the country or exit from it of persons that shall attempt illegal transfer of people (smuggling in human beings) and objects and shall carry firearms of subparagraph 1, Article 1 of Law 2168/1993.
    - e. In order to protect public utility facilities or places in which objects that are dangerous for public health or public order or evidence for a crime are kept, since their keeping has been exclusively assigned to policemen and violent access, caution of harm or removal of kept objects is attempted.
    - f. In order to prevent an escape or release of a prisoner that is attempted under armed attack.
    - g. In order to prevent disarmament of police officers while on duty.
  6. Elimination shooting shall be allowed, if required:
    - a. In order to repel an attack that involves death risk or heavy physical damage of a person.
    - b. In order to rescue hostages who are in risk of death or heavy physical damage.
  7. Shooting for immobilization or elimination shall be prohibited:
    - a. If there is serious danger to cause harm a third person due to miss or banishment of missile.
    - b. Against armed crowd, if there is serious danger to cause harm to unarmed people.
    - c. Against minors, except if it is the only means to prevent an imminent danger of death.
    - d. Against a person who runs away, when he/she is called to go under legal control.
  8. When police officers act as a group, in order to make use of firearms, an order by the group leader is required, unless police officers are under attack, which involves possibility of heavy physical damage or death.
  9. Unconstitutional or profoundly illegal order by a senior officer for use of firearms does not repeal the illegal nature of the police officer's action.



**Immediate measures to be taken following the use of force and/or weapons**

Every use of firearms by police and coast guard officers shall be directly reported in the competent police/coast guard Authority and Judicial Authority.

Following the use of force, Team Members and/or crew members will immediately contact, if not present at the moment, either the Hellenic Coast Guard or the Hellenic Police officer in charge, in order to follow all related procedures foreseen by the National law of Greece.

The participants shall immediately adopt follow up health/life safety measures regarding the injured persons against whom the actions were taken.

Any use of weapons shall be immediately and promptly reported with all necessary details to ICC, local authorities and Frontex via SIR mechanism.

Host and participating MS shall provide to the respective members of the teams deployed information concerning precaution measures to be taken.

**Protective equipment (e.g. bullet proof vests, helmets)**

Personal protective equipment for TM should be provided by the participating MS.

**Permissible equipment (about the use of force) and weapons**

According to the provisions of the Greek laws 2168/1993 and 3169/2003, police officers (police personnel, special guards and border guards) may carry revolvers and semi-automatic pistols.

The following rules apply for the carrying of service weapons.

“Police and coast guard officers shall be allowed to possess and carry firearms for which they have been trained, since they are considered physically and mentally appropriate. Police and coast guard officers shall carry fixed firearms, in accordance with the provisions of the Presidential Degree 141/1991 (G.G. 58 A) and Ministerial Decision 1141.1/04/2004 - OG B-663/7-5-2004 respectively.

Police and coast guard officers carry always personal service firearms during their duty, and are allowed to carry such firearms even when they are not on duty. Exceptionally, police and coast guard officers shall not carry firearms, when carriage is prohibited by electoral legislation and during their duty, upon relevant order. This order shall be given in the event of a particular danger for the success of a mission or their own and the citizens' security or for the safety of the firearms”.

In accordance with Article 82(8) of the Regulation, the respective Hellenic authority shall, in advance of the deployment of the members of the teams, inform the Agency of the permissible service weapons, ammunition and equipment and of the conditions for their use. If a participating MS has any other service weapon, ammunition or equipment it wishes to use in Greece, it shall, via Frontex, submit the details well in advance to the respective Hellenic authority for consultation and permission.

**2. Border surveillance**

In accordance with the operational concept, the JO comprises both border surveillance [redacted] at the sea borders of Greece. The deployed maritime and aerial assets performing border surveillance at the operational area should monitor intensively specific maritime areas [redacted]

The scope of these patrols is to prevent unauthorised border crossings and to tackle cross border crime, in particular smuggling of migrants, trafficking of persons and terrorism.

While implementing the operational concept the participants, and in particular the Team Members must:

- ✓ bear in mind that the prevention of loss of lives has overall priority in all operational actions.

**Commented [A9]:** The non-disclosed part contains detailed information regarding the modus operandi of law enforcement officials performing border control and/or coast guard duties. Disclosing such information would expose the working methods applied in ongoing and future operations, thus obstructing their effectiveness in prevention of cross-border crime and unauthorized border crossings. In consequence, it would undermine the protection of the public interest as regards public security and thus, cannot be disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.



- ✓ promote, guarantee protection and respect the fundamental rights consigned in the Charter of Fundamental Rights of the European Union and other relevant international law, including the 1951 Geneva Convention on the Status of Refugees.
- ✓ take due account of the safety and security of the vessel, its crew and its cargo.
- ✓ not prejudice the national, commercial or legal interests of the Flag State.
- ✓ ensure within available means, that any measure taken with regard to a particular vessel is environmentally sound under the circumstances.
- ✓ ensure that the master of the intercepted vessel is, or has been, afforded at any time the opportunity to contact the vessel's Flag State, and, subject to preserving the safety and security of operations, is, or has been, afforded the opportunity to contact the vessel's owner or manager.

During border surveillance activities, the following specific instructions must be observed:

#### Detection

Upon detection, the participating units shall approach a vessel suspected of carrying persons circumventing or intending to circumvent checks at border crossing points or of being engaged in the smuggling of migrants by sea in order to observe its identity and nationality and, pending further measures, shall survey that vessel at a prudent distance taking all due precautions.

[REDACTED]

**Commented [A10]:** The non-disclosed part contains detailed information related to reporting tools and methods used by law enforcement officials to conduct border control tasks and counter criminal activities. Its disclosure would jeopardize the implementation of ongoing and future operations, and thus facilitate irregular migration and trafficking in human beings as the effectiveness of law enforcement measures would be significantly reduced. As disclosing this information would undermine the protection of the public interest as regards public security, this part is not disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001 .

and where possible, information about the situation of persons on board, in particular whether there is an imminent risk to their lives or whether there are persons in urgent need of medical assistance. The ICC shall transmit that information to the National Coordination Centre and to the Rescue Coordination Centre of the host MS.

Where a vessel is about to enter or it has entered the territorial sea or the contiguous zone of a Member State that is not participating in the JO, the participating units shall collect and report information about that vessel to the ICC, which shall transmit that information to the National Coordination Centre of the Member State concerned.

The participating units shall collect and report information about any vessel suspected of being engaged in illegal activities at sea, which are outside the scope of the JO, to the ICC, which shall transmit that information to the National Coordination Centre of the Member State concerned.

#### Interception

##### Interception in the territorial sea (Greece)

In its territorial sea, Greece authorises the participating units to take one or more of the following measures where there are reasonable grounds to suspect that a vessel may be carrying persons intending to circumvent checks at border crossing points or is engaged in the smuggling of migrants by sea:

[REDACTED]

(a) requesting information and documentation on ownership, registration and elements relating to the voyage of the vessel, and on the identity, nationality and other relevant data on persons on board, including whether there are persons in urgent need of medical assistance, and/or persons seeking asylum or international protection, and making persons on board aware that they may not be authorised to cross the border except those seeking to apply for asylum or international protection.

(b) stopping, boarding and searching the vessel, its cargo and persons on board, and questioning persons on board and informing them that persons directing the vessel may face penalties for facilitating the voyage.

If evidence confirming that suspicion is found, Greece authorises the participating units to take one or more of the following measures:

(a) seizing the vessel and apprehending persons on board.

(b) ordering the vessel to alter its course outside of or towards a destination other than the territorial sea or the contiguous zone, including escorting the vessel or steaming nearby until it is confirmed that the vessel is keeping to that given course.

(c) conducting the vessel or persons on board to Greek territory.

Any measure taken in accordance with the previous paragraphs shall be necessary and proportionate and shall not exceed what is necessary to achieve its objectives. For the purposes of adopting the aforementioned measures, Greece shall instruct the participating unit appropriately through the ICC. The participating unit shall inform Greece, through the ICC, whenever the master of the vessel requests that a diplomatic agent or a consular officer of the flag State be notified.

Where there are reasonable grounds to suspect that a stateless vessel is carrying persons intending to circumvent the checks at border crossing points or is engaged in the smuggling of migrants by sea, Greece authorises one or more of the measures mentioned above and shall instruct the participating unit appropriately through the ICC.

#### **Interception on the High Seas**

On the high seas, where there are reasonable grounds to suspect that a vessel is engaged in the smuggling of migrants by sea, the participating units shall take one or more of the following measures, subject to the authorisation of the flag State, in accordance with the Protocol against the Smuggling of Migrants, and where relevant, national and international law:

(a) requesting information and documentation on ownership, registration and elements relating to the voyage of the vessel, and on the identity, nationality and other relevant data on persons on board, including whether there are persons in urgent need of medical assistance.

(b) stopping, boarding and searching the vessel, its cargo and persons on board, and questioning persons on board and informing them that persons directing the vessel may face penalties for facilitating the voyage.

If evidence confirming that suspicion is found, the participating units may take one or more of the following measures, subject to the authorisation of the flag State, in accordance with the Protocol against the Smuggling of Migrants, and where relevant, national and international law:

(a) seizing the vessel and apprehending persons on board.

(b) warning and ordering the vessel not to enter the territorial sea or the contiguous zone, and, where necessary, host the vessel to alter its course towards a destination other than the territorial sea or the contiguous zone.

(c) conducting the vessel or persons on board to a third country or otherwise handing over the vessel or persons on board to the authorities of a third country, provided that following the PERSONAL ASSESSMENT referred to below and the situation in the Third country such measure may be implemented without violation of fundamental rights and the principle of non-refoulement.

(d) conducting the vessel or persons on board to the host Member State or to a neighbouring participating Member State.

Any measure taken in accordance with the above paragraphs shall be proportionate and shall not exceed what is necessary to achieve its objectives. For the purposes of adopting the aforementioned measures, Greece shall instruct the participating unit appropriately through the ICC.

Where the vessel is flying the flag or displays the marks of registry of Greece or of a participating Member State, Greece or that Member State may, after confirming the nationality of the vessel, authorise one or more of the aforementioned measures. Greece shall then instruct the participating unit appropriately through the ICC.

Where the vessel is flying the flag or displays the marks of registry of a Member State that is not participating in the sea operation or of a third country, Greece or a participating Member State, depending on whose participating unit has intercepted that vessel, shall notify the flag State, shall request confirmation of registry and, if nationality is confirmed, shall request that the flag State take action to suppress the use of its vessel for smuggling of migrants. If the flag State is unwilling or unable to do so either directly or with the assistance of the Member State to whom the participating unit belongs, that Member State shall request authorisation from the flag State to take any of the aforementioned measures. Greece or the participating Member State shall inform the ICC of any communication with the flag State and of the intended actions or measures authorised by the flag State. Greece shall then instruct the participating unit appropriately through the ICC.

Where, though flying a foreign flag or refusing to show its flag, there are reasonable grounds to suspect that the vessel is, in reality, of the same nationality as a participating unit, that participating unit shall verify the vessel's right to fly its flag. To that end, it may approach the suspect vessel. If suspicion remains, it shall proceed to a further examination on board the vessel.

Where, though flying a foreign flag or refusing to show its flag, there are reasonable grounds to suspect that the vessel is, in reality, of the nationality Greece or a participating MS, the participating unit shall verify the vessel's right to fly its flag.

Where, in the cases referred to in the two previous paragraphs, the suspicions regarding the nationality of the vessel prove to be founded, Greece or that participating Member State may authorise one or more of the measures laid down above. Greece shall then instruct the participating unit appropriately through the ICC.

Pending or in the absence of authorisation of the flag State, the vessel shall be surveyed at a prudent distance. No other measures shall be taken without the express authorisation of the flag State, except those necessary to relieve imminent danger to the lives of persons or those measures which derive from relevant bilateral or multilateral agreements.

Where there are reasonable grounds to suspect that a stateless vessel is engaged in the smuggling of migrants by sea, the participating unit may board and search the vessel with a view to verifying its statelessness. If evidence confirming that suspicion is found, the participating unit shall inform Greece which may take, directly or with the assistance of the Member State to whom the participating unit belongs, further appropriate measures as referred above in accordance with national and international law.

A Member State whose participating unit has taken any measure shall promptly inform the flag State of the outcome of that measure. The national official representing Greece or a participating Member State at the ICC shall be responsible for facilitating communications with the relevant authorities in seeking authorisation to verify the right of a vessel to fly its flag or to take any of the measures aforementioned. Where the grounds to suspect that a vessel is engaged in the smuggling of migrants on the high seas prove to be unfounded or where the participating unit does not have jurisdiction to act, but there remains a reasonable suspicion that the vessel is carrying persons intending to reach the border of a Member State and to circumvent checks at border crossing points, that vessel shall continue to be monitored. The ICC shall communicate information about that vessel to the National Coordination Centre of the Member State towards which it is directed.

## Distress situations at sea

Member States participating in the JO shall observe their obligation to render assistance to any vessel or person in distress at sea and, during the operation, they shall ensure that their participating units comply with that obligation, in accordance with international law and respect for fundamental rights. They shall do so regardless of the nationality or status of such a person or the circumstances in which that person is found.

For the purpose of dealing with distress situations that may occur during the operation, the following provisions shall be observed:

- (a) When, in the course of the operation, the participating units have reason to believe that they are facing a phase of uncertainty, alert or distress as regards a vessel or any person on board, they shall promptly transmit all available information to the Joint Rescue Coordination Centre (JRCC) responsible for the search and rescue area in which the situation occurs and they shall place themselves at the disposal of the JRCC.
- (b) The participating units shall inform the ICC as soon as possible of any contact with the JRCC and of the course of action taken by them.
- (c) A vessel or the persons on board shall be considered to be in a phase of uncertainty in particular:
  - (i) when a person has been reported as missing or a vessel is overdue; or
  - (ii) when a person or a vessel has failed to make an expected position or safety report.
- (d) A vessel or the persons on board shall be considered to be in a phase of alert in particular:
  - (i) when, following a phase of uncertainty, attempts to establish contact with a person or a vessel have failed and inquiries addressed to other appropriate sources have been unsuccessful; or
  - (ii) when information has been received indicating that the operating efficiency of a vessel is impaired, but not to the extent that a distress situation is likely.
- (e) A vessel or the persons on board shall be considered to be in a phase of distress in particular:
  - (i) when positive information is received that a person or a vessel is in danger and in need of immediate assistance; or
  - (ii) when, following a phase of alert, further unsuccessful attempts to establish contact with a person or a vessel and more widespread unsuccessful inquiries point to the probability that a distress situation exists; or
  - (iii) when information is received which indicates that the operating efficiency of a vessel has been impaired to the extent that a distress situation is likely.
- (f) Participating units shall, for the purpose of considering whether the vessel is in a phase of uncertainty, alert or distress, take into account and transmit all relevant information and observations to the responsible RCC including on:
  - (i) the existence of a request for assistance, although such a request shall not be the sole factor for determining the existence of a distress situation.
  - (ii) the seaworthiness of the vessel and the likelihood that the vessel will not reach its final destination.
  - (iii) the number of persons on board in relation to the type and condition of the vessel.
  - (iv) the availability of necessary supplies such as fuel, water and food to reach a shore.
  - (v) the presence of qualified crew and command of the vessel.
  - (vi) the availability and capability of safety, navigation and communication equipment.
  - (vii) the presence of persons on board in urgent need of medical assistance.
  - (viii) the presence of deceased persons on board.
  - (ix) the presence of pregnant women or of children on board.
  - (x) the weather and sea conditions, including weather and marine forecasts.
- (g) While awaiting instructions from the RCC, participating units shall take all appropriate measures to ensure the safety of the persons concerned.
- (h) Where a vessel is considered to be in a situation of uncertainty, alert or distress but the persons on board refuse to accept assistance, the participating unit shall inform the JRCC Piraeus and follow its instructions. The participating unit shall continue to fulfil a duty of care by surveying the vessel and by taking any measure

[REDACTED]

necessary for the safety of the persons concerned, while avoiding taking any action that might aggravate the situation or increase the chances of injury or loss of life.

Where the distress situation has been concluded, the participating unit shall, in consultation with the ICC, resume the operation.

## Boarding

Aiming at the enforcement of international law, in particular the ones relating to immigration, the participating unit may board the suspicious vessel.

### Pre-boarding activity

Before boarding a vessel, the participating unit must take in consideration at least the following elements:

- (a) **Right of approach.** The Commanding Officer (CO) of the EU vessel must be aware that under international law of the sea, a war vessel, military aircraft, or other duly authorized vessel may approach in international waters any vessel, other than a war vessel or government vessel on non-commercial service, to verify its nationality.
- (b) **Authority and jurisdiction:** The CO of the EU vessel must ascertain whether their authority and jurisdiction exist prior to conducting a boarding and/or taking follow-up law enforcement action. Additionally, they are required to comply with internal practice guidance that may limit the exercise of authority and jurisdiction without first obtaining a statement of no objection from ICC.
- (c) **Risk/benefit assessment and safeguards.** Given the limited number of enforcement resources, the maritime units cannot board all vessels encountered, and therefore, operational cost/benefit decisions should be made by the CO.

While all possible contingencies cannot be addressed, the following factors figure prominently in deciding whether to initiate a boarding:

- ✓ Safety of personnel and property.
- ✓ Probability of detecting unlawful conduct.
- ✓ Impact on maritime commerce and regular vessel traffic.

### Boarding teams and procedures

COs are responsible for ensuring their law enforcement personnel are properly trained and equipped to carry out their duties. At the discretion of the CO, non-qualified Coast Guard personnel (e.g., break-in boarding personnel, cadets, and engineering personnel) may support the boarding team in the progress of their action.

- ✓ (a) **Boarding officer:** The boarding officer, under the CO's supervision, is in charge of the boarding team and is responsible for the proper conduct of the boarding.
- ✓ (b) **Qualified boarding team members:** Law enforcement team members may consist of qualified personnel from different MS.
- ✓ (c) **Other law enforcement agencies:** When multinational boarding team is used, they agree in advance to follow the boarding officer's direction and comply with customary policy governing the use of force. Special circumstances may dictate deviation from this policy with the agreement of the ICC.
- ✓ (d) **Boarding team qualifications:** Boarding officers are required to meet the national criteria related to the boarding.
- ✓ (e) **Boarding team size:** Boarding teams are comprised of at least two qualified personnel, at least one of which is a qualified boarding officer. Boarding team size beyond this minimum requirement is determined on a case-by-case basis.

Factors to be taken into consideration when making these determinations include:

- (a) suspicion of criminal activity.

[REDACTED]

- (b) size and condition of the vessel.
- (c) number of personnel thought to be onboard and their potential needs especially medically related.
- (d) vessel activity being examined or regulated, and
- (e) recent experience in the operating area.

When an adequate number of qualified boarding personnel are not available to safely conduct a boarding, the following considerations are made:

- (a) postpone the boarding and call for additional personnel, or
- (b) postpone the boarding and escort the vessel to a location where the boarding may proceed safely and secure.

#### Detention and release of persons and property

Vessels, the persons aboard, and property associated with either may be detained at sea, by the participating unit, for the time reasonably necessary to:

- (a) ensure the safety of persons and property.
- (b) complete an assessment of a possible violation of law (including interviewing persons on board); a special attention shall be given to interviews conducted with potential victims of trafficking in human beings in order to support their early identification and referral and to avoid their re-victimization ). Information about the aim of the ongoing procedure must be provided.
- (c) effect other law enforcement action (e.g., seizing the boat, detain a facilitator); and
- (d) carry out the enforcement of a judicial decision where the vessel, person or property is subject to such order (e.g., vessel subject to forfeiture or person subject to arrest).

No person shall, in contravention of the principle of non-refoulement, be forced to enter, conducted to or otherwise handed over to the authorities of a third country where, inter alia, there is a serious risk that he or she would be subjected to the death penalty, torture, persecution or other inhuman or degrading treatment or punishment, or where his or her life or freedom would be threatened on account of his or her race, religion, nationality, sexual orientation, membership of a particular social group or political opinion, or from which there is a serious risk of an expulsion, removal or extradition to another country in contravention of the principle of non-refoulement.

#### GENERAL ASSESSMENT

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Commented [A11]:** The non-disclosed part contains analyses and subjective assessments of the internal situation in third countries with explicit references to existing strengths and vulnerabilities. Effective cooperation with third countries is crucial for Frontex, and therefore a unilateral disclosure of these documents must be refused as establishing and protecting a sphere of mutual trust in the context of international relations is a very delicate exercise. The release of the documents would end the mutual trust enjoyed between these countries and Frontex. Once the relationship between Frontex and these countries is impaired, there would be an ascertainable likelihood that these countries would no longer share sensitive data with Frontex. This would not only impede the improvement of pre-warning mechanisms necessary to analyse the migratory flows towards the European Union but would also hinder the development of adequate tools, at both European Union and national levels, that are necessary to conduct efficient border control and prevent cross-border crime, such as the facilitation of irregular immigration and trafficking in human beings. As this risk is reasonably foreseeable, disclosing this information would undermine the protection of the public interest as regards public security and international relations. Consequently, access to those documents has to be refused pursuant to Article 4(1)(a) first and third indent of Regulation (EC) No 1049/2001.

## PERSONAL ASSESSMENT

The participating units shall, without prejudice to the primacy of the safety of the persons intercepted or rescued, the safety of the participating units or that of third parties, practicable use all means to identify the intercepted or rescued persons, assess their personal circumstances, inform them of their destination in a way that those persons understand or may reasonably be presumed to understand and give them an opportunity to express any reasons for believing that disembarkation, forcing to enter, conducting or otherwise handing over to the third country authorities to the proposed place would be in violation of the principle of *non-refoulement*.

Each participating unit appoints an Officer responsible for the final decision on the personal assessment referred to above that shall collect all information mentioned above and forward it (excluding the personal data) regularly to the ICC and to Frontex. For those purposes, Greece ensures the availability of shore-based medical staff, interpreters, legal advisers and other relevant experts that shall provide support for the screening and personal assessment of the persons apprehended or rescued.

### Rules for security body searches and evidence collection on the spot

As a general rule, body searches and evidence collection shall be instructed only by the locally responsible Hellenic authorities.

### Disembarkation of people apprehended subsequently to interception

The participating units are authorized by Greece to disembark in its territory the persons intercepted and apprehended in its territorial sea, as well as in the operational area beyond its territorial sea in cases where, in accordance with Regulation 656/2014<sup>19</sup>, disembarkation is not possible in the third country from which the migrants' vessels are assumed to have departed.

### Disembarkation of people rescued

The main applicable principle to be observed is that the responsibility to provide a place of safety, or to ensure that a place of safety is provided, falls on the State responsible for the SAR region in which the survivors were recovered, as set forth in relevant applicable international legal instruments. It shall be ensured that coordination and cooperation with the relevant SAR authorities is carried out in such a way that the persons rescued can be delivered to a place of safety. Greece and the participating Member States shall cooperate with the responsible RCC to identify a place of safety and, when the responsible RCC designates such a place of safety, they shall ensure that disembarkation of the rescued persons is carried out rapidly and effectively.

If it is not possible to arrange for the participating unit to be released of its obligation to render assistance as soon as reasonably practicable, taking into account the safety of the rescued persons and that of the participating unit itself, it shall be authorised to disembark the rescued persons in Greece.

The participating units shall inform the ICC of the presence of any persons in need of international protection and vulnerable persons, and the ICC shall transmit that information to the competent national authorities of the country where disembarkation takes place. The aforementioned paragraphs on PERSONAL ASSESSMENT apply to the disembarkation of rescued persons.

<sup>19</sup> Regulation (EU) 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 189, 27.6.2014, p. 93).

## Specific measures

### a) Provision of basic human needs

Each participating unit shall include at least one person with basic first aid training. Furthermore, upon disembarkation, Greece shall, prior to any other action, render the basic human needs of the apprehended and rescued persons such as food, shelter and medical assistance.

### b) Special measures applicable to persons in need of international protection

Team members shall refer without delay to the Greek officers of the respective national authority (HP/HCG) with which they cooperate when a person expressed, in any way, a fear of suffering serious harm if he/she is returned to his/her country of origin or former habitual residence, or if he/she asks or claims for asylum or any other form of international protection.

The Greek officers of the national respective authorities shall manage the actions to register their intention to apply for international protection. Subsequently, the Asylum Service will proceed with the processing of the application for international protection (lodging of application, interview, and decision).

### c) Special measures applicable to vulnerable persons

Team members shall refer to the national Greek officers of the respective national authority (HP/HCG) with which they cooperate regarding the management of vulnerable persons. The national Greek officer shall hand them over to the officials of the Reception and Identification Centre. The potential victims of trafficking of human beings shall be handed over to Hellenic Police.

*A non-exhaustive list of the categories of vulnerable persons is available in Annex 2.*

### The responsible authorities of Greece for ensuring the Follow up measures:

The implementation of the follow up measures shall be carried out primarily by Hellenic Police Officers. In respective cases it shall be carried out in care of and with the mediation of the locally responsible Hellenic Coast Guard. Afterwards, the above mentioned persons will be handed over to First Reception Mobile Units, where present, otherwise they will be transferred to the closest Reception and Identification Centre (RIC).

*The answers to the "Questionnaire on the Legislative framework and procedural safeguards in host MS and cooperating third countries" provided by Member States, are available in FOSS.*

*More information about referral of persons in need of international protection and vulnerable persons is available in Annex 2.*

## 3. Readmission

Following the conclusions of the European Council of 17/18 March 2016, the participating MSs deploy officers to support readmission procedures of persons apprehended or rescued when trying to circumvent border control or having crossed the border illegally. These officers shall perform their tasks under the instructions of the national team leaders. The Host MS provides adequate briefing on readmission procedures, including the powers that may be exercised, under the Host MS instructions, including during the physical transportation to the Third Country of readmission, such as the pre-departure phase, the security checks, the security measures on board, the means of transport and, if necessary, the use of coercive measures.



[REDACTED]

The briefing shall also include the information that Host MS makes sure that only persons who have exhausted or waived all remedies available under national law, are readmitted.

For the purpose of readmission, any adequate means of transportation can be chosen taken into consideration the operational needs, the safety of the passengers and the instructions from the Host MS.

Unaccompanied minors and members of vulnerable groups will not be a subject for readmission to Turkey in the Frontex supported and coordinated operations. Persons who expressed a wish to apply for asylum or international protection shall not be readmitted until their referral to the competent authorities are effectively performed and until the Asylum Service has decided upon their request for international protection.

#### 4. Land patrols at coastal areas

Surveillance methods used during Frontex coordinated land patrols [REDACTED]  
[REDACTED]

In general, the tasks performed by the land patrols, as defined in Schengen Handbook are:

- to monitor the terrain they operate in.
- to ensure that there is no risk to public policy and internal security in the patrolling area.
- to check documents of persons being in the area, who are not known to the patrol team.
- to stop all suspected persons who do not have any documents and ask them to explain in detail their reasons for being in that area.
- to stop and bring to the nearest border guard/ police station persons who have crossed the border in an irregular way.

For the purpose of interoperability of actions taken by the participating land and maritime units, the proper cooperation as well as timely and smooth exchange of information need to be ensured on the relevant issues including the predefined disembarkation points in order apprehended persons to be transferred in an organized way to the respective police services or to the designated reception facilities.

[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]

**Commented [A12]:** The non-disclosed part contains detailed information regarding the modus operandi of law enforcement officials performing border control and/or coast guard duties. Disclosing such information would expose the working methods applied in ongoing and future operations, thus obstructing their effectiveness in prevention of cross-border crime and unauthorized border crossings. In consequence, it would undermine the protection of the public interest as regards public security and thus, cannot be disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

### Rules for security body searches

Security body search takes place immediately after the arrest and aims at:

- Discovering and seizing weapons or other objects that may facilitate the escape of the apprehended person.
- Collecting evidence related to the crime, which could be destroyed by the apprehended person.

Body search on women is conducted by a woman police officer. If there is not one on the spot, the police officer indicates another woman to conduct the body search.

During the search the police officers must take care to not offend the dignity, personality or to unreasonably cause harm or bother the individual under search, to the level that this is feasible.

In case no other woman is in the area, police officers pay special attention to secure that women apprehended do not carry any weapon or attempt to throw away possible evidences.

Any member of the EBCGT will not conduct any task individually regarding security body searches and evidence collection but only with the presence of officers from the host MS according to the national rules.

### Evidence collection on the spot

The police officers who arrive first on the spot shall:

- a. Keep intact the crime scene prohibiting to anyone non-authorized to approach and affect traces or objects found on the spot which can help in the investigation of the crime.
- b. If the crime was committed in a room, to guard it at the exterior and not allow the entrance to anyone non authorized.
- c. Verify and report to their superiors the identity of the persons found, upon arrival at the crime scene or within short distance from it.
- d. When evidences is possible to be lost, police officers arriving first on the spot and have no jurisdiction to investigate, list everything in details and submit their report to the investigating officers. They also gather any evidence and any information on the crime and the perpetrator given by the victims and other persons and where possible act in order to pursue and arrest the perpetrator.

### Transportation of migrants

Transportation of the apprehended persons on land takes place with special service cars and/ or transportation means. Exceptionally, if there are no such means available, any other services vehicle can be used, given that the Commander of the Unit responsible for this transportation considers this vehicle appropriate. Apprehended persons are transferred to the respective police service or to a designated reception place. For safety reasons and respect to the personality of the apprehended, the police officers must avoid, if possible, transfer on foot and call for support of a transportation unit.

## 5. Border checks

The operational concept consists in the enhancement of border checks at border crossing points (BCPs) by deploying border guards with the adequate profiles, according with the operational needs.

Border checks must notably fully comply with fundamental rights, the prohibition of torture and inhuman or degrading treatment or punishment. Any measures taken in the performance of their duties shall be proportionate to the objectives pursued by such measures.



While carrying out border checks, border guards shall not discriminate against persons on grounds of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

Every person who presents himself at a BCP has the right to be informed on the nature of the control and to a professional, friendly and courteous treatment, in accordance with applicable international, EU and national law. Third-country nationals subject to a thorough second line check shall be given written information in a language which they understand or may reasonably be presumed to understand, or in another effective way, on the purpose of, and the procedure for, such a check.

[REDACTED]

## ANNEX 7 - INITIAL PLAN OF DEPLOYED RESOURCES

The resources below reflect the **planned average numbers of deployments per period** of HR and TE co-financed by Frontex.

The actual Deployments Overview will be available upon request during implementation phase. The final list of resources deployed in the JO will be presented in Frontex Evaluation Report (FER).

### Human resources

#### Participating MS.

[REDACTED]

	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]

	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]

	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

**Commented [A13]:** The non-disclosed parts contain information regarding the number and profiles of officers deployed in the operational area. Disclosing such information would be tantamount to disclosing the weaknesses and strengths of Frontex operations and pose a risk to their effectiveness. As a result, the course of ongoing and future similar operations would be hampered, ultimately defeating their purpose to counter and prevent cross-border crime and unauthorized border crossings. Consequently, the disclosure of such information would undermine the protection of the public interest as regards public security as laid down Article 4(1)(a) first indent of Regulation (EC) 1049/2001.

The non-disclosed parts refer to details of the operational area and cannot be released. As ongoing operations tend to cover similar operational areas as the operations conducted in preceding years, disclosing details of previous operational areas would be tantamount to disclosing the current state of play. This would provide smuggling and other criminal networks with intelligence, enabling them to change their modus operandi, which would ultimately put the life of migrants in danger. Consequently, the course of ongoing and future operations of similar nature would be hampered by depriving the operations of any strategy and element of surprise, ultimately defeating their purpose to counter and prevent cross-border crime and unauthorized border crossings. In this light, the disclosure of documents containing such information would undermine the protection of the public interest as regards public security in the sense of Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

[REDACTED]

(\*) Detailed information about the planning of [REDACTED] can be found under chapter "Other technical equipment" below

**In addition:**

[REDACTED]

**Host MS:**

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]

The number of HCG officers performing [REDACTED] on a period basis will depend on the number of heavy TE and crews deployed. To be bilaterally agreed during the operational year.

**Heavy technical equipment**

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

(\*) [REDACTED]

**Commented [A14]:** The non-disclosed parts contain information regarding the number and profiles of officers deployed in the operational area. Disclosing such information would be tantamount to disclosing the weaknesses and strengths of Frontex operations and pose a risk to their effectiveness. As a result, the course of ongoing and future similar operations would be hampered, ultimately defeating their purpose to counter and prevent cross-border crime and unauthorized border crossings. Consequently, the disclosure of such information would undermine the protection of the public interest as regards public security as laid down Article 4(1)(a) first indent of Regulation (EC) 1049/2001.

The non-disclosed parts refer to details of the operational area and cannot be released. As ongoing operations tend to cover similar operational areas as the operations conducted in preceding years, disclosing details of previous operational areas would be tantamount to disclosing the current state of play. This would provide smuggling and other criminal networks with intelligence, enabling them to change their modus operandi, which would ultimately put the life of migrants in danger. Consequently, the course of ongoing and future operations of similar nature would be hampered by depriving the operations of any strategy and element of surprise, ultimately defeating their purpose to counter and prevent cross-border crime and unauthorized border crossings. In this light, the disclosure of documents containing such information would undermine the protection of the public interest as regards public security in the sense of Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

**Commented [A15]:** The non-disclosed parts contain information regarding the technical equipment deployed in the operational area by Frontex and Member States. Disclosing such information would be tantamount to disclosing the exact type and capabilities of the equipment and would enable third parties, e.g. by combining this information with other sources, to draw conclusions regarding usual positions and movement patterns. This would open way for abuse, as numbers and types of equipment used in previous operations are indicative of similar numbers and types for succeeding years. Releasing such information would thus benefit criminal networks, enabling them to change their modus operandi and, consequently, result in hampering the course of ongoing and future operations of a similar nature. This would ultimately obstruct the purpose of such operations: to counter and prevent cross-border crime and unauthorized border crossings. In this light, the disclosure of information regarding the technical equipment deployed would undermine the protection of the public interest as regards public security in the sense of Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

<sup>20</sup> The number of the [REDACTED] from HCG depends on the number of the maritime and aerial assets and TVV deployed to the operational area

Other technical equipment

	[REDACTED]		[REDACTED]	
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Period 1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Period 2	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Period 3	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Period 4	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Period 5	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Period 6	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Period 7	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Period 8	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Period 9	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Period 10	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Period 11	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Period 12	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Period 13	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

**Commented [A16]:** The non-disclosed parts contain information regarding the technical equipment deployed in the operational area by Frontex and Member States. Disclosing such information would be tantamount to disclosing the exact type and capabilities of the equipment and would enable third parties, e.g. by combining this information with other sources, to draw conclusions regarding usual positions and movement patterns. This would open way for abuse, as numbers and types of equipment used in previous operations are indicative of similar numbers and types for succeeding years. Releasing such information would thus benefit criminal networks, enabling them to change their modus operandi and, consequently, result in hampering the course of ongoing and future operations of a similar nature. This would ultimately obstruct the purpose of such operations: to counter and prevent cross-border crime and unauthorized border crossings. In this light, the disclosure of information regarding the technical equipment deployed would undermine the protection of the public interest as regards public security in the sense of Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

The non-disclosed parts contain information regarding the number and profiles of officers deployed in the operational area. Disclosing such information would be tantamount to disclosing the weaknesses and strengths of Frontex operations and pose a risk to their effectiveness. As a result, the course of ongoing and future similar operations would be hampered, ultimately defeating their purpose to counter and prevent cross-border crime and unauthorized border crossings. Consequently, the disclosure of such information would undermine the protection of the public interest as regards public security as laid down Article 4(1)(a) first indent of Regulation (EC) 1049/2001.

Readmission activity<sup>21</sup>

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]

REMARK:

Any changes related to the level of the deployed resources in the course of the JO do not require the amendment of the Operational Plan. Those deployments will be agreed between Frontex, host and respective participating MS during implementation phase of the JO.

<sup>21</sup> Number of monthly deployments during periods [REDACTED]

## ANNEX 8 - OPERATIONAL BRIEFING AND DEBRIEFING

### Operational briefing

The Operational Briefing is composed of 2 parts:

- General briefing - delivered by Frontex
- National briefing - provided by the respective officers of the host MS

#### Structure of the Operational briefing:

- As a general rule, FSO, Debriefing and Screening Experts, ALDOs as well as National Officials will be briefed in the FLO/EURTF Piraeus during the first day of the deployment.
- Debriefing experts, Screening Experts and ALDOs will receive the supplementary intelligence briefing delivered by the Debriefing Advisor and/or Operational analyst and the IO in the FLO/EURTF Piraeus on the second day of the operational briefing. Besides that, ALDOs will be provided with additional information by a representative of CED on the second day of operational briefing as described below.
- Briefing on Serious Incident Reporting will be supported by IFC.
- In the exceptional cases, if requested by participating MS, the operational briefing can be provided at the deployment location.
- Registration and Fingerprinting Officers, Interpreters, Forced-return escorts, BSO, crew members of the assets and officers of the host MS will be briefed at the deployment location during the first day of the deployment.
- In spite that the participants receive the operational briefing on the central level, an introductory session will be provided at local level.

#### Standard plan of the General Briefing:

- Legal framework of Frontex (including role, tasks and current structure of Frontex).
- Legal framework of the joint operation.
- Fundamental rights in Frontex activities.
- Frontex Code of Conduct applicable to all persons participating in Frontex Operational Activities.
- Description and assessment of the situation in the area.
- Operational concept, aim and objectives.
- Information on implementation (period, briefing/debriefing, operational areas, participation).
- Main aspects of the Rules on Use of Force.
- Cooperation with third countries, other EU agencies and bodies or international organizations in the operational area.
- The tasks and roles of participants.
- Command and control.
- Communications within JO, FOSS, Press rules.
- Reporting (JORA, incidents, SIR, reports of participants and Frontex).
- Contact details of responsible Frontex staff.
- Organisational arrangements and logistics.
- Evaluation (reports).
- General overview about Frontex Document Alerts.
- Awareness session on THB and Children at Risk.

Debriefing and Screening Experts will be introduced also to:

- State of play including the current migration situation within the JO.
- Purpose of debriefing and intelligence gaps.
- Debriefing activities according to the Operation Plan and the Handbook.
- Screening activities according with the Operational Plan and the Handbook.
- Procedure of the host MS related to interviewing migrants/ access to migrants' belongings.
- Guidelines for debriefing activities.
- Use of Interpreters.
- Safety rules before/during the debriefing activities.
- Evidence collection.

Advanced-level Document Officers will be introduced also to:

- Description of the CED activities.
- Main trends and detection skills.
- Instruction/training on compiling a Document Alert.
- Reporting, validation and dissemination of Frontex Document Alerts (FDAs).
- The use of Reference Manual, of the Quick Check Brochure and other available platforms containing relevant information for document authentication.

Operational briefings will be complemented by EASO and EUROPOL representatives by presenting their mandate and tasks within the area where all agencies are operating together.

#### **Standard plan of the National briefing:**

- Introduction to the border management, national coast guard/border/police authorities, organizational structure and responsibilities of the respective central and local authorities.
- Contact details of responsible officers (ICC and LCC Coordinators, Central and Local Police Coordinators, Team Leaders, OLO-TE, etc.).
- Introduction to the referral procedures and the responsible national authorities in regard to the vulnerable groups / people seeking international protection.
- National legislation related to the powers and obligations of the Team Members and instructions (supported by a possible demonstration) for use of force including use of weapons.
- Transportation/storage/carry of weapons/special technical equipment.
- Introduction to responsibilities and tasks of BCP, technological procedures for border control, access to information on national databases (for the First-line Officer only).
- Presentation of duty plan/working schedule for the deployed Team Members.
- Working conditions and facilities in the specific operational area.
- Logistical information on heavy equipment and spare parts delivery (applicable for crews only).

The standard plan for the Forced-return escorts is defined in the annex 13.

#### **Operational debriefing**

The Operational debriefing for all participants will be performed by FOC/FSO on the spot in close cooperation with the local authorities during the last days of the deployment. In case the Operational debriefing for crewmembers cannot be organized for each deployed asset, it can be limited to the NO within the ICC.

Operational debriefing should consist of at least the following topics:

- Brief feedback on the deployment in operation by the participants on:
  - cooperation with the central/local authorities and Frontex.





- the assigned tasks' execution within the overall operational concept.
- information flow among deployed officers - national authorities - Frontex.
- Brief feedback of the performance of the deployed officers by the host MS representative.
- Questions/answers.

The Report from Participants is considered as a part of Operational debriefing.

## ANNEX 9 - COOPERATION WITH OTHER UNION BODIES, OFFICES AND AGENCIES OR INTERNATIONAL ORGANISATIONS

### Cooperation with EASO

Frontex and European Asylum Support Office (EASO) have established their cooperation in the area of asylum and migration management, exchanging information and best practices on the functioning of their experts' database, sharing their respective training activities and the reports. The cooperation includes the training on nationality establishment and sharing best practices and methods to better identify persons in need of international protection and promptly refer them to the competent authorities.

The agencies coordinate their activities with the host Member States authorities to ensure prompt referral and effective access to asylum procedures in accordance with the EU asylum acquis.

EASO may contribute to the operational briefings for Frontex deployed experts to maintain the awareness about EASO mandate and role as well as to present the Access to Asylum Procedure Tools developed jointly by EASO and Frontex, in cooperation with FRA and UNHCR.

### Cooperation with EFCA and EMSA

Cooperation between Frontex, the European Fisheries Control Agency (EFCA) and the European Maritime Safety Agency (EMSA) is based on a Tripartite Working Arrangement and includes sharing of maritime information, providing new surveillance and communication services, building capacity, analysing operational challenges and emerging risks in the maritime domain as well as planning and implementing multipurpose operations.

The general operational cooperation between Frontex and EFCA, and Frontex and EMSA is carried out through the operational structures of the JO and assigned contact points of the respective host MS authorities.

The agencies share, in advance, via established contact points, the basic information on planned patrols of aerial and maritime assets to ensure effective planning and use of resources.

### Frontex and EFCA

The cooperation focuses on the exchange of information, namely sightings as regards fisheries control within the operational area of the JO. In this frame:

- EFCA's template with the minimum requirements for sighting information to be collected is used by participants for all sightings of fishing vessels.
- During EFCA's operations EFCA provides sighting information and position of vessels, which could be of possible interest for Frontex.

In addition, EFCA periodically delivers a tailored briefing package on fisheries control for the National Officials of the aerial and maritime assets deployed in the JO. Frontex can also contribute to EFCA's Joint Deployment Plans (JDP) and other workshops/events with operational experiences in relation to multipurpose maritime activities and deliver tailored briefings for that purpose.

## Frontex and EMSA

EMSA periodically delivers a tailored briefing package on pollution control for the National Officials of the aerial and maritime assets deployed in the JO. Frontex can also contribute to EMSA workshops/events with operational experiences in relation to multipurpose maritime activities and deliver tailored briefings for that purpose.

Each time a maritime or aerial asset deployed within the JO observes a (potential) pollution spill, the Potential Marine Pollution Sighting Form will be filled in and sent to ICC/ EMSA as soon as possible for further analysis and possible action.

EMSA various operational related services to be consumed within multipurpose maritime activities and delivered under umbrella of Eurosur Fusion Services.

Based on Frontex request, EMSA in coordination with the operational structure of the JO can provide RPAS services for particular geographical area and dedicated time frame.

## Cooperation with eu-LISA

The cooperation between Frontex and European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA) may be implemented on Eurodac registration related matters to assist the host MS with available knowledge and expertise. This includes eu-LISA's support in developing the required technological capacity as well as Eurodac requirements, process and expertise to facilitate registration.

## Cooperation with Europol

Frontex and the European Union Agency for Law Enforcement Cooperation (Europol) cooperate during the JO through exchange of information and intelligence. Specifically, Frontex and Europol cooperate under the framework of processing personal data for risk analysis (PeDRA).

Within the framework of PeDRA, Frontex may transmit to Europol on a case-by-case basis personal data collected by MS during the JO and related to individuals suspected of involvement in migrants' smuggling, human trafficking, terrorism and other serious cross-border crimes. Host MS or team members deployed in the JO will report these data via operational report templates, such as debriefing interviews and will transmit them to Frontex via JORA (PeDRA process).

The agencies also cooperate under the Operational Actions under the EU Policy Cycle/EMPACT for actions targeting specific routes, organized crime groups, and specific areas of serious crimes. Under Joint Actions Days implemented within the JO, Frontex invites Europol to the Coordination Centre to facilitate the exchange of intelligence and to align the control measures. Frontex officers are also reciprocally deployed to the JADs coordination centres managed by Europol. Both Frontex and Europol jointly co-drive the Facilitation of Illegal Immigration EMPACT Priority under EU Policy Cycle.

Debriefing activities are tailored not only based on intelligence requirements originating from Frontex and the host MS, but also from requests from Europol resulting from investigative/operational needs and subsequently agreed with Frontex. They might also be influenced by the investigative/operational needs of the host MS investigators involved in the EMPACT related activities, especially in the course of a Joint Action Day coordinated by Frontex and participated by Europol.

Both Agencies may contribute to each other Operational briefings, thus maintaining the awareness of the Agencies' mandates and responsibilities to the experts deployed by Frontex and Europol.

[REDACTED]

*The channel for the flow of information from Member States to Frontex and then to Europol is described in Handbook (PeDRA).*

### **Cooperation with EUROJUST**

EUROJUST has appointed the contact person in the frame of EURTF.

### **Cooperation with FRA**

The European Union Agency for Fundamental Rights (FRA) can support Frontex in the mainstreaming of fundamental rights in all Frontex activities. Upon request, FRA can provide advice on how to operationalise fundamental rights in Frontex operations. Frontex and FRA also cooperate in the planning and implementation of research at the external EU borders.

Staff deployed by Frontex is encouraged to use materials published by FRA available at [www.fra.europa.eu](http://www.fra.europa.eu), in particular the Handbook on European law relating to asylum, borders and immigration as well as the Handbook on European data protection law.

FRA also can participate in Readmission activity as an observer.

### **Cooperation with Interpol**

Frontex facilitates the cooperation between the host MS and International Criminal Police Organization (Interpol) during the JO through collection of data and intelligence. In particular, the information collected during the JO, with possible links to criminal activities such as terrorism, trafficking in human beings and smuggling of illicit goods, will be passed to the host authorities, which is a responsible entity to ensure the further dissemination to Interpol, if relevant.

The access to Interpol's global databases enabling comparison of fingerprints, photographs and travel documents to identify internationally wanted persons using false identities may be developed and ensured in the registration locations.

### **Cooperation with UNHCR**

During the JO, United Nations High Commissioner for Refugees (UNHCR) may cooperate with Frontex in aspects related to international protection and the implementation of the principle of non-refoulement, delivering operational briefing to the Team Members on access to international protection and fundamental rights.

### **Cooperation with IOM**

International Organization for Migration (IOM) may provide essential information regarding rights and obligations, the reception and identification procedures and about the option of Assisted Voluntary Return and Reintegration (AVRR) to the migrants and asylum seekers in the RICs. Also IOM plays an important role in helping migrants to trace the lost family members.

IOM starts voluntary returns programs from the islands via Athens to the home countries of migrants.



### **Implementation of the SOP with NATO**

Referring to the conclusions of the European Council of 18/19 February 2016, Frontex is coordinating its operational activities under this JO with the North Atlantic Treaty Organization (NATO) in the Aegean Sea in accordance with the Standard Operating Procedures (SOP).

*The Standard Operating Procedures (SOPs) for the cooperation between NATO activity and Frontex coordinated operation in the Aegean Sea is provided in the Annex 13.*

ANNEX 10 - COORDINATION STRUCTURE

Tasks and Roles of Participants

Member States

International Coordination Centre (ICC)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

ICC Coordinator

[Redacted]

[Redacted]

**Commented [A17]:** The non-disclosed part contains detailed information regarding the modus operandi of law enforcement officials performing border control [and/or coast guard duties]. Disclosing such information would expose the working methods applied in ongoing and future operations, thus obstructing their effectiveness in prevention of cross-border crime and unauthorized border crossings. In consequence, it would undermine the protection of the public interest as regards public security and thus, cannot be disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

[REDACTED]

[REDACTED]

[REDACTED]

**Commented [A18]:** The non-disclosed part contains detailed information regarding the modus operandi of law enforcement officials performing border control and/or coast guard duties. Disclosing such information would expose the working methods applied in ongoing and future operations, thus obstructing their effectiveness in prevention of cross-border crime and unauthorized border crossings. In consequence, it would undermine the protection of the public interest as regards public security and thus, cannot be disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

[Redacted]

**Operational Liaison Officer (OLO)**

The [Redacted]

**Joint Coordinating Board (JCB)**

[Redacted]

**National Official (NO)**

[Redacted]

[Redacted]

**Commented [A19]:** The non-disclosed part contains detailed information regarding the modus operandi of law enforcement officials performing border control and/or coast guard duties. Disclosing such information would expose the working methods applied in ongoing and future operations, thus obstructing their effectiveness in prevention of cross-border crime and unauthorized border crossings. In consequence, it would undermine the protection of the public interest as regards public security and thus, cannot be disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

<sup>22</sup> More information is provided in the Main part of the OPLAN.





[Redacted]

Team Members and Officers of the host MS

[Redacted]

**Commented [A21]:** The non-disclosed part contains detailed information regarding the modus operandi of law enforcement officials performing border control and/or coast guard duties. Disclosing such information would expose the working methods applied in ongoing and future operations, thus obstructing their effectiveness in prevention of cross-border crime and unauthorized border crossings. In consequence, it would undermine the protection of the public interest as regards public security and thus, cannot be disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

Commanding Officer (CO)

[Redacted]

Interpreters

[Redacted]

[Redacted]

<sup>23</sup> In case of maritime and aerial assets.

assistance

**Commented [A22]:** The non-disclosed part contains detailed information regarding the modus operandi of law enforcement officials performing border control and/or coast guard duties. Disclosing such information would expose the working methods applied in ongoing and future operations, thus obstructing their effectiveness in prevention of cross-border crime and unauthorized border crossings. In consequence, it would undermine the protection of the public interest as regards public security and thus, cannot be disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

Local Coordination Centre (LCC)

LCC Coordinator

Local Police Coordinators (LPC)

The [REDACTED]

[REDACTED]

**Commented [A23]:** The non-disclosed part contains detailed information regarding the modus operandi of law enforcement officials performing border control and/or coast guard duties. Disclosing such information would expose the working methods applied in ongoing and future operations, thus obstructing their effectiveness in prevention of cross-border crime and unauthorized border crossings. In consequence, it would undermine the protection of the public interest as regards public security and thus, cannot be disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

**Team Leaders (TL)**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Support

Operational Liaison Officer for Technical Equipment (OLO-TE)

**Commented [A24]:** The non-disclosed part contains detailed information regarding the modus operandi of law enforcement officials performing border control and/or coast guard duties. Disclosing such information would expose the working methods applied in ongoing and future operations, thus obstructing their effectiveness in prevention of cross-border crime and unauthorized border crossings. In consequence, it would undermine the protection of the public interest as regards public security and thus, cannot be disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

Frontex

Frontex Coordinating Officer (FCO)

Operational Manager (OM)

Draft

**Commented [A25]:** The non-disclosed part contains detailed information regarding the modus operandi of law enforcement officials performing border control and/or coast guard duties. Disclosing such information would expose the working methods applied in ongoing and future operations, thus obstructing their effectiveness in prevention of cross-border crime and unauthorized border crossings. In consequence, it would undermine the protection of the public interest as regards public security and thus, cannot be disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

**Operational Team (OT)**

**Frontex Operational Coordinator (FOC)**

**Frontex Support Officer (FSO)**

**Frontex Support Officer (FSO) for Readmissions**



Produce

[Redacted]

**Commented [A27]:** The non-disclosed part contains detailed information regarding the modus operandi of law enforcement officials performing border control and/or coast guard duties. Disclosing such information would expose the working methods applied in ongoing and future operations, thus obstructing their effectiveness in prevention of cross-border crime and unauthorized border crossings. In consequence, it would undermine the protection of the public interest as regards public security and thus, cannot be disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

Debriefing Advisors (DA)

[Redacted]

[Redacted]

Personal Data Analyst (PDA)

[Redacted]



Once

[Redacted]

**Commented [A28]:** The non-disclosed part contains detailed information regarding the modus operandi of law enforcement officials performing border control and/or coast guard duties. Disclosing such information would expose the working methods applied in ongoing and future operations, thus obstructing their effectiveness in prevention of cross-border crime and unauthorized border crossings. In consequence, it would undermine the protection of the public interest as regards public security and thus, cannot be disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

European Coast Guard Functions Officer (ECGFO)

[Redacted]

[Redacted]

Frontex Information Management Officer (FIMO) to Greece

[Redacted]

[Redacted]

Frontex Situation Centre (FSC)

[Redacted]

maintains

**Commented [A29]:** The non-disclosed part contains detailed information regarding the modus operandi of law enforcement officials performing border control and/or coast guard duties. Disclosing such information would expose the working methods applied in ongoing and future operations, thus obstructing their effectiveness in prevention of cross-border crime and unauthorized border crossings. In consequence, it would undermine the protection of the public interest as regards public security and thus, cannot be disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

*Senior Duty Officer (SDO) Service in FSC*

*Deployed Frontex Information Management Officers' (FIMO) to FSC*

*Information Fusion Centre (IFC)*

*IFC roles concerning Frontex One Stop Shop (FOSS)*

*IFC roles and responsibilities concerning JORA*

[Redacted]

[Redacted]

[Redacted]

Detailed information about FOSS and JORA are provided in the Handbook.  
The JORA Guidelines defining the incidents reporting procedure are available on FOSS.

Contact details of the responsible FSCI/IFC officers are available in FOSS.

**Frontex Centre of Excellence for Combating Document Fraud (CED)**

[Redacted]

[Redacted]

[Redacted]

The contact details of the FDA HelpDesk are available in FOSS.

**Frontex Liaison Office**

[Redacted]

**European Union Regional Task Force (EURTF)**

[Redacted]

**Commented [A30]:** The non-disclosed part contains detailed information regarding the modus operandi of law enforcement officials performing border control and/or coast guard duties. Disclosing such information would expose the working methods applied in ongoing and future operations, thus obstructing their effectiveness in prevention of cross-border crime and unauthorized border crossings. In consequence, it would undermine the protection of the public interest as regards public security and thus, cannot be disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

<sup>24</sup> In case of queries where Frontex has no competence to act, the caller will be informed accordingly.

[REDACTED]

**Field Press Coordinator (FPC)**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Fundamental Rights Officer (FRO)**

During implementation of operational plan, the Frontex Fundamental Rights Officer (FRO) has the task to monitor the compliance with the fundamental rights in the Agency's activities and as such contribute to the mechanism for monitoring fundamental rights, in accordance to Article 109 of the Regulation. FRO also contributes to operational briefings, debriefings and evaluations of the operations, providing recommendations, guidance during its implementation and separate observations to the Frontex Evaluation Reports (FER).

In addition, FRO handles and decides on admissibility of complaints lodged against staff in operational areas for potential breaches of fundamental rights during implementation of operational activities by persons directly affected by them.

**Team Members seconded to the Agency (STM)**

Team Members seconded to the Agency are border guards or other relevant staff from the MS selected by Frontex and is considered as a Frontex contribution to the European Border and Coast Guards Teams. The secondment of TM must not exceed twelve months and may not be shorter than three months.

**Commented [A31]:** The non-disclosed part contains detailed information regarding the modus operandi of law enforcement officials performing border control [and/or coast guard duties]. Disclosing such information would expose the working methods applied in ongoing and future operations, thus obstructing their effectiveness in prevention of cross-border crime and unauthorized border crossings. In consequence, it would undermine the protection of the public interest as regards public security and thus, cannot be disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

ANNEX 11 - JORA

JORA Actors

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

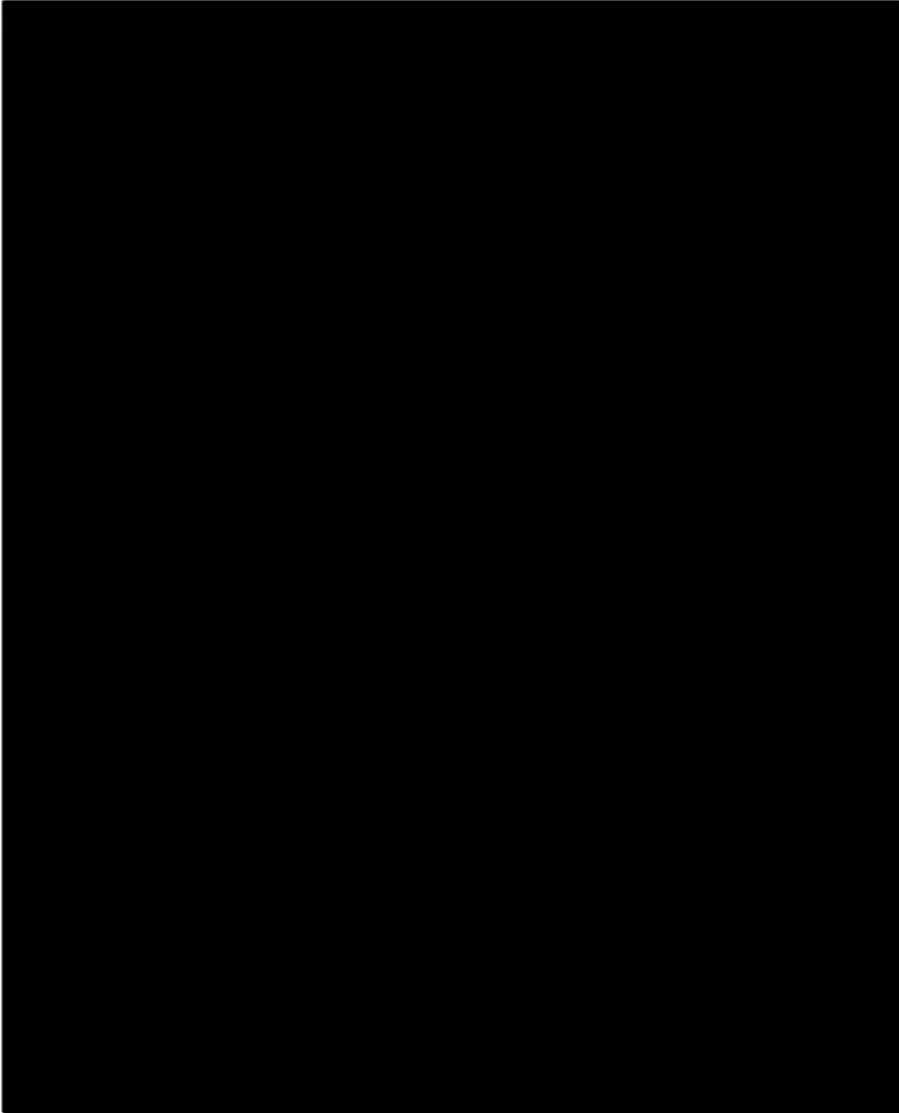
**Commented [A32]:** The blanked out parts contain detailed information related to means of communication used by law enforcement officials. Their disclosure would lead to possible abusive usage and harm the course of future and ongoing operations, and thus facilitate irregular migration. Therefore, public security will be affected. In light of the above the text is not disclosed pursuant to the exception laid down in the first indent of Article 4(1)(a) of Regulation No 1049/2001 relating to the protection of the public interest as regards public security.

The non-disclosed part contains personal data, in particular, the name of an individual. The disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with European Union legislation regarding the protection of personal data and therefore has to be precluded pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001.



JORA Reporting Structure

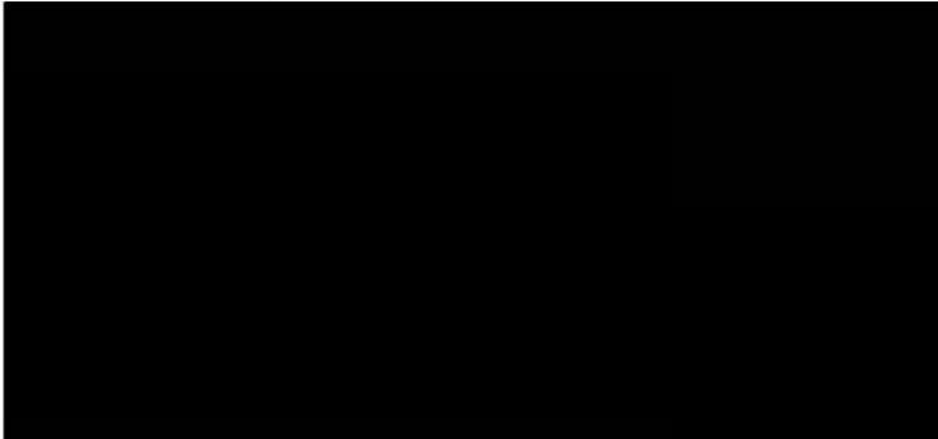
Incidents reporting structure



**Commented [A33]:** The non-disclosed part contains detailed information related to reporting tools and methods used by law enforcement officials to conduct border control tasks and counter criminal activities. Its disclosure would jeopardize the implementation of ongoing and future operations, and thus facilitate irregular migration and trafficking in human beings as the effectiveness of law enforcement measures would be significantly reduced. As disclosing this information would undermine the protection of the public interest as regards public security, this part is not disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001 .

[Redacted]

Identification and Registration reporting structure



**Commented [A34]:** The non-disclosed part contains detailed information related to reporting tools and methods used by law enforcement officials to conduct border control tasks and counter criminal activities. Its disclosure would jeopardize the implementation of ongoing and future operations, and thus facilitate irregular migration and trafficking in human beings as the effectiveness of law enforcement measures would be significantly reduced. As disclosing this information would undermine the protection of the public interest as regards public security, this part is not disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001 .

JORA Reporting Timeline



## ANNEX 12 - READMISSION ACTIVITY

### General information

Readmission Operations from Greece to Turkey are based on the bilateral readmission agreement between the two parties and carried out according to the [EU-Turkey statement of 18 March 2016](#)<sup>25</sup> and with EU support.

Frontex supports the operational implementation of the agreement by coordinating the deployment of the Team Members (Forced-return escorts) as well as by providing Greece with technical assistance (means of transportation and operational coordination).

Participating MS will support the achievement of operational objectives and implementation of activities by deploying their resources to the defined locations and periods of time.

As a general rule, Team Members (TM) perform their tasks and exercise powers under instructions and in the presence of the officers of Greece as the host MS.

Frontex and TM assigned for duty during this operation will ensure full compliance with the Charter of Fundamental Rights ensuring respect and dignity for all persons encountered in the course of this operation and with the Code of Conduct for Return Operations and Return Interventions coordinated or organised by Frontex<sup>26</sup> and with Code of Conduct applicable to all persons participating in Frontex operational activities.

The guidance provided in the Frontex Guide for JROs shall also be applicable to these activities.

### Pre-readmission phase

#### Individual decisions

All persons readmitted have been subject to individual decisions taken by the host MS in full accordance with national, EU and international laws.

#### Implementation Plan and Operational Time Schedule

Greece as the host MS will negotiate with Turkey the date, time and handover border crossing point of a Readmission activity.

#### Security measures

Greece will provide necessary security measures and maintain public order during the entire Readmission activity (pre-departure phase, on-board phase, readmission phase); specific measures should be taken in designated operational areas (secure waiting area in the port/airport, secure designated area for body search/luggage search, etc.).

#### Forced-Return Monitor

Pursuant to Article 50(5) of the Regulation, these Readmission Operations will be monitored by the Forced-Return Monitor in accordance with Article 8(6) of Directive 2008/115/EC<sup>27</sup>, on the basis of objective and transparent criteria, from the pre-departure phase until the hand-over of the migrant in the third country of return.

<sup>25</sup> <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>

<sup>26</sup> Decision of the Executive Director No R-ED-2018-40 of 26 April 2018.

<sup>27</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).



[REDACTED]

Greece as the host MS shall properly inform in advance its national monitoring institution (Greek Ombudsman) about the Readmission Operation. The Forced-Return Monitor may take part in all phases of the Readmission Operation.

**Medical staff**

Adequate medical support shall be ensured during the entire Readmission activity till the disembarkation in the country of readmission. All migrants subject to an individual decision to be readmitted issued by the Greek authorities will be readmitted as long as they are fit to travel at the time of the operation.

**Interpreters**

Greece should assess the need to have Interpreters taking part in the entire operations.

**Crisis Focal Point 24/7**

Greece will provide adequate operational coordination via appointing a Crisis Focal Point on the Greek islands from where readmissions will be carried out.

**Capacity of Forced-return escorts**

The number of Forced-Return Escorts should be determined by the host MS in the light of an individual and overall risk assessment. The ratio 1:1 is recommended to be the minimum operational standard for this activity.

**Back-up Team**

An appropriate back-up team, depending on the operational circumstances, should operate throughout the Readmission activity in order to give assistance to the Forced-Return Escorts.

**Visual personal identification of Forced-Return Escorts**

See annex 6 of this Operational Plan.

**Meeting with the airline/ferry company**

Prior to the activity, Greek Team leaders along with Frontex Supporting Officer (FSO) on readmission should have a preliminary meeting with the airline/ferry company in order to provide a briefing on the confidentiality of the Readmission activity as well as to agree on board procedures to be applied (catering, procedure on board, seating plan, etc.).

**Photography/Filming**

During the Readmission activity it is forbidden for all actors involved to take any photographs or to film any part of the activity, if not specifically agreed with the Greek authorities and Frontex.

**Contact with press**

Contact with Press shall be only maintained via the Frontex Media and Public Relations Office.

**Pre-departure phase**

**Security checks**

Where special waiting and/or operational areas have been arranged, they should be subjected to a security and technical checks immediately prior to the start of the activity.

[REDACTED]

Security checks of the mean of transportation should be conducted for dangerous items, etc. After security checks have been completed, the aircraft/ferry/coaches checked should remain guarded.

#### Briefing of escort officers

Immediately prior to the activity the Greek Escort Leader along with FSO on Readmission should brief the entire contingent of Forced-Return Escorts and other relevant participants (medical staff, Interpreters, monitors, etc.) on the content of the implementation plan and latest updates on the activity procedure agreed (e.g. information about embarkation and on board procedures, e.g. movements on board, catering, etc.);

#### Document check

[REDACTED] will be responsible for checking the documents needed for the readmissions of migrants.

[REDACTED] h  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Commented [A35]:** The non-disclosed parts contain detailed information regarding the modus operandi of law enforcement officials performing return and return-related activities. Disclosing such information would expose the working methods used in ongoing and future operations, putting at risk the efforts made by the European Union and its Member States to return third-country nationals who are subject to national return decisions. This would endanger the public order as well as Member States' security and, concretely, jeopardize the orderly conduct of return flights as well pose a hazard to the safety of aircraft, passengers and crew. In this light, the disclosure of such information would undermine the protection of the public interest as regards public security as laid down in Article 4(1)(a) first indent of Regulation (EC) No 1049/2001 and therefore must be refused.

#### Use of Force and coercive measure

See annex 6 of this Operational Plan.

#### Final passenger list

A definitive list of returnees should be completed immediately prior to boarding and should be handed over to the airline/ferry company.

#### Briefing of crew of aircraft/ferry/vehicles

Before the boarding, the Greek Team Leaders should introduce him/herself to the captain and crew of the ferry/aircraft as the responsible person for the implementation of the Readmission activity. The crew shall be informed and agree on the seating plan, final number of passengers, catering schedule, etc.

Where special equipment for sanitary or safety means is needed (plastic cover is recommended to be provided by the airline/ferry/vehicles company), it should be placed in the means of transportation at this stage.

In accordance with the Code of Conduct for Return Operations and Return Interventions coordinated or organised by Frontex, and in order to ensure the health of passengers and avoid incidents of medical nature, medical staff shall be present on board the means of transportation during readmission activity. Medical team of host MS shall hand over all relevant medical information only to the medical staff on board.

#### Boarding / Procedures on-board

Forced-return escorts and migrants to be readmitted will be seated as directed by the Greek Escort Leader and according to a dedicated seating plan. Pregnant women (single or with families) and families with children will be enabled to board separately and will be seated separately from other returnees.

Emergency exit rows will not be used for seating returnees.

[REDACTED]

Once on board, Forced-Return Escorts will ensure that all passengers will take their seats and remain seated.

No TM will leave his/her designated migrant to be readmitted unless relieved by another Forced-Return Escort.

Toilets for the use by the returnees will be clearly indicated. Only one escorted person to be readmitted at the time will be permitted to move on board in order to access the toilet.

All restraint will be used appropriately to the level of resistance faced. All such restraints are subject to the authority of the flight/ferry captain, who is in charge of the aircraft/ferry boat in connection with all safety and security measures.

All relevant incidents have to be brought to the attention of the Greek Team Leader.

On the outward journey to Turkey all participants in the readmission operation will be provided with the same catering.

Consumption of alcoholic beverages and smoking on board is not allowed.

### Arrival phase

The Greek Team Leader shall follow the procedures agreed with the competent local authorities to start the disembarkation of the returnees. They shall be handed over without any restraint.

The Forced-Return Escorts will remain on board.

Baggage in the hold will be unloaded, the returnee will receive their luggage after disembarkation is completed.

### Return leg

A debriefing meeting shall be held during the return leg in order to assist the Greek to prepare a final report. Team Leaders of Forced-Return Escorts, medical personnel, observers, Interpreters and monitors shall take part in the debriefing.

### Tasks of the Forced-Return Escorts

- Under the instructions of the Host MS the Forced-Return Escorts take part in the implementation of readmission operations by escorting the persons to be readmitted including all necessary measures.
- Ensure security during the implementation of readmission operations by air, sea and land including body and luggage search of returnees and security check of the means of transportation.

### Reporting

uses [REDACTED]

**Commented [A36]:** The non-disclosed part contains detailed information related to reporting tools and methods used by law enforcement officials to conduct border control tasks and counter criminal activities. Its disclosure would jeopardize the implementation of ongoing and future operations, and thus facilitate irregular migration and trafficking in human beings as the effectiveness of law enforcement measures would be significantly reduced. As disclosing this information would undermine the protection of the public interest as regards public security, this part is not disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001 .

[REDACTED]

## ANNEX 13 - STANDARD OPERATING PROCEDURES (SOP) FOR THE COOPERATION BETWEEN NATO ACTIVITY AND FRONTEX COORDINATED OPERATION IN THE AEGEAN SEA

For the purpose of implementing the conclusions of the European Council of 18/19 February 2016, Frontex and MARCOM have agreed on the basis and modalities of the cooperation regarding NATO support to assist with the current migration crisis and Frontex operational activities in the Aegean Sea, as defined in the respective Exchange of Letters. These Standard Operating Procedures (SOP) shall be implemented, in order to ensure the smooth cooperation among the stakeholders taking into consideration that NATO activities in the area are limited to the conduct of reconnaissance, monitoring and surveillance of illegal border crossings within the defined Area of Activity/ Operational Space.

### Information exchange and situation monitoring

MARCOM and Frontex will exchange information classified up to and including "NATO RESTRICTED releasable to Frontex" and "EU RESTRICTED releasable to MARCOM" with a view to effectively achieve the operational objectives in accordance with the following principles:

- Exchange of information from various sources (including information by EU law enforcement bodies upon prior approval of the originator), aiming to gather analyzed information using existing frameworks and platforms. The source(s) and the means by which information has obtained shall not be published.
- Scope of the information exchange includes the sharing of incidents and information relevant for border surveillance, preferably in real time, leading to a common situational picture in the areas of interest.
- Exchange of situational and other relevant reports related to operational activities in the areas of interest.

The information exchange between Frontex and MARCOM will respect the respective coordination structures and the command and control, communication and reporting procedures of the JO Poseidon. [REDACTED]

Frontex may share relevant NATO UNCLASSIFIED marked information received with other EU Agencies (e.g. Europol, EASO) participating in the European Regional Task Force (EURTF) set up in Greece, subject to originator's control. Information will be shared within the structure of EURTF and Frontex representative there will request for the originator's control.

FRONTEX will not transfer or release any "NATO RESTRICTED releasable to Frontex" marked information to a third party without the prior written approval of the originator of the information. In case of a need the written approval procedure will be communicated through the Frontex Situation Centre (FSC).

MARCOM may share relevant EU LIMITED (UNCLASSIFIED) information received from Frontex with a third party subject to originator control. The contact point for information sharing and originator control is the FSC.

MARCOM will not transfer or release any EU RESTRICTED information received from Frontex to a third party without the prior written approval of the originator of the information. The contact point for information sharing and originator control is the FSC.

Downgrading and declassification of "NATO RESTRICTED releasable to Frontex" and "EU RESTRICTED releasable to NATO" information remains subject to originator and source subject's control.

**Commented [A37]:** The non-disclosed part contains detailed information related to reporting tools and methods used by law enforcement officials to conduct border control tasks and counter criminal activities. Its disclosure would jeopardize the implementation of ongoing and future operations, and thus facilitate irregular migration and trafficking in human beings as the effectiveness of law enforcement measures would be significantly reduced. As disclosing this information would undermine the protection of the public interest as regards public security, this part is not disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001

[REDACTED]

### Exchange of liaison officers

MARCOM may designate and deploy a liaison officer to Frontex Liaison Office (FLO)/ EURTF in Piraeus in order to closely cooperate with ICC Piraeus.

Frontex Executive Director may designate a Frontex Liaison Officer (LO) to MARCOM to be deployed in NATO SNMG flagship and/or subordinate commands at the operational and tactical level.

The LO are deployed to facilitate the communications between the respective coordination structures at the operational and tactical level.

Frontex and MARCOM will cover all costs associated with the deployment of their own liaison officers. Further questions related to the status and arrangements applicable to LO will be agreed between Frontex Executive Director and the appropriate level of MARCOM.

### Operational planning and deployment

The operational coordination body of the International Coordination Centre (ICC) will make available to Frontex LO to MARCOM:

- [REDACTED] and other relevant data at the beginning of each deployment.

**Commented [A38]:** The non-disclosed part contains detailed information related to reporting tools and methods used by law enforcement officials to conduct border control tasks and counter criminal activities. Its disclosure would jeopardize the implementation of ongoing and future operations, and thus facilitate irregular migration and trafficking in human beings as the effectiveness of law enforcement measures would be significantly reduced. As disclosing this information would undermine the protection of the public interest as regards public security, this part is not disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

MARCOM, will make available to the ICC, either through the MARCOM LO to Frontex or through the Frontex LO to MARCOM:

- [REDACTED] and other relevant data at the beginning of each deployment.

**Commented [A39]:** The non-disclosed part contains detailed information regarding the modus operandi of law enforcement officials performing border control and/or coast guard duties. Disclosing such information would expose the working methods applied in ongoing and future operations, thus obstructing their effectiveness in prevention of cross-border crime and unauthorized border crossings. In consequence, it would undermine the protection of the public interest as regards public security and thus, cannot be disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

The further development of shared awareness and de-confliction arrangements will be the responsibility of the ICC Coordinator after prior consultation within the framework of National Interagency Cooperation. Communications with Frontex as well as with the NATO commander at theatre level will follow in accordance to the relevant Operational Plan.

### Liaison officer duties

The LO deployed will perform the following tasks:

- [REDACTED] briefings

**Commented [A40]:** The non-disclosed parts refer to details of the operational area and cannot be released. As ongoing operations tend to cover similar operational areas as the operations conducted in preceding years, disclosing details of previous operational areas would be tantamount to disclosing the current state of play. This would provide smuggling and other criminal networks with intelligence, enabling them to change their modus operandi, which would ultimately put the life of migrants in danger. Consequently, the course of ongoing and future operations of similar nature would be hampered by depriving the operations of any strategy and element of surprise, ultimately defeating their purpose to counter and prevent cross-border crime and unauthorized border crossings. In this light, the disclosure of documents containing such information would undermine the protection of the public interest as regards public security in the sense of Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

[REDACTED]

### Operational communication

The operational communication between JO Poseidon and MARCOM will be ensured via e-mail, JORA File Repository, cell and fixed line phones and videoconferences as well as radio and satellite phones. In order to facilitate the exchange of NATO Restricted Releasable to Frontex and EU Restricted Information [REDACTED]; these must be individually configured for each Frontex personnel prior to releasing them from MARCOM.

Communication between Frontex deployed assets and MARCOM units will be in accordance to International Radio Communication Procedures. Furthermore, any other available tool enabling the communication among all participants and coordinating structures will be used.

**Commented [A41]:** The non-disclosed part contains detailed information on the means of communication used by law enforcement officials. The disclosure of this information would put law enforcement officials' work in jeopardy and harm the course of future and ongoing operations aimed at curtailing the activities of organized criminal networks involved in the smuggling and migrants and trafficking in human beings. As the disclosure of such pieces of information would undermine the protection of the public interest as regards public security, it must therefore be refused as laid down in Article 4(1)(a) first indent of Regulation (EC) No 1049/2001 .

## ANNEX 14 - DATA PROTECTION REQUIREMENTS FOR THE JOINT OPERATION

### 1. Data Processing conditions

The conditions agreed with MSs in the Management Board Implementing Rules of 2015 and with the EDPS in two different opinions are as follows:

- Only personal data related to persons about whom there are ground they may have committed a cross border crime are to be processed by the agency.
- The personal data shall be transmitted by the host MS to the Agency via the intelligence officer.
- Personal data of that nature shall only be transmitted via JORA.
- The controller of the personal data is the host MS.
- MSs may set specific conditions for the transmission of the personal data to the Agency.
- The sources of the personal data are debriefing activities and other actions foreseen in the Operational Plan.
- The types of entities to be transmitted to the Agency and the types of data categories related to suspects of cross border crime.

### 2. Data protection requirements

The data protection requirements for this JO are linked to the fulfilment of the data protection principles. Only the personal data referred to in this Annex will be allowed to be processed within the context of this JO. Any processing activity taking place that is not covered under this Annex will be deemed unlawful and will not be processed by the parties (host MS and Frontex).

#### 2.1 Lawfulness, fairness and transparency

The personal data to be processed under this Annex will be processed under the legal regimes applicable to each party. Personal data processed in relation of migrants shall be processed by the host MS and under the General Data Protection Regulation and national provisions, if applicable, developing the General Data Protection Regulation.

The host MS undertakes the obligation to ensure that transparency is provided vis-à-vis the data subjects. Personal data related to individuals under which there are serious grounds to believe they may have been involved in the commission of cross border crime will be processed by both the host MS and the Agency. For the processing activities related to this data subject, the host MSs will be subjected to the transposed national provisions of the Law Enforcement Directive.

Frontex may receive, upon agreement of the respective authority of the Host MS, operational personal data related to suspects of cross border crime from the host MS and the processing activities will be subjected to Chapter IX of the European Union Institutions Data Protection Regulation and the specific provisions governing the processing of personal data contained in the EBCG Regulation. The Agency undertakes the obligation to ensure transparency via the appropriate notice and record.

#### 2.2 Purpose limitation

Personal data will be collected only for the achievement of specific purposes for which the JO has been opened. In particular, for this JO, the purpose of processing personal data is for controlling illegal immigration and tackling cross-border crime, while facilitating legitimate border crossings. Processing of personal data is limited to the operational activities defined below.

The purpose for the processing of operational personal data limited to suspects is threefold:

- to identify, based on reasonable grounds, suspects of cross-border crime by the host Member State.
- to facilitate the transmission of operational personal data to Europol.
- to use the collected operational personal data for the performance of risk analysis.



### 2.3 Data minimisation

Only the following types of data subjects will be allowed to be processed within the framework of this JO:

Persons who cross the external border without authorization
Persons about whom there are reasonable grounds to suspect are involved in cross border crime (Suspects)
Personal data of the personnel involved in the JO (Officers)

Only the minimum amount of data will be processed for the following activities:

#### Operational activity

Border checks	
Border surveillance at sea	
Border surveillance at land	
Preventing and detecting cross-border crime	
Supporting screening of migrants' nationality	
Supporting fingerprinting and registration of migrants	
Supporting documents checks of migrants at reception centres and in hotspot areas	
Reporting relevant document and identity fraud cases (Frontex Document Alerts)	
Collection of information through the debriefing activities	
Information gathering through the second-line interviews at the airports	Not applicable
Supporting the implementation of the Readmission activity	
EUROSUR FUSION SERVICES - Vessel Monitoring & Tracking Service	

### 2.4 Accuracy

Both parties undertake the obligation to ensure that the data processed within this JO will be accurate and will develop mechanisms to ensure the accuracy of the data. In the processing of operational personal data, the host MS will strive to communicate to the Agency those cases where data may not have been accurate. In particular, the host MS will communicate to the Agency when there are no longer reasonable grounds to suspect that an individual has been involved in cross border crime. In those cases, the Agency will delete the data immediately.

### 2.5 Storage limitation

Personal data related to persons who cross the external border without authorization will be stored by the host MS for a period determined according to their national procedures.

Personal data related to suspects will be processed by the host MS for a period determined according to their national procedures. When the same data is processed by the Agency, the data shall be deleted or rendered anonymous after 90 days.



**2.6 Integrity and confidentiality**

The host MSs shall ensure appropriate technical and organizational measures for all the personal data processed within a JO. In case of a personal data breach, the host MS will notify the occurrence of such breach to their national data protection supervisor and communicate the breach to the Agency. In relation to the operational personal data allowed to be processed by the Agency, Frontex shall notify possible data breaches to the European Data Protection Supervisor and communicate those to the host MS.

**2.7 Accountability**

For the following processing activities upon personal data, the Data Protection responsibility is allocated as indicated in the table below. The Controller is bound to demonstrate the compliance with the applicable legal framework.

When one of the parties is nominated as Controller, that party determines on its own the purposes for which the processing of personal data is taking place as well as the means for the processing of personal data. The other party shall not be able to challenge or intervene in that decision making process.

When the Agency is processing personal data on behalf of a host MS who acts as Controller, the Agency shall only do so on written instructions from the Controller. For those cases where a Controller is the host MS and the Agency is a processor, both parties undertake the obligation to arrange a legally binding document with the following minimum requirements:

- Frontex shall only process personal data on behalf of a host MS following documented instructions.
- Only specific persons shall be authorized to process personal data on behalf of the host MS and these persons shall commit themselves to confidentiality.
- Frontex shall follow the security and organizational measures indicated by the host MS.
- A procedure shall be included in the text in relation to the position of Frontex when data subjects may wish to exercise their rights.
- A procedure shall be included in the text with regards to security of personal data and personal data breaches.
- Frontex shall make available to the Controller host MS all information available necessary to demonstrate compliance with data protection obligations in accordance with Regulation (EU) 1725/2018.

Operational activity	Personal data processing activities	Data Protection Responsibility												
Border checks	<ul style="list-style-type: none"> <li>• [REDACTED] perform border checks in accordance with Schengen Borders Code during which they may access national databases belonging to host MS and EU databases containing personal data.</li> </ul> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>[REDACTED]</td><td>[REDACTED]</td></tr> <tr><td>[REDACTED]</td><td>[REDACTED]</td></tr> <tr><td>[REDACTED]</td><td style="text-align: center;">X</td></tr> <tr><td>[REDACTED]</td><td>[REDACTED]</td></tr> <tr><td>[REDACTED]</td><td>[REDACTED]</td></tr> <tr><td>[REDACTED]</td><td>[REDACTED]</td></tr> </table>	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	X	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	<p>MS as Controller</p> <p>FX as Processor on behalf of the Controller</p>
[REDACTED]	[REDACTED]													
[REDACTED]	[REDACTED]													
[REDACTED]	X													
[REDACTED]	[REDACTED]													
[REDACTED]	[REDACTED]													
[REDACTED]	[REDACTED]													
Border surveillance at sea	<ul style="list-style-type: none"> <li>• The crew members of maritime and aerial assets must properly document by taking photos and/or videos all actions (detection, tracking and interception) for information and evidence collection purposes.</li> <li>• Collected/collated information (pictures and/or videos) related to sightings of fishing vessels or gear from</li> </ul>	<p>MS as Controller</p> <p>FX as Processor on behalf of the Controller</p>												

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<sup>28</sup> As per access granting to national or European databases, specific statement whether access will be provided is necessary to map whether there will be another data processing activity and under whose responsibility that access will be conducted.

	participating assets during patrolling activities [REDACTED] to [REDACTED]	
Border surveillance at land	<ul style="list-style-type: none"> <li>Land patrols at coastal areas can check identity of unknown persons in the monitoring areas and clarify their possible connection to the disembarkation</li> <li>Land patrols at green borders can check identity of unknown persons in the surveillance area and clarify any illegal land border crossing</li> <li>TUV and aerial assets observation includes taking photos and/or videos.</li> </ul>	MS as Controller FX as Processor on behalf of the Controller
Preventing and detecting cross-border crime	<ul style="list-style-type: none"> <li>Officers deployed can report information and operational personal data related to suspects of cross-border crime, including terrorism, collected during their operational activities [REDACTED]</li> </ul>	MS and FX as Joint Controllers
Supporting screening of migrants' nationality	<ul style="list-style-type: none"> <li>Filling of the Screening Form.</li> </ul>	MS as Controller FX as Processor on behalf of the Controller
Supporting fingerprinting and registration of migrants	<ul style="list-style-type: none"> <li>Collecting migrants' fingerprints.</li> <li>Collecting migrants' pictures.</li> </ul>	MS as Controller FX as Processor on behalf of the Controller
Supporting documents checks of migrants at reception centres and in hotspot areas	<ul style="list-style-type: none"> <li>Examination of travel/personal documents.</li> </ul>	FX and MS as Joint Controllers
Reporting relevant document and identity fraud cases (Frontex Document Alerts)	<ul style="list-style-type: none"> <li>Examination of travel, personal and vehicle documents. Anyway, FDAs shall be completed only in English and shall not contain any personal data.</li> </ul>	FX and MS as Joint Controllers
[REDACTED]	[REDACTED]	MS and FX as Joint Controllers
[REDACTED]	<ul style="list-style-type: none"> <li>[REDACTED]</li> </ul>	MS and FX as Joint Controllers
Supporting the implementation of the Readmission activity	<ul style="list-style-type: none"> <li>In the pre-departure phase a definitive list of returnees and a list of participants [REDACTED]</li> </ul>	MS as Controller
EUROSUR FUSION SERVICES - Vessel Monitoring & Tracking Service	<ul style="list-style-type: none"> <li>[REDACTED] Search, identification and tracking of vessels of interest [REDACTED] and others pertaining to commercial and fishing vessels fleets [REDACTED]</li> </ul>	FX and MS in parallel controllership  FX as controller

**Commented [A43]:** The non-disclosed part contains detailed information related to reporting tools and methods used by law enforcement officials to conduct border control tasks and counter criminal activities. Its disclosure would jeopardize the implementation of ongoing and future operations, and thus facilitate irregular migration and trafficking in human beings as the effectiveness of law enforcement measures would be significantly reduced. As disclosing this information would undermine the protection of the public interest as regards public security, this part is not disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

[REDACTED]

[REDACTED]

[REDACTED]

For those cases where there is a Joint Controllership, both the host MS and the Agency shall draw an arrangement with the minimum following conditions:

- Responsibilities with their respective data protection obligations.
- Specification of procedures for data subjects rights.
- Roles of the parties.

**Commented [A44]:** The non-disclosed part contains detailed information related to reporting tools and methods used by law enforcement officials to conduct border control tasks and counter criminal activities. Its disclosure would jeopardize the implementation of ongoing and future operations, and thus facilitate irregular migration and trafficking in human beings as the effectiveness of law enforcement measures would be significantly reduced. As disclosing this information would undermine the protection of the public interest as regards public security, this part is not disclosed pursuant to Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.