

Annexes of Operational Plan

Amendment No. 3

RAPID BORDER INTERVENTION AEGEAN 2020

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ANNEX 1 - 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 Regulation².
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.

² 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.

[REDACTED]

**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

[REDACTED]

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.



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 Regulations³ and the Frontex Disciplinary Procedure⁴.
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.

³ 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).

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

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 rapid border intervention 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 rapid border intervention, 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 Code of Conduct is available as Annex 1.

Tasks and responsibilities with regard to respect for fundamental rights⁵

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 RBI 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;

⁵ 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 confidentiality⁶.

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.

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

⁶ Training material on how to interview persons with trauma is available from EASO.

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/

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
- 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 and upon request to 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 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 RBIs 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 (Category 4 of SI Catalogue).

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.

ANNEX 3 - THOROUGH ASSESSMENT

Background

Owing to its geographical location, Turkey has been one of the most important entry points for migrants, who intend to reach the European Union (EU). Moreover, as of the end of October 2019, Turkey's Ministry of Interior estimated that around 4.9 million migrants are in Turkey, of which over 3.6 million are Syrians.

The implementation of the EU-Turkey statement from March 2016, with its stipulation that the Turkish authorities are to effectively patrol their borders and territories both at land and sea, has significantly reduced the number of migrants who managed to leave Turkey and enter the EU illegally. In 2019, the Turkish authorities prevented more than 43 400 persons from crossing the land borders and over 110 000 from crossing the sea borders from Turkey to the EU. The same trend in terms of preventions continued into January and February 2020.

Nevertheless, in 2019, the Eastern Mediterranean route - which is comprised of the Greek and Bulgarian land borders and the Greek sea borders with Turkey, as well as the route from Turkey to Cyprus - registered a 46% increase, with more than 82 000 migrant detections, and ranked first among all the migratory routes. The very intense migratory pressure on the Greek Aegean islands mainly contributed to this major increase despite the 40% decrease on the Greek land border with Turkey and notwithstanding the significant number of preventions reported by the Turkish authorities both at sea and on the land borders, to a large extent resulting also by the early warnings transmitted to the latter by Hellenic Authorities.

During the first half of 2018, Syrians were the main nationality arriving to the Greek islands by sea from Turkey. However, in July-December 2018 only 2 673 Syrian nationals landed from Turkey (5 164 in January-June, a 48% decrease). The reason for the drop was the change in the policy of Turkey regarding Syrian nationals [REDACTED]

[REDACTED] 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.

The high number of Afghans arrivals continued in 2019, showing a decrease only in April and May as a consequence of the organization of the "Caravan of Hope" in Turkey, when the Turkish authorities further intensified their patrolling activities [REDACTED] 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 a normal level, 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). In the period of implementation of Poseidon 2019 (February 2019 to January 2020) Afghans accounted for 29 020 arrivals.

In Poseidon 2019, 29 020 Afghan nationals arrived on the Greek Aegean islands, which equates to a 200% increase compared to 2018 (when there were 9 646 Afghan arrivals). The number of Syrian nationals increased by 118% (+8 899). Although on a smaller scale than Afghans and Syrians, there was a high relative increase in the numbers of Congolese (118%) and Somali (263%) migrants in 2019. Iranian migrants increased by 187% due to the deteriorating situation in their country. Palestinians increased by 100%. On the other hand, the number of Iraqi migrants tangibly dropped in 2019 (-38%). Similarly, there was a drop in the number of Cameroonians (-21%), while their numbers increased in Cyprus [REDACTED]

Lesvos Island continued to be the main target of mixed migratory flows. In Poseidon 2019, 28 584 persons were apprehended [REDACTED] accounting for 40.9% of the total registered in the operational area. Of the total number of migrants, 16.9% arrived [REDACTED] 12% [REDACTED] 7.3% [REDACTED] 6.4% [REDACTED] and 16.4% [REDACTED]. Notably, [REDACTED] accounted together for 8% of arrivals (only 3% in 2018). [REDACTED]

Commented [A1]: Information cannot be released as it refers to details crucial for situational awareness at the external borders of the European Union which is used by Frontex to conduct its operational activities and to develop risk analyses. The disclosure of this information would hamper the effectiveness of Frontex operations and jeopardise the efforts carried out by the European Union and Member States to curtail criminal activities at the external borders. It would thus benefit criminal networks especially those involved in people smuggling and trafficking in human beings, which would put the life of migrants in danger. Hence, the disclosure of the information pertaining to this variable would undermine the protection of the public interest as regards public security and has to be refused based on Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

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.

The information related to this variable 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]

In 2019, [REDACTED] registered a 42% decrease (1 206 fewer migrants), continuing the decreasing trend which started in 2018. 61% of the irregular migrants [REDACTED]

In 2019, Italy and Greece intercepted 2 511 irregular migrants [REDACTED] which equates to a 23% decrease compared to 2018 (3 250 migrants). Regarding the secondary movements of migrants [REDACTED] while in 2018 there was a significant increase in apprehensions (154% increase, 944 migrants in 2017 and 2 395 in 2018), in 2019 a 53% decrease (1 522 apprehensions) was recorded.

In 2019, 23 persons have reportedly lost their lives (35 during the implementation of the JO) 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 (132 during the implementation of the JO).

The procedure for registration and identification of migrants in the hotspots is well established, and nearly all migrants (98.8%) were registered properly in 2019. 0.72% of the persons screened were assumed by screeners to have falsely claimed their nationality. [REDACTED]

[REDACTED] In fact, during the screenings in 2019 [REDACTED] in 474 cases (71%) the screeners identified the migrants [REDACTED]

Latest developments

On 28 February 2020, after a military conflict in Idlib (Syria), the Turkish authorities discontinued migration controls in the Aegean region at land and sea borders. Immediately, [REDACTED]

[REDACTED]

[REDACTED]

According to operational sources [REDACTED] Additionally, the very stormy weather in the Aegean Sea on 28-29 February prevented migrants from departing for Greece.

With improving weather conditions on 1 March 2020, however, a substantial wave of migrant flows reached the northern Hotspot Islands (Lesbos, Chios and Samos). In one day approximately 1 500 arrivals were reported in 31 incidents.

Forecast

Based on operational and open source information, the following forecast can be made:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Commented [A2]: 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.

Furthermore, information cannot be released as it refers to details crucial for situational awareness at the external borders of the European Union which is used by Frontex to conduct its operational activities and to develop risk analyses. The disclosure of this information would hamper the effectiveness of Frontex operations and jeopardise the efforts carried out by the European Union and Member States to curtail criminal activities at the external borders. It would thus benefit criminal networks especially those involved in people smuggling and trafficking in human beings, which would put the life of migrants in danger. Hence, the disclosure of the information pertaining to this variable would undermine the protection of the public interest as regards public security and has to be refused based on Article 4(1)(a) first indent of Regulation (EC) No 1049/2001.

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.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Factors that may impact the operational area

Due to the fact that, as Greece informs, [REDACTED]

[REDACTED]

Coronavirus (COVID-19)

The massive influx from Turkey coincides with the COVID-19 outbreak, which heavily affected Iran, more specifically Tehran and its neighbourhood [REDACTED]

[REDACTED] Taking into account this time delay, there is a risk that some of the migrants that are reaching the Greek islands may be carriers of the virus and infect others. The conditions in which the migrants live in the hotspots migrants, in closed environment and often in weakened physical state, could facilitate the spread the virus affecting those groups whose physical resistance is lower (especially the vulnerable groups of elderly, pregnant or people whose health is already debilitated by other sickness.).

The possible spread of the corona virus in the hotspot islands may challenge the existing medical infrastructures and create social unrest both in the people living in the hotspots and in the local communities. In addition, the risk of infection for staff not adequately equipped may lead to a reduction in the contact of both the Hellenic authorities and the staff deployed by Frontex with the migrants, affecting the functioning of migration management teams.

Fatalities

Crossing the Aegean Sea in winter is in itself more dangerous in wintry weather. The sudden increase of the flow from Turkey, however, may further increase the potential of casualties, as migrants may board unseaworthy dinghies and in higher number than their recommended capacities.

[REDACTED]

Vulnerabilities identified

[REDACTED]

Commented [A3]: 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 information is 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]

[REDACTED]

[REDACTED]

[REDACTED]

Commented [A4]: 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 4 - OPERATIONAL OBJECTIVES

Objectives	Specific objectives	Indicators
Enhance border security	<ul style="list-style-type: none"> 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. 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. 	<ul style="list-style-type: none"> Number of the suspicious objects detected and intercepted. Number of persons detected. Number of people smugglers apprehended. Number of early detections resulted to the preventions of departures of migrants. Number of cross-border crimes detected, prevented, intercepted and reported. Number of man-days / monthly deployments of human resources supporting border surveillance. Number of man-days / monthly deployments / patrolling hours performed of TE (total and per type of TE). Number of prevented illegal border crossings.
Technical and operational assistance in SAR	<ul style="list-style-type: none"> Following 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. 	<ul style="list-style-type: none"> Number of SAR incidents during the RBI in operational area. Number of SAR incidents during the RBI outside operational area. Number of SAR incidents in which Frontex co-financed assets have been engaged. Establishment of communication contacts and link between ICC and MRCC/JRCC.
Enhance operational cooperation	<ul style="list-style-type: none"> High level of MS participation in the operational activities. Enhanced cooperation between the national authorities of the host MS as well as on an international level. Enhanced cooperation with other Union agencies and bodies or international organisations in the frame of RBI⁷. 	<ul style="list-style-type: none"> Number of MS participated. List national authorities involved in the RBI. List other Union agencies and bodies or international organisations involved in the RBI.
Enhance collection and exchange of information, including personal data	<ul style="list-style-type: none"> Collection of operational information in a timely manner from all operational actors involved, in particular information on incidents reported in JORA. 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. 	<ul style="list-style-type: none"> Average delay in sending incident reports in JORA. Level of data coherence between incident reports and identification and registration reports in JORA. Level of cooperation in sharing information among main stakeholders (Hellenic Police (HP), Hellenic Coats Guard (HCG), Frontex).

⁷ Excluding EMSA and EFCA, which falls under the general objective "Support on carrying out coast guard functions"



	<ul style="list-style-type: none">• Distribution of operational information to all operational actors through the respective authorized channels.• Use of the “Guidelines for JORA Incident Template” giving detailed information on definitions and establishing a sets of priorities when selecting the appropriate attributes.	<ul style="list-style-type: none">• Loss or lack of information due to non-appropriate format of reporting templates or due to changing reporting formats.• Level of discrepancies in reporting due to ignorance of definitions/descriptions of the JORA Guidelines.
Identify possible risks and threats	<ul style="list-style-type: none">• Operational analytical products will be shared with relevant stakeholders to maintain and improve situational awareness and support operational planning and implementation.	<ul style="list-style-type: none">• Production and dissemination of relevant analytical products with adequate content responding to the needs of relevant stakeholders.

ANNEX 5 - OPERATIONAL AREA

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Commented [A5]: 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]

[REDACTED]

More detailed information about the Operational Area will be provided to those participants in the JO in a need-to-know basis. [REDACTED]

Commented [A6]: 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 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.

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 RBI.

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) 656/2014⁸, Regulation (EU) 2016/399 on the rules governing the movement of persons across borders (Schengen Borders Code)⁹ and Directive 2008/115/EC¹⁰.

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 and Field Press Coordinators 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-2019-147¹¹. 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 RBI.

Use of force and coercive measure

When using force, the TM, 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-defense and in legitimate defense of other persons. The use of force or coercive measures shall never be arbitrary or abusive.

⁸ 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.

⁹ (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).

¹⁰ 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).

¹¹ 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.

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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 RBI 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 3169/2003¹², 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 2168/1993¹³ 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:
 - 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).

¹² Law 3139/2003 "Carrying, use of arm by police officers, training in arms and relevant provisions" (Government Gazette A' 189/2003).

¹³ Law 2168/1993 "Regulations concerning weapons, ammunitions, explosive materials, explosive mechanisms and relevant provisions" (Government Gazette A' 14/1993).

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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 disbarment 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.

[REDACTED]

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 RBI comprises 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.
- ✓ 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:

Commented [A7]: 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.

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]

[REDACTED]

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:

- (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.

Commented [A8]: 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 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 operation, 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]

(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

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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 RBI 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.

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(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 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.
- (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

[REDACTED]

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

The [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Commented [A9]: 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.

[REDACTED]

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 656/2014¹⁵, 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.

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).

¹⁵ 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).

[REDACTED]

c) Special measures applicable to vulnerable persons

Team members shall refer to the national Greek officers of the respective national authority 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 respective national authority.

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.

ANNEX 7 - INITIAL PLAN OF DEPLOYED RESOURCES

The resources below reflect the requested number of resources during the RBI that it is planned to take place from 11/03/2020 to 06/09/2020.

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

Human resources

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted] 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]

Other technical equipment

[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]

Commented [A10]: 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.

Commented [A11]: 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 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.