

GENERIC MODALITIES

(GUIDELINES)

FOR MULTIPURPOSE MARITIME OPERATIONS
ORGANISED IN THE CONTEXT OF EUROPEAN
COOPERATION ON COAST GUARD FUNCTIONS



Approved by
TWA Steering Committee

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List of Abbreviations

ASP	Annual Strategic Plan
DVD	Distinguished Visitors Day
EFCA	European Fisheries Control Agency
EMSA	European Maritime Safety Agency
FRO	Fundamental Rights Officer (Frontex)
Frontex	European Border and Coast Guard Agency
JDP	Joint Deployment Plan
MRCC	Maritime Rescue Coordination Centre
MMO	Multipurpose Maritime Operation
MS	Member State
SAR	Search and rescue
TSC	Technical Subcommittee
TWA	Tripartite Working Arrangement

1. Introduction

When peculiar circumstances arise in selected EU sea basins¹, launching a Multipurpose Maritime Operation (MMO) supported by Frontex, EFCA and EMSA, hereinafter referred to as the Agencies, could contribute to the efficient joint implementation of several coast guard functions.

This coordinated action in a form of an MMO could further embrace synergies, foster cooperation, support in the anticipation of threats and risks and maximize efficiency of operations at sea leading to the economies of scale.

A multipurpose operation at sea coordinated jointly by EMSA, EFCA and/or Frontex is named Multipurpose Maritime Operation (MMO) and can be defined as follows:

“An operational activity in a specific maritime area and for a certain implementation period, which may require enhanced cooperation in order to support national authorities carrying out coast guard functions² at national and Union level and where appropriate international level by addressing at least two coast guard functions (falling under the mandate of more than one Agency involved in the MMO). MMO shall be launched upon the request of one or several Member States or by EFCA, EMSA or Frontex involving assets, services or experts of these agencies and agreed by the Member States concerned. These assets, services or experts may be supplemented by the Member States involved.”

In line with Article 9 of the Tripartite Working Arrangement (TWA)³ there is a need to set generic modalities for MMOs to establish a baseline which could be used at EU level by the MS national authorities and the Agencies⁴.

Article 9 of the TWA establishes:

1. *The Steering Committee will establish generic modalities for multipurpose maritime operations.*
2. *For each multipurpose maritime operation, the Steering Committee will establish the specific modalities for the cooperation between the Agencies which are to be reflected in the operational plan.*

¹ i.e.: the lack of certain temporal or permanent capacity - airborne or seaborne -, or to the need of enhanced cooperation, temporary support due to unforeseeable events.

² According to COM (2018) 390 final: “maritime safety, maritime security, maritime customs, prevention and suppression of trafficking and smuggling, connected maritime law enforcement, maritime border control, maritime surveillance, protection of the marine environment, search and rescue, accident and disaster response, fisheries control and other activities related to those functions.”

³ EMSA, EFCA and Frontex ED signed the TWA on 18 March 2021.

⁴ As an example, EFCA is coordinating MS in the context of Joint Deployment Plans (JDP) in the fisheries control coast guard function, using the concept of Union fisheries inspector, that allows a fisheries inspector from one MS to carry-over inspections in the jurisdictional waters of another MS, using MS or EFCA’s chartered means. Frontex is pooling resources for border control purposes and coordinating operational activities in the maritime areas where there is a need for an increased border control (including, for instance, border checks and border surveillance). EMSA has developed RPAS services and oil spill response vessel capacity in various EU sea basins to support MS.

It is commonly understood that some activities falling under the remit of selected coast guard functions require the acting personnel to be empowered with executive powers in order to perform specific duties. Additionally, assets or means utilised in the context of an operation shall be duly authorised (at MS or Agency level) to perform such tasks. On the other hand, there are coast guard functions' activities such as the Search and Rescue (SAR) that can rather be seen as an indispensable part of any MMO because of their nature.

In light of the above, when supporting the MS in the form of a MMO, the Agencies shall always respect the MS competences and the specific legal regime applying while conducting activities falling under the remit of the respective mandates.

Additionally, to overcome certain limitations connected with the lack of law enforcement powers, some solutions might be adopted such as, for example, the MS requiring the deployment of MS liaison officers onboard the Agencies' assets. It is therefore necessary that a complete mapping of the above-mentioned operational requirements be conducted and duly inserted in the specific modalities to conduct an MMO in a specific geographical area.

In this context, it would be also relevant to mention that the MMO concept and the generic modalities of the MMO are established without prejudice to the core operational activities managed by the Agencies which could cover more than one coast guard function in the framework of their respective mandates.

Finally, the Agencies will implement MMOs on the basis of the generic modalities as established in this document and shall always ensure respect for fundamental rights, including the principle of non-refoulement.

2. MMO generic modalities

The MMO generic modalities have the purpose to streamline the process related to prepare and conduct an MMO to support national authorities carrying out coast guard functions at national and Union level and, where appropriate, international level. To this end, it establishes the MMO phases (planning, implementation and evaluation) and includes the necessary information needed to set-up a multipurpose maritime operation in the framework of the European cooperation on coast guard functions.

The generic modalities of an MMO shall be used by the Agencies as a framework for developing the specific modalities (operational plan) for each MMO, as established under TWA Art. 9. Therefore, the generic modalities document also establishes a list of minimum elements (index) to be followed when drafting specific modalities.

The specific modalities of an MMO shall only be made available to the EU Agencies and MS authorities participating in the MMO. This document shall be made available to other interested parties on a need-to-know basis only, in accordance with the European and national rules on the protection of information . Such dissemination shall be done on a case-by-case basis only.

2.1 Planning phase

For the purpose of implementation of an MMO, an advanced and well-functioning planning would need to be agreed by the Agencies in consultation with the concerned MS's authorities.

The following steps need to be considered to properly implement the operation:

- a) The TWA SC considers the potential areas of interest for implementation of MMOs, taking into account the risk assessment and/or analysis provided by the MSs when requesting an MMO using the template available in Annex 2 and/or the Agencies as well as other relevant information;
- b) The TWA SC endorses the MMO(s) as part of the Annual Strategic Plan (ASP). For this purpose, an MMO proposed for adoption by the SC shall comprise information about the lead Agency and co-lead Agency/ies, implementation areas and tentative period, the operational aim including initial plan regarding type of assets involved and human resources deployed, the competent national authorities participating and the main financial elements. ;
- c) Under the TWA – TSC 2 framework, the Agencies establish and maintain a common approach on risks and maritime threats related to the areas where a MMO could be implemented;
- d) Under the TWA – TSC 3 framework, the Agencies representatives discuss, elaborate and propose the specific modalities for the MMOs to be implemented, in relation with the MSs involved and considering the main elements approved by the SC;
- e) Driving factors for an MMO are to be considered such as combined and multi-layered risk analysis, the operational response, etc.;
- f) The lead Agency, in cooperation with the co-lead Agency/ies involved, initiates well in advance, the planning and operational meetings with all the relevant stakeholders, including the MS authorities. On the basis of such discussions' outcomes, the lead Agency prepares the draft specific modalities for the cooperation between the Agencies, which is endorsed by the Steering committee no later than 4 weeks before the actual date when MMO implementation is envisaged;
- g) In the framework of the MMO, each agency is responsible to communicate with its own coast guard community as well as to deal with any necessary logistics. In case one Agency is approached with a request for clarification made by a MS authority which is not falling under its community, this question shall be forwarded to the respective competent Agency to be dealt with;
- h) Each specific modalities in a form of an operational plan shall address all the elements as established in the annexe 1 listing the minimum elements (index) for specific modalities. The specific modalities should map the coordination and cooperation between the Agencies for each

MMO, as referred in TWA Art.9. It should serve to support MS in the most efficient way, as well as to provide clear guidelines for all MMO participants, without prejudice to the mandate of the Agencies and MS national authorities. In this regard, engagement at early stage with the competent national authorities is paramount for a successful implementation of the MMO.

The TWA Steering Committee may delegate to relevant staff in each Agency the approval of the specific modalities per each MMO, depending on each Agency internal arrangements.

2.2 Implementation phase

The Agencies shall ensure that the MMO is implemented in line with the specific modalities established per each MMO, and that all participants are properly briefed in advance. For that purpose, representatives of each Agency are designated in the specific modalities to have an oversight role to follow closely the MMO implementation.

To implement the MMO efficiently, a coordination structure might be established through which the Command and Control of the MMO by participating MS and Agencies will be exercised. This structure may include a European Coordination Centre (ECC), established at the lead Agency's headquarters for general and strategic coordination purposes, as well as Local Coordination Centre(s) (LCC) in selected locations of the MMO area for regional/local coordination at operational and tactical level.

Clear communication lines will be established and tested before the actual implementation phase, as well as coordination for the information flow.

There will be regular coordination briefings established on a weekly basis as a minimum, where representatives from EU Agencies and MS national authorities participating in the MMO will discuss on ongoing operational activities as well as on the upcoming planning.

All available means shall be used to sort out possible challenges or different interpretation of the agreed specific modalities during the MMO implementation, and the Agencies will mediate if necessary.

The Agencies' staff involved in the MMO shall act in accordance with its mandate during the implementation of the MMO and keep an exemplary conduct in the operations and their relations with the MS's authorities.

2.3 Evaluation phase

Each MMO requires a sound evaluation. An MMO Evaluation Team (MMOET) will be established to perform this task. The MMOET, chaired by the lead Agency of the considered MMO, will consist of members from MS and Agencies taking part in the MMO, to be nominated during the planning phase of the MMO to enable comments on the specific modalities beforehand and thus ensure the best benefits of the scheduled MMO.

- a) In order to collect the final results of the MMO activities, the MMO lead Agency shall call for an “initial debriefing meeting” within 5 working days after the termination of the MMO, where participants will share an initial information and assessment of the operational activity from their perspective.
- b) For the purpose of the evaluation, the following minimum elements could be included in the final evaluation report to be prepared by the leading Agency in cooperation with the other Agencies:
- Brief summary of the MMO
 - Assessment of objectives and KPIs
 - Participating entities and their contribution
 - Observations of the FRO (applicable to Frontex only)
 - Operational results and their analysis
 - Financial analysis
 - Operational recommendations including the need to adapt the index of specific modalities
- c) Within 30 working days after termination of the MMO activities there should be an evaluation meeting arranged by the MMO lead Agency, in cooperation with the other Agencies and MS concerned. During the evaluation meeting the draft evaluation report will be presented and discussed among all relevant participants. Each Agency is responsible to validate and assess the data related to its community and respective coast guard function(s).
- d) The final evaluation report shall be finalised within 30 working days after the evaluation meeting and submitted to the TWA Steering Committee and will include lessons learnt and proposals for improvement of future MMOs.

3. Concluding provisions

Based on generic modalities as established by the TWA Steering Committee, the Agencies need to establish the specific modalities of the MMOs to be implemented in various EU sea basins. The specific modalities cannot contradict nor deviate from the principles of the MMO generic modalities. A list of minimum elements for the specific modalities is included in the Annex 1.

The generic modalities for MMO document and its annexes should be considered as living documents, that can be revised on the request of one Agency at any time to correspond with the new operational or legal developments. In this regard, the Agency initiating the amendment shall provide a brief justification indicating what is the reason for the amendment and what potential impact it will have for MMO. The Steering Committee or the relevant staff delegated are responsible to endorse these amendments.

Annex 1

List of minimum elements (index) for specific modalities for the cooperation between the Agencies

- Legal references:
 - a. Basis of MMO activities will be carried on and rules on the use of force (if applicable)
 - b. Governing legal acts of Coast guard functions to be addressed
 - c. Agencies' founding regulation provisions to be followed
 - d. Fundamental Rights
 - e. Data Protection
- Mission and objective, description of the situation (e.g. modus operandi)
- Operational aim:
 - a. Coast guard functions to be addressed
 - b. KPIs
- Implementation period and detailed schedule:
 - a. Starting and ending
 - b. Briefings and debriefings
 - c. Training
 - d. Evaluation timeline
- Operational area:
 - a. Detailed maps
 - b. Including logistical, legal, navigational, flight limitations of the areas
- Financial elements
- Participants and means:
 - a. List of assets/services to be shared/provided
 - b. Standard schedule of assets
 - c. Sighting forms
 - d. Reporting forms
- Coordination/cooperation structures (command and control provisions):
 - a. To be reflected per each Agency
 - b. Oversight roles
 - c. Tactical control hand/take over
- Operational communication flow:
 - a. Information flow diagram
 - b. Operational Communication Plan
 - c. Channels and other contacts for exchange of operational information (encryption level)

- Logistical arrangements (e.g. working conditions), Health service and emergency arrangements:
 - a. Medical contacts
 - b. J/MRCC/RCC etc contacts
- Communication on MMO:
 - a. Common principles on social media and press
 - b. DVD day
 - c. Other publicity events/visits
- Suspension, termination or withdrawal of financing clause:
 - a. Conditions upon which MMO could be suspended, terminated or its financing withdrawn
 - b. Conditions for the Agency to suspend or terminate participation

Annex 2: Template for MS to request an MMO

Multipurpose Maritime Operation Request Template from EU/SAC Member State

As per common article on European cooperation on coast guard functions, a multipurpose operation coordinated jointly by EFCA, EMSA and Frontex is named **Multipurpose Maritime Operation (MMO)** and defined as follows:

An operational activity in a specific maritime area and for a certain implementation period which may require enhanced cooperation in order to support national authorities carrying out coast guard functions at national and Union level and where appropriate, international level, by addressing at least two coast guard functions (falling under the mandate of more than one Agency).

MMO shall be launched upon the request of one or several Member States or by EFCA, EMSA or Frontex, involving assets, services or experts of these agencies and agreed by the Member States concerned. These assets, services or experts may be supplemented by the Member States involved.

Multipurpose Maritime Operation Request		
Agency addressed:		
☐  EFCA	☐  EMSA	☐ FRONT 
Requesting National Administration Contact point :		
Geographical Area (general information)		
Implementing Period	From dd/mm/yyyy To dd/mm/yyyy	
Coast Guard Functions addressed	☐ Maritime Safety, including vessel traffic management ☐ Ship casualty and maritime assistance service ☐ Fisheries Inspection and Control ☐ Maritime Border Control ☐ Maritime environmental protection and response ☐ Maritime, ship and port security ☐ Prevention and suppression of trafficking and smuggling and connected maritime law enforcement ☐ Maritime search and rescue ☐ Maritime monitoring and surveillance ☐ Maritime customs activities ☐ Maritime accident and disaster response ☐ Other Category	
Objectives (general description) and justification		
Preliminary needs request (services/TE/ HR)		
Additional information		

The request form will have to be sent for further processing to:

- eu.coastguard@efca.europa.eu for EFCA;
- xxx@emsa.europa.eu for EMSA;
- via the respective National Frontex Point of Contact to Frontex generic email address: frontex@frontex.europa.eu with eu.coastguard@frontex.europa.eu in CC for Frontex.

Annex 3

Timeline for the drafting of the specific modalities for the cooperation between the Agencies

<u>Initial draft</u>	3 months before the starting date
<u>Internal revision</u> within the Agencies	3 weeks
<u>Consolidated version</u>	2 months before the starting date
<u>Final version endorsed</u>	4 weeks before the starting date

Annex 4

Implementation of Multipurpose Maritime Operation for the proposal of the validation of TWA Steering Committee

Multipurpose Maritime Operation	
Leading Agency	
Co-leading Agency	
Competent national authorities planned for participation	
Geographical Implementation Area	
Tentative Implementing Period	From dd/mm/yyyy To dd/mm/yyyy
Initial involvement plan: - Type of assets - Human resources - Services - Financial elements	<u>EFCA</u>
	<u>EMSA</u>
	<u>Frontex</u>
Justification as based on risk analysis and additional information relevant for the MMO	