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OPERATIONS DIVISION Joint Operations Unit SEA BORDERS SECTOR

# Annexes of the Operational Plan

EPN Concept

Joint Operation EPN Triton 2014
2014/SBS/09





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#### ANNEX 1 - DESCRIPTION AND ASSESSMENT OF THE SITUATION

1.1. General situation in 2014



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<sup>&</sup>lt;sup>1</sup>These are fatalities based on bodies, which were found and that were reported in the official reporting system for Frontex Joint Operations (JORA).

<sup>2</sup>http://www.iam.int/cms/en/sites/iom/home/news-and-views/press-briefing-notes/pbn-2014b/pbn-listing/iom-investigates-reports-of-





<sup>&</sup>lt;sup>1</sup> Due to the heavy workload of the Italian authorities processing the migrants, several incidents are still pending validation, therefore the indicated figures are subject to change.

<sup>4</sup> Where known. At the time of writing this assessment the nationality of about 26.4% of migrants apprehended is still unknown.

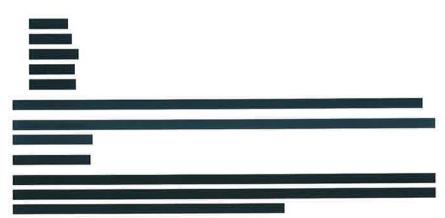














#### **ANNEX 2 - OPERATIONAL OBJECTIVES AND INDICATORS**

Objectives	Indicators
Enhance border security	Effective border control at external borders maintaining preventive effects including detection and prevention of cross border crime     Support to the national authorities in disclosing cases of smuggling of migrants, trafficking in human beings and other cross border crime
Enhance efficiency of border security	Detection of all suspicious vessels enabling to intercept persons, to prevent unauthorized border crossings, to counter cross-border criminality and to take measures against persons who have crossed the border illegally as well as to report the other illegal activities detected to competent authorities     Carrying out border checks of all persons crossing the external maritime borders including means of transport and objects in their possession
Enhance operational cooperation	High level of MS participation in operational activities     Enhanced cooperation with other Union agencies and bodies or international organisations     Enhanced cooperation between national authorities of host MS as well as on international level     Seeking involvement of Third countries in operational activities     Multi-character operational concept to be applied
Enhance exchange of information	Collection of operational information from all actors involved and persons debriefed in order to obtain intelligence, thus improving the risk assessments that underpin the operational activities  Distribution of operational information to all involved actors through authorized channels
Enhance efficiency of the exchange of information	Implementation of fully automated online reporting system Seeking standardized format and quality of the reports and interviews Use of the "Guidelines for JORA incident Template" giving detailed information on definitions and establishing a sets of priorities when selecting the appropriate attributes
Identify possible risks and threats	Debriefing activities to support migration management and obtaining intelligence     Monitoring political, economic and social situation in the countries of origin and transit
Establish and exchange best practices	Fostering practical cooperation between the authorities involved in prevention and tackling irregular migration as well as cross-border crime     Delivering workshops, meetings, operational briefings, other networking events to participants
Support establishment of permanent structures	Improving and fostering cooperation/information exchange between MS NCC/ICC/R/LCC/FP
Support provision of trainings	Implementation of targeted specific training activities



# ANNEX 3 - DESCRIPTION OF THE TASKS AND SPECIFIC INSTRUCTIONS TO GUEST OFFICERS AND OTHER PARTICIPANTS (RULES OF ENGAGEMENT)

#### 1. General

#### **Executive powers**

The national border guards of Italy have the leading role in the implementation the joint operation.

Guest officers<sup>5</sup> have the capacity to perform all tasks and exercise all powers for border checks or border surveillance in accordance with the Schengen Borders Code and the following EU and international law:

- The United Nations Convention on the Law of the Sea
- The International Convention for the Safety of Life at Sea
- The International Convention on Maritime Search and Rescue
- The United Nations Convention against Transnational Organized Crime and its Protocol against the Smuggling of Migrants by Land, Sea and Air
- The United Nations Convention relating to the Status of Refugees
- The European Convention for the Protection of Human Rights and Fundamental Freedoms
- The International Covenant on Civil and Political Rights
- The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- The United Nations Convention on the Rights of the Child
- The EU Charter of Fundamental Rights
- The Regulation (EU) No 656/2014 of the European parlament 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
- Other relevant instruments.

Guest officers may only perform tasks and exercise powers under instructions from and, as a general rule, in presence of the Italian officers.

All MS shall ensure that border guards and other staff participating in JO shall be trained with regard to relevant provisions of fundamental rights, refugee law and the international legal regime of search and rescue.

In the operational area M2, the CO of the deployed assets have the leading role in the implementation of the JO, always through operations centre of the Armed Forces of Malta (AFM).

#### Uniform and armbands

Guest officers shall wear their national uniform and a blue armband with the insignia of the European Union and Frontex on their uniforms while performing their tasks and exercising their powers.

For the reasons explained in the relevant chapter of the Handbook to OPlan on Joint Maritime Operations, the request to wear uniform and armbands is not applicable to Screening and Debriefing experts.

<sup>&</sup>lt;sup>5</sup> For the purpose of this document, the expression "guest officer(GO)", includes seconded guest officers(SGO)



#### Accreditation document

Guest officers shall carry visibly at all times an accreditation document for the purposes of identification vis-àvis the Italian national authorities and its citizens. This document shall be presented on request.

Other participants shall carry an accreditation or participation card, in accordance with their status.

#### **Use of Force**

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

All use of force shall be in strict accordance with the applicable laws and practices of the EU MS/SAC conducting the boarding and with applicable international law.

Each MS shall avoid the use of force except when and to the degree necessary to ensure the safety of their vessels (units), and where participants are obstructed in the execution of their duties.

Boarding and search teams of MS vessels (units) have the inherent right to use all available means to apply that force reasonably necessary to defend themselves or others from physical harm.

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

#### National rules on the use of Force

Conduct the search onboard a vessel suspected of being involved in a trafficking of migrants in a secure way either regarding the boarding team either for the crew and, eventually, the migrants. Pay attention to every urgent need of the migrants (water, medical assistance, etc), to assure the incolumity of the migrants and also of the boarding team. If is necessary the use of force to repel a violence or defeat a physical opposition, the intensity, the duration and the extent of the reaction shall be proportional to the intensity, to the proximity and to the immediateness of the threat:

#### Use of weapons

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

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



#### Conditions to use weapons (warnings, targets, etc)

In international water, the use of weapons is under the responsibility of the flag state law. In the territorial water, any use of weapons, by the MS assets and GOs is prohibited pursuant to the Italian national law. Any urgency shall be immediately communicated to the ICC for the proper actions.

The above mentioned guidelines of use of force do not limit a use of force in self-defense.

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

After the use of force or weapons, the GO and/or crew members will immediately contact, if not present at the moment, the Italian police officer referent, in order to manage all the related procedures foreseen by the

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

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

#### Sanitary issues

Participating MS shall provide to the respective deployed officers information concerning precaution measures to be taken and will make available personal protective equipment.

#### 2. Border surveillance

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

- bear in mind that the prevention of loss of lives has overall priority in all operational actions;
- promote and respect the fundamental rights consigned in the Charter of Fundamental Rights of the European Union or 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.

The following operational concept for the assets has to be applied:

Commented [A2]: The marked part contains detailed information on the analytical findings, risk assessment and recommendations and its disclosure would harm the course of future operations. In light of the above text is not disclosed pursuant to the exception laid down in the first indent of Article 4 (1) (a) of Regulation N. 1049/2001 relating to the protection of the public interest as regards public security.



Maritime Assets

- Fixed wings airplane and helicopter: Surveillance / detection / tracking / identification;
   OPV: Detections / tracking / identification / interceptions (for a proper cost-effective management of the assests deployed, the OPVs deployed within JO EPN Triton should not be involved, as a rule, in the transfer of migrants from point of interception or rescue to the place of disembarkation), apart from emergency situations;
- CPV: Detections / tracking / identification / interceptions / support in the transfer of migrants to the disembarkation areas;
  - CPB: Tracking / interceptions / support in the transfer of migrants to the disembarkation areas;

Flexibility in the patrolling schedule is a key element for the success of the JO. Participating means can be requested by the ICC to reschedule patrolling activities according to operational needs.

Frontex activities are intelligence driven. In this sense, the intensity of the activities of JO EPN Triton 2014 will depend on the irregular migration pressure affecting the operational area.

# Aerial Assets Detection





#### Interception

#### Interception in the territorial sea

In their respective territorial sea, Italy and Malta *authorise* 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 making persons on board aware that they may not be authorised to cross the border;
- (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, Italy 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;

Any measure taken in accordance with the previous paragraphs shall be proportionate and shall not exceed what is necessary to achieve its objectives.

For the purposes of adopting the aforementioned measures, Italy shall instruct the participating unit appropriately through the ICC.

The participating unit shall inform Italy, 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 <u>stateless vessel</u> is carrying persons intending to circumvent the checks at border crossing points or is engaged in the smuggling of migrants by sea, Italian



authorises one or more of the measures mentioned above and shall instruct the participating unit appropriately through the ICC.

Any operational activities in the territorial sea of a Member State that is not participating in the sea operation shall be conducted in accordance with the authorisation of that Member State. Italy **shall instruct the participating unit through the** ICC **based on the** course of action authorised by that Member State.

As regards the M2 operational area, only Maltese surface assets will be patrolling that area Western Limit - 013-35E and Eastern Limit - 015-40E unless an emergency situation requires the use of other assets to provide additional or enhanced coverage. All the actions to be implemented by the participating units will be directly coordinated by the Maltese NO present in InternationalCoordination Centre.

#### Interception in the contiguous zone

In the contiguous zone of the host Member State or of a *neighbouring* participating Member State, the measures laid down for the Interception in territorial sea may be adopted by the participating units under the conditions mentioned above.

Any authorisation referred to in those paragraphs may only be given for measures that are necessary to prevent the infringement of relevant laws and regulations within that Member State's territory or territorial sea

The measures laid down shall not be taken in the contiguous zone of a Member State that is not participating in the sea operation without the authorisation of that Member State. The ICC shall be informed of any communication with that Member State and of the subsequent course of action authorised by that Member State. If that Member State does not give its authorisation and where there are reasonable grounds to suspect that the vessel is carrying persons intending to reach the border of a Member State, that vessel shall continue to be monitored. The ICC shall communicate information about that vessel to the National Coordination Centre of the Member States towards which it is directed.

Where a stateless vessel is transiting the contiguous zone, 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 the host Member State which may take, directly or with the assistance of the Member State to whom the participating unit belongs, further appropriate measures as laid down above in accordance with national and international law.

#### 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, requesting 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 Italy.

Any measure taken in accordance with the above paragraphs shall be proportionate and shall not exceed what is necessary to achieve its objectives.

In case of detection boat with irregular migrants on the high seas by Maltese surface assets, and of according to their national legislation, intercepting and seizing the vessel is not possible. CO should inform NO and ICC accordingly. Therefore ICC shall instruct the Maltese surface units to follow and monitor the boat and implement procedures described above in b) or c).

For the purposes of adopting the aforementioned measures, Italy shall instruct the participating unit appropriately through the ICC.

Where the vessel is flying the flag or displays the marks of registry of Italy or of a participating Member State, Italy or that Member State may, after confirming the nationality of the vessel, authorise one or more of the aforementioned measures.

Italy shall then instruct the participating unit appropriately through the ICC.



Pending or in the absence of authorisation of the flag State, the *vesse* 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 Italy 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 Italy 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.

#### Search and rescue situations

Member States participating in the JO shall observe their obligation to render assistance to any vessel or person in distress at sea and, during the operation, they shall ensure that their participating units comply with that obligation, in accordance with international law and in respect of 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 search and rescue 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 Rescue Coordination Centre (RCC) responsible for the search and rescue region in which the situation occurs and they shall place themselves at the disposal of that RCC.
- (b) The participating units shall inform the ICC as soon as possible of any contact with the RCC 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 RCC₄ 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 responsible RCC 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 RCC of a third country responsible for the search and rescue region does not respond to the information transmitted by the participating unit, the latter shall contact the RCC of Italy unless that participating unit considers that another internationally recognised RCC is better able to assume coordination of the search and rescue situation.

In case of requested support by RCC of Italy or Malta, the participating units shall immediately suspend their border patrolling activities and follow the instructions of the competent Rescue Coordination Centre (RCC), authority that will assume the coordination of the unit.

Where the search and rescue *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 relating to immigration, the participating unit may board the suspicious vessel.

#### Pre-boarding activity

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

- (a) <u>Right of approach</u>. The CO of the EU vessel must be aware that under international law, 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) <u>Authority and jurisdiction</u>: The CO of the participating vessel must ascertain whether their authority and jurisdiction exist prior to conducting a boarding and/or taking follow-up law enforcement action according to



national legislation. 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) <u>Risk/benefit assessment and safeguards</u>. 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 boating public.

#### **Boarding procedures**

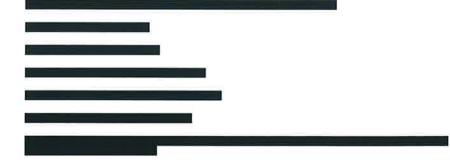
Detailed guidance and explicit boarding procedures and tactics have to be developed by each participating MS to ensure that boardings are conducted safely and effectively.

#### **Boarding teams**

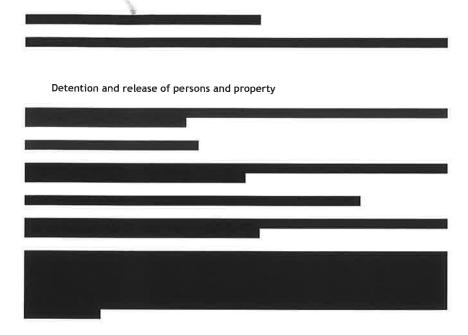
COs are responsible for ensuring their law enforcement personnel are properly trained and equipped to carry out their duties. At the discretion of the CO, non-qualified Coast Guard personnel (e.g., break-in boarding personnel, cadets, and engineering personnel) may support the boarding team in the progress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

- 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.

  Qualified boarding team members: Law enforcement team members may consist of qualified personnel from different MS.
- 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. Boarding team qualifications: Boarding officers are required to meet the national criteria related to the
- boarding.
- 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.







Rules for security body searches and evidence collection on the spot

All the activities shall be implemented with regards to the National law and the eventual necessity to ask the authorization, through the Italian police officers involved in the operational activities, to the Judicial Autority.

#### Disembarkation

No person shall, in contravention of the principle of non-refoulement, be disembarked in a 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.

Disembarkation of people apprehended subsequently to interception

The participating units are authorized by Italy to disembark in its territory all persons intercepted and apprehended in its territorial sea as well as in the entire operational area beyond its territorial sea.

Disembarkation of people rescued

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 in Italy. However, no person rescued in the



operational area or outside the operational area within a SAR incident, by a participating maritime asset, will be handed over to Third Country Authorities or disembarked in the territory of that Third Country.

In case of a search and rescue incident in the territorial waters and contingous zone of Malta or in order to assure the safeguard of the lifes of people in distress, it is possible the disembarkation to take place in Malta.

Italy and the participating Member States shall cooperate with the responsible RCC and the MOI - Central Directorate for Immigration and Border Police - National Coordination Centre-, to identify a place of safety and, when it will be designated 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 Italy.

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*.

#### Follow-up measures

Provision of basic human needs

Each participating unit shall be equipped with lifesaving equipment, water, provisions, and include at least one person with basic first aid training.

*Upon disembarkation, Italy* shall, prior to any other action, render the basic human needs of the apprehended and rescued persons such as food, shelter and medical assistance.

Special measures applicable to persons in need of international protection

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

GOs shall refer to the national Italian officer with whom they work when a person 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 Italian officer shall hand over those persons referred by the GOs to the competent Italian authority - local Prefectures (via local Immigration Offices) and Department for Civil Freedomn and Immigration - for an examination of their status.

The Maltese officers shall identify and hand over persons in need of international protection to the competent Maltese authorities - REFCOM (via Immigration Office) - for an examination of their status.

#### Special measures applicable to vulnerable persons

Italy and the participating MSs shall identify vulnerable persons (e.g. children, including unaccompanied minors, victims of trafficking in human beings, persons in need of urgent medical assistance, disabled persons, elderly people, pregnant women, single parents with minor children, persons with mental disorders and persons who could have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, persons in need of international protection and other persons in a particularly vulnerable situation) and provide them appropriate assistance including:



- > rırst-aid.
- > emergency health care,
- > gender-sensitive processes and facilities,
- child-sensitive measures,
- > measures for individuals suspected of being torture survivors,

measures and infrastructure for people with disabilities.

GOs shall refer without delay to the national Italian officer with whom they work other vulnerable persons as described above. The national Italian officer shall hand them over to the competent national authority.

The responsible authorities of Italy for ensuring the Follow up measures are:

local Prefectures (via local Immigration Offices) and Department for Civil Freedom and Immigration

The responsible authorities of Malta for ensuring the Follow up measures are:

Maltese Police (Immigration Office) and REFCOM

Referal mechanism regarding persons in need of international protection

GOs and SGO play a key role in ensuring access to the national asylum procedures by referring to host MS border guard authorities (and the officers of the MS where the disembarkation takes place) persons in need of international protection.

The host MS border guard authorities (and the officers of the MS where the disembarkation takes place) shall refer these persons to the relevant professionals within the government agencies and/or civil society organisations able to provide them with assistance and support and direct them through the appropriate procedures.

In particular, information (in a language they understand) should be made available on the possibility to apply for international protection and on organisations or groups able to provide legal and reception assistance. This information should be also displayed at locations where GOs/SGOs perform border control activities such as debriefing and screening.



#### **ANNEX 4 - OPERATIONAL AREA**

1. Operational area

Commented [A3]: The marked part contains detailed information on the analytical findings, risk assessment and recommendations and its disclosure would harm the course of future operations. In light of the above text is not disclosed pursuant to the exception laid down in the first indent of Article 4 (1) (a) of Regulation N. 1049/2001 relating to the protection of the public interest as regards public security.

#### ANNEX 5 - INITIAL PLAN OF DEPLOYED RESOURCES

MS	Authority	Human and technical resources	Deployment dates	OMNTE / Additional TE GO/SGO
	Police	Debriefing Expert	24.11.2014 - 09.01.2015	GO
Austria	Police	Debriefing Expert	24.11.2014 - 09.01.2015	GO
	Police	Debriefing Expert	06.01.2015 - 30.01.2015	GO
Belgium	Police	Debriefing Expert	27.10.2014 - 28.11.2014	GO
Carlo Baralli	Police	Debriefing Expert	06.01.2015 - 30.01.2015	GO
Czech Republic	Police	Screening Expert	06.01.2015 - 30.01.2015	GO



Denmark	Police	Debriefing Expert	06.01.2015 - 30.01.2015	GO
		Debriefing Expert	27.10.2014 - 28.11.2014	GO
Estonia	Border Guards	Coastal Patrol Boat	01.01.2015 - 31.01.2015	
	Border Guards	Fixed Wing Airplane	11.11.2014 - 07.12.2014	
Finland	Border Guards	Debriefing Expert	24.11.2014 - 09.01.2015	GO
	Border Guards	Screening Expert	27.10.2014 - 28.11.2014	GO
	Customs	Fixed Wing Airplane	01.12.2014 - 10.12.2014	
	DCPAF	Debriefing Expert	27.10.2014 - 28.11.2014	GO
_	DCPAF	Debriefing Expert	24.11.2014 - 09.01.2015	GO
France	DCPAF	Debriefing Expert	06.01.2015 - 30.01.2015	GO
	DCPAF	Screening Expert	24.11.2014 - 09.01.2015	GO
	DCPAF	Screening Expert	06.01.2015 - 30.01.2015	GO
	DCPAF	FSO	01.12.2014 - 30.01.2015	SGO
Germany Federal Police Debrief		Debriefing Expert	24.11.2014 - 09.01.2015	GO
Greece	Police	Debriefing Expert	06.01.2015 - 30.01.2015	GO
	Coast Guard	Open Sea Patrol Vessel	01.12.2014 - 31.02.2015	
Iceland	Coast Guard	Fixed Wing Airplane	01.12.2014-31.01.2015	
	Marina Militare	Open Sea Patrol Vessel	01.11.2014 - 31.01.2015	
Italy	Guardia di Finanza	Fixed Wing Airplane	01.11.2014 - 11.11.2014	
	Guardia Costiera	Coastal Patrol Vessel	01.11.2014 - 30.11.2014	
	Guardia di Finanza	Coastal Patrol Vessel	01.12.2014 - 31.12.2014	
	Guardia di Finanza	2 ICC Staff	01.11.2014 - 31.12.2014	
	Polízia di Stato	Polizia di Stato 1 Intelligence Officer		



	Polizia di Stato	7 Team Leaders	01.11.2014 - 31.12.2014	
	Polizia di Stato	7 Cultural Mediators	01.11.2014 - 31.12.2014	
	Guardia Costiera	1 Liaison Officer	01.11.2014 - 31.12.2014	
	Marina Militare	1 Liaison Officer	01.11.2014 - 31.01.2015	
	Guardia di Finanza	3 Liaison Officer (Technical Equipment)	01.11.2014 - 31.12.2014	
	Carabinieri	Coastal Patrol Vessel	01.01.2015 - 31.01.2015	
	Carabinieri	1 Liaison Officer	01.01.2015 - 31.01.2015	
Latvia	Border Guards	Helicopter	01.12.2014 - 31.01.2015	
Luxembourg	Police	Debriefing Expert	06.01.2015 - 30.01.2015	GO
	Armed Forces of Malta	Fixed Wing Airplane	01.11.2014 - 31.01.2015	
Malta	Armed Forces of Malta	Coastal Patrol Vessel	01.11.2014 - 31.01.2015	
	Armed Forces of Malta	Coastal Patrol Boat	01.11.2014 - 31.01.2015	
	Coast Guard	Coastal Patrol Boat	01.11.2014 - 31.12.2014	
Noth a decade	Royal Marechaussee	Debriefing Expert	27.10.2014 - 28.11.2014	GO
Netherlands	Royal Marechaussee	Debriefing Expert	24.11.2014 - 09.01.2015	GO
	Royal Marechaussee	Screening Expert	27.10.2014 - 28.11.2014	GO
Poland	Border Guards	Debriefing Expert	27.10.2014 - 05.12.2014	GO
rotand	Border Guards	Screening Expert	24.11.2014 - 09.01.2015	GO
	Navy	Open Sea Patrol Vessel	01.11.2014 - 30.11.2014	
Portugal	SEF	Debriefing Expert	27.10.2014 - 28.11.2014	GO
	SEF	FSO	27.10.2014 - 05.12.2014	SGO
	Border Police	Debriefing Expert	27.10.2014 - 28.11.2014	GO
	Border Police	Debriefing Expert	24.11.2014 - 09.01.2015	GO
Domania	Border Police	Debriefing Expert	06.01.2015 - 30.01.2015	GO
Romania	Immigration Office	Screening Expert	27.10.2014 - 28.11.2014	GO
	Immigration Office	Screening Expert	24.11.2014 - 28.11.2014	GO
	Border Police	Screening Expert	06.01.2015 - 30.01.2015	GO
Sweden	National Criminal Police	Debriefing Expert	24.11.2014 - 09.01.2015	GO
Curitanaland	Border Guard Corp	Debriefing Expert	24.11.2014 - 09.01.2015	GO
Switzerland	Border Guard Corp	Debriefing Expert	06.01.2015 - 30.01.2015	GO
Slovenia	Police	Debriefing Expert	27.10.2014 - 28.11.2014	GO



	Guardia Civil	Open Sea Patrol Vessel	01.11.2014 - 31.12.2014	
	National Police	Debriefing Expert	27.10.2014 - 28.11.2014	GO
	National Police	Debriefing Expert	24.11.2014 - 09.01.2015	GO
Spain	National Police	Debriefing Expert	06.01.2015 - 30.01.2015	GO
	National Police	Screening Expert	27.10.2014 - 28.11.2014	GO
	National Police	Screening Expert	24.11.2014 - 09.01.2015	GO
		Debriefing Expert	27.10.2014 - 28.11.2014	GO
United Kingdom	UKBA	Debriefing Expert	06.01.2015 - 30.01.2015	GO
		Screening Expert	24,11,2014 - 09,01,2015	GO

#### REMARK:

Any changes related to deployments of the resources in the course of the joint operation do not require the amendment of the Operational Plan. The updated Deployment Overview will be available upon request during implementation phase. The final list of deployed resources will be available in Frontex Evaluation Report (FER).



#### **ANNEX 6 - OPERATIONAL BRIEFING AND DEBRIEFING**

#### 1. Operational briefing

During the first days of deployment all participants taking part in the joint operation will receive the Operational Briefing delivered by Frontex and national authorities of the host MS.

#### 1.1. General briefing delivered by Frontex

The General briefing is a part of Operational briefing carried out by Frontex.

- 1.1.1. FSO, Debriefing Experts, Cultural Mediators, National Officials, Officers of host MS and Observers from Third Countries
- All participants listed above will be briefed by the Operational Team, FLO (Piraeus) Staff together with
  the representatives from the Ministry of Interior in the beginning of their deployment in a centralized way
  in the Ministry of Interior's premises:
- Supplementary briefing will be delivered to the JDT by OA, LO (Piraeus) Intelligence component and/or Special advisor for debriefing activities;
- Briefing on JORA will be delivered by Operational Team with the support of FSC;

#### 1.1.2. Crew members

Crew members will be briefed by Operational Team, FLO (Piraeus) Staff and/or FSO during the first day
of deployment in the operational areas. In case the briefing cannot be delivered on the spot, the NOs in
the ICC will be briefed and are responsible for transferring the received information to the crew members.

#### 1.2. National briefing delivered by host MS

The National briefing is a part of Operational briefing carried out by national authorities of host MS based on the deployment overviews provided by Joint Operations Unit (JOU).

The National briefers are responsible for carrying out National briefings, based on the Common Briefing Pack, for all participants deployed within JO. The content and the structure of the Common Briefing Pack are provided by TRU.

The National briefers nominated by Ministry of Interior will deliver the National briefing to the FSO, experts, NOs, cultural mediators, officers of host MS and observers from Third Countries during the first day of deployment in a centralized way in the premises of the Ministry of Interior. In exceptional cases, if respective participants are not available for the centralized Operational briefing in the Ministry of Interior, the national briefing can be delivered on the spot.

The National briefers nominated by Guardia di Finanza will deliver the National briefing to the crew members in the operational areas during the first day of deployment.

#### National briefer shall:

- Deliver briefings as requested by the Operational Team;
- Report to the project manager (TRU) any irregularities regarding briefings carried out;



- Support the development process of training courses, tools and materials, including the implementation
  process of such activities;
- Prepare Report of National Briefer after each activity and submit it to the project manager (TRU);
- Assist in preparing assessments and evaluations of the operational activities.

If the Italian authorities have not nominated National briefers in the location where assets and resources will be deployed, LCC Coordinators are responsible for carrying out National briefings, based on the Common Briefing Pack, for all participants deployed within JO.

#### 2. Operational debriefing

- The Operational debriefing for all participants will be performed by Operational Team members or FSO in close cooperation with local authorities in the operational areas during the last days of deployment;
- If the Operational debriefing cannot be organized for each deployed asset, it can be limited to NO within the ICC;
- The Report from Participants is considered to be a part of the Operational debriefing.

Standard plan for operational briefing and debriefing is available in Handbook.



#### **ANNEX 7 - COOPERATION WITH THIRD COUNTRIES**

#### 1. Third Country Observers

The Observers from Third Countries participate in the operation pursuant to Article 14(6) of Frontex Regulation and, when signed, the existing working arrangements between Frontex and the competent authorities of the participating Third Country. They have no executive powers to carry out border control tasks, and are not authorized to take any measures against any person. They may only advice and exchange/obtain practical experience.

In particular, the Observers from Third Countries can:

- Intermediate between the national authorities of the host MS and their national authorities on border related incidents and information sharing;
- Support the officers of national authorities of host MS during the examination of travel documents;
- Assist with special language and/or professional skills;
- Participate in combined patrols at the maritime borders with the local officers;
- Exchange intelligence information regarding the modus operandi, routes and criminal networks operating in the area of concern detected during and in the framework of the operation, in accordance with their respective legislation;
- Participate in JCB meetings, when appropriate and after consultation with the FOC.

Further tasks and duties can be executed according to the national legislation of the home/host country.



# ANNEX 8 - COOPERATION WITH OTHER UNION AGENCIES AND BODIES OR INTERNATIONAL ORGANISATIONS

#### 1. Cooperation with Europol

Frontex and Europol cooperate during the JO EPN Triton 2014 through exchange of information and intelligence. In particular, Frontex shall instruct debriefing experts that any personal data gathered during debriefing on facilitators or persons suspected of being involved in the facilitation of irregular immigration, terrorism or other crimes shall be passed to the hosting authorities.

It is recommended that the host authorities provide Europol, with the personal data referred to above, via the host MS's Europol National Unit, and finally that Europol keeps the host MS informed.

The Europol National Unit of Italy point of contact for JO EPN Triton 2014 is Mr. Maurizio de Pascalis. (Contact details in Annex 11)

#### 2. Cooperation with EFCA

The cooperation between Frontex and EFCA is carried out through the Italian Coast Guard Liaison officer deployed in the ICC, contact point with the Italian Fisheries Control Centre and assigned contact point of the host MS authorities.

Typically cooperation should focus on the exchange of information, namely sightings, as regards fisheries control within JO EPN Triton 2014's operational area. EFCA's dedicated contact point will receive, via the competent national authority, (Italian Fisheries Control Centre) the whole collated or collected information (pictures and/or videos) related to possible illegal fishing cases that might be detected by participating assets during patrolling activities. EFCA's template with the minimum requirements for sighting information to be collected will be used by participants in case of detection of a fishing boat. EFCA's contact point will provide the ICC with the list of vessels of interest from the fisheries' perspective. They will also give information on position of detected boats, which could be of possible interest for Frontex, during EFCA's campaign. In addition EFCA will deliver, to the crew members from participating MS airborne and seaborne assets, a tailored briefing package on fisheries control

Ad-hoc cooperation on a case by case basis can take place.

#### 3. Cooperation with EASO

Frontex and EASO have established their cooperation in the area of asylum and migration management, exchanging information and best practices on the functioning of their experts' database, sharing their respective training activities and their reports. The Agencies plan to strengthen their cooperation in operational areas, including training on nationality establishment and best practices and methods to better identify persons in need of international protection.

With regard to this JO, Frontex and EASO will strengthen the coordination of their activities in the operational area in close cooperation with the host MS authorities focusing in particular in the support for systematic identification and registration processes of landed Third Country Nationals allowing also prompt referral and effective access to asylum procedures in accordance with the Common European Asylum Acquis.

#### 4. Cooperation with EMSA

Cooperation with EMSA will be carried on based on information exchange channels and structures established by Host MS.



#### 5. Cooperation with FRA

The European Union Agency for Fundamental Rights (FRA) can support Frontex in the mainstreaming of fundamental rights in all Frontex activities. Upon request, FRA can provide guidance on how to operationalise fundamental rights in Frontex operations. Frontex and FRA also cooperate in the planning and implementation of research at the external EU borders. FRA chairs the Frontex Consultative Forum and works in close cooperation with the Frontex Fundamental Rights Officer. Staff deployed by Frontex are encouraged to use materials published by FRA available at <a href="https://www.fra.europa.eu">www.fra.europa.eu</a>, in particular the <a href="https://www.fra.europa.eu">Handbook on European law relating to asylum, borders and immigration</a> as well as the <a href="https://www.fra.europa.eu">Handbook on European data protection law</a>.

#### 6. Cooperation with UNHCR

During the joint operation UNHCR will cooperate with Frontex in aspects related to international protection and the implementation of the principle of non- refoulement, starting with the operational briefing where UNHCR, together with Frontex, will brief the guest officers on access to international protection (a theoretical and practical approach) and fundamental rights. The aim is to give the guest officers an increased knowledge and further skills in how to tackle fundamental rights in sea border operations.

#### 7. Cooperation with IOM

Frontex will also reinforce its cooperation with IOM in order to support the IT authorities and guest officers with awareness raising activities (e.g. information flyers and specialised briefings) on the health hazards and risks for border police officers or other staff coming in direct contact with the migrants. These information sessions shall focus specifically on self-preventive measures for infectious or transmittable diseases (e.g. Ebola, TB).

#### 8. Cooperation with EEAS / CSDP Mission "EUBAM LYB"

The cooperation between Frontex and EEAS in particular the CSDP Mission focuses on the exchange of information, in particular analytical or situational reports or provision of expertise during the planning, conducting and review or evaluation of relevant CSDP Missions and operations as well as Joint Operations coordinated by Frontex at the External Borders of the EU Member States.



## ANNEX 9 - COMMAND, CONTROL AND COORDINATION SCHEME



Commented [A4]: The marked part contains detailed information on the analytical findings, risk assessment and recommendations and its disclosure would harm the course of future operations. In light of the above text is not disclosed pursuant to the exception laid down in the first indent of Article 4 (1) (a) of Regulation N. 1049/2001 relating to the protection of the public interest as regards public security.





#### **ANNEX 10 - JORA**

#### 1. JORA Actors

Role	Name	FX/MS	Entity	E-mail	Phone
		Ï			
		I		=	

Commented [A5]: The marked part contains detailed information on the analytical findings, risk assessment and recommendations and its disclosure would harm the course of future operations. In light of the above text is not disclosed pursuant to the exception laid down in the first indent of Article 4 (1) (a) of Regulation N. 1049/2001 relating to the protection of the public interest as regards public security.





#### 3. JORA Incident Template Attributes' List

General	

No	NAME OF ATTRIBUTE	MANDATORY6	4.3. REMARKS
1	Incident Number		General Information
2	Reporting Unit		General Information
3	Operational Area	x	General Information
4	Incident Type	×	General Information
5	Date of Reporting		General Information
6	Detection Date	x	General Information
7	Detected By		General Information
8	Latitude Detection	×	General Information
9	Longitude Detection	x	General Information
10	Interception Date	x	General Information
11	Intercepted By		General Information
12	Interception Place		General Information
13	Place of Interception Comments		General Information
14	Latitude Interception	х	General Information
15	Longitud Interception	х	General Information
16	Reference to Operational Area	х	General Information
17	Eurosur Border Section	х	General Information
18	Impact Level	х	General Information

#### Persons Information

19	Country of Deprture	x	General Information
20	Place of Departure		General Information
21	Date of Departure		General Information
22	Date of Arrival		General Information
23	Country of Destination		General Information
24	Disembarkation		General Information
25	Migrants Deterred		General Information
26	Victims of Trafficking		General Information
27	Death Cases		General Information
28	Number of People		Personal Information/Add person
29	Age		Personal Information/Add person
30	is Adult		Personal Information/Add person
31	Nationality Claimed		Personal Information/Add person



32	Nationality Presumed		Personal Information/Add person
33	Gender		Personal Information/Add person
34	Accompanied/by relative		Personal Information/Add person
35	Role of person		Personal Information/Add person
36	Reason of Refusal		Personal Information/Add person
37	Type of Document		Document Alerts Information/Add Doc. Alert
38	Document Status		Document Alerts Information/Add Doc. Alert
39	Forgery Type		Document Alerts Information/Add Doc. Alert
40	Expering On		Document Alerts Information/Add Doc. Alert
41	Issuing Country		Document Alerts Information/Add Doc. Alert
42	Issuing Date		Document Alerts Information/Add Doc. Alert
43	Where Issued		Document Alerts Information/Add Doc. Alert
44	Comments	×	Document Alerts Information/Add Doc. Alert

#### Additional Information

45	Number of Transport Means	Additional Information
46	Transport Type	Additional Information
47	Search and Rescued Involved	Additional Information
48	Boat destroyed By	Additional Information
49	Comments	Additional Information
50	Modus Operandi	Additional Information
51	Smuggling Of	Additional Information
52	Smuggling of Number	Additional Information
53	Heading	Additional Vessel Information/Add Vessel Data
54	Vessel Type	Additional Vessel Information/Add Vessel Data
55	Flags or Signs	Additional Vessel Information/Add Vessel Data
56	Number of Engines	Additional Vessel Information/Add Vessel Data
57	Vessel Length	Additional Vessel Information/Add Vessel Data
58	Are Engines Operational	Additional Vessel Information/Add Vessel Data
59	Functioning GPS Onboard	Additional Vessel Information/Add Vessel Data



4. JORA Timeline for reporting

Commented [A6]: The marked part contains detailed information on the analytical findings, risk assessment and recommendations and its disclosure would harm the course of future operations. In light of the above text is not disclosed pursuant to the exception laid down in the first indent of Article 4 (1) (a) of Regulation N. 1049/2001 relating to the protection of the public interest as regards public security.



#### **ANNEX 11 - CONTACT DETAILS**

#### 1. General

Authority	Address	Email address
Frontex (HQ)		
Ministry of Interior (MoI)		
National Coordination Centre (NCC)		
International Coordination Centre (ICC)		

2. Frontex

Role	Name	Phone number	Email address
Frontex Coordinating Officer (FCO)			
Operational Manager			
Operational Team			
Operational Team			
Operational Team			
Operational Analyst			
Spokesperson			1
Press Officer			

Commented [A7]: The marked part contains detailed information on the analytical findings, risk assessment and recommendations and its disclosure would harm the course of future operations. In light of the above text is not disclosed pursuant to the exception laid down in the first indent of Article 4 (1) (a) of Regulation N. 1049/2001 relating to the protection of the public interest as regards public security.



#### 3. Host MS - Italy

#### 3.1. Ministry of Interior

Role	Name	Phone number	Email address	Location
Head of 2 <sup>nd</sup> Division/Mol	-			
2 <sup>nd</sup> Division/Mol				
Head of 1 <sup>st</sup> Division/MoI				
Spokeperson				
Press Office				

#### 3.2. Guardia di Finanza

Role	Name	Phone number	Email address	Location
General Command	r			
General Command	E			
ICC Coordinator				





#### 3.3. Guardia Costiera

Role	Name	Phone number	Email address	Location
International Maritime Rescue Coordination Centre (IMRCC) - Italy				
I.M.R.C.C. Coordinator				
Operational Departement				
Spokeperson				

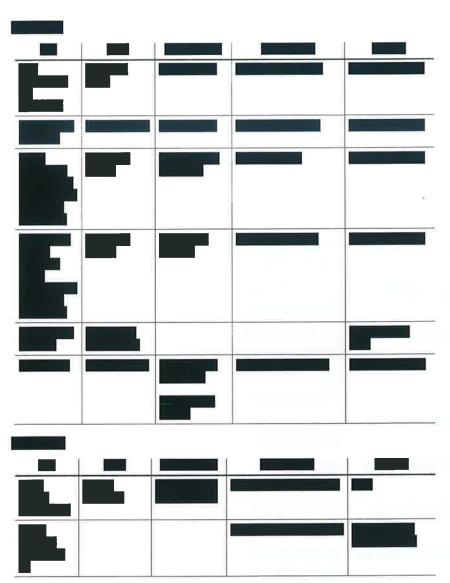




#### 3.4. Marina Militare

Role	Name	Phone number	Email address	Location
F				
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F-				F
				E





#### REMARK:

Any changes related to the contact details of the participants in the course of the joint operation do not require the amendment of the Operational Plan. The updated contact details will be available and shared with the participants during implementation phase on a need basis.



#### ANNEX 12 - Organizational arrangements and logistics

1. Suggested accommodation (see also Yellow Pages available on FOSS)

Location	Name	Phone number
_		

Commented [A8]: The marked part contains detailed information on the analytical findings, risk assessment and recommendations and its disclosure would harm the course of future operations. In light of the above text is not disclosed pursuant to the exception laid down in the first indent of Article 4 (1) (a) of Regulation N. 1049/2001 relating to the protection of the public interest as regards public security.





