

## OPERATIONAL OBJECTIVES AND INDICATORS

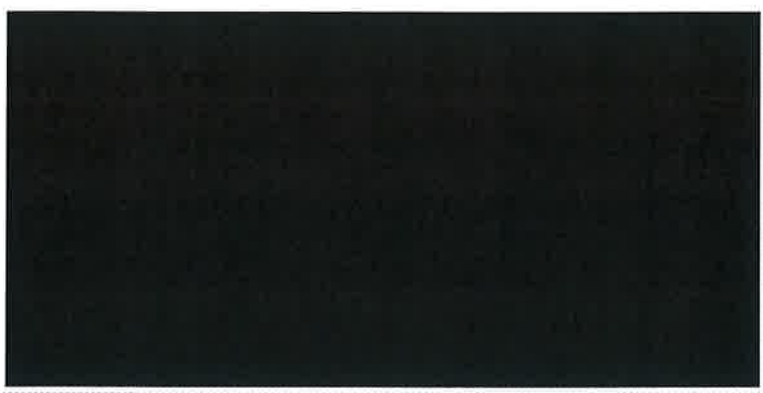
Objectives	Indicators
Enhance border security	<ul style="list-style-type: none"> <li>• Effective border control at external borders maintaining deterrent effects</li> <li>• Enhanced detection and prevention of cross border crime</li> <li>• Support to the national authorities in disclosing cases of smuggling of migrants and trafficking in human beings</li> </ul>
Enhance efficiency of border security	<ul style="list-style-type: none"> <li>• Detection of all targets enabling to intercept persons, to prevent unauthorized border crossings, to counter other cross-border criminality and to take measures against persons who have crossed the border illegally as well as to report the other illegal activities observed to respective authorities</li> <li>• Carrying out border checks of all persons crossing the external maritime borders including means of transport and objects in possession</li> </ul>
Enhance operational cooperation	<ul style="list-style-type: none"> <li>• High level of MS/SAC participation in JOs</li> <li>• Enhanced inter-agency cooperation and cooperation between national authorities of host MS as well as on EU level</li> <li>• Seeking involvement of 3<sup>rd</sup> countries in operational activities</li> <li>• Multi-character operational concept applied</li> </ul>
Enhance exchange of information	<ul style="list-style-type: none"> <li>• 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</li> <li>• Distribution of operational documents to all involved actors through authorized channels</li> </ul>
Enhance efficiency of the exchange of information	<ul style="list-style-type: none"> <li>• Implementation of fully automated online reporting system;</li> <li>• Seeking standardized format and quality of the reports and interviews</li> <li>• Use of the “Guidelines for JORA Incident Template” giving detailed information on definitions and establishing a sets of priorities when selecting the appropriate attributes</li> </ul>
Identify possible risks and threats	<ul style="list-style-type: none"> <li>• Debriefing activities to support migration management and obtaining intelligence</li> <li>• Monitoring political, economic and social situation in the countries of origin and transit</li> </ul>
Establish and exchange best practices	<ul style="list-style-type: none"> <li>• Fostering practical cooperation between the authorities involved in prevention and tackling illegal migration as well as other cross-border crime</li> <li>• Delivering workshops, planning meetings, operational briefings, other networking events to participants</li> </ul>
Support establishment of permanent structures	<ul style="list-style-type: none"> <li>• To continue the fostering cooperation/information exchange between MS NCC/ICC/LCC/FP</li> </ul>
Support provision of trainings	<ul style="list-style-type: none"> <li>• Implementation of targeted specific training activities</li> <li>• Seeking that only sufficiently trained GO are deployed and to promote a solution where solely Frontex trained GO from the EBGT pool are deployed to JO</li> </ul>



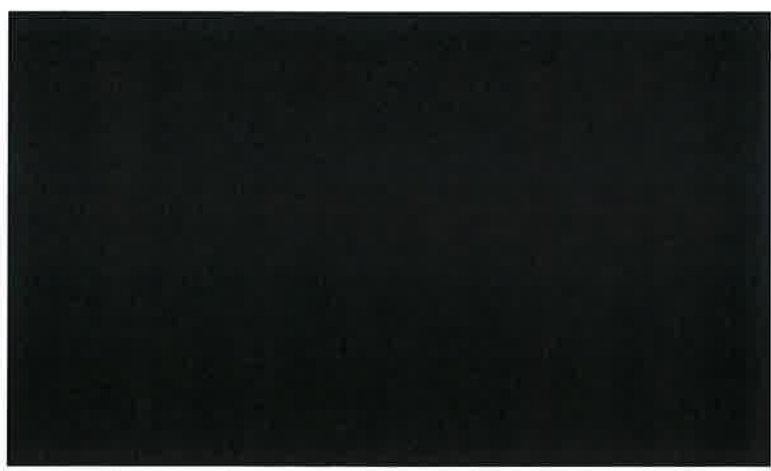
**OPERATIONAL AREA MAPS**

**Commented [BW1]:** The marked parts contain detailed information on the operational area, and its disclosure would harm the course of future operations. In light of the above the maps are not disclosed pursuant to the exception laid down in the first indent of Article 4(1)(a) of Regulation No 1049/2001 relating to the protection of the public interest as regards public security

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2. Operational area





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## ANNEX 5

### LIST OF CONTACT DETAILS INCLUDING COMMS

#### 1. Frontex

- Frontex Headquarters (Warsaw)  
Rondo ONZ 1, Warsaw, Poland

- Hermes Project Team

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- Frontex Information and Transparency / Communication Press-Media

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**MISSION REPORT****Mission:**

“Advance party” mission in Tirana, Albania, together with own representative of the Organising Member States within the Joint Return Operation to Albania, organised by Sweden on the 28<sup>th</sup> October 2014.

**Name of staff on mission:** Delphine Dubos, Frontex Return Operations Sector  
Peter Wikström, Swedish Return Unit Training Unit

**Objective of the mission:** The aim was firstly to prepare the hand-over of the returnees and observe the readmission procedure, secondly to meet with the new Director of the Albanian Border Police to assess the state of play since the training of their Escort Team in May 2014

**Dates of mission:** 26.10 - 29.10.2014

**26 October 2014 (Sunday)**

After his arrival at Tirana airport, I met with Mr Peter Wikström, representative from Sweden for the advance party, to prepare the meeting with the Albanian authorities.

**27 October 2014**

Mr Wikström and I met with Mr. Kumrija, Chief of the return and readmission service and went to the new premises of the Border Police of Albania, where we had a **meeting with Mr Genc Merepeza, new Director of the Albanian Border Police**

After visiting the new premises, Mr Merepeze gave us an overview of the migration situation in Albania. We exchanged about various issues raised by Member States when organising Return flight to Albania, such as:

- the time limit (arrival before 14:00),
- the list of passengers request more than 10 days prior the operation to obtain Landing Permit
- the passport details for escorts during a JRO.

**The lack of human resources and premises at the airport** were advanced the main explanation. If the returnees list is needed for investigations purpose, it has been clarified that it should not be a proviso to obtain Landing Permit and that escorts' passport details were not needed during JRO. However the lack of premises -only 2 offices are available for readmission interviews at the airport for the Border Police is a real problem. To solve it, the UK has decided to rent the former premises of the Albanian airlines “Belle Air”, which have direct access to the tarmac, but is distant from the Border Police facilities. Altogether, these two places could allow the Albanian to handle 60 returnees at a time, but they also have a lack of important devices such as fingerprint scanner (only one for both premises). Therefore, they cannot use both of them during return flights. **The negotiations held with some MS representatives in Tirana failed to reach an agreement to co-finance the missing devices.** Since then, the UK are not keen on sharing the premises they rent with other MS when they organise National flights to Albania. In addition to the limited number of personnel, these issues justify the time deadline and limitation of returnees set by Albanian authorities. To give an example, when the UK returned 45 Albanians on the 24.10.2014, arriving at 15:30 hrs, the Albanian interviewers had to work until 23:30 hrs. **Thus, they informed us that, in the future, they could not accept more than 40 to 50 returnees at a time.**

The Albania Director of the Border Police also stated the lack of coordination between the return operations. In addition to an average of 15 returnees by commercial flights every day, they sometime face two or three charter flight per week, which is, in the light of the aforementioned issues, is not bearable. **The Director requested that the future charter flights should all be coordinated by Frontex.**

After the meeting, we went to Tirana airport and met with Mr Ermal Milori, head of the Airport police. We were invited to visit the premises of the Border Police (2 offices) and those rented by UK for processing the readmission of Albanian returnees during Return Operations organised by UK (with 3 interview offices).

Mr Milori explained that they tried to convince the Head of the airport to let the Border Police use 2 offices which were next to theirs, but were denied this possibility.

#### 28 October 2014

After the preparation duties linked with the JRO organised by Sweden, Mr Wikström and I went to the airport, met with Albanian authorities and prepared for the handover. At the arrival of the flight, the handover procedure and disembarkation were performed in a smooth way. I gave an interview to local media with the head of Tirana airport, as agreed previously by Frontex Communication Office.

After the departure of the Joint Return flight, I could observe the readmission procedure performed by the Albanian Border Police. I could notice that the premises rented by the UK were not wide enough to host the 60 returnees, most of them obliged to stand-up because of the lack of seats.

The interviews as explained to me by one police officer, were comprehensive and held in the best possible condition.

#### 29 October 2014

I flew back to Warsaw where I landed at 18:00 hrs.

**Conclusion:** We met the Albanian authorities in charge of return operation and the Head of the Tirana Airport Police. Difficulties were identified, some issues solved. The existing facilities at the airport were visited. The cooperation with Albanian authorities during the preparation of the handover and readmission of the returnees was very good. The activity has to be considered successful in terms of objectives met and quality outcomes.

The organisational logistic needs are defined and we requested the Albanian authorities to budget their needs so that Frontex can evaluate the possible actions to take to improve.

.....  
Delphine Dubos

## RECOMMENDED RULES OF ENGAGEMENT (ROE)

### General

The rules of engagement do not affect the participant's rights and obligations under international agreements and other instruments establishing international courts and tribunals, and relevant domestic laws and shall be used only as a coordination tool during Frontex maritime operations.

In order to provide uniform training and planning capabilities, this document is authorized for distribution to EU MS/SAC at all levels and is to be used as fundamental guidance for training and directing their forces.

This instruction is approved for limited release.

The prevention of loss of lives has overall priority in all operational actions

### Exchange and Knowledge of Laws and Practices of MS

Exchange of Information: To facilitate implementation of those ROE, each HMS, shall endeavor to ensure that the members of the EBGTs are appropriately informed of its respective applicable laws and practices, particularly those pertaining to the use of force.

Knowledge: Each participating MS shall endeavor to ensure that its representatives in Frontex maritime operations are knowledgeable concerning the applicable laws in accordance with this ROE.

To ensure MS concluding knowledge of Frontex - ROE - the operational briefing will be provided by Frontex and respective national authorities of HMS.

Specific regional and local conditions, which must be taken into special account shall after negotiations be clearly described in the operational plan.

### 1. Border surveillance

#### 1.1 Safeguards

Where a MS takes measures against a vessel, it shall:

- (a) take due account for the strict respect for fundamental rights consigned in the Charter of Fundamental Rights of the European Union, and international laws, including the 1951 Geneva Convention on the Status of Refugees;
- (b) take due account of the need not to endanger the safety of life at sea;
- (c) take due account of the safety and security of the vessel, its crew and its cargo;
- (d) not prejudice the national, commercial or legal interests of the Flag State;
- (e) ensure within available means, that any measure taken with regard to the vessel is environmentally sound under the circumstances;
- (f) ensure that the master of the 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.

All reasonable efforts shall be taken to avoid a vessel being unduly detained or delayed.

#### 1.2 Implementation of ROE - Measures against suspect vessels

The patrols should monitor intensively specific maritime areas on the basis of information provided by Frontex EU MS/SAC. The scope of these intensified patrols is to prevent illegal migrants from undetected landing in EU Member States and to tackle cross border crime, in particular smuggling of migrants and trafficking of persons.

Once a suspect vessel has been detected, it should be approached in order to observe its identity and nationality and, pending the adoption of any other appropriate measure, it should be surveyed at a prudent distance.

### **1.2.1 Detection - monitoring**

This is the initial phase, where a suspicious vessel is detected and the CO assesses the situation, analyzing possible courses of action available.

Upon sighting a suspicious vessel, EU MS/SAC vessels are to continue to follow the progression of the suspicious vessel and try to identify:

- Position (coordinates)
- The course
- The speed
- The flag or/and registration number
- Size and type of a vessel
- Number of persons visible
- Activity on board
- Description of a vessel including: (color, other special identifying marks; possible recognition of equipment, etc.)

During this phase, the EU MS/SAC unit is to keep a safe distance so that the suspect vessel will not identify the type of vessel approaching.

### **1.2.2 Interception**

The rules on Interception are described below in paragraph 2 of the Council Decision (2010/252/EU) of 26 April 2010.

### **1.2.3 Vessel Boarding**

#### **1.2.3.1 Reasons for boarding**

The fundamental reason for conducting vessel boardings is to enforce all international maritime laws, particularly relating to immigration;

#### **1.2.3.2 Minimizing impact**

Boardings are conducted thoroughly but expeditiously so as to interfere as little as possible with legitimate voyages. Where there is a high probability of detecting unlawful conduct, or a need to increase the frequency of boarding in a given area and/or of particular vessel types, the possible negative impact on maritime commerce or potential ill will among the boating public is not a significant factor in boarding decisions. In other circumstances, however, impacts on maritime commerce and the boating public are considered carefully. Both groups have legitimate interests relating to oceans and waterways use, and the continuing support of both groups is important to the future effectiveness of Frontex maritime operations.

#### **1.2.3.4 Personnel conduct**

Boarding personnel are required to promote a positive impression of the service through outstanding appearance, professional conduct and competence.

#### **1.2.3.5 Boarding teams**

COs are responsible for ensuring their law enforcement personnel are properly trained, equipped and motivated to carry out their duties. At the discretion of the CO, non-qualified Coast Guard personnel (e.g., break-in boarding personnel, cadets, 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 all personnel from different MS participate in boardings, 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 concurrence of higher authority.

(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 that are considered 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;
- (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.

#### **1.2.3.6 Pre-boarding activity**

Practice exists regarding pre-boarding activity that must be made in determining whether to board a particular vessel. A determination shall take in consideration at least the following elements: asking right of approach questions; asking pre-boarding questions; establishing authority and jurisdiction, and conducting a risk/benefit assessment.

(a) Right of approach. 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.

This is the phase where the suspicious vessel is approached by the EU MS/SAC asset and the danger of pursuing further with their crossing is explained to them.

(b) Pre-boarding questions. Pre-boarding questioning is conducted by MS asset CO's vessels to obtain specific law enforcement information. Units contemplating law enforcement action, if practicable, ask the pre-boarding questions/actions. Rather than asking questions about weapons during pre-boarding, boarding teams query the master upon boarding. When practicable, units contemplating law enforcement action conduct an intelligence database check on the vessel and master.

(c) Authority and jurisdiction. Maritime assets ascertain whether their authority and jurisdiction exist prior to conducting a boarding and/or taking follow-up law enforcement action. Additionally, maritime units 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 a higher authority.

(d) Risk/benefit assessment. Given the limited number of enforcement resources, the maritime units cannot board all vessels encountered, and therefore, operational cost/benefit decisions should be made.

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.

The maritime assets makes every attempt to ensure its personnel and assets, the people and property against which enforcement action is contemplated, and bystanders are not placed at undue risk of injury or loss.

### **1.2.3.7 Boarding procedures**

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

#### **Detention and release of persons and property**

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

- (a) ensure the safety of persons and property;
- (b) complete an investigation of a violation of law (including interviewing suspects and witnesses); As a minimum the detainee should be informed about the aim of EU MS/SAC actions;
- (c) effect other law enforcement action (e.g., seizing the boat of facilitator); and
- (d) carry out the enforcement of a law where the vessel, person or property is subject to a more severe sanction (e.g., vessel subject to forfeiture or person subject to arrest).

If, during the course of a vessel inspection, evidence of criminal activity is encountered

(e.g., contraband is discovered on the chart table while checking required publications on the bridge), a criminal investigation takes place in EU MS/SAC or third country under which jurisdiction criminal activity can be prosecuted;

As general rule all administrative procedures related to screening and status assessment of persons intercepted are to be carried out after disembarkation by authorities in charge;

Hosting EU MS/SAC should ensure smooth coordination of all relevant national or/and international authorities relating to the disembarkation persons intercepted by participating EU MS/SAC vessels.

#### **Disposition of Seized Property**

Except as otherwise agreed by the EU MS/SAC, cargo and other items seized in consequence of operations undertaken onboard vessels subject to the jurisdiction of a EU MS/SAC pursuant to this ROE, shall be disposed of by HMS in accordance with its laws.

#### **Cooperation and Assistance**

The Competent Authority of participating EU MS/SAC may request, and the Competent Authority of the other HMS may authorize, representatives of contributing MS to provide technical assistance, such as specialized assistance in the boarding and search of suspect vessels, including vessels of the HMS located within territory of HMS jurisdiction.

#### **Claims**

Any claim for injury to or loss of life or other claim submitted for damage, harm or loss resulting from an operation carried out by the EU MS/SAC while carrying out operations arising from this ROE shall normally be resolved in accordance.

### **1.3 Status assessment**

All MS (including Host MS) must guarantee the examination of the “personal circumstances” of each individual person intercepted/rescued on the high seas thus being under the continuous and exclusive de jure jurisdiction of the MS and the examination in all cases should include:

- Examine the “personal circumstances” of each individual;
- Enable each individual to put forward their arguments against the measure aiming to return them to the place of departure in 3<sup>rd</sup> country.

### **1.4 DISEMBARKATION**

#### **1.4.1 DISEMBARKATION OF PEOPLE APPREHENDED SUBSEQUENTLY TO INTERCEPTION**

When acting in maritime areas of Italian jurisdiction, besides the SAR missions, Italy gives authorization to the vessels of the participating MS/SAC to detect, to track, to intercept and escort vessels suspected of carrying illegal migrants or being involved in cross-border criminal activities, to one of its port.

Persons apprehended subsequently to interception in the high seas will be disembarked in the third country from where the ship carrying them departed or through the territorial waters of which that ship transited and if this is not possible, they will disembarked in the host Member State.

#### **1.4.2 DISEMBARKATION OF PEOPLE RESCUED BY PARTICIPATING UNITS**

The main applicable principle is that the responsibility to provide a place of safety, or to ensure that a place of safety is provided, falls on the MS 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 is carried out in such a way that the persons rescued can be delivered to a place of safety.

#### **1.5 FOLLOW-UP MEASURES**

##### **1.5.1 PROVISION OF BASIC HUMAN NEEDS**

The Member State where disembarkation takes place 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 consideration shall be given to persons in particularly vulnerable situations and to minors.

##### **1.5.2 SCREENING AND STATUS ASSESSMENT**

The screening and status assessment of persons apprehended or rescued shall take place after disembarkation and the assistance has been provided to them. Apprehended persons in need for international protection shall be handed over to the competent authority of the Member State for an examination of their status.

##### **1.5.3 SPECIAL MEASURES APPLICABLE TO VULNERABLE PERSONS**

Members of the EBGs shall support the host MS authorities providing special treatment to vulnerable groups of apprehended persons, i.e.: unaccompanied minors, women victims of trafficking or pregnant, disabled persons and victims of exploitation or trafficking, etc

## **2. USE OF FORCE**

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.

Any use of force pursuant shall not exceed the minimum degree of force that is necessary, proportional and reasonable in the circumstances.

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 by the EU MS/SAC conducting a boarding and search shall be immediately and promptly reported with all necessary details to ICC/NCC and Frontex as indicated in the OPPLAN.

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

### **2.1 National requirements 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 request by 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 reality of the of threat;

## **3. 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 guest officers. Firearms 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 members of the EBGTs shall ensure that it will be done in such a way that causes the less possible injuries.

### **3.1 Conditions to use weapons**

In international water, the use of weapons in under the responsibility of the flag state law. In the territorial water, any use of weapons, by the MS assets is prohibited because is relevant the Italian legislation. 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.

## **RULES AND GUIDELINES FOR FRONTEX COORDINATED SEA OPERATIONS**

Annexed to the operational plan pursuant to Article 1 of the Council Decision (2010/252/EU) of 26 April 2010 supplementing the Schengen Borders Code as regards the surveillance of the sea external 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

### **Part I**

#### **Rules for sea border operations coordinated by the Agency**

##### **1. General principles**

1.1. Measures taken for the purpose of the surveillance operation shall be conducted in accordance with fundamental rights and in a way that does not put at risk the safety of the persons intercepted or rescued as well as of the participating units.

1.2. No person shall be disembarked in, or otherwise handed over to the authorities of, a country in contravention of the principle of non-refoulement, or from which there is a risk of expulsion or return to another country in contravention of that principle. Without prejudice to paragraph 1.1, the persons intercepted or rescued shall be informed in an appropriate way so that they can express any reasons for believing that disembarkation in the proposed place would be in breach of the principle of non-refoulement.

1.3. The special needs of children, victims of trafficking, persons in need of urgent medical assistance, persons in need of international protection and other persons in a particularly vulnerable situation shall be considered throughout all the operation.

1.4. Member States shall ensure that border guards participating in the surveillance operation are trained with regard to relevant provisions of human rights and refugee law, and are familiar with the international regime on search and rescue.

##### **2. Interception**

2.1. Upon detection, the ship or other sea craft ("ship") shall be approached in order to observe its identity and nationality and, pending further measures, it shall be surveyed at a prudent distance. Information about the ship shall be communicated immediately to the coordination centre established in the context and for the purposes of the sea operation coordinated by the Agency.

2.2. If the ship is about to enter or it has entered the contiguous zone or the territorial waters of a Member State that does not participate in the operation, information about the ship shall be communicated to the coordination centre, which will convey the information to the Member State concerned.

2.3. Information about any ship suspected of being engaged in illegal activities at sea outside the scope of the operation shall be communicated to the coordination centre, which will convey the information to the Member State or Member States concerned.

2.4. Measures taken in the course of the surveillance operation against ships or other sea craft with regard to which there are reasonable grounds for suspecting that they carry persons intending to circumvent the checks at border crossing points may include:

- (a) requesting information and documentation on ownership, registration and elements relating to the voyage, and on the identity, nationality and other relevant data on persons on board;
- (b) stopping, boarding and searching the ship, its cargo and persons on board, and questioning persons on board;
- (c) making persons on board aware that they are not authorised to cross the border and that persons directing the craft may face penalties for facilitating the voyage;
- (d) seizing the ship and apprehending persons on board;
- (e) ordering the ship to modify its course outside of or towards a destination other than the territorial waters or contiguous zone, escorting the vessel or steaming nearby until the ship is heading on such course;
- (f) conducting the ship or persons on board to a third country or otherwise handing over the ship or persons on board to the authorities of a third country;

(g) conducting the ship or persons on board to the host Member State or to another Member State participating in the operation.

2.5. Measures referred to in paragraph 2.4 shall be taken under the following conditions:

2.5.1. Territorial waters and contiguous zone

2.5.1.1. Measures referred to in paragraph 2.4 shall be taken upon authorisation and in accordance with the instructions from the host Member State transmitted to the participating unit via the coordination centre. To that end, the participating unit shall communicate to the host Member State, via the coordination centre, whether the master of the intercepted vessel has requested that a diplomatic agent or consular officer of the flag State be notified.

2.5.1.2. Any operational activities in the territorial waters or contiguous zone of a Member State that does not participate in the operation shall be conducted in accordance with the authorization of the coastal State. The coordination centre shall be informed of any communication with the coastal State and of the subsequent course of action.

2.5.2. The High Seas beyond the contiguous zone

2.5.2.1. If the ship flies the flag or displays the marks of registry of the nationality of a Member State participating in the operation, measures referred to in paragraph 2.4 shall be taken upon authorisation of the flag State. The national official representing that Member State at the coordination centre shall be entitled to grant or to transmit such authorisation.

2.5.2.2. If the ship flies the flag or displays the marks of registry of a Member State that does not participate in the operation or of a third country, confirmation of registry shall be requested from the flag State through the appropriate channels and, if nationality is confirmed, authorisation shall be requested, in accordance with the Palermo Protocol against the smuggling of migrants, from the flag State to take the measures referred to in paragraph 2.4.

The coordination centre shall be informed of any communication with the flag State.

2.5.2.3. If, though flying a foreign flag or refusing to show its flag, there are reasonable grounds for suspecting that the ship is, in reality, of the same nationality as the participating unit, the participating unit shall proceed to verify the ship's right to fly its flag. To this end, it may send a boat under the command of an officer to the suspected ship. If suspicion remains after the documents have been checked, it shall proceed to a further examination on board the ship, which must be carried out with all possible consideration. The country of which the ship is allegedly flying the flag shall be contacted through the appropriate channels.

2.5.2.4. If, though flying a foreign flag or refusing to show its flag, there is reasonable ground for suspecting that the ship is, in reality, of the nationality of another Member State participating in the operation, verification of the ship's right to fly its flag shall be conducted upon authorisation of that Member State. The national official representing that Member State at the coordination centre shall be entitled to grant or to transmit such authorisation.

If, in the above cases, the suspicions regarding the nationality of the ship prove to be founded, measures referred to in paragraph 2.4 shall be taken under the conditions laid down in paragraph 2.5.2.1.

2.5.2.5. If there are reasonable grounds for suspecting that the ship is without nationality or may be assimilated to a ship without nationality, the participating unit shall proceed to verify the ship's right to fly its flag. To this end, it may send a boat under the command of an officer to the suspected ship. If suspicion remains after the documents have been checked, it shall proceed to a further examination on board the ship, which shall be carried out with all possible consideration.

Measures referred to in paragraph 2.4 shall be taken if the suspicions that the ship is without nationality prove to be founded and that there are reasonable grounds to suspect that the ship is engaged in the smuggling of migrants by sea in accordance with the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

A ship is without nationality or may be assimilated to a ship without nationality when the ship has not been granted by any State the right to fly its flag or when it sails under the flags of two or more States, using them according to convenience.

2.5.2.6. Pending or in the absence of authorisation of the flag State, the ship 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 as set out in section 1 of Part II or those measures which derive from relevant bilateral or multilateral agreements, or unless the ship has entered the contiguous zone.

## Part II

### Guidelines for search and rescue situations and for disembarkation in the context of sea border operations coordinated by the Agency

#### 1. Search rescue situations

1.1. The obligation to render assistance to the persons in distress at sea shall be carried out by Member States in accordance with the applicable provisions of international conventions governing the search and rescue situations and in accordance with requirements concerning the respect for fundamental rights. Participating units shall provide assistance to any vessel or person in distress at sea. They shall do so regardless of the nationality or status of such a person or the circumstances in which that person is found.

1.2. When facing in the course of the border surveillance operation a situation in which uncertainty or apprehension exists as to the safety of a ship or of any person on board, the participating unit should forward as soon as possible all available information to the Rescue Coordination Centre responsible for the search and rescue region where the situation is taking place.

In cases where the Rescue Coordination Centre of the third country responsible for the search and rescue region does not respond to the notification transmitted by the participating unit, the latter should contact the Rescue Coordination Centre of the host Member State.

While awaiting instructions from the Rescue Coordination Centre, participating units should take all the appropriate measures to ensure the safety of the persons concerned.

1.3. Participating units should take all relevant elements into account and communicate their assessment to the responsible Rescue Coordination Centre, including in particular:

- a) the existence of a request for assistance,
- b) the seaworthiness of the ship and the likelihood that the ship will not reach its final destination,
- c) the number of passengers in relation to the type of ship (overloading),
- d) the availability of necessary supplies (fuel, water, food, etc.) to reach a shore,
- e) the presence of qualified crew and command of the ship,
- f) the availability of safety, navigation and communication equipment,
- g) the presence of passengers in urgent need of medical assistance,
- h) the presence of deceased passengers,
- i) the presence of pregnant women or children,
- j) the weather and sea conditions.

1.4. The existence of an emergency should not be exclusively dependent on or determined by an actual request for assistance.

In cases where, despite a ship being perceived to be in a state of emergency, the persons on board refuse to accept assistance, the participating unit should inform the Rescue Coordination Centre and continue to fulfil a duty of care, taking any measure necessary to 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.

1.5. The coordination centre of the operation should be informed as soon as possible of any contact with the Rescue Coordination Centre and of the course of action taken by the participating unit.

1.6. If the ship cannot or can no longer be considered as being in a state of emergency or the search and rescue operation has been concluded, the participating unit should, in consultation with the coordination centre of the operation, resume the operation in accordance with Part I.

#### 2. Disembarkation


2.1. The operational plan should spell out the modalities for the disembarkation of the persons intercepted or rescued, in accordance with international law and any applicable bilateral agreements. The operational plan shall not have the effect of imposing obligations on Member States not participating in the operation.

Without prejudice to the responsibility of the Rescue Coordination Centre, and unless otherwise specified in the operational plan, priority should be given to disembarkation in the third country from where the ship carrying the persons departed or through the territorial waters or search and rescue region of which that ship transited and if this is not possible, priority should be given to disembarkation in the host Member State unless it is necessary to act otherwise to ensure the safety of these persons.

2.2. The coordination centre should be informed of the presence of persons within the meaning of paragraph 1.2 of Part I, and should convey that information to the competent authorities of the host Member State. Based on that information, the operational plan should determine which follow-up measures may be taken.




**CODE OF CONDUCT**  
**FOR ALL PERSONS PARTICIPATING**  
**IN FRONTEX ACTIVITIES**



European Agency for the Management of Operational  
Cooperation at the External Borders of the Member States  
of the European Union

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Dear reader,

*I am pleased to present you the Frontex Code of Conduct. This document is binding not only for Frontex staff, but also for all those who take part in our activities: operations, training and any other activities coordinated by this Agency.*

*I am happy to say that this document is the product of an extensive consultation process; a number of Member States' authorities and international organisations took active part in its drafting, including UNHCR and the Fundamental Rights Agency. The initial draft was then consulted with the Frontex Management Board giving an opportunity to the relevant bodies of the Member States to share their comments. Their contribution in the creation of the final text was truly invaluable.*

*I am proud to say that with this document Frontex fills an important gap. A comparative study commissioned by Frontex on existing codes of conduct used by the border guard services of the EU Member States conducted by the Centre for Global Ethics at the University of Birmingham has shown that while many EU Member States have Codes of Conduct that are used by border guards (23 of the EU and Schengen-Associated Countries), only three were written specifically for border guards. The vast majority were written for police or other services performing border management functions in the Member States concerned. This is perhaps surprising, given that border guards are often called upon to perform tasks that involve consideration of ethical and legal principles that are not normally faced during other types of police work.*

*Each organisation dealing with law enforcement must be guided by the highest standards and I am convinced that this document is yet another element contributing to one of our key aims — for Frontex to become the custodian of best practices for border control.*

*Raising and harmonising of ethical standards is key to providing a coherent and comprehensive response to the challenges of modern border control. I hope this document will be helpful to all those working in the field of border management.*



Ilkka Laitinen  
Frontex Executive Director



## CHAPTER I

### GENERAL PROVISIONS

#### Article 1

#### **Objectives, scope and subject matter**

---

1. The present Code of Conduct aims to promote professional values based on the principles of the rule of law and the respect of fundamental rights and to establish the ethical behaviour standards that guide all persons participating in Frontex activities.
2. In this regard it sets out principles and rules which guide the conduct of all persons participating in Frontex activities, namely, Frontex staff, officers of border guard services of a Member State and other staff performing any actions in a Frontex activity.

#### Article 2

#### **Definitions**

---

For the purpose of the present Code, the following definitions apply:

- a) The term “participant” refers to any person participating in a Frontex activity.
- b) The term “Frontex activity” means any activity coordinated or led by Frontex within the framework of its tasks as described in the Frontex Regulation, including Joint Operations, Pilot Projects, Joint Return Operations, and Trainings.

- c) The term “Frontex staff” refers to the staff to whom Staff Regulations and the Conditions of Employment of Other Servants\* apply and includes also seconded national experts.
- d) The term “law enforcement officers” includes border guards and/or other public officials deployed from a Member State, who enjoy the prerogatives of public authority.
- e) The term “Member State” also includes the Schengen Associated Countries. As regards Joint Return Operations, the terms “home and host Member States” are understood as referring to “participating and organising Member States” respectively.
- f) The term “discrimination” means any unfair treatment or arbitrary action or distinction based on a person’s sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.
- g) The term “harassment” means any improper and unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another person. Harassment may take the form of words, gestures or actions which annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another or which create an intimidating, hostile or offensive work environment.

\* Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the European Communities (CEOS), as laid down in Council Regulation (EEC, Euratom, ECSC) No. 259/68 and the amendments thereto, OJ L 56 of 4.3.1968, p. 1, as last amended.

## CHAPTER II

### PRINCIPLES

#### Article 3

##### **Lawfulness**

---

1. Participants in Frontex activities serve the public interest and shall comply with international law, European Union law, the national law of both home and host Member States and the present Code of Conduct.
2. They shall also meet the obligations imposed upon them by the provisions stated in the Operational/Implementation Plan, or other similar agreed rules.


#### Article 4

##### **Fundamental rights**

---

Participants in Frontex activities shall:

- a) promote and respect 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, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation;
- b) promote compliance with the relevant international and European instruments regarding fundamental rights protection.



## Article 5

### **International protection**

---

Participants in Frontex activities shall:

- a) promote, in full compliance with the principle of *non refoulment*, that persons seeking international protection are recognised, receive adequate assistance, are informed, in an appropriate way, about their rights and relevant procedures and are referred to national authorities responsible for receiving their asylum requests;
- b) provide persons in their custody with proper access to health care;
- c) give special consideration to particularly vulnerable groups of people, including women, unaccompanied minors, disabled people, persons susceptible to exploitation and victims of exploitation or trafficking in human beings.

## Article 6

### **Performance of duties**

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Participants in Frontex activities shall ensure that instructions, directives and required duties are carried out promptly and diligently.

## Article 7

### **Responsibility**

---

Participants in Frontex activities are primarily and individually responsible for their actions in their work.

## Article 8

### **Conflict of interests**

---

To perform their duties properly, participants in Frontex activities shall refrain from any activities which would undermine or compromise their independence and the appropriate performance of their duties.

## Article 9

### **Confidentiality**

---

1. Confidential or sensitive information in the possession of a participant in Frontex activities shall not be publicly disclosed, including in social media or environment, unless the performance of duty or the needs of justice strictly require disclosure or disclosure has been appropriately authorised.
2. Participants shall not express themselves regarding Frontex activities in the media unless explicit authorisation is given, in accordance with the Operational Plan or other similar agreed rules.
3. Participants are bound by the obligation to behave with discretion regarding current, past, and planned or potential Frontex activities.


## Article 10

### **Behavioural standards**

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Participants in Frontex activities whether on or off duty shall:

- a) abstain from all behaviour likely to compromise the prestige and the nature of the public mission in which they are invested or to bring discredit upon their organisation or Frontex;

- 
- b) act with fairness and impartiality in their dealings with the public and other participants in Frontex activities, treating all with courtesy and respect, avoiding all forms of victimisation or discrimination, bearing in mind the diverse nature of all people, including backgrounds, origin and/or rank;
  - c) abstain from actions contrary to the public order;
  - d) refrain from using vulgar, obscene or otherwise offensive speech or gestures that could be considered abusive towards other participants in Frontex activities or the public.



## CHAPTER III

### **PROHIBITED CONDUCTS**

#### Article 11

#### **Abuse of authority**

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

#### Article 12

#### **Discrimination**

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All discriminatory behaviours as defined in Article 2 towards the public or other participants in Frontex activities are forbidden.

#### Article 13

#### **Harassment**

---

All forms of harassment as defined in Article 2 are forbidden.

#### Article 14

#### **Corruption**

---

1. The use of public position for illegitimate private gains as well as the acceptance of unjustified rewards for actions taken in Frontex activities is forbidden.

2. Consent to any form of corrupt activity is forbidden.

#### Article 15

### **Use of narcotics and drugs**

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The use or possession of narcotics and drugs, unless prescribed for medical reasons, is forbidden.

#### Article 16

### **Consumption of alcohol**

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1. The consumption of alcohol while on duty is forbidden.
2. The consumption of alcohol off duty may be moderate, unless the Operational Plan or other similar agreed rules prohibit it.
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 shall not report for duty or appear in public in a state of intoxication.

#### Article 17

### **Sexual services**

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Using or soliciting any sexual services from any premises, whether public or private, is forbidden.



## CHAPTER IV

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

#### Article 18

#### **Personal and professional behaviour**

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Given the prerogatives of authority, law enforcement officers have a particular responsibility to act with fairness and impartiality in their dealings with the public or other participants in Frontex activities, treating all with courtesy and respect.

#### Article 19

#### **Use of force**

---

1. Pursuant to Article 10 of the Frontex Regulation, while performing their tasks law enforcement officers may only use force 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.
2. The use of force shall not exceed the minimum degree necessitated by the circumstances, for the performance of duties or in legitimate self-defence or in legitimate defence of other persons.



Article 20

**Use of weapons**

---

1. Pursuant to Article 10 of the Frontex Regulation, while performing their tasks law enforcement officers enjoying guest officer status may only use weapons 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.
2. The use of weapons is an exceptional measure and it shall not exceed the minimum degree necessitated by the circumstances, for the performance of duties or in legitimate self-defence or in legitimate defence of other persons.



## CHAPTER V

### FINAL PROVISIONS

#### Article 21

##### **Training**

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Participants in Frontex activities shall, previous to their engagement in Frontex activities, get acquainted with the content of the present Code through appropriate training provided by national authorities responsible for the deployment of the participants or by Frontex.

#### Article 22

##### **Reporting**

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Participants in Frontex activities who have reason to believe that a violation of the present Code has occurred or is about to occur, are obliged to report the matter to Frontex via the appropriate channels.

#### Article 23

##### **Sanctions**

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1. In the case of violation of the present Code by a Frontex staff member, the Executive Director will take adequate measures which may include the immediate removal of the Frontex staff member from the activity.

- 
2. If the violation was committed by a person deployed by a Member State, the Executive Director may request the Member State to immediately remove the person concerned from the Frontex activity and expects that the relevant authority of the Member State will use its powers regarding the necessary disciplinary measures and, if applicable, to remove the person concerned from the respective pool for a defined period.
  3. Without prejudice to paragraphs 1 and 2, in a case of serious violation of the present Code, the competent authority will adopt immediate measures that may result in the removal of a participant from Frontex activity.

## PRESS COMMUNICATION RULES

### 1. General

All authorities involved in the execution of the JO EPN Hermes 2013 will ensure full transparency of all actions undertaken however information given to the media cannot hamper the course of the operation.

National authorities sending border guards to JO EPN Hermes 2013 should limit their public statements to the general objectives of the operation, numbers and profiles of experts sent.

Guest officers are allowed to talk to the media only within the limits set by specific guidelines for the participating officers below.

A network of press offices of all involved authorities will be established. All contact details shall be sent to the [press@frontex.europa.eu](mailto:press@frontex.europa.eu) address.

A compiled list will be distributed to all parties involved.

### 2. Communication Rules

The communication strategy on the Border Control Operational Actions on the territory of Italy is common for Frontex and the Host Member State.

Press Offices of Frontex and Italian Authorities will be entirely responsible for coordination of all matters related to interview requests, press visits to the operational area and any other press-related matter related to JO Poseidon Sea 2013 in general, as well as on the ground.

Press Lines regarding joint border control operational issues and actions as well as specific incidents that might occur, are agreed by Frontex and Italian Authorities.

### 3. Tasks of press offices

Press visits to the JO EPN-Hermes 2013 will be organised by Italian authorities in cooperation with Frontex Information and Transparency.

The tasks of the press offices will include:

- Informing the media representatives on the Frontex mission and activities, as well as on the daily activities of JO EPN-Hermes 2013.
- Being the local Point of Contact for media requests.
- Handling requests by the media representatives in cooperation with Frontex Information and Transparency
- Arranging interviews with representatives of the Italian Authorities and with selected guest officers (Italian authorities arrange interviews with Italian officers, Frontex Information and Transparency arranges interviews with Guest Officers deployed by Frontex).
- Arranging filming opportunities, in close cooperation with the competent Italian Authorities for the representatives of TV channels.
- Media monitoring and analysis of media tendencies (neutral, positive, negative) in cooperation with respective authorities
- Drafting, reproducing, sending and distributing press releases, statements and other communication issues, according to the circumstances and in close cooperation with the competent Italian Authorities (Polizia di Stato, Guardia Costiera, Guardia di Finanza)

### 4. Management of Press Requests

The communication strategy regarding the Frontex mission and activities in general is under the auspices of the Agency.

Given that journalists need to get authorisation from the Italian Authorities to visit the area, the following procedures must be kept:

- Individual and on-the-spot media requests must be directed to Frontex Information and Transparency and adequate Italian Authorities electronically.

**Commented [FG1]:** The text in this Annex contains sensitive information about organization, communication or operational activities, in particular regarding the tactics and modus operandi of law enforcement forces.  
Disclosure of such information would harm the performance of future operational tasks taking place at the related area and would facilitate performance of illegal activities such as human trafficking and drug smuggling, therefore it would harm the public interest as regards public security.  
In this regard the text is not disclosed pursuant to the exception laid down in the first indent of Article 4(1)(a) of Regulation (EC) 1049/2001



## ANNEX 8

- Both Frontex Information and Transparency and Italian authorities will inform each other about media representative requests on a regular basis.
- The Italian Authorities will directly coordinate the flow of national (Italian) press requests received and will inform Frontex Information and Transparency about the planned presence of these media in the operational area.
- The Italian Authorities will decide whether or not to authorise a journalist to visit the operational area. The Italian Authorities will inform the interested parties and Frontex Information and Transparency about the decision.
- The Italian Authorities will host the media representative. Media representatives will be asked to present their press credentials before participating in any patrolling activity

**5. Specific guidelines for the participating officers if approached by the media representatives:**

[illegible]

[REDACTED]

Please refer the journalists to Frontex spokespeople for further details or call Frontex press office in case of doubt (you can also send a sms and we will call you back).

## 6. Contact details for Frontex Information and Transparency

**Izabella Cooper**  
Spokesperson  
Tel.: +48 22 20595 35  
Mobile: +48 667 667 292  
e-mail: [press@frontex.europa.eu](mailto:press@frontex.europa.eu)

**Ewa Moncure**  
Press Officer  
Tel.: +48 22 205 9635  
Mob: +48 785 001 374  
e-mail : [press@frontex.europa.eu](mailto:press@frontex.europa.eu)

**7. Contact details for the Italian Authorities**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



## **JORA General Information**

### **JORA PRODUCT & SERVICE MANAGEMENT**

The FSC JORA Product and Service Management is responsible for the JORA Service Operations, in accordance with the JORA policy and processes. The Product and Service Managers are listed in Annex 10.

The Product and Service Managers are the stewards of the system: their primary role is to ensure that the system runs properly, in line with the end-users needs and, if necessary, to manage the further developments or readjustments of the system.

The Product and Service Managers also support the correct use of JORA, review quality, efficiency and user-satisfaction of the system in accordance with the needs.

The JORA Product and Service Management is responsible for the following tasks:

- To coordinate and carry out the activities required in order to ensure the daily operational management of the system;
- To communicate with external customers and Frontex entities;
- To manage and maintain the Service-Level Agreement with Frontex ICT;
- To manage the content and the structural design of the application;
- To manage the Requests for Change;
- To identify and assess the training needs, and to plan, coordinate, organize and deliver the relevant training activities, where possible;
- To report risks, statistics and issues to the Business Owner;
- To initiate and coordinate the execution of new developments;
- To provide their expertise to new activities related to the product development;
- To initiate quality checks.

In order to maintain the required operational support, the JORA Product and Service Management provides daily expertise, consultancy and assistance to its stakeholders and customers.

Suggestions and feedback are part of the adopted Continual Service Improvement orientation. Thus, the JORA Product and Service Management welcomes any feedback received from the end users: suggestions, recommendations and Requests for Change are assessed and analyzed by the JORA Change Advisory Board. The standard Feedback Form is available in Annex 12.

### **JORA ROLES AND RESPONSIBILITIES**

#### **JORA ADMINISTRATOR**

- Staff member nominated by the Frontex Situation Centre Head of Unit (listed in Annex 10);
- Authorized to manage all the roles and processes in JORA;
- May define, modify and delete operations in JORA;
- Acts as the Incident Template Approver, thus validating and publishing an incident template in JORA.

#### **JORA FRONTEX ACCESS MANAGER**

- Project Manager of the Joint Operation, as listed in Annex 10 of the Operational Plan;
- Creates the operation and its structure in the JORA system according to the Operational Plan;
- Selects and assigns the incident template creator in the JORA system, and approves the relevant incident template;

- Manages the access requests coming from members of the EU Institutions, from Frontex, and from other authorities who take part to the operation;
- Assigns and manages the National Access Managers appointed to the operation in the JORA system, in accordance with Annex 10;
- Selects delegated Project Manager(s) in the system when a new operation is created;
- Acts as the Incident Template Verifier;
- Manages users concerning this operation.

#### DELEGATED JORA FRONTEX ACCESS MANAGER

- The same set of roles and responsibilities assigned to the Delegated Frontex Access Manager applies;
- Listed in Annex 10 of the Operational Plan.

#### FSC SUPPORT OFFICERS

The FSC delivers the necessary training for JORA, in accordance with the role and the responsibility of the Support Officers.

FSC ensures that all the support officers having appropriate user rights in the JORA system to perform their tasks during their deployment.

#### JORA NATIONAL ACCESS MANAGER

National Access Managers are nominated by their Member States / National Authorities and are listed in Annex 10 of the Operational Plan.

#### Responsibilities:

- To approve or reject the Initial Access Requests from member of national entities participating in Frontex operations and to define the operational access rights;
- To manage the users' accounts for the operation.

#### JORA INCIDENT REPORTER

A Member of BCP or surveillance unit is responsible for incident reporting.

Hosting country officer(s) or deployed officer(s) are responsible for the incident reporting depending on the organization of the daily operational activities. In case deployed officers are involved into the incident reporting working flow it is strongly advised that the hosting country authorities appoint a local officer for the coordination of the incident reporting in the JORA system (such as incident verifier).

The incident reporters' main responsibilities are to create, modify, and forward incident reports to the next validation level, in accordance with the Operational Plan.

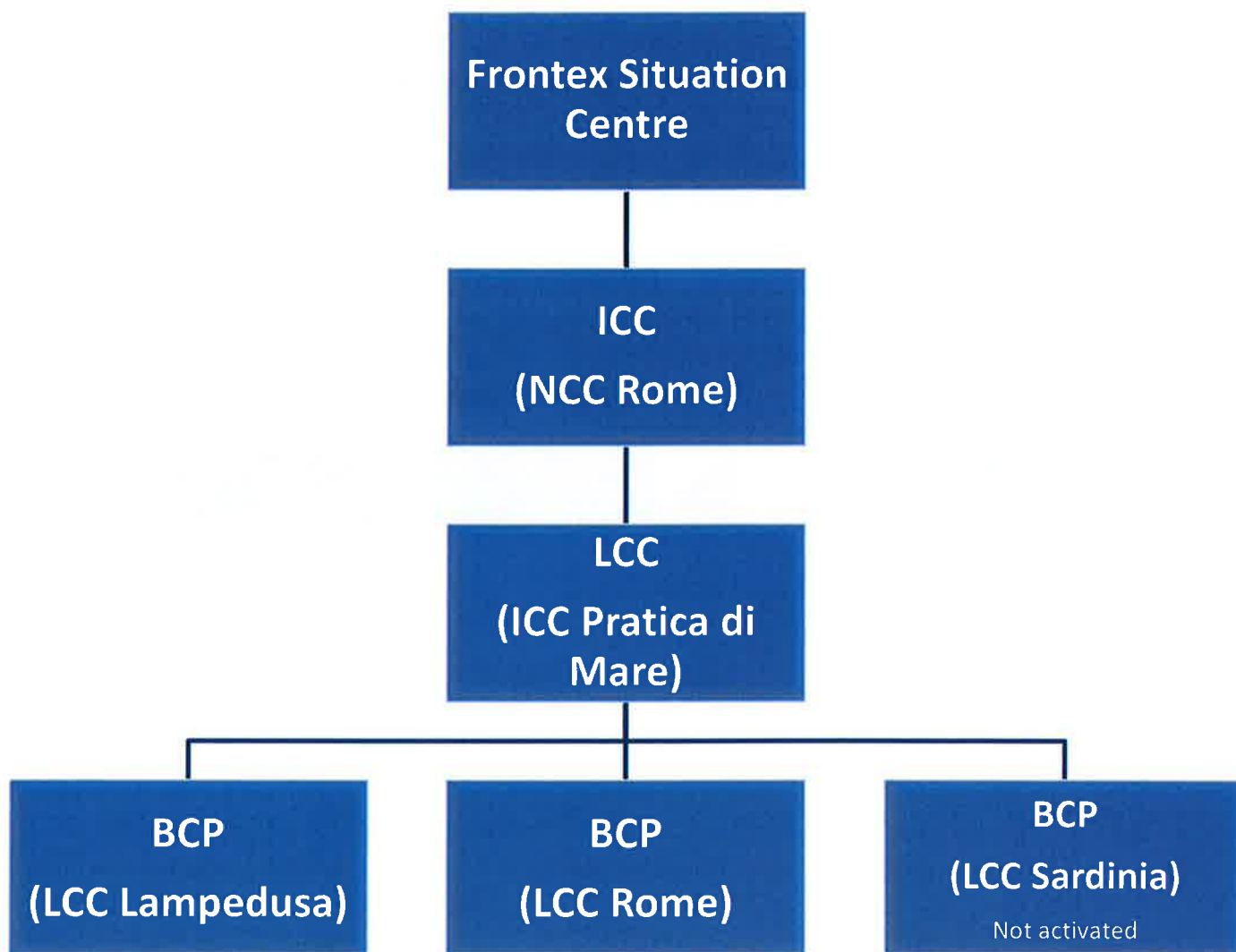
#### JORA LOCAL INCIDENT VERIFIER

A Member of a Local Coordination Centre responsible for the validation of incidents at a local level, as listed in Annex 10 of the Operational Plan. Local incident verifiers' main responsibilities are to verify, modify and forward incidents to the next validation level, in accordance with the Operational Plan.

#### JORA INTERNATIONAL INCIDENT VERIFIER

A Member of International Coordination Centre or a member of other authorities responsible for the validation of incident reports at the international level. The ICC incident verifiers' main responsibilities are to verify, modify and forward incident reports to the Frontex Situation Centre, in accordance with the structure of the operation.

## STRUCTURE OF THE OPERATION



## REPORTING

### Incident Report Management Process



[illegible]



## ANNEX 11

### JORA Incident Template JO Hermes 2013 - Attributes' List

The Incident Template defined in JORA system shall contain the following attributes in order to fulfill Frontex data collection requirements regarding operational data collection within applied Flexi Force operational modules (joint operations):

**GENERAL INFORMATION:**

No	NAME OF ATTRIBUTE	MANDATORY <sup>1</sup>	REMARKS
1	Incident Number		General Information
2	Reporting Unit		General Information
3	Operational Area	x	General Information
4	Incident Type	x	General Information
5	Date of Reporting		General Information
6	Detection Date	x	General Information
7	Detected By		General Information
8	Latitude Detection	x	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	x	General Information
15	Longitude Interception	x	General Information
16	Reference to Operational Area	x	General Information

**PERSONS INFORMATION**

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

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

#### ADDITIONAL INFORMATION

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

Please mark the respective cells under „Mandatory” if you deem that the relevant field should be mandatorily filled by the Incident Reporter. By doing so, the Incident Reporter will be compelled to enter the mandatory data to submit the Incident Report to the next validation level.

### JORA End-user Feedback Template

To report an issue, proposal a suggestion or provide any recommendation, please fill in the following template and send it to the JORA Product and Service Management by e-mail ([jora@frontex.europa.eu](mailto:jora@frontex.europa.eu)).

If you are reporting an error message that appeared while you were logged on to JORA, please save the relevant log and send it to us as an attachement along with this form. Thank you.

<b>NAME of the JORA User</b>			
<b>Frontex Unit / Sector</b>	(if applicable)		
<b>Members State</b>			
<b>Duty station</b>			
<b><sup>1</sup>Name of the operation</b>			
<b><sup>2</sup>User role (in JORA)</b>	Frontex Access Manager <input type="checkbox"/> National Access manager <input type="checkbox"/> LCC incident verifier <input type="checkbox"/> FSC incident approver <input type="checkbox"/>	Frontex Template Creator <input type="checkbox"/> BCP/BCU Incident reporter <input type="checkbox"/> ICC incident verifier <input type="checkbox"/> No specific role in the system <input type="checkbox"/>	

Reported Issue			
Login problem <input type="checkbox"/>	<sup>3</sup> Error message <input type="checkbox"/>	Attribute <sup>4</sup> <input type="checkbox"/>	Drop-down list <input type="checkbox"/>
Data Input <input type="checkbox"/>	Validation Process <input type="checkbox"/>	Data Modification <input type="checkbox"/>	Data Loss <input type="checkbox"/>
Export Function <input type="checkbox"/>	Attachments <input type="checkbox"/>	Dashboard <input type="checkbox"/>	Development <input type="checkbox"/>
User Friendliness <input type="checkbox"/>	Other <input type="checkbox"/>		

[Please describe the situation in detail on the reported issue. In case an error message appeared, please describe the sequence of actions taken before it appeared].

<sup>1</sup> As defined in the JORA system

<sup>2</sup> Please mark the box according to your role

<sup>3</sup> If an error message appears in JORA, please save the log and send it as an attachment.

<sup>4</sup> Attribute: it is the field shown in the Incident Template that contains a drop-down menu or its category (i.e.: Type of Incident = category; Irregular Border Crossing = one value of the drop-down menu).



## Use of FOSS (Frontex One-Stop-Shop)

<https://foss.frontex.europa.eu>

### 1. INTRODUCTION

Frontex One-Stop-Shop (FOSS) is the main information-sharing platform that will be used for sharing operational-related information between all parties involved, during the Joint Operations coordinated by the Sea Border Sector.

#### 1.1. FOSS Definition and Function

By definition, the Frontex One-Stop-Shop (FOSS) is a web-based and secure portal designed to provide situational awareness and to share operational-related information. FOSS serves as a documents repository for this information. Close-to-real-time and up-to-date information is available to multiple users, simultaneously.

The information shared in FOSS is organized and clustered in specific areas, according to the relevant topic, and is related to the core business of Frontex: co-operation and operational coordination between Member States in the field of border security. It is available 24 hours a day to its authorized users.

The information about ongoing JO (specified documents) will be accessible according to defined standards and amongst users designated respectively for each joint operation.

### 2. FOSS USERS

Access to the FOSS portal is limited to internal and external members of the Frontex-related community: Member States representatives, National Frontex Points of Contact, national authorities, Frontex staff, deployed border guard experts, as well as certain other experts and authorised parties with a business need in Frontex activities.

#### 2.1. General sections

All end-users registered in FOSS have "basic" type of access to general sections for unlimited period of time<sup>1</sup>, including information such as:

- Frontex library: "Library" (Legislation, FOSS Procedures and statistics, Financial Templates - e.g. Running Expenses of Means, etc.),
- FOSS general information page: "Help"
- "Contacts" (FSC Duty Officer, EU Agencies, National Border Guard Authorities, Contacts to NFPOCs, etc.)
- "Media Monitoring" with FMM and Daily Newsletter.

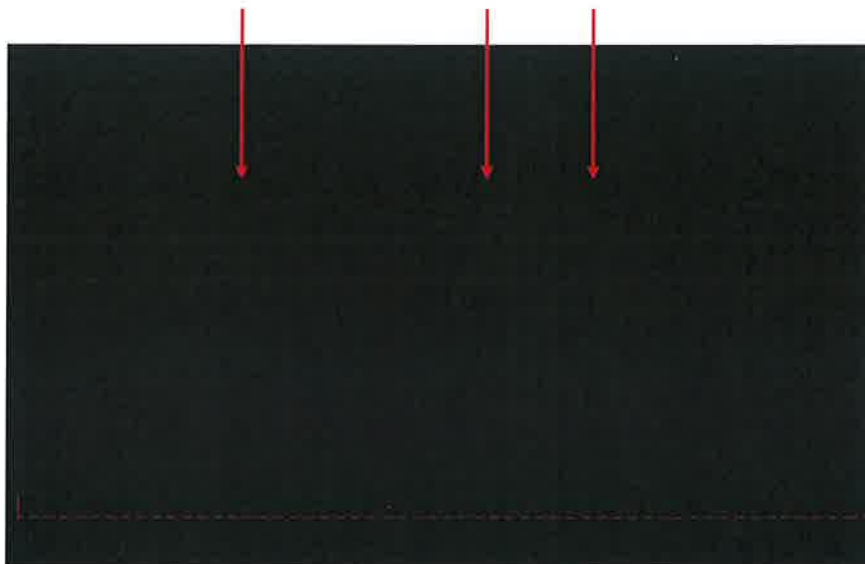
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<sup>1</sup> until the deletion of a user account



Figure 1: Sections available to all users: General documents

In addition for all the users coming from the parties involved in the activities of the Joint Operations the information from Pooled Resources Unit, Training Unit and Links to other systems.



**Commented [BW1]:** The blacked out parts contain personal data. They are thus non-disclosed pursuant to Article 4(1)(b) of the Regulation 1049/2001

Figure 2: Sections available to users involved in Joint Operations.

All the users coming from the parties involved in the activities of the Joint Operations have also access for unlimited period of time to the information about document Alerts (published in the FOSS Homepage).

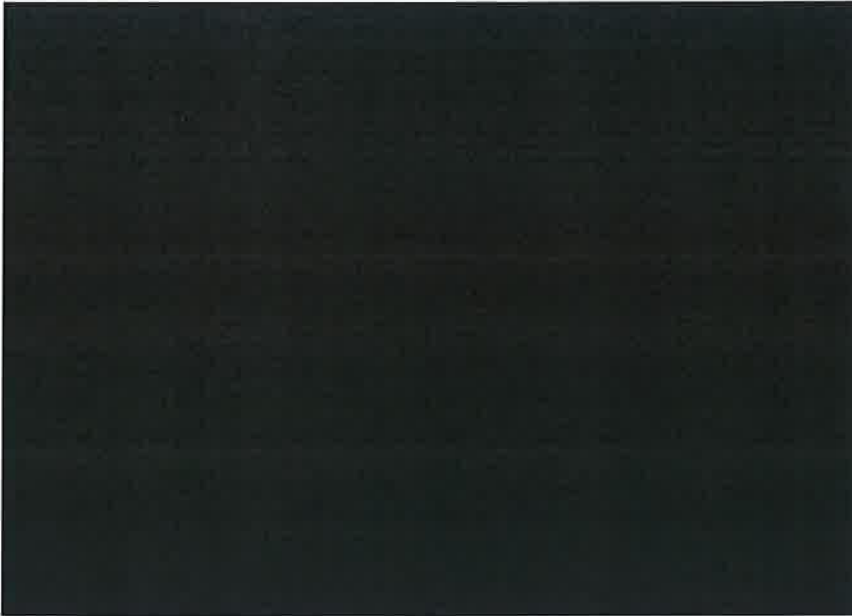


Figure 3: Section with „Document alerts”

### 3. USE OF FOSS DURING THE JOINT OPERATIONS

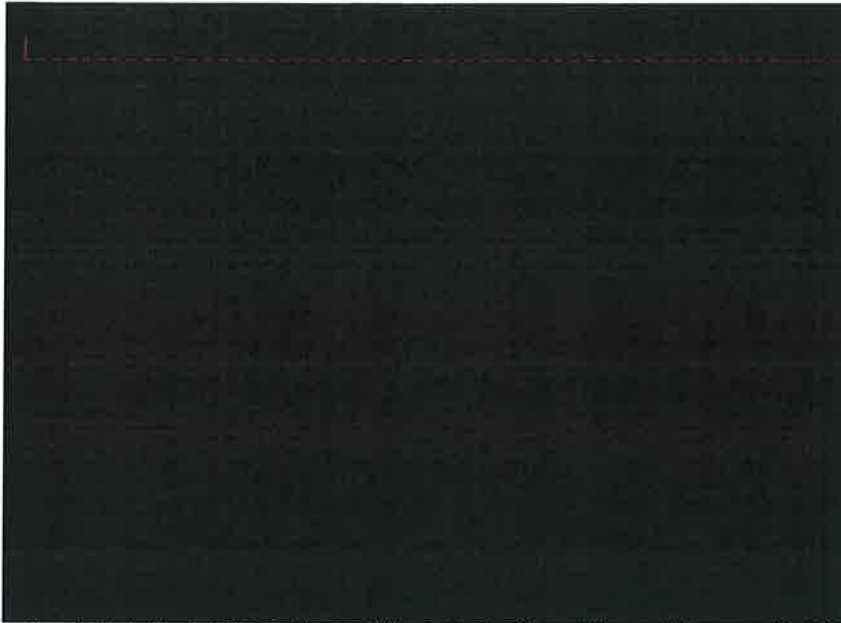
#### 3.1. Content organisation on FOSS

Each area in FOSS portal has its own owner (called “Area of Interest Owner” - AoIO) who is responsible for the information contained in that specific area. For Joint Operations, the Area of Interest Owner is the Frontex Project Manager.

#### 3.1. Content on FOSS for specific Joint Operations

In order to access the specific area on FOSS and information related to the respective operation or project coordinated by the Sea Border Sector, after you log on, click on “Operational Activities”, then “Sea Border Sector”.

To reach the information related to the respective operation/project you are interested in click on the name of it (or navigate from the left side menu):



**Commented [BW2]:** The blacked out parts contain personal data. They are thus non-disclosed pursuant to Article 4(1)(b) of the Regulation 1049/2001

*Figure 4. Navigation in FOSS. Sections available to Guest officers taking part in one specific Joint Operation/project*

FOSS Users belonging to any of the Sea Border Sector FOSS User Groups have in addition access to the areas: "Reporting Tools" and "Yellow Pages"(accessible from the Sea Border Sector).



**Figure 6.** Navigation in FOSS. Sections available (yellow pages) to **Guest officers** taking part in Joint Operations in Sea Border Sector

### 3.2. Access levels

Operational information can be enabled for end-user for unlimited period of time<sup>2</sup> or specific temporary period of time, depending of individual authorizations.

Depending on the operational need end-users can be granted one of the following access levels:

- a) Standard overview of JO documents: providing an overview of the information related to that Joint Operation
  - documents available where "All" in the table below is indicated

Document Type	Editing (uploading to FOSS)	Access to view
General Information	Frontex SBS	All users ( <i>within the specific JO</i> )
Contacts details	Frontex SBS	All users
Preparatory documents	Frontex SBS	NFPOC, National Permanent authorities ( <i>within the specific sector</i> )
Templates	Frontex SBS	All users
Briefing and debriefing	Frontex SBS	All users
Operational Plan	Frontex SBS	All users
Operational Area	Frontex SBS	All users
Weekly Analytical Updates/ other analytical	FSC	All users
Situational Reports	FSC	All users
Serious incidents reports	FSC	NFPOC, ICC, LCC, SBS NA
Frontex Evaluation Report	Frontex SBS	NFPOC, National Permanent authorities

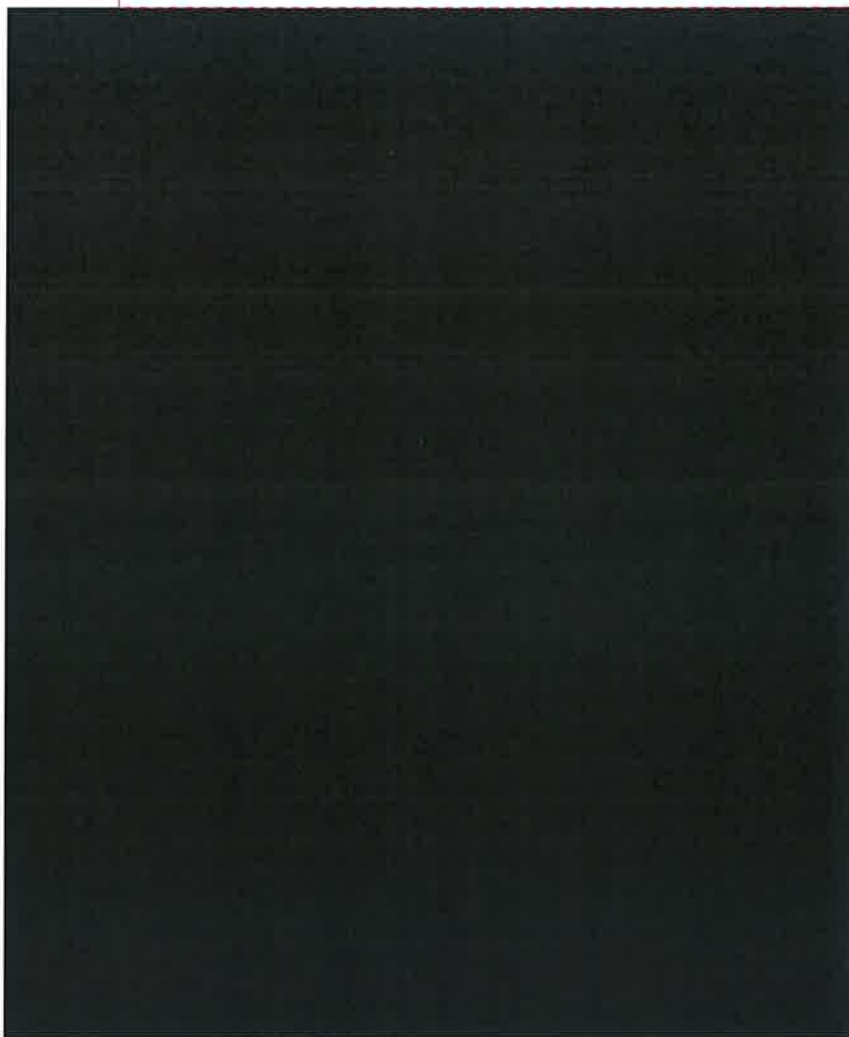
*Figure 5: Document types published in FOSS in sections for specific Joint Operations*

- b) Full overview of JO documents:

<sup>2</sup> until the deletion of a user account

includes all documents regarding the specific Joint Operation

**Commented [BW3]:** The blacked out parts contain personal data. They are thus non-disclosed pursuant to Article 4(1)(b) of the Regulation 1049/2001



*Figure6. Navigation in FOSS. Sections available to Guest officers taking part in one specific Joint Operation/project*



**Commented [BW4]:** The blacked out parts contain personal data. They are thus non-disclosed pursuant to Article 4(1)(b) of the Regulation 1049/2001

**Figure7.** Navigation in FOSS. Sections available to *Guest officers* taking part in one specific Joint Operation/project

- c) Full sector overview (all JOs):
  - includes documents regarding all Joint Operations and other activities within the specific sector



**Commented [BW5]:** The blacked out parts contain personal data. They are thus non-disclosed pursuant to Article 4(1)(b) of the Regulation 1049/2001

**Figure8.** Navigation in FOSS. SBS activities. Full Sector overview - View for *National Authorities*

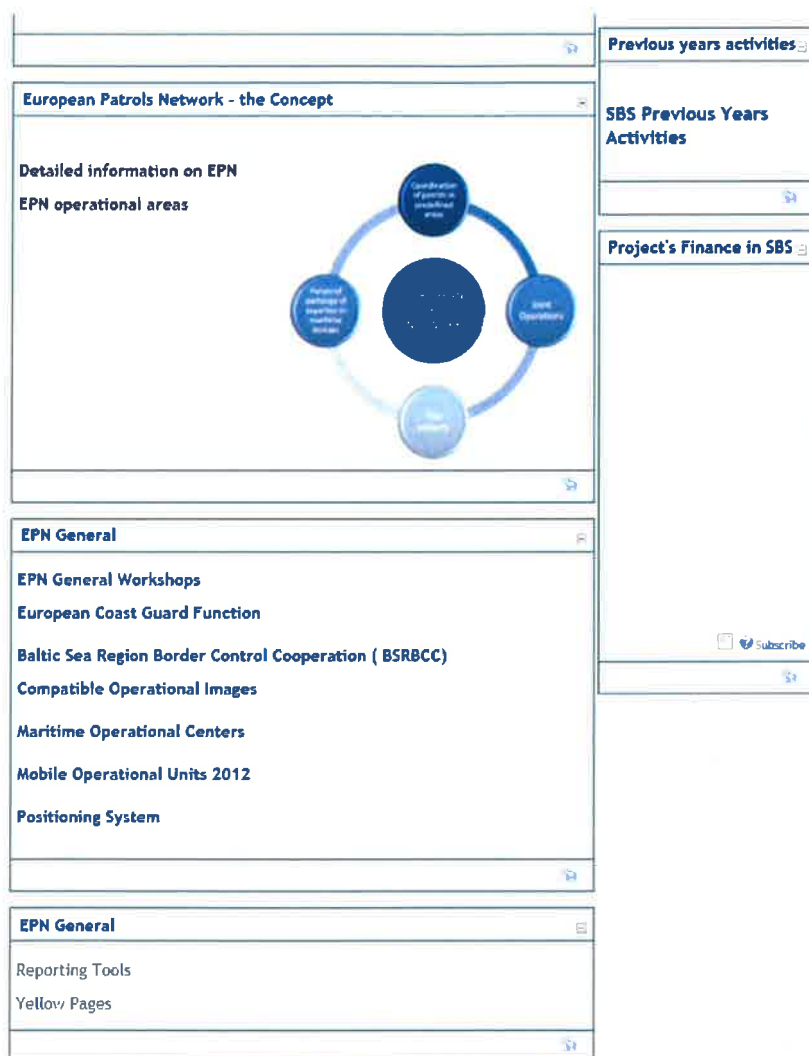


Figure9. Navigation in FOSS. SBS activities. Full Sector overview - View for National Authorities

#### 4. FOSS Access procedures for specific Joint Operations

FOSS users are divided into "User Groups": each group is granted a specific access level that enables group members to view, read or upload information, depending on the operational needs.

For each specific operation/project under the umbrella of the Sea Border Sector user groups are divided into respective categories:

Permanent access:

- ✓ Frontex staff
- ✓ Frontex Sea-Border Sector (SBS)
- ✓ Frontex Situation Centre (FSC)
- ✓ National Frontex Point of Contact (NFPOC)
- ✓ National Authorities for Sea-Border Sector (SBS NA)

Under the Joint Operation there are also specific "User Groups":

Having temporary access: limited to the duration of the operation (+ additional period of time)

- ✓ Guest officers in the Joint Operation GOs)/observers/ other experts deployed to the operation
- ✓ International Coordination Centre ICC
- ✓ Local Coordination Centre LCC
- ✓ National Officials, Commanding Officers, experts of the Host MS and other specific contacts (if so chosen by NFPOC/National Authorities).

Temporary access refers only to the specific operational information. This access is limited to the duration of the operation; officers will be granted access before their deployment begins. Access to this specific operational information will expire after an agreed period of time, depending on the decision by the authorizing authority on the level granted.

#### 4.1. FOSS Access authorization

Access to FOSS is given upon request. It is granted if the requestor meets the following conditions:

- Has an operational need;
- Provides required details;
- Is authorized by the relevant authority.

Access is provided to **individuals** only, is personal, and should not be shared.

REQUIRED DETAILS - Access is granted upon receipt of the following data:

- Surname<sup>3</sup>
- Name<sup>1</sup>
- E-mail address<sup>4</sup>
- Sending Institution's name
- Sending Institution's country
- Time frame during which access is requested<sup>5</sup>

RELEVANT AUTHORITIES:

- 1<sup>st</sup> level authorization: NFPOC (FOSS User Coordinator)
- 2<sup>nd</sup> level authorization: "Area of Interest Owner" (Frontex JO Project Manager).

They agree on, and decide, the access levels to be granted to guest officers and other experts.

#### Access authorization procedure for Guest Officers:

1. In the "Accreditation form"<sup>6</sup>, NFPOC approves/disapproves the access request for their **Guest Officers** by ticking one of the relevant boxes displayed in the mentioned form

<sup>3</sup> The use of the real full name and surname is mandatory. If a "functional access" applies, the name and surname are the ones of the person responsible to manage the functional access at local level (log, registration, etc.).

<sup>4</sup> An official business e-mail address should be provided to check incoming messages during the deployment. If a "functional access" applies, the person managing the functional access at local level is responsible for the secure use of such access and dissemination of related information.

<sup>5</sup> For deployed personnel: please indicate initial and final date of deployment.

2. NFPOC sends the "Accreditation form", duly completed, to Frontex Project Manager

3. The Project Manager sends the relevant data to the FSC User Administrator

#### Access authorization procedure via OPERA:

When OPERA<sup>7</sup> is used the process of requesting and authorizing access to FOSS is done fully in OPERA, in the section "Additional Information" in the "Personal registration" form in "Resources Deployment Tool".

1. The NFPOC decides if it is necessary to request for the access to FOSS for a relevant Guest Officer
2. Checking the box "Access to FOSS"<sup>8</sup> (in the "Additional information"), the NFPOC authorizes the access to FOSS for the relevant Guest Officers
3. The NFPOC completes all the information regarding the period and type of access. Following this he needs to specify:

- "Date from" and "Date to" (start and end date)<sup>9</sup>

The screenshot shows the 'Additional Information' tab in the OPERA system. The 'Access to FOSS' checkbox is checked and circled in red. Below it, the 'Date From' and 'Date To' fields are also circled in red. The 'Type of Access' field is a dropdown menu.

- "Type of Access", by selecting one the following options:

- Standard overview of JO documents
- Full overview of JO documents
- Full sector overview

This screenshot is similar to the previous one, but the 'Type of Access' dropdown menu is circled in red, indicating the selection of an access type.

#### Access authorization procedure for the other participants

1. In the "FOSS User Access Request Form"<sup>10</sup> NFPOC approves/disapproves the access request for their personnel that is deployed to the joint operation (National Officials, ICC/LCC staff, experts of

<sup>6</sup> "Accreditation form" is attached to the Operational Plan

<sup>7</sup> The Operational resources management system (Opera: <https://fis.frontex.europa.eu/operal/>) is an integrated system for the management of the operational resources pooled and deployed in Frontex coordinated activities.

<sup>8</sup> Leaving this box unchecked is a decision of disapproving the access

<sup>9</sup> We recommend requesting FOSS access before the start of the deployment for the officer (for example 30 days in advance). Start and end date can be freely decided, but it is recommended to allow the access the operational documents also 30 days after the end of the deployment of the Guest Officer,

<sup>10</sup> Specific "FOSS User Access Request Form" is attached to the Operational Plan

host MS and other participants) or other parties by, ticking one of the relevant boxes displayed in the mentioned form and identifying the joint operation to be accessed

2. NFPOC sends the “FOSS User Access Request Form”<sup>10</sup>, duly completed, to Frontex Project Manager

3. The Project Manager sends the relevant data to the FSC User Administrator

#### **4.2. FOSS - Description of roles & responsibilities**

##### FOSS National User Coordinator

This function is assigned to the relevant Member State's NFPOC

Responsibilities:

- Gathers user data
- Validates access
- Provides user data to the “Area of Interest Owner” (Frontex JO Project Manager)

##### Area of Interest Owner

This function is assigned to the Project Manager in charge with the Joint Operation

Responsibilities:

- Establishes the structural design and the layout of the Joint Operation's specific area (FOSS Area of Interest);
- Uploads the content in the Joint Operation's specific area;
- Authorizes the users groups and their permissions levels;
- Provides all necessary information to the User Administrator.

##### User Administrator's (FSC)

This function is assigned to FSC

Responsibilities:

- Creates, updates and removes user accounts ;
- Assigns users to a respective group;
- Assigning groups to the Joint Operation's specific area.

## FOSS User Access Request Form

### Access to view<sup>1</sup>

Request for ☐ Access / ☐ Change / ☐ Termination<sup>2</sup>

<b>First Name<sup>3</sup></b>	
<b>Last Name<sup>3</sup></b>	
<b>Email</b>	
<b>Member State/Country/Organization</b>	
<b>User Signature and Date</b>	

User Group <sup>4</sup> :	Choose relevant	Justify the need of access <sup>5</sup>	Start date	End date	Unlimited
<b>National Frontex Point of Contact</b>	<input type="checkbox"/>				
<b>National Authorities:</b> <i>- overview of all related activities.</i>  <i>Please indicate if:</i>	<i>Air Border Sector</i>	<input type="checkbox"/>			
	<i>Land Border Sector:</i>	<input type="checkbox"/>			
	<i>Return Operations Sector</i>	<input type="checkbox"/>			
	<i>Sea Border Sector</i>	<input type="checkbox"/>			
	<i>Other (e.g. R&amp;D; TRU, Pooled Resources, Risk Analysis, <b>other...</b>), please specify:</i>	<input type="checkbox"/>			
<b>Other activities/projects and related content</b>	<i>(please specify):</i>	<input type="checkbox"/>			

<sup>1</sup> Read and download

<sup>2</sup> Choose one only

<sup>3</sup> Use capital letters when filling out (preferably electronically)

<sup>4</sup> Choose relevant user group which should have access to view the information on FOSS

<sup>5</sup> Provide short justification what is your need to have access and what are your activities you are involved in

Validation/ Sign-off	Date	Signature
FOSS National User Coordinator <sup>6</sup>		
FOSS Area of Interest Owner <sup>7</sup>		

Data Protection Statement: these data are compiled solely for the purpose of access management to FOSS. Data subjects are entitled to have access to their data and to have those data corrected. Service requests should be directed to the FOSS User Administrator. Any concern can be addressed to the FOSS User Administrator or the Frontex Data Protection Officer.

<sup>6</sup> To be filled in only in case of request submitted by from MS/SAC/Third Country National Authorities.

Legible name and surname of FOSS National User Coordinator, as well as signature. If this is not feasible, an e-mail is also accepted if sent from the approved e-mail account of the FOSS National User Coordinator, and with personalized e-mail signature included. If sent by fax - a legible name and surname to be placed together with signature and official stamp.

<sup>7</sup> Legible name and surname of FOSS Area of Interest Owner, as well as signature. If this is not feasible, an e-mail is also accepted if sent with a personalized e-mail signature included.

**Annex 16 Standard Patrolling Schedule for**  
**GENERAL OVERVIEW 2013**

**JO Hermes 2013**



The marked parts contain 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 the text is not disclosed pursuant to the exception laid down in the first indent of Article 4(1)(a) of Regulation No 1049/2001 relating to the protection of the public interest

PLANNED / DELIVERED	Asset	AIR / SEA	Type	MS	Authority	Location	Start of mission	End of mission	Days	INITIALLY PLANNED PATROLLING TIME	Total patrolling time	% OF FULFILLMENT







# TECHNICAL EQUIPMENT MISSION REPORT

## Joint Operation Hermes 2013

Patrolling asset

Mission Number

Date

Responsible ICC/LCC

Operational Area

National Official

Asset currently located at  
(Airport, Port)

Provided by Member State

Authority



## Mission Data Sheet

Patrolling asset

Registration/Call Sign

Assets Officer in charge

e.g. Commanding Officer, Pilot in command

Used communication means

e.g. SAT, HF, VHF, tactical radio, GSM

Mission scheduled

total hrs:

Mission executed

total hrs:

Brief description in case of derogations

Engine(s) start up:

Engine(s) cut off:

total (hh:min):

Take off/off berth:

Landing/on berth:

total (hh:min):

On station (ops area):

Off station:

total (hh:min):

Total committed hours according to the SFD

(hh:min):

Total executed hours so far

(hh:min):



## Mission Events

Attach a chart showing the operational area(s) and the entire track flown/sailed while introducing a position mark at least each 1 hrs or occasionally depending on the cruising speed

Mark and number **ALL** identified targets detected within the operational area(s) in this chart and describe briefly identified targets according to the number given in a legend (e.g. crafts type, course, speed, activity). Support identified targets with images.

In cases where incidents occurred outside of the operational areas and in cases where incidents occurred on the way towards to the operational area and vice versa applies the same

Do not delete, filter or cut the footage in case of any incidents. **ALL** the footage taken in relation to any incidents within Frontex coordinated operations has to be forwarded asap to the designated ICC (preferably using down link capabilities) for further consideration

## Mission Events

**Brief description about the mission event(s):**

(e.g. migrant activities, SAR events, technical failures, other crises (drug, oil spills etc.))

**Serious Incident Reporting**

**Commented [BW1]:** The marked parts contain 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 the text is not disclosed pursuant to the exception laid down in the first indent of Article 4(1)(a) of Regulation No 1049/2001 relating to the protection of the public interest as regards public security

[REDACTED]

[REDACTED]

[REDACTED]

<sup>1</sup> Leading to a change on the level of border control. (e.g. introduction of specific border control. means, temporary introduction of border control between Schengen countries, stop for air traffic)

[REDACTED]

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