

OPERATIONAL PLAN 2022-2024
AGREED BY THE EUROPEAN UNION AGENCY FOR ASYLUM AND
MALTA
Amendment 3

Valletta Harbour and Valletta
June 2024

The Executive Director of the European Union Agency for Asylum (hereinafter 'EUAA' or the 'Agency')

and

The Permanent Secretary of the Ministry for Home Affairs, Security and Employment of the Republic of Malta (hereinafter 'Member State'),

Having regard to Regulation (EU) No 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010¹ (hereinafter referred to as 'EUAA Regulation'), and in particular Article 1, Article 2, Article 3, Articles 16 to 20 and Articles 23 to 28 thereof,

Having regard to the Amendment 2 of the Operational Plan 2022-2024 of 15 May 2023 agreed between the European Union Agency for Asylum and Malta, with an implementation period between 01 January 2022 and 31 December 2024.

In light of the decreased pressure to the Maltese asylum and reception systems and conditional changes to the field activities,

Considering resource availability on the side of the EUAA, the need to reprioritise support, as well as technical-level consultations between the parties,

Hereby agree on the present Amendment 3 of the Operational Plan (hereinafter 'the Plan') for the provision of technical and operational assistance by EUAA to Malta.

The present Amendment 3 supersedes Amendment 2 of 15 May 2023 and is binding in its entirety, including annexes.

The implementation period of the Plan shall be until 31 December 2024.

The Plan enters into force on the date after it has been signed by both Parties.

EUAA shall share a copy of the Plan with the Members of the EUAA Management Board for information. The Plan will be made publicly available on the EUAA website.

Valletta, June 2024

Executive Director of the
European Union Agency for
Asylum

Permanent Secretary of the Permanent Secretariat
of the Ministry for Home Affairs, Security and
Employment of the Republic of Malta

Nina Gregori

Joyce Dimech

¹ Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office.

1.0. INTRODUCTION

An Operational Plan addresses the specific needs of the requesting Member State(s) with regard to:

- operational and technical needs of the Member State(s) whose asylum and/or reception systems are subject to disproportionate pressure;
- operational and technical reinforcement needs of the Member State(s) facing disproportionate migratory challenges;
- the implementation of its (their) obligations under the Common European Asylum System (CEAS).

The Plan provides the framework for delivery of technical and operational assistance by the European Union Agency for Asylum, including the deployment of asylum support teams.

2.0. OPERATIONAL SITUATION, NEEDS ASSESSMENT AND OBJECTIVES

Between January and June 2021, some 780 applications were lodged or 18% fewer than over the same period last year. Although in previous years in Malta the scale of irregular migration had a direct and major effect on the volume of persons seeking international protection, in the first half of 2021 detections of illegal border-crossing were much lower and did not appear to affect asylum applications lodged. For the countries of origin most commonly associated to irregular migration to Malta, the ratio of applications lodged to illegal border-crossing detections between January and June 2021 was very high in particular for Sudan (209 %) and especially Somalia (5,150 %).

Decisions at first instance issued during the first half of 2021, combined with otherwise closed cases and withdrawn applications, remained well above the inflow of applications, which led to the reduction of the backlog observed starting from January 2021. Between January and June 2021, for instance, there were some 780 applications lodged, while 474 first instance decisions were issued, in addition to 881 discontinuations and 312 closed cases.

In the 881 applications reported as withdrawn in the first six months of 2021, nationals from Sudan, Eritrea and Côte d'Ivoire featured most prominently. Worth noting is that 95% of those were implicitly withdrawn applications.

At the end of June 2021, some 3,500 cases were awaiting a first-instance decision, while 4,200 cases were reported as pending at all instances. The higher outflow in 2021 reversed the backlog increase of late 2020, reaching the springtime levels of the year before. The top 5 nationalities in terms of pending cases at first instance coincided to a large extent with those lodging applications (Sudan 24%, Syria 10%, Eritrea 9%, Somalia 8%, and Libya 7%). Despite decreasing caseload, these five nationalities still accounted for more than half of all pending cases (58%).

While decreasing in volume, the age of the backlog continued to grow in 2021, with every four out of five cases (82%) at first instance pending for 6 months or more. The nationalities among those having at least 100 pending cases at the end of June 2021 and associated with the highest proportions of older cases were Mali (95%), Côte d'Ivoire (91%) and Nigeria (90%).

On 24 February 2022, the Russian invasion of Ukraine led to a nationwide humanitarian emergency. The resulting influx of refugees to the European Union led to Council Implementing Decision (EU) 2022/382 of 4 March 2022, where Art.3 par.2 stipulates that the EUAA should provide operational

support to Member States that have requested assistance to help them cope with the situation, including for the purposes of applying the aforementioned Decision.

Following the events of the conflict, the Maltese authorities requested support from EUAA on March 2022, with personnel and services to support the beneficiaries of temporary protection in Malta, via a letter addressed to the Executive Director of the EUAA.

In the first seven months of 2022, detections of illegal border-crossing saw an almost twelve-fold decrease compared to the same period last year. The drop in asylum applications during the same period was however moderate (-12 %, 760 applications), indicating that most applications in 2022 were related to previous years' arrivals. This decrease can be also attributed to fewer applications by citizens of North and West African countries such as Somalia (-65 %) and Sudan (-54 %). On the contrary, the number of Ukrainian marked an almost five-fold increase, which can be read in relation to the Russian invasion of Ukraine at the end of February. Between January and September 2022, 1,171 decisions and 990 certificates on Temporary Protection were issued with the support of the EUAA. Overall, 80% of the total decisions related to Temporary Protection were registered and issued with the support of the EUAA.

The overall backlog as of 30 September 2022 was 2,050 cases. The higher outflow and the high level of implicit withdrawals in 2021 and 2022 reversed the backlog increase of late 2020. The top 5 citizenships, in terms of pending cases at first instance, were Syria (18 %), Sudan (14 %), Eritrea (11 %), Somalia (10%), and Libya (7 %), which combined accounted for three fifths of all pending cases (60 %). While decreasing in volume, the age of the backlog continued to grow in 2022, with around four out of five cases (84 %) at first instance pending for 6 months or more, suggesting that the current processing capacity is not commensurate of the existing backlog. At the end of June 2023 and as per information provided by the Maltese authorities, the first instance caseload halved compared to the same period last year to some 1,168 cases, while some additional 823 cases were pending at higher instances.

With regards to reception, some 2,611 persons were reported under the Maltese reception system at the end of July 2022, with 389 hosted in reception centres. The majority of the reception system beneficiaries were nationals of Syria (17 %), Sudan (13 %), Eritrea (11 %) or Somalia (9 %), followed by nationals of Libya (7 %) and Nigeria (4 %). The vast majority of these persons were applicants for international protection still awaiting a decision at first or higher instances (97 %), whereas a small minority (3 %) mostly Nigerian, Eritrean and Ukrainian nationals were either already beneficiaries of some form of protection by the Maltese authorities or already had their claim rejected. At the end of June 2023 and as per information provided by the Maltese authorities, AWAS was assisting 438 asylum seekers. Among them, 228 were residing in reception centres, while the others received per diem allowances and were under professional monitoring. Nearly half of those housed in Malta originated from three countries: about a quarter were Syrian nationals (23 %), followed by Somalia (13 %) and Sudan (12 %). The rest comprised various nationalities, primarily from Libya, Ukraine, Eritrea, Colombia, and Nigeria. Most of these persons were applicants of international protection who were still awaiting a decision at first or higher instances. Malta's reception system had a capacity of 2 199, with a contingency plan for an additional 500 individuals. The occupancy rate of these facilities at the end of June 2023 was at 16 %.

Based on the above and following the Prioritised Needs Assessment exercise that took place mid of 2022, the Maltese authorities have identified the following needs to be addressed in the period 2022-2024:

- To improve the access to the asylum procedure in Malta and increase the capacity of the Maltese authorities to manage the asylum backlog at first instance determination.

- To enhance the capacity of the Quality Assurance Unit of the Agency for Welfare of Asylum Seekers (AWAS).
- To increase the capacity of the Maltese authorities to manage the implementation of the Temporary Protection Directive

The 2022-2024 Operational Plan to Malta was conditional on the availability of EUAA capacity and resources. In this context, on 26 February 2024, the EUAA notified the Maltese authorities regarding the phase-out of EUAA Asylum Support Teams to Malta and, following further coordination between the EUAA and the Maltese authorities, an agreement has been reached on the redefinition of priority actions and adjustment of the technical and operational assistance provided. This involves the EUAA phase-out from Reception and Asylum support activities, including Temporary Protection, at the end of June 2024 and the continuation of EUAA' support with a focus on the implementation of the Voluntary Solidarity Mechanism (VSM) in adherence to the relevant Standard Operating Procedures, interpretation support and maintaining the deployment of Casework Team Leaders to enable the IPA to proceed with planned recruitment of Senior Protection Officers and the IPA's interpretation tender. Providing targeted support throughout the phase-out, shall facilitate a sustainable transition until the end of the Operational Plan in December 2024.

In accordance with the operational situation and needs assessment described herewith, as well as with the priorities identified in Malta's AMIF National Programme in relation to the strengthening of its asylum system, the Parties agree to pursue the achievement of the following operational objectives and results:

- **Expected Outcome 1:** Increased response capacity of Maltese Authorities to implement relocation activities under VSM and ensure the quality of asylum procedures in line with CEAS

The agreed outcomes shall be achieved through the implementation of the measure specified in Annex I to the Plan.

In the framework of EUAA's phase out and taking into account that the pressure to the Maltese reception system has been significantly reduced compared to 2021 and 2022, specific activities were no longer included beyond the end of December 2022, following the relevant request of AWAS on building its own internal capacity and in line with the Operational Plan 2022-24. In addition, building on the progress achieved through the operational and technical assistance provided in the framework of the Operational Plan and support measures implemented since 2019, and assuming that the number of arrivals will remain at similar levels as in 2022, the EUAA -in cooperation with the Maltese authorities- will be extending the phase out exercise to more support areas in 2024.

The initial scaling down plan has been adapted to reflect the revised technical and operational support as foreseen in the 2022-2024 Operational Plan Amendment 3. The scaling down plan foresees a gradual decrease of EUAA resources every six months, starting as of Q3 2023. More particularly, the scaling down plan envisages a decrease of 45% compared to the 2022 Operational Plan to take place between July and December 2023. In addition, the scaling down plan will be extended to 2024, with a decrease of 80% in Q1 and Q2, and a further decrease of 90-100% taking place during Q3 and Q4, compared to the 2022 Operational Plan. In light of implementing a sustainable phase-out strategy to ensure an effective handover of activities, the retention of knowledge and the continuation of workflows developed with the support of the EUAA, it is considered of utmost importance that the Maltese authorities continue the recruitment of key profiles to undertake tasks/activities covered by EUAA.

The designated Coordinating Officer, with the support of the Measure Coordinator(s) where relevant, shall follow up the implementation of the Plan through mechanisms and tools deemed appropriate by the implementing Parties, such as a joint quarterly steering committee or other.

The agreed measure may be subject to annual and/or *ad-hoc* reviews as necessary to ensure their continued relevance and added value.

3.0. MAIN NATIONAL PARTNERS

The host Member State’s main partners involved in the implementation of this Plan are the following:

Organisation	Responsibilities
Ministry for Home Affairs, Security and Employment of the Republic of Malta	Migration management.
International Protection Agency (IPA)	Access to and first instance international protection determination procedure.

4.0 MONITORING AND EVALUATION FRAMEWORK

EUAA is implementing a structured Monitoring and Evaluation methodology allowing evidence-based measurement of progress, corrective action-taking and reflective reviews.

In terms of monitoring, EUAA is making use of a number of tools developed in order to collect input from the implementation of the Plan and to guarantee feedback in real time.

Results from the monitoring activities shall be reported through mechanisms deemed appropriate by the implementing Parties, such as steering meetings or other.

Periodic or mid-term and final (ex-post) evaluations² can be carried out in order to take stock of lessons learned and good practices. The evaluation(s) will be conducted in line with EUAA's Evaluation Framework, which is based on the European Commission’s Better Regulation methodological guidelines for evaluations. They may be performed externally through engagement of evaluation specialist(s), internally by Agency staff, or a hybrid approach.

In order to ensure completeness of evaluations and to take into account the views and feedback from the Parties involved, senior and other key persons from the National Authorities of the host Member State may be invited to interviews with the evaluators or to provide feedback by alternative means. The National Authorities shall commit to supporting the evaluation process and participating in such engagements with evaluators by mutually agreed appointments.

An evaluation report on the results of the operational and technical measures shall be submitted to the Management Board on conclusion of an evaluation. The report on the final (ex post) evaluation will be due within 60 days from the end of the provision of operational and technical measures. For transparency and accountability purposes, evaluation report(s) may, following consultation with the host Member State, be made publicly available on the Agency’s website after internal checks have

² Article 16(4) and Article 18(2)(k) EUAA Regulation.

been made to ensure compliance with the applicable provisions in Regulation (EU) No 2018/1725³ and Regulation (EC) No 1049/2001⁴.

Other monitoring and evaluation deliverables, as applicable, shall be shared with the host Member State and communicated to the EUAA governance structure (e.g. Management Board members and National Contact Points) where relevant.

5.0 LEGAL FRAMEWORK

5.1 General legal basis for the Plan

In accordance with Article 1 of the EUAA Regulation, the Agency shall contribute to ensuring the efficient and uniform application of Union law on asylum in the Member States in a manner that fully respects fundamental rights. The Agency shall facilitate and support the activities of the Member States in the implementation of the Common European Asylum System (CEAS), including by enabling convergence in the assessment of applications for international protection across the Union and by coordinating and strengthening practical cooperation and information exchange. The Agency, shall improve the functioning of the CEAS, including through the monitoring mechanism and by providing operational and technical assistance to Member States, in particular where their asylum and reception systems are under disproportionate pressure.

Article 2 of the EUAA Regulation specifies the tasks the Agency is entrusted to perform, while in accordance with Article 3 thereof, each Member State shall appoint at least one national contact point for communication with the Agency on matters relating to the tasks referred to in Article 2.

The Agency shall provide operational and technical assistance to a Member State in accordance with the provisions of Chapter 6 of the EUAA Regulation.

5.2. Legal framework applicable to the Plan

EUAA activities performed in the context of the operational and technical assistance as identified in this Plan are in principle governed by EU law, complemented, where appropriate, by the national law of the host Member State. This includes, inter-alia, the safety and security of persons and assets participating in those EUAA activities.

5.3. Lawfulness and Respect for Fundamental Rights

This Plan shall be implemented by the Parties in full compliance with the applicable law, and with full respect for human dignity. This includes, inter alia, the Charter of Fundamental Rights of the European Union, as well as the Convention Relating to the Status of Refugees of 1951.

Any person contributing to EUAA operational support activities and taking part in the implementation of the Plan shall respect the applicable international law, European Union law and the national law of

³ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, (OJ L 295, 21.11.2018, p. 39).

⁴ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, (OJ L 145, 31.05.2001, p. 43).

the host Member State. They shall maintain the highest standards of integrity and ethical conduct, professionalism, respect and promotion of fundamental rights and international protection.

They are to act responsibly and proportionally to the agreed objectives. Whilst carrying out supporting functions, all personnel must not discriminate persons on grounds of sex, race, religion, ethnic origin, age or sexual orientation. All people are expected to treat every person with courtesy, respect and due consideration for the nature of any legitimate activity in which they are engaged. To perform their duties properly, they shall serve the public interest and refrain from any activities which could undermine or compromise their independence and the appropriate performance of their duties.

During the implementation of this Plan, all personnel must apply a zero-tolerance attitude with respect to the infringement of fundamental human rights.

This obligation is particularly important when dealing with people who are in need of international protection. To that end, participants in EUAA operational support under this Plan shall comply and act in accordance with the 'EUAA Code of Conduct for persons participating in EUAA operational support activities. Participants in operational support activities will be requested to sign a declaration of compliance with the EUAA Code of Conduct.

Participants in EUAA's operational activities⁵ who have reason to believe that a violation of the EUAA Code of Conduct has occurred or is about to occur, are obliged to report the matter to the Executive Director of EUAA and to the host Member State Coordinator for the Plan via the appropriate channel: complaints_operations@euaa.europa.eu. Such an incident is to be reported using the **Incident Report Form (Annex II)**.

Pursuant to Article 49 of the EUAA Regulation, a Fundamental Rights Officer appointed by the Management Board shall be responsible for ensuring the Agency's compliance with fundamental rights in the context of its activities and promoting the respect of fundamental rights by the Agency. The Fundamental Rights Officer shall, *inter alia*, provide observations to the detailed evaluation reports, and be in charge of implementing the complaints mechanism of the EUAA⁶.

Under the complaints mechanism set up by the Agency⁷, any person who is directly affected by the actions of experts in the asylum support teams, and who considers that his or her fundamental rights have been breached due to those actions, or any party representing such a person, may submit a complaint in writing to the Agency.

⁵ The 'participants in EUAA's operational activities' are to be construed as persons deployed to asylum support teams ('AST') referred to in Section 6.3. of the Plan.

⁶ As soon as it is established in the EUAA.

⁷ As soon as it is established in the EUAA.

5.4. Confidentiality, Public Access to Documents and Data Protection, Intellectual property rights

Without prejudice to the right of access to documents, as laid down in Regulation (EC) No 1049/2001⁸ and the EUAA implementing rules on access to documents⁹, all versions of this document shall be made available to the competent authorities in each EU Member State, as well as the associate countries, Iceland, Liechtenstein, Norway and Switzerland.

EUAA and the host Member State shall consult each other on any requests for public access to documents relating to this Plan and treat such requests in accordance with Regulation (EC) 1049/2001 or the respective national law, whichever is applicable.

Personal data will be processed in accordance with Regulation (EC) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data. The current Plan also takes into account the General Data Protection Regulation as updated in May 2018¹⁰ with a Corrigendum to the 2016/679 Regulation on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (Data Protection Directive), which is applicable to stakeholders at national level.

Whenever personal data is processed by EUAA within the activities agreed in the current Plan, EUAA will act as data processor on behalf of the competent authorities of the host Member State, following the applicable EU and national laws and regulations, as well as the instructions received from the Host Member State as the data controller.

In order to perform their tasks in accordance with this Plan, participants in activities under this Plan are only allowed to access the databases mentioned below, under section 6.

EUAA will implement the necessary technical and organisational measures to ensure the security and confidentiality of the personal data it processes taking into account possible additional instructions received from the host Member State. This is to prevent any unauthorised disclosure of or access to this information.

The host Member State agrees that any personal data obtained in the course of the implementation of the Plan and by any EUAA personnel working on behalf of the Member State authorities can be processed in the EUAA IT systems, including cloud-based systems, exclusively under the instructions of the Member State and until an alternative system exists that can substitute the processing system used by EUAA.

The host Member State also agrees to indicate a contact point in view of its role as a data controller for any data processed by EUAA on behalf of the national authorities of the host Member State.

All rights in any writings or other work produced by members of asylum support teams shall be the property of EUAA and/or the European Union, where such writings or work relate to activities undertaken in the context of the Plan. EUAA and/or the European Union acquires irrevocably ownership of the results and of all intellectual property rights, such as copyright, and industrial property rights, on the materials produced specifically for EUAA under the Plan and incorporated in such works, without prejudice, however, to the specific rules concerning pre-existing rights on pre-existing materials or other detailed rules contained in the relevant Framework Contracts concluded

⁸ Regulation (EC) 1049/2001 of the European Parliament and of the Council of 30 May 2001, regarding public access to European Parliament, Council and Commission documents

⁹ Decision No. 6 of the Management Board of EASO of 20 September 2011 laying down practical arrangements regarding public access to the documents of EASO

¹⁰ Corrigendum, OJ L 127, 23.5.2018, p. 2 ((EU) 2016/679)

by EUAA for purposes related to the implementation of this Plan. Selected deliverables developed under this Plan may be published.

5.5. Civil and criminal liability of members of the Asylum Support Team

Articles 26 and 27 of the EUAA Regulation will be applicable to the members of the asylum support teams deployed in the host Member State.

5.6. Non-substantial changes during implementation

The Plan aims to provide effective and flexible support to the identified needs of the host Member State. Therefore, the foreseen activities will be implemented in consideration of the changing circumstances which may occur in the international protection and reception systems in the Member States or on the ground, as well as in the context of the availability of financial resources and experts.

The implementation of measures and delivery of technical and operational assistance foreseen in the Plan may be subject to non-substantial changes that may be accommodated within the objectives of a measure, so long as they do not affect the overall EUAA budget, do not require an amendment to or adaptation of the Plan, and that the host Member State is timely informed in writing.

Changes required to the agreed Input(s) and Output(s) in the framework of the Plan shall as a general rule be considered non-substantial, unless such changes require significant additional resources which cannot be accommodated within the overall EUAA budget, as well as when they impact on and/or require an amendment of the agreed Outcome(s).

5.7. Amendments to the Plan

Any changes that prove to require an amendment to or adaptation of the Plan, shall be agreed in writing between the Executive Director of EUAA and the host Member State, after consulting the participating Member States, where necessary, in line with Article 18(5) of the EUAA Regulation.

Changes to outcome(s) specified in Section 2.0. shall as a general rule be considered substantial changes and will be subject to an amendment.

5.8. Suspension of measures and/or the Plan implementation

In accordance with Article 18(6)(c) of the EUAA Regulation, the Executive Director shall, after informing the host Member State, suspend or terminate, in whole or in part, the deployment of the asylum support teams if the conditions to carry out the operational and technical measures are no longer fulfilled or if the Plan is not respected by the host Member State or if, after consulting the Fundamental Rights Officer of the EUAA, it considers that there are breaches of fundamental rights or international protection obligations by the host Member State that are of a serious nature or are likely to persist.

5.9. Protocol (No 7) on Privileges and Immunities

Protocol (No 7) on the privileges and immunities of the European Union ('the Protocol')¹¹ applies to the Agency staff members (statutory staff), when they are deployed for the purposes of the implementation of the Plan on the territory of the host Member State, including to the Asylum Support Teams.

¹¹ [EUR-Lex - 12012E/PRO/07 - EN - EUR-Lex \(europa.eu\)](#)

The host Member State shall ascertain that the relevant provisions of the Protocol are implemented and shall provide the necessary support to the Agency in this regard.

6.0 IMPLEMENTATION AND COORDINATION STRUCTURE

This chapter describes the various conditions for and aspects of support to the authorities of the host Member State in the framework of the Plan.

6.1. Organisational Pre-Conditions

The host Member State will:

- designate an overall Plan Coordinator, as well as a specific Measure Coordinator for each measure stipulated in the Plan.
- grant appropriate access rights for the members of asylum support teams and EUAA representatives to all relevant databases and provide the relevant parties with the required information and data in the context of the implementation of this Plan.
- facilitate the provision of appropriate working space. Every effort shall be made by the Parties to provide suitable working conditions and, where required, a working place for the participants in the activities implemented in the framework of the Plan. Minimum working and security conditions are considered as organisational pre-conditions.
- as far as operationally feasible, and where relevant, the working files shall be made available by the host Member State in English (unless otherwise agreed).
- the host Member State shall provide EUAA with information on the implementation of the Plan through timely input to the Early warning and Preparedness System and the delivery of tailored information on the implementation of measures agreed in the Plan.
- facilitate the implementation of the EUAA survey data collection systems (including but not limited to Surveys with Asylum Related Migrants (SAM), Surveys of Arriving Migrants from Ukraine (SAM-UKR)).

EUAA will:

- designate a Coordinating Officer in accordance to Article 25 of EUAA Regulation), as well as a specific Measure Coordinator for each measure stipulated in the Plan.
- provide technical support to experts participating in this Plan with the aim of ensuring that all deliverables make good use of the expertise and information already available to EUAA.
- provide the technical equipment required for the work of the asylum support teams and reimburse costs incurred by persons participating in the support activities deployed by EUAA in the framework of this Plan, according to the applicable EUAA rules.
- support the development and implementation of agreed tools and procedures, taking into account the EUAA tools and guidance.

6.2. Conditions for Deployment

General rules and conditions for deployment are published on the following platforms, which the experts/asylum support team members are obliged to consult:

- EUAA Operational Deployment Management System (ODMS)
- EUAA country-specific operations platforms. These platforms are made available to members of asylum support teams upon their deployment, allowing for preparation for deployment and daily implementation of their tasks.

- Other appropriate communication tools may be used as necessary.

The platforms contain relevant information, such as:

- special instructions for the members of asylum support teams, including databases that they are authorised to consult;
- description of specific tasks, workflows and procedures, as relevant;
- location in the host Member State where the asylum support teams will be deployed;
- logistical arrangements including information on working conditions, practical information concerning location of deployment and related workflows, etc.;
- equipment that members of asylum support teams may carry in the host Member State, transport and other logistics;
- other specific instructions and provisions as necessary.

Relevant thematic pages of the EUAA Information and Documentation System concerning the asylum and reception system of the host Member State, including information on relevant practices, legislation, case law and statistical background may be consulted.

The host Member State shall contribute to information concerning its asylum and reception systems, including information on relevant practices, legislation, case law and statistical background.

The host Member State and EUAA will provide experts with information on the general state of play with regard to the procedures for international protection and reception in the host Member State and specific information about the state of play of the deliverables as necessary for the specific measures on a continuous basis. Specific asylum support team deployment details may be provided under each measure, where relevant.

6.3. Composition of asylum support teams

The asylum support teams may be composed of the following resources:

- i. The Agency's staff members, i.e. statutory staff employed by the Agency subject to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union¹²;
- ii. Member States experts, including Member State experts made available through the Asylum Reserve Pool¹³;
- iii. Associate Countries experts, i.e. experts made available through contributions to the Asylum Intervention Pool by associate countries referred to in Article 34 of the EUAA Regulation, with which the European Union has an arrangement in place on the modalities of its participation in EUAA's work;
- iv. Seconded National Experts (SNEs), i.e. experts employed by a national, regional or local public administration of an EU Member State or an associate country or by a public inter-governmental organisation and seconded to the Agency¹⁴ for the provision of support to its operational activities;
- v. Other experts not employed by the Agency: Experts on contract, i.e. individuals providing services in relation to the Plan upon conclusion of a public contract between the Agency and the legal entity with which these individuals have an employment and/or contractual relationship, including

¹² As laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, OJ L 56, 4.3.1968, p.1.

¹³ As soon as it is established in the EUAA.

¹⁴ Decision No 01 of the Management Board of EASO of 25 November 2010 laying down rules on the secondment of national experts (SNE) to the European Asylum Support Office (ref. number: EASO/MB/2010/03).

temporary agency workers, or with remunerated external experts in line with Article 93 of EUAA Financial Regulation¹⁵.

The implementation of the Plan shall be based on the common understanding that the provision of resources, other than EUAA (statutory) staff, to be deployed for the purposes described above can under no circumstances lead *per se* to the establishment of an employment relationship between EUAA and the members of the asylum support teams. Throughout the duration of the deployment of the asylum support teams in the activities undertaken in the context of the present Plan, the employer of the asylum support team members is and remains their employer.

6.4. Implementation modalities - the embedded model

In accordance with Chapter 6 of the EUAA Regulation, the Agency may organise and coordinate technical and operational assistance to the requesting Member State or Member States, which may entail the deployment of an asylum support team.

The notion of the 'embedded model' represents an integrated approach to the implementation of the Plan, applicable exclusively with regard to experts on contract, including remunerated external experts. In accordance with this model, experts on contract deployed as members of asylum support teams, are embedded within the respective national authorities to ensure utmost efficiency, quality and sustainability of the anticipated results. In practice, those experts on contract are seconded by EUAA to national authorities of the host Member State and therefore perform their assignment(s) on the premises of the relevant national authorities (e.g. the National Asylum Service).

In such cases, a coordination mechanism shall be agreed by the Parties to oversee both the overall implementation of the Plan at national level and its implementation at local level (i.e. in the respective location of the host Member State) or for the respective measure foreseen in the Plan, including with regard to the allocation and the administration of resources. For this purpose, detailed administrative and reporting workflows and procedures related to the provision and management of 'embedded' resources and reflecting respective roles and responsibilities shall be established and agreed upon in writing between EUAA and the host Member State. In setting up the aforementioned coordination mechanism, the following rules must be complied with as a minimum:

- (a) EUAA shall duly advise the employers of the experts on contract or the remunerated external experts themselves of their envisaged secondment to the national authorities of the host Member State before such secondment takes place;
- (b) The national authority shall clearly acknowledge that they endorse the obligations and responsibilities pertaining to them as hosting authority vis-à-vis the experts on contract seconded to them;
- (c) The national authority is responsible for ensuring proper working conditions for the expert on contract, and is responsible for the health, safety and security during work. EUAA may not be held liable for any breach in the Health and Safety rules that might occur in the premises of the national authorities and/or under the supervision of the national authorities.

¹⁵ Article 93 of Management Board Decision No 54 of 14 August 2019 on the EASO Financial Regulation (as amended by Management Board Decision No 74 of 28 July 2021). The MB Decision nr 54 of 14 August 2019 remains in force despite EASO being replaced by the EUAA. Any references in the EASO Financial Regulation to 'EASO' or the 'EASO Regulation', should therefore be construed as references to the 'EUAA' or equivalent provisions in the 'EUAA Regulation', respectively.

7.0 SECURITY AND SAFETY

The principles of EUAA's Security Governance Framework¹⁶ are based on the security principles contained in the Commission's security rules. That Commission Decision 443/2013 on the security in the Commission defines that security shall be based on the principles of legality, transparency, proportionality and accountability.

The safety and security of persons participating in EUAA activities under the Plan falls under the overall legal framework of the host Member State and shall be provided by the respective authorities legally responsible and accountable for the public order and security and safety on the territory of that Member State.

EUAA will endeavor to support the identification of required security and safety measures and the implementation of those that are under its remit, both legally and functionally, in close cooperation with the MS security responsible (see relevant definition in Section 7.1 below).

To that end:

- Standard security and safety requirements, identified herewith, shall apply as a general rule.
- Specific security and safety requirements for the Plan, to be identified jointly by EUAA and the host Member State security responsible, shall be established in an annex to this plan.
- The safety and security measures shall be identified jointly on the basis of field assessment visits.

7.1. Standard security requirements

The standard security and safety requirements are rather pertaining to elements to be present in the implementation of the Plan, not to minimum security standards:

- Both the host Member State on one side and EUAA on the other shall appoint a single point of contact responsible for security matters under the Plan both at central and local level (hereafter 'security responsible'). The host Member State shall ensure that the working conditions for the performance of the activities under the Plan are compliant with the national occupational health and safety norms and regulations.
- A pre-deployment briefing programme, drafted in close cooperation with the respective national authorities, focusing both on general security rules and awareness, as well as on specific security aspects for each deployment will be provided. With regard to the decentralised nature of deployments, the use of e-learning and other distance-based training techniques should be considered.
- Emergency (evacuation) plan. Certain operational activities, such as operations in field locations, require that staff shall have clear guidance and training on how to evacuate quickly in case of emergencies. In a more general context, there could be a need to evacuate from the operational area as well. Emergency plans shall be drafted and maintained up to date by the competent authority/person(s), whereas they shall be made available to the concerned parties and exercised regularly. A security responsible shall maintain updated information on the availability of evacuation plans and routes.
- Communication tools. As considered relevant by the EUAA Security sector, EUAA operational staff shall have access to independent radio communication equipment. If possible, the

¹⁶ Decision of the Executive Director No 61 of 12 April 2021 on the Security Governance Framework.

equipment shall be interoperable with the local law enforcement in charge of the security of the operation.

- Security of information. Sensitive non-classified and classified information shall be protected adequately, in accordance with the applicable legal framework¹⁷. EUAA's security responsible shall be involved in supporting the proper classification of relevant information.
- Security of IT and communication equipment. EUAA's IT equipment is adequately prepared to protect the information level it has been foreseen to process.
- Personal security behavior shall be included in the pre-deployment training, led by operational teams and performed for the experts during the first days of arrival to the operational area. This may refer to the EUAA Code of Conduct as well.
- Reporting security incidents from the operational area to the EUAA Headquarters is essential to ensure an overview of the overall security management is maintained.

7.2. Specific security and safety requirements

- Specific security and safety requirements for the implementation of the Plan shall be defined on the basis of a pre-deployment security assessment visit with the aim of identification of specific potential risks, identification of mitigation measures and communication of those measures to the Member State and involved stakeholders, prior to the deployment of asylum support teams.

7.3. Suspension of operational activities on security and safety grounds

EUAA reserves the right to suspend operational activities on the basis of current risk assessment(s), while keeping informed the host Member State on the findings and identified mitigating measures required for resumption.

The host Member State may also suspend temporarily, in whole or in part, the implementation of operational activities in case of serious imminent safety and security incidents, developments, or as mitigating or preventive measures or direct threats to personnel, activities or physical presence. The EUAA Plan Coordinator and the EUAA security responsible shall be informed without delay.

The Parties will agree on conditions for resumption as soon as possible.

7.4. Security incident reporting

Any participant¹⁸ in EUAA's operational activities who becomes aware of a(n) (impending) incident related to the security and safety of persons, assets or premises is obliged to report the matter to the Executive Director of EUAA and to the Host Member State Coordinator for the Plan via the appropriate channel: duty.officer@euaa.europa.eu. Such an incident is to be reported using the **Security Incident Report Form (Annex III)**.

¹⁷ Including, *inter alia*, the security principles contained in Commission Decision (EU, Euratom) 2015/444.

¹⁸ The 'participants in EUAA's operational activities' are to be construed as persons deployed to asylum support teams ('AST') referred to in Section 6.3. of the Plan.

8.0. COMMUNICATION

The Executive Director will appoint one or more experts from the Agency's staff to act or to be deployed as a Coordinating Officer in accordance with Article 25 of the EUAA Regulation.

The Coordinating Officer will act as an interface between the Agency, the host Member State, and experts participating in asylum support teams, and will foster cooperation and coordination between the host Member State and the participating Member States.

The Coordinating Officer will also monitor the correct implementation of the operational plan, act on behalf of the Agency as regards all aspects of the deployment of asylum support teams and report to the Agency on all those aspects, and report to the Executive Director where the operational plan is not adequately implemented.

The host Member State and the Coordinating Officer will manage the exchange of information concerning the tasks under the Plan.

During the implementation of this Plan, members of asylum support teams shall be briefed regularly on the current situational and operational developments to address challenges and identify improvements.

Particular attention shall be paid to the need to continuously develop, improve and make available EUAA support tools. Should such a need be identified or changed during the Plan implementation, it shall be communicated to EUAA for further consideration.

EUAA will maintain close cooperation and communication with the relevant stakeholders. EUAA will also provide information to its partners (i.e. the European Commission, concerned EU Agencies, and international organisations) about the operational activities, as appropriate and in line with EUAA transparency and communication policies. The timing and content of communication with the media shall be agreed upon between EUAA and the host Member State.

Where relevant, the Parties will facilitate media coverage to ensure wider dissemination and visibility of results.

As a publicly funded EU body, the Agency is accountable for and committed to transparency for the public resources it makes use of.

In this regard, EUAA may brand its operational activities to ensure appropriate visibility. This includes the application of fixed branding and the use of visibility items, such as on, but not limited to, containers and premises, as well as in offices where the Agency provides operational and technical assistance. It also includes the branding of mobile assets which it may deploy, including vehicles.

Such branding may also include visibility clothing and materials worn by personnel deployed by the Agency in order to identify their association to, or funding by, the Agency.

In specific cases, the Agency and the respective national authority/ies may agree on co-branding of visibility clothing and/or materials, in line with the visual identity rules and guidelines of both/all parties.

9.0. COOPERATION WITH OTHER STAKEHOLDERS

9.1. Cooperation with the European Commission and EURTF

All activities under this Plan will be closely coordinated with the host Member State and in close cooperation with the European Commission as well as with the other EU Agencies [party to the

EURTF]]. When relevant, EUAA will participate in EURTF coordination meetings throughout the duration of the Plan.

9.2. Cooperation with UNHCR

In accordance with Article 38 of EUAA Regulation, the Agency aims at a coherent and complementary continuation of the fruitful cooperation with UNHCR. The EUAA Coordinating Officer will liaise with the UNHCR office in the host Member State for continuous cooperation and coordination of practical activities agreed with the host Member State under the current Plan.

9.3. Cooperation with IOM

In accordance with Article 52 of the EASO Regulation¹⁹In July 2019 the Agency signed a working arrangement with IOM to establish a cooperation framework covering the relevant areas of common work and interest setting objectives and principles of such cooperation. Therefore, the EUAA Coordinating Officer will liaise with the IOM office in the host Member State for a continuous cooperation and coordination of practical activities agreed with the host Member State under the current Plan and in accordance with the working arrangement.

¹⁹ Reference to Article 52 of the EASO Regulation shall be construed as reference to Article 38 of the EUAA Regulation.

ANNEX I – Operational Measures

Measure MT1: Asylum Support	
Expected Outcome: Increased response capacity of Maltese Authorities to implement relocation activities under VSM and ensure the quality of asylum procedures in line with CEAS	
Responsible Authority(ies)/Main National Partner(s)	<ul style="list-style-type: none"> • International Protection Agency (IPA) • Ministry for Home Affairs, Security and Employment of the Republic of Malta
Operational Preconditions	<ul style="list-style-type: none"> • IPA will ensure that the medical check proceedings will have been concluded before the third country nationals can start the asylum procedure; • Where necessary, joint standard operating procedures (SOPs) are established, and regular coordination meetings are held between concerned representatives of the responsible authorities and EUAA to mainstream collaboration and Plan implementation; • A bi-directional data sharing on the outputs of EUAA deployed personnel under the performed operational activities and detailed overall national data on the respective statistical indicator; • IPA will increase to an adequate level the number of its personnel (among others), with a view to achieving a sustainable national capacity to process asylum applications in a timely manner and support relocation/VSM activities; • IPA will ensure to increase its interpretation services capacity to ensure swift access to international protection and to support relocation/VSM activities in a timely manner.
Outputs	<ul style="list-style-type: none"> • Support the implementation of relocation activities under the Voluntary Solidarity Mechanism (VSM). • Support the onboarding of IPA personnel and facilitating the handover of processes, tools and workflows.
Actions	<ul style="list-style-type: none"> • Support the matching of relocation candidates with the available pledges from Pledging States, the drafting and sharing of the relocation distribution list(s), the file processing and data checks/compilation, and, where relevant, information provision other processes when capacity allows, as per the technical non-binding SOPs; • Support the onboarding of IPA personnel, scheduling of asylum and relocation -related appointments, file quality checks and facilitating the handover of asylum processes, tools and workflows, when capacity allows. • Complementary support with physical and remote interpretation, whenever needed, in addition to the cultural mediators recruited under the AMIF National Programme.
Inputs	<p>Indicative resources:</p> <ul style="list-style-type: none"> • Deployment of asylum support teams; • Up to 3 flow management personnel to operate in IPA working locations; • Up to 3 casework team leaders to work in IPA working locations; • Provision of interpretation services – up to 15 interpreters. <p>Conditional upon EUAA assessment and approval of any request, and subject to budget availability for the present Operational Plan, support could include inter alia additional deployments, equipment, works, services, communication/promotional materials, costs for trainings/meetings/workshops, infrastructure costs, IT equipment, office supplies and other material and operational support where required for the joint EUAA and national authorities' activities.</p>

EUAA Malta Operations - Support Measures	OP 2022 EUAA resources	OP 2023 EUAA resources		OP 2024 EUAA resources*	
		Q1-Q2	Q3-Q4	Q1-Q2	Q3-Q4
MT1/3 (Asylum and TPD)	57	-15%	-40%	-80%	-90% – -100%
Interpretation support across all measures	40	-25%	-25%	-60%	-60 - 100%

* The above-mentioned scale down plan is adapted to reflect the revised technical and operational support as foreseen for 2024 in the 2022-2024 Operational Plan Amendment 3.

ANNEX II - Incident Report Form

[CONFIDENTIAL] Incident Report

Location:	
Date:	
Name of EUAA staff:	
Name of responsible National Authority Authorised Representative:	

Date of incident:

Information on the incident:

ANNEX III – Security Incident Report Form

Security Incident Report

Location:	
Date:	
Name of EUAA staff:	
Name of responsible National Authority Authorised Representative:	

1. Time of the incident:

2. Date and time of the report:

3. Type of incident:

4. Persons involved:

5. Incident description:

6. Consequences:

7. Actions taken:

8. Annexes:

9. Recipients of Security Incident Report