

OPERATING PLAN¹ 2022
AGREED BY THE EUROPEAN ASYLUM SUPPORT OFFICE² AND
BELGIUM

Valletta Harbour and Brussels
16 December 2021

¹ Any reference to “Operating Plan” shall be construed as reference to “Operational Plan” upon the entry into force of the EUAA Regulation.

² The European Asylum Support Office (hereinafter ‘EASO’) established by Regulation (EU) No 439/2010 shall be replaced by the European Union Agency for Asylum (hereinafter ‘EUAA’ or ‘the Agency’) upon the entry into force of the EUAA Regulation, whereby any reference to “EASO” should be construed as referring to the “European Union Agency for Asylum (EUAA)”.

The Executive Director of the European Asylum Support Office (hereinafter 'EASO')

and

The State Secretary for Asylum and Migration,

Having regard to Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office³ (hereinafter referred to as 'EASO Founding Regulation'), and in particular Articles 2, Article 8, 10 and 13 to 23 thereof.⁴

Hereby agree on the Operating Plan (hereinafter 'the Plan') for the provision of technical and operational assistance by EASO to Belgium.

The Operating Plan is binding in its entirety and all its parts, including annexes, have the same legal binding character and are equally important.

The implementation period of the Plan shall be from 16 December, 2021 until 31 December, 2022.

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

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

Valletta Harbour and Brussels
16 December 2021

Executive Director of the
European Asylum Support
Office

State Secretary for Asylum and Migration

Nina Gregori

Sammy Mahdi

³. OJ L 132, 29.5.2010, p. 11-28.

⁴ Any reference to the EASO Founding Regulation shall be construed as reference to the EUAA Regulation upon the entry into force of the latter. At the moment of the signature of this Operating Plan the EUAA Regulation has not yet come into application. However, any reference to the draft EUAA Regulation shall be construed as reference to the draft of 03 November 2021 and any reference to the Articles of the draft EUAA Regulation shall be construed as reference to the Articles of the final version of the EUAA Regulation upon its entry into force.

1.0. INTRODUCTION

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

- operational and technical needs of the Member State(s) whose asylum and/or reception systems are subject to disproportionate pressure;

And, upon the entry into force of the EUAA Regulation:

- 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 Asylum Support Office, including the deployment of asylum support teams.

2.0. OPERATIONAL SITUATION, NEEDS ASSESSMENT AND OBJECTIVES

The reception system in Belgium is centralised in terms of policy-making and supervision, with the federal authority for reception (Fedasil) as the authority responsible for the reception of applicants for international protection. The daily management of the centres is based on a mixed model: facilities are managed partially directly by Fedasil and partially by partner organisations contracted by Fedasil.

In the course of 2021, the number of applications for International Protection submitted in Belgium rose sharply, peaking in September 2021 with the highest number of applications since December 2015. The high rate of asylum applications in the past months has exerted heightened pressure on the national reception system. From the summer of 2018 up until early 2020, occupancy in the reception system of Belgium roughly doubled from about 16 000 to over 29 000 persons. Although the reception capacity had been steadily increasing proportionately, the occupancy rate reached a high of 96 % in September 2019. In the course of 2020 and the first half 2021, the number of persons in reception decreased slightly and stabilised at the level of about 24 000 persons. As of October 2021, total capacity stands at appr. 27 000 persons. The occupancy rate remains at sustained high levels up to 96 % in September 2021.

The current level of asylum applications still exceeds the maximum absorption capacity (around 2 000 persons per month) of the national reception system. As a result, there is currently a significant delay before new applicants can be assigned to a reception facility.

Moreover, the high number of unaccompanied minors applying for asylum in Belgium (2 400 children so far in 2021, or 12 % of the total) further stretches the capacity of the reception system a given the special provisions that apply to this applicants' group, especially as regards vulnerability.

In respect of reception management, applicants first report to the arrival centre in Brussels, where they may stay for three to five days in principle, before they are assigned to a reception facility corresponding to their profile. This would be typically a collective reception facility. Applicants with special needs and vulnerabilities should be directly assigned to small-scale or individual accommodation. Belgium has a buffer policy in place and emergency places become available exceptionally and temporarily, only when no buffer places are available.

Although the majority of persons under the reception system of Belgium consists of asylum applicants (88 %), the increasing share of rejected applicants still residing in the reception facilities (8 % from 2 % in the beginning of the year) may indicate delays in the outflow from reception which contribute to increased needs in reception capacity in the country.

In addition, the high proportion of nationals from Afghanistan in the national reception system is already leading to the lengthening of stay in reception facilities. Indeed, due to the volatile situation in their home country, all notifications of decisions for applicants from Afghanistan have been temporarily suspended since August and provisionally until at least the beginning of 2022. This affects directly the outflows from reception and by consequence, the turnover in reception.

Other drivers of the increased reception needs, as identified by Fedasil, include: (i) the loss of capacity due to flooding in Wallonia which resulted in three facilities no longer being available, (ii) the resettlement programme that also uses the reception network, (iii) an increase in the length of stay in reception, (iv) the evacuation from Afghanistan, and (v) COVID-19 requirements.

Belgian authorities are working to enhance the capacity and resilience of the reception system, while an increase in the staff of asylum authorities should enable a much faster processing of applications. However, these solutions are not yet in place and the reception system is being stretched to its limits, with demand outweighing the supply of places available.

Against this backdrop, on 5 November 2021, the Belgian State Secretary for Asylum and Migration addressed a letter to the Executive Director of EASO requesting support from the Agency considering the extraordinary pressure on the country's reception system.

The Belgian authorities requested EASO to provide support in enhancing the capacity of existing reception sites and setting up new reception facilities. The First Response Team of the Agency conducted a Joint Rapid Needs Assessment during the period of 29 November to 02 December with FEDASIL. The joint assessment resulted in the identification of needs and proposed intervention from the Agency to support Belgium. Based on this, the First Response Team of the Agency developed the first Operating Plan for Belgium through further consultation and agreement with the relevant Belgian authorities.

In accordance with the operational situation and needs assessment described herewith, the Parties agree to pursue the achievement of the following operational objectives and results:

Measure BE-FR 1: First Response to address emergency Reception Needs

Expected Outcome: *Enhanced capacity of the Belgian authorities to respond to emergency reception needs*

Measure BE-REC 2: Medium-term Response to increase reception capacity

Expected Outcome: *Enhanced capacity of the Belgian authorities to provide reception conditions in line with CEAS and EASO standards*

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

The designated Plan Coordinator(s), 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 measures 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
Federal agency for the reception of asylum seekers	Reception of applicants for international protection and other target groups

	Coordination of voluntary programmes
State Secretary for Asylum and Migration	Policy-making on asylum and reception, proposes measures to the Council of Ministers.
Immigration Office	Responsible for the registration and lodging of asylum applications, involved in the workflow of the arrival centre in Brussels.
Fedasil partner organisations	Currently: Croix Rouge Belgique, Rode Kruis Vlaanderen, Samusocial [municipal emergency service providing assistance to homeless and asylum seekers], Mutualités socialistes [mutual insurance company], Caritas International, Le CIRE, private partners. Management of collective reception centres, contracted by Fedasil.

4.0 MONITORING AND EVALUATION FRAMEWORK

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

In terms of monitoring, EASO 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) evaluations⁵ can be carried out in order to take stock of lessons learned and good practices. The evaluation(s) will be conducted in line with EASO'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 EASO 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.

Upon the entry into force of the EUAA Regulation: 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 Plan. For transparency and accountability purposes, evaluation report(s) may be shared publicly on the Agency's website after internal checks have been made to ensure compliance with applicable provisions in Regulation (EU) No 2018/1725⁶ and Regulation (EU) No 1049/2001⁷.

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

⁵ Should the EUAA Regulation enter into force during the term of the Plan, a final evaluation will be mandatory and subject to a prescribed deadline in line with the applicable Articles.

⁶ 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).

⁷ 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).

5.0 LEGAL FRAMEWORK

5.1 General legal basis for the Plan

Current legal basis:

The EASO Founding Regulation, in particular Article 2 (2) and (3), (4) and (5) thereof, foresees that EASO shall provide effective operational support to Member States subject to particular pressure on their asylum systems, drawing upon all useful resources at its disposal, which may include the coordination of resources provided by the Member States, as well as technical assistance in regard to the policy and legislation of the EU in all areas having a direct or indirect impact on asylum.

The definition of particular pressure on the asylum and reception system is laid down in Article 8 of the EASO Founding Regulation.

EASO may support the Member State(s) by coordinating action to help facilitate an initial analysis of asylum applications under examination by the competent national authorities (Article 10(a)), action designed to ensure that appropriate reception facilities can be made available by the Member States, in particular emergency accommodation, transport and medical assistance (Article 10(b), and other technical and operational assistance through the deployment of asylum support teams (Article 10(c)).

The operating arrangements of the deployment of the asylum support teams are governed by Chapter 3 of the EASO Founding Regulation, and in particular Articles 13 to 23.

Legal basis upon the entry into force of the EUAA Regulation:

Regulation (EU) No 439/2010 shall be replaced for Member States bound by the EUAA Regulation in accordance with Article 72 of the draft EUAA Regulation. Regulation (EU) No 439/2010 shall be repealed with effect from the date of entry into force of the EUAA Regulation and the present operating plan shall be implemented in accordance with the Articles 1, 2, 3, 16 to 20 and 23 to 28 of the draft EUAA Regulation.

5.2. Legal framework applicable to the Plan

EASO 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 EASO 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 respects to 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 EASO 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 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 persons 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 persons who are in need of international protection. To that end, participants in EASO operational support under this Plan shall comply and act in accordance with the 'EASO Code of Conduct for persons participating in EASO operational support activities'. Participants in operational support activities will be requested to sign a declaration on compliance with the EASO Code of Conduct.

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

Upon the entry into force of the EUAA Regulation:

In this respect, upon the entry into force of the EUAA Regulation (and pursuant to Article 49 of the current draft thereof), a Fundamental Rights Officer shall be appointed by the Management Board from a selection of candidates proposed by the Executive Director and 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 also be in charge of implementing the complaints mechanism⁸.

Also upon the entry into force of the EUAA Regulation, 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 through the complaints mechanism⁹, set up by the Agency.

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

Without prejudice to the public right of access to documents, as laid down in Regulation (EC) 1049/2001¹⁰ and the EASO implementing rules on access to documents¹¹, 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.

EASO 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 2018¹² 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.

⁸ As soon as it is established in the EUAA, following the entry into force of the EUAA Regulation.

⁹ As soon as it is established in the EUAA, after coming into application of the EUAA Regulation.

¹⁰ 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

¹¹ 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

¹² Corrigendum, OJ L 127, 23.5.2018, p. 2 ((EU) 2016/679)

Whenever personal data is processed by EASO within the activities agreed in the current Plan, EASO 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 to activities under this Plan are only allowed to access the data bases mentioned below, under section 6.

EASO 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 EASO personnel working on behalf of the Member State authorities can be processed in the EASO 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 EASO.

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 EASO 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 EASO and/or the European Union, where such writings or work relate to activities undertaken in the context of the Plan. EASO and/or the Union acquires irrevocably ownership of the results and of all intellectual property rights, such as copyright and any other intellectual or industrial property rights, on the materials produced specifically for EASO 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 Framework Contracts concluded by EASO 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 21 and 22 of the EASO Founding Regulation will be applicable to all members of the asylum support teams deployed in the host Member State.¹³

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 EASO 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 EASO budget, as well as when they impact on and/or require an amendment of the agreed Outcome(s).

¹³ Reference to Articles 21 and 22 of the EASO Founding Regulation shall be construed as reference to Articles 26 and 27 of the draft EUAA Regulation.

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 EASO and the host Member State in line with Article 18(2) of the EASO Founding Regulation.¹⁴

Changes to agreed Outcome(s) 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

After the entry into force 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, 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.¹⁵

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 EASO 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, 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 EASO 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 execution of measures agreed in the Plan.

EASO will:

- designate an overall Plan Coordinator (also referred to as Union Contact Point in accordance to Article 20 of EASO 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 EASO.

¹⁴ Reference to Article 18(2) of the EASO Founding Regulation shall be construed as reference to Article 18(5) of the draft EUAA Regulation.

¹⁵ In accordance with Article 18(6)(c) of the draft EUAA Regulation.

- 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 EASO in the framework of this Plan, according to the applicable EASO rules.

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:

- EASO Operational Deployment Management System (ODMS)
- EASO 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 EASO 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 EASO 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

Under the EASO Founding Regulation:

The asylum support teams may consist of the following categories of resources, being members of the asylum support teams:

- a) Member States experts, i.e., experts made available through contributions to the Asylum Intervention Pool by EU Member States via national expert pools on the basis of defined profiles, in accordance with Article 15 of the EASO Founding Regulation;
- b) Associate Countries experts, i.e., experts considered to be Member States experts, made available through contributions to the Asylum Intervention Pool by associate countries referred to in Article 49 of the EASO Founding Regulation, with which the European Union has an arrangement in place on the modalities of its participation in EASO's work. Currently such arrangements have been concluded with the Kingdom of Norway, the Principality of Liechtenstein, the Swiss Confederation, and the Republic of Iceland;

- c) Individual experts, i.e., experts considered to be Member States experts, made available through contributions to the Asylum Intervention Pool by EU Member States via national expert pools on the basis of defined profiles, in accordance with Article 15 of the EASO Founding Regulation, but whereby the Member State does not have an employment relationship with the individual expert;
- d) EASO staff members, i.e., statutory staff employed by the Agency (temporary and contract staff) subject to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union¹⁶;
- e) 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 Agency¹⁷ for the provision of support to its operational activities;
- f) 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 temporary agency workers, or with remunerated external experts in line with Article 93 of EASO Financial Regulation¹⁸.

The implementation of the Plan shall be based on the common understanding that the provision of resources, other than EASO (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 EASO 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.

Upon the entry into force of the EUAA Regulation:

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 Union¹⁹;
- ii. Member States experts, including Member State experts made available through the Asylum Reserve Pool;
- 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 draft EUAA Regulation, with which the European Union has an arrangement in place on the modalities of its participation in EASO'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 Agency²⁰ 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

¹⁶ As laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, OJ L 56, 4.3.1968, p.1

¹⁷ By virtue of 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).

¹⁸ 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.

¹⁹ As laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, OJ L 56, 4.3.1968, p.1.

²⁰ 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 EASO Financial Regulation²¹.

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 teams members is and remains their employer.

7.0 SECURITY AND SAFETY

The principles of EASO's Security Governance Framework²² 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 EASO 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.

EASO 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 EASO 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 a 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 EASO 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 regards to the

²¹ 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.

²² Decision of the Executive Director No 61 of 12 April 2021 on the Security Governance Framework.

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 EASO Security sector, EASO operational staff shall have access to independent radio communication equipment. If possible, the 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 framework²³. EASO's security responsible shall be involved in supporting the proper classification of relevant information.
- Security of IT and communication equipment. EASO 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 EASO Code of Conduct as well.
- Reporting security incidents from the operational area to the EASO HQ 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

EASO 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 EASO Plan Coordinator and the EASO security responsible shall be informed without delay.

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

7.4. Security incident reporting

²³ Including, *inter alia*, the security principles contained in Commission Decision (EU, Euratom) 2015/444.

Any participant in EASO'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 EASO and to the Host Member State Coordinator for the Plan via the appropriate channel: security_incidents_operations@easo.europa.eu. Such an incident is to be reported using the **Security Incident Report Form (Annex III)**.

8.0. COMMUNICATION

The Executive Director will designate the Union Contact Point referred under Article 20 of the EASO Regulation, who acts as an interface between EASO, the host Member State, and the members of the asylum support teams. The Union Contact Point provides assistance, on behalf of EASO, on all issues relating to the conditions of deployment of the asylum support teams, monitors the correct implementation of the Plan, and reports to EASO on all aspects of the asylum support teams' deployment. Upon entry into force of the EUAA Regulation, the Union Contact Point will assume the functions of Coordinating Officer.

The host Member State and the Union Contact Point 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 EASO support tools. Should such need be identified or changed during the Plan implementation, it shall be communicated to EASO for further consideration.

EASO will maintain close cooperation and communication with the relevant stakeholders. EASO 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 EASO transparency and communication policies. The timing and content of communication with the media shall be agreed upon between EASO and the host Member State.

Where relevant, the two Parties will facilitate media coverage to ensure a 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, the Agency may brand its operational activities to ensure appropriate visibility. This includes the application of fixed branding and 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

All activities under this Plan will be closely coordinated with the host Member State and in close cooperation with the European Commission.

9.2. Cooperation with UNHCR

In accordance with Article 50 of the EASO Regulation²⁴, EASO aims at a coherent and complementary continuation of the fruitful cooperation with UNHCR. The Union Contact Point will liaise with the UNHCR 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.

9.3. Cooperation with IOM

In accordance with Article 52 of the EASO Regulation, in July 2019 EASO 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 Union Contact Point 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.

²⁴ Reference to Article 52 of the EASO Regulation shall be construed as reference to Article 38 of the draft EUAA Regulation.

ANNEX I – Operational Measures

Measure BE-FR 1: First Response to address emergency Reception Needs	
Expected Outcome: <i>Enhanced capacity of the Belgian authorities to respond to emergency reception needs</i>	
Responsible Authority(ies)/Main National Partner(s)	<ul style="list-style-type: none"> Federal agency for the reception of asylum seekers Agence fédérale pour l'accueil des demandeurs d'asile Federaal agentschap voor de opvang van asielzoekers (Fedasil)
Operational Preconditions	<ul style="list-style-type: none"> The host Member State will be responsible for securing any permits, including physical access, required for the design / delivery / installation of the agreed material support. Joint standard operating procedures are established, and regular coordination meetings are held among the concerned representatives of the national authorities and with EASO to ensure effective collaboration and coordination. Quarterly Measure Steering Committee meetings are held between EASO and the beneficiary national authorities in order to ensure effective operational coordination, implementation and monitoring of the Plan. The Belgian authorities make available the necessary office space for the Agency's deployed personnel and provide the necessary equipment for implementation of the activities, unless otherwise agreed. A bi-directional data sharing procedure is in place between EASO and the Belgian authorities to measure the impact of the intervention. An agreement on the technical specifications for the containers is reached in a timely manner. The reception²⁵containers will remain under the ownership of EASO
Outputs	BE- FR 1.1: Increased capacity and improved quality of emergency reception response
Actions BE- FR 1.1: Increased capacity and improved quality of emergency reception response	<p>The Belgian authorities are assisted in the increase and improvement of temporary reception capacity through the following activities:</p> <ul style="list-style-type: none"> Provision of material/in-kind support to temporarily expand and improve reception capacity of already existing facilities Support to the management and operation of the facilities through deployment of reception personnel to allow further increase in reception capacity. Provision of interpretation services Provision of training to reception officers

²⁵ The term "reception container" includes all possible categories of containers used in support of the reception system (including, inter alia, accommodation, sanitary, administrative, communal spaces etc.)

<p>Inputs</p> <p>BE- FR 1.1: Increased capacity and improved quality of emergency reception response</p>	<p>Indicative inputs:</p> <p><u>Material support:</u> Emergency provision of up to a maximum of 150 reception containers</p> <p><u>Human resources:</u> Senior Reception Center and Site Management Expert: 2 Junior Asylum Information Provision Expert: 8 Junior Social Worker: 5 Senior Social Worker: 1 Intermediate Reception Child Protection Expert: 4 Intermediate Reception Training Expert: 1</p> <p>Provision of interpretation services: 25 interpreters</p> <p><u>Equipment, material and operational support:</u> Provision of equipment, material and operational support, including inter alia works, services, communication/promotional materials, costs for trainings/meetings/workshops, infrastructure costs, IT equipment, office supplies and others where required for the joint EASO and national authorities' activities.</p> <p><i>All mentioned inputs are subject to the Agency budget availability.</i></p>
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<p>Measure BE-REC 2: Medium-term Response to increase reception capacity</p> <p>Expected Outcome: <i>Enhanced capacity of the Belgian authorities to provide reception conditions in line with CEAS and EASO standards</i></p>	
<p>Responsible Authority(ies)/Main National Partner(s)</p>	<ul style="list-style-type: none"> • Federal agency for the reception of asylum seekers Agence fédérale pour l'accueil des demandeurs d'asile Federaal agentschap voor de opvang van asielzoekers (Fedasil) • DVZ (Foreigners' office) • Cabinet of state secretary for asylum and migration
<p>Operational Preconditions</p>	<ul style="list-style-type: none"> • The host Member State will be responsible for securing any permit, including physical access, required for the design / delivery / installation of the agreed material support. • The host Member State will be responsible for identifying possible sites for the establishment of a modular emergency reception centre • The implementation of sub-measure BE-REC 2.2 is conditional on the outcome of the site evaluation • The reception containers will remain under the ownership of EASO • Joint standard operating procedures are established, and regular coordination meetings are held among the concerned representatives of the national authorities and with EASO to ensure effective collaboration and coordination. • Quarterly Measure Steering Committee meetings are held between EASO and the beneficiary national authorities in order to ensure

	<p>effective operational coordination, implementation and monitoring of the Plan.</p> <ul style="list-style-type: none"> • The Belgian authorities make available the necessary office space for the Agency’s deployed personnel and provide the necessary equipment for implementation of the activities, unless otherwise agreed. • A bi-directional data sharing procedure is in place between EASO and the Belgian authorities to measure the impact of the intervention.
Outputs	<p>BE- REC 2.1: Site evaluation for the establishment of a modular emergency reception centre</p> <p>BE-REC 2.2: Support in the establishment of a modular emergency reception centre</p> <p>BE-REC 2.3: Support for the enhancement of arrival processes</p>
Actions	
BE- REC 2.1: Site evaluation for the establishment of a modular emergency reception centre	<p>Provision of support to Belgian authorities for conducting a joint evaluation of sites available for the establishment of a modular emergency reception facility in line with CEAS and EASO reception standards (identifying possible locations including access to services, site analysis)</p>
BE-REC 2.2: Establishment of a modular emergency reception centre	<p>Provision of support to Belgian authorities in the following areas:</p> <ul style="list-style-type: none"> • Joint site planning and site design • Material/in-kind support for the establishment of a modular emergency reception centre according to CEAS and EASO reception standards • Support to the management and operation of an emergency reception facility through deployment of reception personnel • Provision of training to new and experienced personnel, according to their tasks, either based on the EASO Training Curriculum, modules or through tailor-made sessions; support in the delivery of national (FEDASIL) training modules • Provision of interpretation services
BE-REC 2.3: Support to the enhancement of arrival processes	<ul style="list-style-type: none"> • Support in the review and adjustment of arrival processes • Study/exchange visits to other MS to identify best practices in managing arrival processes.
Inputs	
BE- REC 2.1: Site evaluation for the establishment of a modular emergency reception centre	<p><u>Human resources:</u> Reception Center Design/Construction Expert: 1</p>

<p>BE-REC 2.2: Establishment of a modular emergency reception centre</p>	<p><u>Material support:</u> Provision of up to 250 reception containers based on thorough joint needs assessment.</p> <p><u>Human resources may include:</u> Senior Reception Center and Site Management Expert: 1 Junior Asylum Information Provision Expert: 8 Junior Social Worker: 5 Senior Social Worker: 1 Intermediate Reception Child Protection Expert: 4</p> <p>Provision of interpretation services: 25 interpreters</p> <p><i>Detailed information on the human resources necessary for this output will be available upon completion of the site evaluation and relevant consultations with Belgian authorities</i></p> <p><u>Training:</u> Provision of training of new as well as experienced staff based on a Training Needs analysis</p> <p>According to the different functions of staff to be trained, EASO can deliver existing EASO modules or can support Fedasil in delivering their modules. Sessions may also be tailor-made in line with the needs identified by the authorities.</p>
<p>BE-REC 2.3: Support to the enhancement of arrival processes</p>	<p><u>Human resources:</u> Reception expert: 1 Reception processes expert: 1 EASO will offer technical advice based on needs and availability of resources</p> <p>Provision of equipment, material and operational support, including inter alia works, services, communication/promotional materials, costs for trainings/meetings/workshops, infrastructure costs, IT equipment, office supplies and others where required for the joint EASO and national authorities' activities.</p> <p><i>All mentioned inputs are subject to the Agency budget availability.</i></p>

ANNEX II - Incident Report Form

[CONFIDENTIAL] Incident Report

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

Date of incident:

Information on the incident:

ANNEX III – Security Incident Report Form

[CONFIDENTIAL] Security Incident Report

Location:	
Date:	
Name of EASO 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