

**OPERATIONAL PLAN 2022-2023**

**AGREED BY THE EUROPEAN UNION AGENCY FOR ASYLUM**

**AND**

**THE NETHERLANDS**

Valletta Harbour and the Hague

December 2022

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

and

The Chairman of the Board of the Central Agency for the Reception of Asylum Seekers of the Netherlands (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 439/2010<sup>1</sup> (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 Operational Plan 2022 agreed between the European Union Agency for Asylum and the Netherlands on 5 May 2022, with an implementation period until 31 December 2022 (hereinafter ‘the Plan’),

Considering the persisting pressure on the reception system of the Netherlands, further accentuated during the implementation of the Plan,

Hereby agree on the present Amendment 1 of the Plan for the provision of technical and operational assistance by EUAA to the Netherlands.

The present Amendment 1 supersedes the Plan of 5 May 2022 and is binding in its entirety, including annexes.

The implementation period of the Plan shall be until 31 December, 2023.

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 Harbour and the Hague  
December, 2022

Executive Director of the  
European Union Agency for  
Asylum

Nina Gregori  
*e-Signed on 22 December 2022*

The Chairman of the Board of the Central Agency  
for the Reception of Asylum Seekers

Milo Schoenmaker  
*Signed*

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<sup>1</sup> 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**

In the course of 2021, the Netherlands experienced a sharp increase in the occupancy in reception centres, following the relaxation of COVID-related travel restrictions. The number of applicants for international protection has grown, including evacuated Afghan nationals and family members of beneficiaries of protection in the Netherlands who could not travel to the Netherlands earlier because of the travel restrictions.

The sharp increase in applications exerted heightened pressure on the national reception system. As a result, the occupancy in reception centres grew from 26 925 to 35 764 in the period between June and December, 2021. In 2022, the number of persons in reception increased at an even faster pace to reach about 49,750 persons in October 2022. In this context, the Dutch authorities sought to expand the reception capacity of the Central Agency of the Reception of Asylum Seekers (COA) by the end of 2022 and started exploring alternative solutions including an increase in the use and enhancement in the quality of temporary emergency facilities.

In September 2021, COA announced the urgent need for 4,000 places, due to an increase in the number of applications, the fact that recognised beneficiaries of international protection stay longer in reception due to shortages on the housing market, and the arrival of evacuees from Afghanistan, who were temporarily accommodated at emergency locations of the Ministry of Defense.<sup>2</sup> The organisation managed to create 6,000 additional places by the beginning of November 2021, typically temporary places, with duration varying from 4 weeks to 6 months. In the medium run, the urgent need to create more structural places remained. The issue was the most visible in Ter Apel (occupancy went up by 167 %), with the next two phases following suit with a rise of 56 % and 16 % respectively. In 2022, COA continued to work intensively to increase the regular and emergency reception capacity.

### **Use of emergency reception**

In 2022 emergency reception facilities have been used on a large scale in the Netherlands. When the regular accommodation capacity is exhausted, COA is required to organise temporary emergency locations (*noodopvang*). During the course of 2022 it was determined that COA, even with the use of temporary emergency locations, was unable to provide accommodation to all persons who were entitled to material reception. As a result the Dutch government activated the national crisis structure by which the municipalities got the responsibility to arrange reception in temporary crisis emergency locations (*crisisnoodopvang*). This is short-term accommodation intended for no longer than a few

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<sup>2</sup> Central Agency for the Reception of Asylum Seekers | Centraal Orgaan voor asielzoekers (COA). (10 September 2021). Update: [Benodigde opvangcapaciteit COA \[Update: Required COA reception capacity\]](#).

weeks in facilities that the government normally deploys during a disaster or crisis such as event halls.<sup>3</sup> In November 2022, the Netherlands had more than 8.000 crisis emergency places operable. Crisis emergency places are expected to be necessary in (the first quarter of) 2023 as well.

Over the course of 2022, many asylum seekers had to be accommodated in emergency reception facilities due to the shortage of regular COA-accommodations. Triggers for this shortage are the higher influx of applicants, difficulties on the side of the Dutch migration service to keep up with this higher influx and challenges in housing permit holders within a few months. Even though municipalities are making progress as regards the latter, the Netherlands still has about 17.000 permit holders staying in COA-locations.

### **Unaccompanied children**

The high number of unaccompanied children applying for asylum in the Netherlands (close to 3,500 applications were lodged by unaccompanied children between January and October 2022, accounting for 12 % of all applications for international protection in the country) places additional stress to the reception system particularly on the vulnerability aspect as special provisions apply to this applicants' group. In detail, three times as many UAMs are hosted in reception facilities compared to a year before. On 1 November 2022 approximately 2.130 unaccompanied children were accommodated at COA's reception facilities for this specific group.

The Netherlands has seen a strong upward trend of the number of unaccompanied children seeking asylum in the Netherlands and expects that this trend will continue in 2023. COA has calculated that by the end of 2023 it will require a capacity of a little over 5000 places for this group. This means a sharp increase from the current capacity. Also in the short term it urgently needs extra places for unaccompanied children. It will also need to hire additional personnel involved with the guidance and support for this group. The Minister for Migration noted that - due to the shortage in places for unaccompanied children, in the case of a shortage of specific places, unaccompanied children aged 17 years and 9 months are accommodated in regular reception places, instead of specific ones for children. Nidos expressed concerns about this change, as the legal representative of unaccompanied children, but agreed that there was no other option available.

In order to facilitate the functioning of COA, the Dutch coalition agreement from 15 December 2021 includes provisions for making the financing of the organisation more stable through structural investment. As part of the Implementation Agenda for Making the Asylum Chain more flexible, COA has also been considering setting up multi-functional places, which could be used as student dormitories or as general emergency shelters, when the reception capacity needs to be scaled down.

### **Conclusion and forecast**

COA calculated that by the end of 2023, it will need a total capacity of 75.500 places. This means a sharp increase from the capacity of approximately 55.000 places per 1 December 2022. It should be noted that this growth needs to be achieved under very challenging circumstances, as The Netherlands is experiencing a shortage in both housing and personnel.

With regards to the required staff; in 2022 COA announced that it would also need to significantly increase the number of its employees. On 1 July 2022 COA employed approximately 4200 people. By 5 December 2022 this number had grown to 5000 employees. For 2023 the organisation will need to continue to grow.

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<sup>3</sup> Rijksoverheid, ‘Welke opvang is er voor asielzoekers?’, <https://www.rijksoverheid.nl/onderwerpen/asielbeleid/vraag-en-antwoord/soorten-opvang-asielzoekers#:~:text=Noodopvang,standaard%20opvanglocaties%20van%20het%20COA>, last accessed on 31 October.

Against the backdrop of the challenges COA was faced with at the end of 2021, on 21 December 2021, the Minister for Migration addressed a letter to the Executive Director of EASO (hitherto EUAA) requesting support from the Agency considering the pressure on the country's reception system and focusing particularly on the need to create swiftly additional emergency reception capacity through the deployment of temporary accommodation units (containers).

Subsequently, the two parties reached an agreement to conduct a joint rapid needs assessment with the aim to identify areas where operational support may be potentially provided by the Agency. The aim of the needs assessment was the following: a) to assess the needs of the reception system in the Netherlands, in terms of additional emergency reception capacity; b) consider the potential scope for an EUAA intervention; c) identify and define estimated duration of the potential intervention and the specific potential actions.

The previously conducted JRNA along with the ongoing monitoring of needs throughout the implementation of activities, requires a continued support to the NL authorities

Therefore, the proposed response for 2023 combines:

- a) the immediate support to the reception system through the increase of the temporary reception capacity; and,
- b) support through the deployment of EUAA personnel
- c) contribution to, and collaboration on, contingency planning.

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:

**Expected Outcome 1.1: Enhanced capacity of the Dutch authorities to respond to emergency reception needs.**

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

The designated Coordinating Officer(s)/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:

<b>Organisation</b>	<b>Responsibilities</b>
<b>Central Agency for the Reception of Asylum Seekers (Centraal Orgaan opvang asielzoekers)</b>	COA is the authority responsible for the reception of applicants for international protection in the Netherlands. It is an independent administrative body falling under the political responsibility of the State Secretary of Justice and Security. COA has been responsible for applicants' reception since 1994. It has currently approximately 3600 employees.
<b>Ministry of Justice and Security</b>	The Ministry of Justice and Security, more specifically the Directorate General of Migration, is the entity responsible for regulating migration in the Netherlands.

## **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) evaluations<sup>4</sup> 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 be made publicly available on the Agency's website after internal checks have been made to ensure compliance with the applicable provisions in Regulation (EU) No 2018/1725<sup>5</sup> and Regulation (EC) No 1049/2001<sup>6</sup>.

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.

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<sup>4</sup> Article 16(4) and Article 18(2)(k) EUAA Regulation.<sup>5</sup> 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).

<sup>5</sup> 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).

<sup>6</sup> 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).

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 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 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 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 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 on compliance with the EUAA Code of Conduct.

Participants in EUAA's operational activities<sup>7</sup> 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](mailto: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 EUAA<sup>8</sup>.

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<sup>7</sup> 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.

<sup>8</sup> As soon as it is established in the EUAA.

Under the complaints mechanism set up by the Agency<sup>9</sup>, 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.

#### **5.4. 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 1049/2001<sup>10</sup> and the EUAA implementing rules on access to documents<sup>11</sup>, 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 2018<sup>12</sup> 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 to 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

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<sup>9</sup> As soon as it is established in the EUAA.

<sup>10</sup> 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

<sup>11</sup> 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

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

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 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') <sup>13</sup> 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 Netherlands, including to the Asylum Support Teams. 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.

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

## **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.
- 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 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 with 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 Union<sup>14</sup>;
- 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 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 Agency<sup>15</sup> 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 temporary agency workers, or with remunerated external experts in line with Article 93 of EUAA Financial Regulation<sup>16</sup>.

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

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<sup>14</sup> As laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, OJ L 56, 4.3.1968, p.1.

<sup>15</sup> 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).

<sup>16</sup> 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.

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 EUAA's Security Governance Framework<sup>17</sup> 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 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 EUAA on the other shall appoint a single point of contact responsible for security matters and a point of contact responsible for occupational safety and health matters under the Plan both at central and local level (hereafter 'security responsible' and 'safety 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.

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<sup>17</sup> Decision of the Executive Director No 61 of 12 April 2021 on the Security Governance Framework.

- Communication tools. As considered relevant by the EUAA Security sector, EUAA 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 framework<sup>18</sup>. 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 participant<sup>19</sup> 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](mailto:duty.officer@euaa.europa.eu). Such an incident is to be reported using the Security Incident Report Form (Annex III). Should the incident be of concern also for the Host Member State, EUAA shall inform without unnecessary delay the Host Member State Coordinator for the Plan, via the Security responsible person, or other appropriate channels as deemed necessary.

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<sup>18</sup> Including, *inter alia*, the security principles contained in Commission Decision (EU, Euratom) 2015/444.

<sup>19</sup> 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 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 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, EUAA 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 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 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<sup>20</sup>, In 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.

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<sup>20</sup> Reference to Article 52 of the EASO Regulation shall be construed as reference to Article 38 of the EUAA Regulation.

## ANNEX I – Operational Measures

<b>Measure NL – FR 1: First operational response to address temporary reception needs</b>	
<b>Expected Outcome 1:</b> <i>Enhanced capacity of the Dutch authorities to respond to emergency reception needs</i>	
<b>Responsible Authority(ies)/Main National Partner(s)</b>	<ul style="list-style-type: none"> <li>Central Agency for the Reception of Asylum Seekers (Centraal Orgaan opvang aielzoekers)</li> <li>Ministry of Justice and Security</li> </ul>
<b>Operational Preconditions</b>	<ul style="list-style-type: none"> <li>Joint standard operating procedures are established, and regular coordination meetings are held among the concerned representatives of the national authorities and with EUAA to ensure effective collaboration and coordination.</li> <li>Quarterly Measure Steering Committee meetings are held between EUAA and the beneficiary national authorities in view of ensuring effective operational coordination, implementation and monitoring of the Plan.</li> <li>A bi-directional data sharing procedure is in place between EUAA and the Dutch authorities to measure the impact of the intervention.</li> <li>The host Member State will be responsible for securing all permits necessary, including expansion of site capacity, environmental standards and physical access required for the design / delivery / installation / functioning of the agreed material support.</li> <li>EUAA and COA will collaborate on the development of the technical specifications for the emergency reception units, reaching an agreement in a timely manner; EUAA will provide a model for the emergency units to COA, in line with the relevant national legal framework for emergency shelters.</li> <li>The reception containers will remain under the ownership of EUAA</li> <li>Responsibility for structural maintenance of containers, if needed, rests with EUAA. The Host Member State is responsible for routine maintenance of the reception units.</li> <li>EUAA and COA will consider aspects of environmental sustainability in the design, production, and installation of the emergency reception units</li> <li>EUAA is responsible for the dismantling and disposal of containers after they cease to be used by COA.</li> <li>An agreement is reached between EUAA and COA on practical and administrative arrangements necessary for the deployment of EUAA personnel, e.g., as regards linguistic requirements and professional certification</li> <li>The pending legislative initiative by Dutch authorities ("Spreidingswet" ) has been approved and entered into force before COA can be supported with an enhanced contingency plan (NL-FR 1.2)</li> </ul>
<b>Outputs</b>	<ul style="list-style-type: none"> <li><b>NL-FR 1.1: Support in the increase of emergency reception capacity</b></li> <li><b>NL-FR 1.2: Support the enhancement of COA's contingency planning framework</b></li> </ul>

<p><b>Actions</b></p> <p><b>NL-FR 1.1</b></p>	<p>The Dutch authorities are supported in the increase of (emergency) reception capacity through the following activities:</p> <ul style="list-style-type: none"> <li>• COA and EUAA will undertake an exercise in lessons learned as a follow-up to the delivery of emergency reception units, already delivered and installed. This will result in the definition of joint recommendations concerning material support provided in the field of emergency reception by EUAA across First Response activities</li> <li>• EUAA to provide reception units to temporarily expand reception capacity of already existing or new facilities</li> <li>• EUAA to support the operation of reception facilities through deployment of reception personnel.</li> <li>• EUAA and COA will collaborate to achieve enhanced contingency planning in the field of management of reception capacity</li> </ul>
<p><b>Inputs</b></p>	<p><u>Indicative inputs:</u></p> <p><b>All mentioned inputs are subject to Agency budget availability</b></p> <p><i>In-kind support:</i> Provision of up to 320 temporary reception containers</p> <p><i>Human resources:</i> Reception experts (including inter alia information provision experts, child protection experts, vulnerability experts): up to 50 Planning and preparedness expert: 1 Interpreters: up to 25</p> <p><i>Equipment, material and operational support:</i> Conditional on an agreement between EUAA and Dutch authorities and subject to budget availability for the present Operational Plan material and operational support by the Agency could include inter alia provision of equipment, works, services, communication/promotional materials, costs for trainings/meetings/workshops/translations, infrastructure costs, IT equipment, office supplies and others where required for the joint EUAA and national authorities' activities.</p>