

Operational plan 2025-2026
Agreed by the European Union Agency for
Asylum and Malta

The **European Union Agency for Asylum** (hereinafter the 'EUAA' or the 'Agency'), represented for the purpose of signature of this operational plan by its Executive Director, and **Malta** (hereinafter 'host Member State'), represented for the purpose of signature of this operational plan by the Permanent Secretary of the Permanent Secretariat of the Ministry for Home Affairs, Security and Employment of the Republic of Malta,

Also jointly referred to hereinafter as 'the Parties',

Having regard to Regulation (EU) 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) 439/2010¹ (hereinafter the 'EUAA Regulation'), and in particular Articles 18, 30 and 32 thereof,

Hereby agree on this operational plan (hereinafter also 'the Plan') for the provision of operational and technical assistance by the EUAA to Malta.

The implementation period of the Plan, including the foreseeable duration of the deployment of asylum support teams, shall be from 1 January 2025 until 30 June 2026.

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

The Plan will be made publicly available on the EUAA's website.

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19 December 2024

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24 December 2024

¹ OJ L 468, 30.12.2021, p. 1.

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I. Introduction

An **operational plan** addresses the specific needs of the host Member State(s) with regard to:

- The implementation of its(their) obligations under the Common European Asylum System (CEAS);
- 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;
- Situations of disproportionate pressure or ineffectiveness of the asylum and reception systems.

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

The Plan is composed of two main parts and two annexes, which constitute an integral part thereof.

Part II. Operational plan: description of the situation, operational objectives and measures

This part provides an overview of the specific operational situation leading to the request for provision of operational and technical assistance by the Agency. It describes the operational and technical assistance measures agreed to be implemented in the framework of the Plan, including the composition of asylum support teams, and is tailored for each specific Plan.

Part III. Operational plan: general implementing provisions

This part defines the general provisions for the operational and technical assistance, including inter alia the general legal framework, implementation modalities, general operational preconditions and conditions for deployment of asylum support teams, security and safety aspects, communication, monitoring and evaluation provisions.

The Annexes complement the Plan's general implementing provisions and provide further guidance concerning the processing of personal data in the context of the implementation of the Plan's activities as well as the modalities for the assignment of remunerated external experts.

The Plan is binding in its entirety, including its Annexes, on the Agency, the host Member State and the participating Member States.

The EUAA shall share a copy of the Plan with the Members of the EUAA's Management Board for information. All versions of this document shall also be made available to the competent authorities in each EU Member State, as well as the associate countries².

² Iceland, Liechtenstein, Norway and Switzerland.

II. Operational plan: description of the situation, operational objectives and measures

1. Description of the situation in the host Member State

Following the Solidarity Declaration on 22 June 2022, the European Commission and the EU Agencies established the Voluntary Solidarity Mechanism (VSM) to provide a concrete response to the migration-related challenges faced by Member States bordering the Mediterranean. The VSM foresees the relocation of asylum seekers to pledging Member States for a duration of one year, primarily from Member States confronted with disembarkations (following search and rescue operations). The operationalisation of the VSM was initiated in Malta in September 2022.

The relocation system in Malta operates under a coordinated framework involving several actors and stakeholders holding different roles and responsibilities in ensuring the effective implementation of relocation process under the VSM. The European Commission (EC) plays a central role in the coordination and oversight of the relocation process as well as in the monitoring of the relocation process under the VSM. Moreover, the Maltese Ministry for Home Affairs, Security, and Employment (MHSE) holds a pivotal role at the national level. It is tasked with proposing and confirming relocation candidates and maintaining direct communication with the EC and Pledging Member States (PMS). Additionally, the MHSE oversees the monitoring of the relocation process. The International Protection Agency (IPA) facilitates access to comprehensive case information for relocation candidates via the National Asylum Seekers Management System (NASMS). This system allows relevant stakeholders to review the necessary documentation. IPA staff also support field operations by providing updates and notifications to applicants regarding their relocation status. The European Union Agency for Asylum (EUAA) has been supporting the Maltese authorities in executing the operational aspects of the relocation process, through the deployment of Asylum Support Teams (ASTs). Finally, the International Organisation for Migration (IOM) is also involved in the process, as it participates in country-specific information sessions in collaboration with EUAA and the MHSE and supports the implementation of transfers.

The EUAA has been providing operational support to the Maltese authorities since the initiation of VSM relocation schemes in Malta. The level of support to the Maltese authorities has progressively increased with each Amendment to the initial 2022-2024 Operational Plan (OP). Initially, support was focused on drafting redistribution lists, and information provision on relocation, as outlined in both the original Operational Plan and its subsequent Amendments 1 and 2. Under OP Amendment 3, relocation support emerged as the central focus of assistance provided to the Maltese authorities. The areas of support provided under the VSM encompass assistance to the matching of relocation candidates with the available pledges from Pledging Member States, the drafting and sharing of relocation redistribution lists, data check and compilation, ad-hoc support for information provision sessions as well as interpretation support.

As a response to the request of the Maltese authorities and following the stakeholders' consultation held between the Maltese Authorities and the EUAA Malta Management Team, a need was identified in relation to the provision of support in the area of relocation. As a result, and building upon the VSM support activities already established within the framework of the current Operational Plan for Malta, the EUAA will continue to provide support to the Maltese authorities in the area of Relocation (VSM) through the matching of relocation candidates with

the available pledges from Pledging Member States, the drafting and sharing of the redistribution list(s), data checks/compilation, information provision, as well the provision of interpretation support.

The Agency subjected the request for assistance to a thorough and reliable assessment, in accordance with Article 17(3) of the EUAA Regulation, enabling it to identify and propose the measures referred to in section 2.

2. Operational objectives and measures

The following operational and technical assistance measures are hereby agreed by the Parties to be implemented in the framework of the operational plan.

Measure MT1 - Relocation (VSM)	
Operational objective (outcome): Increased response capacity of the Maltese authorities to implement Relocation under the VSM of applicants for international protection.	
National stakeholders	<ul style="list-style-type: none"> Ministry for Home Affairs, Security and Employment of the Republic of Malta (MHSE). International Protection Agency (IPA).
Operational preconditions	<p>In addition to specific preconditions referred to in other parts of the operational plan, the following operational preconditions are agreed by the Parties:</p> <ul style="list-style-type: none"> IPA will ensure that the medical check proceedings will have been concluded before the third country nationals can start the asylum procedure; Where necessary, joint standard operating procedures (SOPs) are established, and regular coordination meetings are held between concerned representatives of the responsible authorities and EUAA to mainstream collaboration and plan implementation; A bi-directional data sharing on the outputs of EUAA deployed personnel under the performed operational activities and detailed overall national data on the respective statistical indicator; IPA will take all necessary measures to upscale its internal interpretation capacity across all asylum related activities.
Activities	<p>MT-1.1 Support the implementation of relocation activities under the Voluntary Solidarity Mechanism (VSM)</p> <ul style="list-style-type: none"> Support the Maltese authorities in setting up a pool of eligible candidates for voluntary relocation. Support the Maltese authorities in the identification of potential VSM candidates. Support the Maltese authorities with the organisation and delivery (whenever required) of general and

	<p>country specific information sessions to collect consent from applicants who are VSM relocation candidates.</p> <ul style="list-style-type: none"> • Support the Maltese authorities in the matching of candidates in the pool with the available pledges. • Support the Maltese authorities in the preparation and sharing of the redistribution list for each Pledging Member State, while conducting compilation and/or verification of applicants' data, with respect to data protection regulation and principles. <p>MT-1.2 Provision of interpretation support for asylum procedures and relocation activities.</p> <ul style="list-style-type: none"> • Support with interpretation services.
<p>EUAA resources</p>	<p><u>Deployment of asylum support teams</u></p> <p>MT - 1.1 Support the implementation of relocation activities under the Voluntary Solidarity Mechanism (VSM)</p> <ul style="list-style-type: none"> • Flow Management Support Officers (FMSOs) – 3 <p>MT-1.2 Provision of interpretation services for asylum procedures and relocation activities.</p> <ul style="list-style-type: none"> • Interpreters – Up to 10 <p>Interpretation support will be maintained until the end of 2025 with a team of 10 interpreters covering both asylum processing and VSM activities. By the end of 2025, interpretation support for asylum processing will phase out and the number of interpreters will scale down to 5. These 5 interpreters will continue to provide interpretation support for relocation activities until June 2026.</p> <p>Without prejudice to the above, interpretation services for asylum processing might be scaled down before the end of 2025 in case the IPA increases its interpretation capacity to such a degree that support is no longer required, and following a request by the Maltese authorities.</p>

The profiles and numbers of the EUAA's resources foreseen for the agreed measures intend to reflect the initial deployment planning, in line with the assessment of the situation in the host Member State, the capacity of the host Member State and the EUAA's response capacity.

If, during the operational plan implementation, operational needs change, and subject to the availability of the EUAA's resources, the deployment planning can be re-adjusted through redeployment and/or assignment of additional or fewer experts, and in accordance with the general implementing provisions of this plan. The EUAA will maintain the actual overview of deployments through the implementation period.

Where material support is provided, it shall be the host Member State's sole responsibility to ensure compliance with all applicable town planning, environmental or other national or local legislation and regulations, including by obtaining all required permits or authorisations prior to the commencement of any works or the provision of equipment by the Agency.

Moreover, in the event that the host Member State would request the Agency to repeat certain activities/tasks in relation to specific individual files, in particular when the legal validity of those activities is successfully challenged due to procedural or other defects which are not due to the fault or negligence of the Agency, the Agency reserves the right to request the host Member State to bear the related costs.

In the framework of EUAA quality mechanism, the Agency conducts quality assurance exercises. These exercises entail the quality reviews of samples of anonymised lodging interviews, first-instance interviews and opinions/recommendations, Dublin processes and vulnerability assessments carried out by the ASTs, where relevant. The sample of cases can also include anonymized cases processed by the national administrations upon request.

III. Operational plan: general implementing provisions

1. Legal framework

1.1 General legal basis for the operational 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 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 referred to in Article 14 and by providing operational and technical assistance to Member States, in particular where their asylum and reception systems are under disproportionate pressure.

Article 2(1) of the EUAA Regulation specifies the tasks the Agency is entrusted to perform, which include, in accordance with points (i), (l) and (n) thereof, providing effective operational and technical assistance to Member States, in particular when their asylum and reception systems are subject to disproportionate pressure, setting up and deploying asylum support teams, setting up an asylum reserve pool, and acquiring and deploying the necessary technical equipment for asylum support teams and deploying experts from the asylum reserve pool.

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

In line with Article 18(1) of the EUAA Regulation, this operational plan has been drawn up by the Executive Director in cooperation with the host Member State, and it is being agreed between the Executive Director and the host Member State.

In line with Article 24 of the EUAA Regulation, each Member State shall appoint a national contact point for communication with the Agency on all matters relating to operational and technical assistance.

In line with Article 18(1), the Agency has consulted the participating Member States, where necessary, on this operational plan through the national contact points referred to in Article 24.

1.2 Legal framework applicable to the operational plan

The EUAA's 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 participating persons, and assets deployed for the purpose of EUAA's activities.

References to internal acts of the EUAA included in this Plan shall be construed to include any subsequent amendments to those internal acts as well as to any other internal act replacing them.

1.3 Lawfulness

This Plan shall be implemented by the Parties and all participating Member States in full compliance with all applicable laws.

All experts participating in asylum support teams and all persons taking part in the implementation of the Plan shall respect applicable international law, European Union law and the national law of the host Member State.

1.4 Respect for fundamental rights

1.1.1 Protection of fundamental rights

In accordance with Article 57(1) of the EUAA Regulation, the Agency shall guarantee the protection of fundamental rights in the performance of its tasks under the EUAA Regulation in accordance with relevant Union law, including the EU Charter of Fundamental Rights, and relevant international law, in particular the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967.

The Parties, as well as all participating Member States, shall implement this Plan in a manner which fully respects fundamental rights and human dignity. They shall cooperate in good faith and shall exchange all necessary information for that purpose, as required by virtue of Article 4 of the EUAA Regulation.

1.4.2 The role of the Fundamental Rights Officer of the Agency

In line with Article 49(1) of the EUAA Regulation, the Fundamental Rights Officer is appointed by the Management Board and is independent in the performance of their duties.

Pursuant to Article 49(3) of the EUAA Regulation, the EUAA's Fundamental Rights Officer shall be responsible for ensuring the Agency's compliance with fundamental rights in all of its activities and promoting respect of fundamental rights by the Agency.

In line with Article 49(5) of the EUAA Regulation, the EUAA's Fundamental Rights Officer was consulted on this operational plan. The Fundamental Rights Officer will also be consulted on any amendments to this operational plan as referred to in section 1.12. hereof and shall provide observations on the detailed evaluation reports referred to in Article 16(4) of the EUAA Regulation.

Pursuant to Article 49(5) of the EUAA Regulation, the EUAA's Fundamental Rights Officer shall have access to all information concerning respect for fundamental rights in relation to the Agency's activities, including by organising visits, with the consent of the host Member State, to the places where the Agency carries out operational activities under this Plan.

The EUAA's Fundamental Rights Officer is also responsible for handling complaints received by the Agency under the complaints mechanism referred to in Section 1.4.3. hereof and shall do so in accordance with the right to good administration. In line with Article 51(4) of the EUAA Regulation, for the purpose of handling complaints, the Fundamental Rights Officer shall inform the relevant authority or body competent for fundamental rights in a Member State of a complaint. In line with Article 4 of the EUAA Regulation, all parties shall cooperate in good faith, also in view of the handling of complaints by the EUAA's Fundamental Rights Officer.

1.4.3 The complaints mechanism of the Agency

In accordance with Article 51 of the EUAA Regulation, the Agency has set up a complaints mechanism to ensure that fundamental rights are respected in its operational activities³.

Any person who is directly affected by the actions of an expert participating in an asylum support team, and who considers that their fundamental rights have been violated due to those actions, or any party representing such a person, may submit a complaint in writing to the Agency. In line with Article 51(3) of the EUAA Regulation, complaints which challenge a national authority's decision on an individual application for international protection shall be inadmissible.

Any expert participating in an asylum support team who receives any form of written communication from a complainant or from their representative containing allegations of violations of fundamental rights in the context of the Agency's activities shall forward such communication, including, where available, the contact details of the complainant or their representative, to the Fundamental Rights Officer without delay.

In accordance with Article 18(2)(n) of the EUAA Regulation, the following practical arrangements related to the complaints mechanism are being included in this operational plan, and shall be binding on the host Member State as well as all participating Member States:

- The host Member State shall cooperate in good faith and shall exchange all necessary information in a timely and accurate manner with the Agency and its Fundamental Rights Officer, as well as with home Member States where relevant, for the purpose of ensuring the proper handling and follow-up of complaints by the Agency and home Member States;
- The host Member State shall ensure that complainants are not unreasonably hindered from submitting complaints to the Agency concerning experts participating in asylum support teams, nor from accessing representatives who may submit complaints on their behalf;
- The host Member State shall ensure that information material about the complaints mechanism may be provided at the sites of the Agency's operational activities, and that information on the complaints mechanism may be provided directly to persons who may be directly affected by the actions of experts participating in asylum support teams;
- The Agency, the EUAA's Fundamental Rights Officer and all participating Member States shall handle all complaints in a confidential manner and in compliance with all applicable data protection rules, as provided in Article 51(11) of the EUAA Regulation;
- In the case of admissible complaints concerning Member State experts, including seconded national experts, home Member States shall ensure appropriate follow-up, including disciplinary measures as necessary or other measures in accordance with national law. They shall report back to the EUAA's Fundamental Rights Officer on their findings and follow-up within six months of the complaint being forwarded to them by the Fundamental Rights Officer, and at regular intervals of three months thereafter if necessary, using the templates that may be developed by the Agency for this purpose.

1.4.4 Code of conduct for experts in asylum support teams

³ The modalities governing the submission, handling and follow-up of complaints by the Agency and the Member States are laid down in Management Board Decision No 159 of 24 May 2024 on the setting up of the complaints mechanism.

Experts participating in asylum support teams shall maintain the highest standards of integrity and ethical conduct, professionalism, respect and promotion of fundamental rights and international protection.

Whilst carrying out supporting functions, experts must not discriminate on grounds of sex, race, religion, ethnic origin, age or sexual orientation. All experts 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 experts must apply a zero tolerance attitude with respect to the infringement of fundamental rights.

This obligation is particularly important when dealing with persons who are in need of international protection. To that end, experts participating in asylum support teams deployed under this Plan shall comply and act in accordance with the 'EUAA's code of conduct for experts participating in asylum support teams'⁴. All such experts will be requested to sign a declaration of compliance with the EUAA's code of conduct prior to their deployment.

Experts must inform the Agency without delay, making use of the relevant reporting channels, when they have reason to believe that a violation of the EUAA's code of conduct has occurred or is about to occur in the context of the Agency's operational and technical assistance activities.

1.4.5 Escalation of potential violations of fundamental rights by the host Member State⁵

The Agency has developed an escalation mechanism for the reporting and escalation of alleged violations of fundamental rights or international protection obligations by the host Member State.

Experts participating in asylum support teams have an obligation to inform the Agency without delay, making use of the relevant reporting channels, when they learn about, witness, are directly or indirectly involved in and/or have grounds to believe that a violation of fundamental rights or international protection obligations by the host Member State has occurred.

According to 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, after consulting the EUAA's Fundamental Rights Officer, the Executive Director considers that there are violations of fundamental rights or international protection obligations by the host Member State that are of a serious nature or are likely to persist.

1.5 Public access to documents

This operational plan shall be made public on the Agency's website.

The EUAA and the host Member State shall consult each other on any requests for public access to any other documents relating to this Plan and treat such requests in accordance with

⁴ Available on the EUAA's website: <https://euaa.europa.eu/operations/operational-assistance>.

⁵ As soon as it is established in the EUAA.

Regulation (EC) 1049/2001⁶ and the EUAA's implementing rules on access to documents⁷ or the respective national law, whichever is applicable.

1.6 Protection of personal data

The protection of personal data processed in the course of implementation of the plan is governed both by Regulation (EU) 2016/679⁸ of the European Parliament and of the Council of 27 April 2016 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 (General Data Protection Regulation) (the GDPR) as well as by Regulation (EU) 2018/1725⁹ 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 EUDPR). Whereas the former applies to stakeholders at national level (including parties that may not be co-signatories of this Plan however are cooperating with the main partners), the latter applies to the EUAA. In addition, the EUAA and the host Member State will comply with Chapter 7 of the EUAA Regulation that contains specific provisions as far as the processing of personal data in the context of provision of operational and technical assistance is concerned.

Whenever personal data are processed by experts participating in asylum support teams within the activities agreed in this Plan, the asylum support teams will act as data processors on behalf of the competent authorities of the host Member State under the instructions received from the latter in its role as data controller.

The instructions on how to process personal data are defined in a 'Data Processing Agreement' (DPA) laid down in Annex I to this Plan. Having the DPA in place is a condition for asylum support teams to be able to process personal data on behalf of the host Member State. The DPA forms an integral and legally binding part of this Plan.

To facilitate efficient and effective cooperation on matters pertaining to the protection of personal data, the host Member State agrees to indicate a contact point. The EUAA will be liaising with the contact point on relevant matters in the course of implementation of the Plan, including each time there is a need to amend the DPA to reflect amendments in this Plan.

1.7 Intellectual property rights

All rights in any writings or other work produced by experts participating in asylum support teams which are not intended for the exclusive use of the national authorities of the host Member State shall be the property of the EUAA and/or the European Union, where such writings or work relate to activities undertaken in the context of the Plan.

The EUAA and/or the European Union acquire irrevocably ownership of the results and of all intellectual property rights, such as copyright, and industrial property rights, on the materials produced specifically for the EUAA under the Plan and incorporated in such works, without prejudice, however, to the specific rules concerning pre-existing rights on pre-existing materials

⁶ 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.

⁷ Management Board Decision No 6 of 20 September 2011 laying down practical arrangements regarding public access to the documents of EASO.

⁸ OJ L 119, 4.5.2016, p. 1.

⁹ OJ L 295, 21.11.2018, p. 33.

or other detailed rules contained in the relevant framework contracts concluded by the EUAA for purposes related to the implementation of this Plan.

1.8 Civil and criminal liability of experts participating in asylum support teams

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

1.9 Protocol (No 7) on privileges and immunities

In line with Article 61 of the EUAA Regulation, Protocol (No 7) on the privileges and immunities of the European Union ('the Protocol'¹⁰) applies to the Agency and its staff members (statutory staff), including when they are deployed for the purposes of the implementation of the Plan on the territory of the host Member State, including as part of 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.

1.10 The role of the coordinating officer of the Agency

Pursuant to Article 25 of the EUAA Regulation, the Executive Director of the Agency shall appoint one or more experts from the Agency's staff to act or to be deployed as a coordinating officer(s), in order to ensure the operational implementation of all organisational aspects, including the presence of staff members of the Agency, related to the deployment of asylum support teams throughout the provision of operational and technical assistance.

In particular, pursuant to Article 25(3) of the EUAA Regulation, the coordinating officer(s) shall foster cooperation and coordination between the host Member State and the participating Member States. The coordinating officer will:

- (i) Act as an interface between the Agency, the host Member State and experts participating in asylum support teams, providing assistance, on behalf of the Agency, on all issues relating to the experts' conditions of deployment;
- (ii) Monitor the correct implementation of the operational plan;
- (iii) 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;
- (iv) Report to the Executive Director where the operational plan is not adequately implemented.

The coordinating officer(s) of the Agency may also be authorised by the Executive Director to assist in resolving any disputes concerning the implementation of this Plan and the deployment of asylum support teams.

1.11 Non-substantial changes during implementation

The Plan aims to provide effective and flexible support to 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

¹⁰ [EUR-Lex - 12012E/PRO/07 - EN - EUR-Lex \(europa.eu\)](#).

on the ground, as well as in the context of the availability of the Agency's staff, financial resources and experts.

The implementation of measures and delivery of technical and operational assistance foreseen in the Plan, including deployment locations, may be subject to non-substantial changes that may be accommodated within the objectives of a measure, do not require an amendment to or adaptation of the Plan, and that the host Member State is informed in a timely manner at the appropriate level.

Changes required to the agreed actions and composition of asylum support teams 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 operational objectives.

1.12 Amendments to or adaptations of the Plan

In line with Article 18(5) of the EUAA Regulation, any amendments to or adaptations of this Plan shall require the agreement of the Executive Director and the host Member State, after consulting the participating Member States, where necessary.

The Agency shall immediately send a copy of the amended or adapted Plan to the national contact points of the participating Member States referred to in Article 24 of the EUAA Regulation. The amended Plan shall be made public.

1.13 Suspension or termination of the Plan

According to Article 18(6) 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, the Executive Director considers that there are violations of fundamental rights or international protection obligations by the host Member State that are of a serious nature or are likely to persist.

2. Implementation provisions

2.1 Organisational pre-conditions

2.1.1 Pre-conditions applicable to the host Member State

In the implementation of the Plan, the host Member State will:

- (i) Designate an overall plan coordinator and may also designate specific measure coordinators for the measures stipulated in the Plan;
- (ii) Grant timely and appropriate access rights for the experts participating in asylum support teams and EUAA representatives to all relevant databases and provide the relevant parties with the required information and data in the context of the implementation of this Plan;

- (iii) 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 experts participating in the activities implemented in the framework of the Plan. Health and safety conditions in line with EU directives and national law are considered as organisational pre-conditions;
- (iv) 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);
- (v) Provide timely input to the Early Warning and Preparedness System and tailored information on the implementation of measures agreed in the Plan;
- (vi) Facilitate the implementation of the EUAA survey data collection systems.

2.1.2 Pre-conditions applicable to the EUAA

In the implementation of the Plan, the EUAA will:

- (i) Designate a coordinating officer in accordance with Article 25 of the EUAA Regulation. The Agency may also designate specific measure coordinators for the measures stipulated in the Plan;
- (ii) Provide the necessary 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 the EUAA;
- (iii) Reimburse costs incurred by persons participating in the support activities in the framework of this Plan, according to the applicable EUAA rules;
- (iv) When supporting the development and implementation of agreed tools and procedures, take into account the EUAA's tools and guidance.

2.2 Conditions for deployment of asylum support teams

General rules and conditions for deployment are published on platforms, which the experts participating in asylum support teams are obliged to consult, such as the EUAA's country-specific operations platforms (COP). Access to these platforms is made available to experts participating in asylum support teams upon their deployment, allowing for preparation for deployment and daily implementation of their tasks.

The platforms contain relevant information, such as:

- Location(s) in the host Member State where the asylum support teams will be deployed;
- Logistical arrangements including information on working conditions, practical information concerning the location of deployment and related workflows, etc.;
- Relevant safety and security aspects of the operation;
- Special instructions for the experts participating in asylum support teams, including working instructions and databases that they are authorised to consult;
- Description of specific tasks, including with regard to fundamental rights, workflows and procedures, as relevant, including where available detailed information about measures to be taken for referring persons in need of international protection, victims of trafficking in human beings, minors and any other persons in a vulnerable situation to the competent national authorities;
- Procedures and incident report forms for the code of conduct and the EUAA's Internal guidance on reporting and escalation of potential violations of fundamental rights or international protection obligations by the host Member State pursuant to Article 18(6)(c) of the EUAA Regulation ('escalation mechanism');

- Equipment that experts participating in asylum support teams may carry in the host Member State, transport and other logistics;
- Other specific instructions and provisions as necessary.

Other appropriate platforms or communication tools may be made available as necessary to make the above information available.

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 will provide experts participating in asylum support teams with information on the general state of play with regard to the procedures for international protection and reception, including where available measures for referring persons in need of international protection, victims of trafficking in human beings, unaccompanied minors and any other persons in a vulnerable situation to the competent national authorities for appropriate assistance and specific information necessary for the implementation of the operational measures on a continuous basis.

2.3 Composition of asylum support teams

In line with Article 19(1) of the EUAA Regulation, the Executive Director of the Agency shall determine the composition of each asylum support team, taking into account the particular circumstances of the host Member State.

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

- (i) **Experts from the Agency's own staff**, i.e., statutory staff within the meaning of Article 60 of the EUAA Regulation employed by the Agency subject to the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union (CEOS)¹¹;
- (ii) **Experts from Member States**¹², including experts made available through the annual bilateral negotiations and agreements referred to in Article 19(3) of the EUAA Regulation and the asylum reserve pool referred to in Article 19(6) of the EUAA Regulation¹³;
- (iii) **Experts seconded by Member States to the Agency (seconded national experts or 'SNEs')**, experts employed by a national, regional or local public administration of an EU Member State or an associate country or by a public intergovernmental organisation who are seconded to the Agency¹⁴ for the provision of support to its operational activities;
- (iv) **Other experts not employed by the Agency**: 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

¹¹ As laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, OJ L 56, 4.3.1968, p.1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 (OJ L 287, 29.10.2013, p. 15). For the purposes of this operational plan, the term 'statutory staff' includes temporary agents and contract agents covered by the EU Staff Regulations and the CEOS.

¹² Including experts from associate countries with which the European Union has an arrangement in place on the modalities of their participation in the EUAA's work, as referred to in Article 34 of the EUAA Regulation, which provides for the deployment of their experts as part of asylum support teams.

¹³ Decision of the Executive Director No 83 of 12 July 2022 on the mechanism for selection of experts to be assigned to asylum support teams in operational support activities coordinated by the Agency, including management of the asylum reserve pool.

¹⁴ Within the meaning of Article 1 of Management Board Decision No 1 of 25 November 2010 laying down rules on the secondment of national experts (SNE) to the European Asylum Support Office.

temporary agency workers¹⁵, or with remunerated external experts in line with Article 93 of the Agency's Financial Regulation¹⁶.

In line with Article 8(6) and Article 19(4) of the EUAA Regulation, experts participating in asylum support teams shall receive the training relevant to their duties and functions that is necessary for their participation in the operational activities organised by the Agency.

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 the EUAA and the members of the asylum support teams.

2.4 Implementation modalities

The deployment on site/at national level of asylum support teams is the key modality for the provision of operational and technical support by the Agency, whereby through asylum support teams the Agency combines efforts with national authorities for the implementation of the Plan.

At times, based on prior agreement of the Parties and for pre-defined periods of time, members of asylum support teams can be assigned to work at the premises of the respective national authorities to ensure utmost efficiency, quality and sustainability of the anticipated results.

In practice, members of asylum support teams are temporarily assigned by the EUAA to work at the premises of national authorities of the host Member State. The latter coordinate the tasks of the deployed asylum support teams members in accordance with the activities foreseen in this operational plan and the agreed standard operating procedures and working instructions. The overall responsibility for the management of the resources remains with the EUAA and the members of asylum support teams report back to the Agency on the performance of their activities, deliverables, application of working instructions, etc. Members of asylum support teams remain bound by their obligations, including visibility of association with the Agency, compliance with the code of conduct, duty to report, etc.

In such cases, a coordination mechanism shall be agreed by the Parties to oversee the implementation of the Plan also with regard to the allocation and administration of resources, including coordination with national authorities' personnel deployed alongside the EUAA's asylum support teams. For this purpose, modalities for assignment of members of asylum support teams reflecting respective roles, responsibilities and obligations, shall be established and agreed upon in writing between the EUAA and the host Member State. In setting up the aforementioned coordination mechanism, the following rules must be complied with as a minimum:

¹⁵ Within the meaning of Article 3(1)(c) of Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9).

¹⁶ 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). Management Board Decision No 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.

- a) The EUAA shall duly advise the concerned members of asylum support teams, including — in the case of experts not employed by the Agency — the employers¹⁷ of the experts or the experts¹⁸ themselves, of their envisaged assignment to the premises of national authorities of the host Member State before such assignment takes place;
- b) The national authority shall clearly acknowledge that they endorse the obligations and responsibilities pertaining to them as hosting authority vis-à-vis the members of the asylum support teams which are assigned to work on their premises by the Agency. Such acknowledgement includes the obligation for the concerned national authority to coordinate the tasks of the deployed asylum support teams related to the specific Plan measure(s) and in accordance with the respective standard operating procedures and working instructions, as applicable;
- c) The national authority remains responsible for ensuring proper working conditions for all members of asylum support teams deployed by the Agency, and is responsible for their health, safety and security during work, in accordance with section 3.0 of this Plan. The EUAA may not be held liable for any breach of health and safety rules that might occur on the premises of the national authorities and/or while engaged in activities coordinated by the national authorities;
- d) Regarding reporting, the deployed members of asylum support teams remain accountable to the EUAA, which remains responsible for the overall coordination of their support, through defined reporting requirements for the activities performed in the framework of the assignment. Additional specific reporting obligations may be agreed between the EUAA and the host Member State.

The deployment of EUAA-contracted remunerated external experts who are assigned to carry out services in support of any national authority, will be subject to the modalities for the assignment of remunerated external experts laid down in Annex No. II to this Plan. These modalities, which constitute the coordination mechanism mentioned herewith, are applicable exclusively to the deployment of remunerated external experts and are agreed by the Parties with the signature of this Plan.

3. Security and safety

The principles of the EUAA's Security Governance Framework¹⁹ are based on the security principles contained in the European Commission's security rules. Commission Decision 2015/443 on Security in the Commission²⁰ defines that security shall be based on the principles of legality, transparency, proportionality and accountability.

The safety and security of persons participating in the EUAA's 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 public order and security and safety on the territory of that Member State.

¹⁷ Referring to 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. Examples include temporary agency workers and contractor personnel (such as interpreters and cultural mediators).

¹⁸ Applicable to remunerated external experts deployed in accordance with Article 93 of the Agency's Financial Regulation.

¹⁹ Decision of the Executive Director No 61 of 12 April 2021 on the Security Governance Framework.

²⁰ OJ L 72, 17.3.2015, p. 41.

The EUAA will endeavour to support the identification of the required security and safety measures and the implementation of those that are under its remit, both legally and functionally, in close cooperation with the Member State's security focal point (see section 3.1 below).

To that end:

- (i) Standard security and safety requirements, identified herewith, shall apply as a general rule;
- (ii) Specific security and safety requirements for the Plan shall be identified jointly by the EUAA's and the host Member State's security focal point;
- (iii) The safety and security measures shall be identified jointly by the EUAA and the host Member State on the basis of field assessment visits, preferably prior to deployments.

3.1 Standard security requirements

The standard security and safety requirements are expected to be implemented consistently throughout the lifecycle of the Plan:

- Both the host Member State on the one side and the EUAA on the other shall appoint a single point of contact for security matters under the Plan (hereinafter 'security focal point');
- The host Member State shall ensure that the working conditions for the performance of the activities under the Plan are compliant with national occupational health and safety norms and regulations;
- A pre-deployment security briefing, prepared 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 shall be provided;
- Emergency (evacuation) plan. Certain operational activities, such as operations in field locations, require that personnel 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), and shall be made available to the concerned parties and exercised regularly;
- Communication tools. As considered relevant and necessary by the EUAA's Security Sector, the EUAA may deploy additional means of communication as deemed necessary and in cooperation with the relevant host Member State authorities;
- Security of information. Sensitive non-classified and classified information shall be adequately protected, in accordance with the applicable legal framework²¹.

3.2 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.

²¹ Including, inter alia, the security principles contained in Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17/03/2015, p. 53) and the Decision of the Executive Director No 49 of 14 May 2024 on the handling of sensitive non-classified and RESTREINT UE/EU RESTRICTED information.

3.3 Suspension of operational activities on security and safety grounds

The EUAA reserves the right to suspend operational activities on the basis of current risk assessment(s), while keeping the host Member State informed on the findings and mitigating measures identified as 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's coordinating officer and the EUAA's security focal point shall be informed without delay.

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

3.4 Security incident reporting

Experts participating in asylum support teams who become aware of an incident related to the security and safety of persons, assets or premises is obliged to report the matter to the EUAA via appropriate channels and in any case to the following email: duty.officer@europa.euaa.eu.

4. Communication

The host Member State and the coordinating officer of the Agency as referred to in section 1.10, will manage the exchange of information concerning the tasks under the Plan.

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

The EUAA and relevant national stakeholders will maintain close cooperation and communication. The 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 the EUAA's transparency and communication policies.

The timing and content of communication with the media shall be agreed upon between the 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, the 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 experts participating in asylum support teams in order to identify their association with, or funding by, the Agency.

For transparency reasons and for the implementation of the complaints mechanism referred to in section 1.4.3 above, experts participating in asylum support team are required to be visibly associated with 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.

5. Cooperation with other stakeholders

5.1 Cooperation with the European Commission and other EU agencies

All activities under this Plan will be closely coordinated with the host Member State and in close cooperation with the European Commission, as well as with the other EU agencies present on the ground.

5.2 Cooperation with the United Nations High Commissioner for Refugees

In accordance with Article 18(3) of the EUAA Regulation, where the United Nations High Commissioner for Refugees (UNHCR) operates and has the capacity to contribute a response to a request for operational and technical assistance, the Agency shall coordinate with the UNHCR as regards the implementation of the operational plan, where appropriate and with the agreement of the host Member State.

The EUAA's coordinating officer will liaise with the UNHCR's 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.

5.3 Cooperation with the International Organisation for Migration

On the basis of relevant working arrangement(s) concluded between the EUAA and the International Organisation for Migration (IOM), the EUAA's coordinating officer will liaise with the IOM's office in the host Member State for continuous cooperation and coordination of practical activities agreed with the host Member State under the current Plan and in accordance with the working arrangement.

6. Monitoring and evaluation framework

6.1 Monitoring and reporting

Monitoring and reporting on the implementation of the plan will involve systematic and continuous collection, analysis and use of information and data.

The EUAA will implement a structured methodology, including regular and ad hoc monitoring and reporting, allowing evidence-based measurement of progress, corrective action-taking and reflective reviews. The monitoring and reporting framework will involve the collection and analysis of information about the Agency's operations, undertaken while the intervention is ongoing, and will help identify trends and patterns in an evidence-based manner, enhance regular analytical exercises, and inform strategic decisions for the management of the interventions.

The EUAA will make 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 implementation of the operational and technical assistance will be reviewed and reported through mechanisms deemed appropriate by the Parties, such as steering meetings or others.

6.2 Evaluation

A final (ex post) evaluation of the results of the operational and technical measures laid down in this Plan (and amendments thereto) shall be carried out in order to take stock of lessons learned and good practices.

Periodic or mid-term evaluations may also be conducted, if deemed necessary. The evaluation(s) will be conducted in line with the EUAA's evaluation framework, which is based on the European Commission's Better Regulation guidelines for evaluations. They may be performed externally through engagement of evaluation specialist(s), internally by the Agency's staff, or through 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.

The ex post evaluation report shall be submitted to the Management Board on conclusion of the evaluation. The report will be due within 60 days of the end of the provision of the 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) 2018/1725²² and that none of the interests protected in Article 4 of Regulation (EC) No 1049/2001²³ are undermined.

²² 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).

²³ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, (OJ L 145, 31.05.2001, p. 43).

The independent observations of the Agency's Fundamental Rights Officer on the ex post evaluation report shall also be submitted to the Management Board on conclusion of the evaluation, in accordance with Article 16(4) of the EUAA Regulation.

Other evaluation deliverables, as applicable, shall be shared with the host Member State and communicated to the EUAA's administrative and management structure (e.g., Management Board) where relevant.