

**OPERATING PLAN<sup>1</sup> 2022-2024**  
**AGREED BY THE EUROPEAN ASYLUM SUPPORT OFFICE<sup>2</sup> AND MALTA**

Valletta Harbour and Valletta  
16 December 2021

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

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

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

and

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

Having regard to Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office<sup>3</sup> (hereinafter referred to as 'EASO Founding Regulation'), and in particular Articles 2, Article 8, 10 and 13 to 23 thereof.<sup>4</sup>

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

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

The implementation period of the Plan shall be from 1 January 2022 until 31 December 2024.

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

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

Valletta Harbour and Valletta  
16 December 2021

Executive Director of the  
European Asylum Support  
Office

Permanent Secretary  
Ministry for Home Affairs, National Security and  
Law Enforcement of the Republic of Malta

Nina Gregori

Kevin Mahoney

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<sup>3</sup> OJ L 132, 29.5.2010, p. 11-28.

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

## 1.0. INTRODUCTION

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

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

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

- operational and technical reinforcement needs of the Member State(s) facing disproportionate migratory challenges;
- the implementation of its(their) obligations under the Common European Asylum System (CEAS).

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

## 2.0. OPERATIONAL SITUATION, NEEDS ASSESSMENT AND OBJECTIVES

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

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

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

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

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

Based on the above and following consultations with various stakeholders, including the expressed continued need for operational and technical assistance by the relevant authorities, EASO and the Maltese authorities have identified the following needs to be addressed in the period 2022-2024:

- ❖ To improve the access to the asylum procedure in Malta and increase the capacity of the Maltese authorities to manage the asylum backlog at first instance determination.
- ❖ To increase the capacity of the Maltese authorities to identify, prioritise and support applicants residing in reception centres.

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

- **Expected Outcome 1:** Enhanced capacity of the Maltese Authorities to ensure swift access to international protection procedure and reduce the backlog at first instance.
- **Expected Outcome 2:** Enhanced capacity of the Agency for Welfare of Asylum Seekers (AWAS) in identifying, prioritising, and supporting asylum applicants residing in Malta.

In addition to the two priority areas described above, EASO will also offer support on a certain number of cross-cutting areas such as information provision, interpretation, training, IT related projects, logistics, activities related to the relocation of applicants or beneficiaries of international protection and establishing new cooperation avenues.

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

Building on the progress achieved through the operational and technical assistance provided in the framework of the Operating Plan and support measures implemented since 2019, and assuming that the number of arrivals will remain at similar levels as in 2021, EASO foresees, upon successful implementation of the measures foreseen in 2022, it may initiate, in cooperation with the Maltese authorities, a phasing out exercise from specific support areas (such as decreasing direct support to asylum processing) towards the end of 2022. Depending on the particular situation and upon further assessment of needs, this exercise may carry over into Q1 2023 and will be executed in direct coordination and in agreement with the Maltese counterparts in the relevant areas of support.

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

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

### 3.0. MAIN NATIONAL PARTNERS

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

<b>Organisation</b>	<b>Responsibilities</b>
Ministry for Home Affairs, National Security, and Law Enforcement	Migration management.
International Protection Agency (IPA)	Access to and first instance international protection determination procedure.
Agency for the Welfare of Asylum Seekers (AWAS)	Management of the reception system and services related to the welfare of asylum seekers.
The Principal Immigration Officer, Police	Authority responsible for issuing detention decisions.
Detention Services (DS)	Management of the closed reception facilities in Safi and Hal Far Barracks.

## 4.0 MONITORING AND EVALUATION FRAMEWORK

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

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

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

Periodic or mid-term and final (ex-post) evaluations<sup>5</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 EASO's Evaluation Framework, which is based on the European Commission's Better Regulation methodological guidelines for evaluations. They may be performed externally through engagement of evaluation specialist(s), internally by EASO staff, or a hybrid approach.

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

**Upon the entry into force of the EUAA Regulation:** An evaluation report on the results of the operational and technical measures shall be submitted to the Management Board on conclusion of an evaluation. The report on the final (ex post) evaluation will be due within 60 days from the end of the Plan. For transparency and accountability purposes, evaluation report(s) may, following consultation with the host Member State, be shared publicly on the Agency's website after internal checks have been made to ensure compliance with applicable provisions in Regulation (EU) No 2018/1725<sup>6</sup> and Regulation (EU) No 1049/2001<sup>7</sup>.

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

## 5.0 LEGAL FRAMEWORK

### 5.1 General legal basis for the Plan

#### **Current legal basis:**

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

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

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

<sup>6</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>7</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).

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

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

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

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

#### **5.2. Legal framework applicable to the Plan**

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

#### **5.3. Lawfulness and Respect for Fundamental Rights**

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

Any person contributing to EASO operational support activities and taking part in the implementation of the Plan shall respect the applicable international law, European Union law and the national law of the host Member State. They shall maintain the highest standards of integrity and ethical conduct, professionalism, respect and promotion of fundamental rights and international protection.

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

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

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

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

### **Upon the entry into force of the EUAA Regulation:**

In this respect, upon the entry into force of the EUAA Regulation (and pursuant to Article 49 of the current draft thereof), a Fundamental Rights Officer shall be appointed by the Management Board from a selection of candidates proposed by the Executive Director and shall be responsible for ensuring the Agency's compliance with fundamental rights in the context of its activities and promoting the respect of fundamental rights by the Agency. The Fundamental Rights Officer shall also be in charge of implementing the complaints mechanism<sup>8</sup>.

Also upon the entry into force of the EUAA Regulation, any person who is directly affected by the actions of experts in the asylum support teams, and who considers that his or her fundamental rights have been breached due to those actions, or any party representing such a person, may submit a complaint in writing to the Agency through the complaints mechanism<sup>9</sup>, set up by the Agency.

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

Without prejudice to the public right of access to documents, as laid down in Regulation (EC) 1049/2001<sup>10</sup> and the EASO 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.

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

Personal data will be processed in accordance with Regulation (EC) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data. The current Plan also takes into account the General Data Protection Regulation as updated in May 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 EASO within the activities agreed in the current Plan, EASO will act as data processor on behalf of the competent authorities of the host Member State, following the applicable EU and national laws and regulations, as well as the instructions received from the Host Member State as the data controller.

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

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

The host Member State agrees that any personal data obtained in the course of the implementation of the Plan and by any EASO personnel working on behalf of the Member State authorities can be processed in the EASO IT systems, including cloud-based systems, exclusively under the instructions of

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<sup>8</sup> As soon as it is established, following the entry into force of the EUAA Regulation.

<sup>9</sup> As soon as it is established, following the entry into force of the EUAA Regulation.

<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)

the Member State and until an alternative system exists that can substitute the processing system used by EASO.

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

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

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

Articles 21 and 22 of the EASO Founding Regulation will be applicable to all members of the asylum support teams deployed in the host Member State.<sup>13</sup>

### **5.6. Non-substantial changes during implementation**

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

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

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

### **5.7. Amendments to the Plan**

Any changes that prove to require an amendment to or adaptation of the Plan, shall be agreed in writing between the Executive Director of EASO and the host Member State in line with Article 18(2) of the EASO Founding Regulation.<sup>14</sup>

Changes to agreed Outcome(s) shall as a general rule be considered substantial changes and will be subject to an amendment.

### **5.8. Suspension of measures and/or the Plan implementation**

After the entry into force of the EUAA Regulation, the Executive Director shall, after informing the host Member State, suspend or terminate, in whole or in part, the deployment of the asylum support teams

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

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



if the conditions to carry out the operational and technical measures are no longer fulfilled or if the Plan is not respected by the host Member State or if, after consulting the Fundamental Rights Officer, it considers that there are breaches of fundamental rights or international protection obligations by the host Member State that are of a serious nature or are likely to persist.<sup>15</sup>

## **6.0 IMPLEMENTATION AND COORDINATION STRUCTURE**

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

### **6.1. Organisational Pre-Conditions**

#### **The host Member State will:**

- designate an overall Plan Coordinator, as well as a specific Measure Coordinator for each measure stipulated in the Plan.
- grant appropriate access rights for the members of asylum support teams and EASO representatives to all relevant databases and provide the relevant parties with the required information and data in the context of the implementation of this Plan.
- facilitate the provision of appropriate working space.

Every effort shall be made by the Parties to provide suitable working conditions and, where required, a working place for the participants in the activities implemented in the framework of the Plan.

Minimum working and security conditions are considered as organisational pre-conditions.

As far as operationally feasible, and where relevant, the working files shall be made available by the host Member State in English (unless otherwise agreed).

The host Member State shall provide EASO with information on the implementation of the Plan through timely input to the Early warning and Preparedness System and the delivery of tailored information on the execution of measures agreed in the Plan.

#### **EASO will:**

- designate an overall Plan Coordinator (also referred to as Union Contact Point in accordance to Article 20 of EASO Regulation), as well as a specific Measure Coordinator for each measure stipulated in the Plan.
- provide technical support to experts participating in this Plan with the aim of ensuring that all deliverables make good use of the expertise and information already available to EASO.
- provide the technical equipment required for the work of the asylum support teams and reimburse costs incurred by persons participating in the support activities deployed by EASO in the framework of this Plan, according to the applicable EASO rules.

### **6.2. Conditions for Deployment**

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

- EASO Operational Deployment Management System (ODMS)
- EASO country-specific operations platforms. These platforms are made available to members of asylum support teams upon their deployment, allowing for preparation for deployment and daily implementation of their tasks.
- Other appropriate communication tools may be used as necessary.

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

The platforms contain relevant information, such as:

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

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

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

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

### **6.3. Composition of asylum support teams**

#### **Under the EASO Founding Regulation:**

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

- a) Member States experts, i.e. experts made available through contributions to the Asylum Intervention Pool by EU Member States via national expert pools on the basis of defined profiles, in accordance with Article 15 of the EASO Founding Regulation;
- b) Associate Countries experts, i.e. experts considered to be Member States experts, made available through contributions to the Asylum Intervention Pool by associate countries referred to in Article 49 of the EASO Founding Regulation, with which the European Union has an arrangement in place on the modalities of its participation in EASO's work. Currently such arrangements have been concluded with the Kingdom of Norway, the Principality of Liechtenstein, the Swiss Confederation, and the Republic of Iceland;
- c) Individual experts, i.e. experts considered to be Member States experts, made available through contributions to the Asylum Intervention Pool by EU Member States via national expert pools on the basis of defined profiles, in accordance with Article 15 of the EASO Founding Regulation, but whereby the Member State does not have an employment relationship with the individual expert;
- d) EASO staff members, i.e. statutory staff employed by the Agency (temporary and contract staff) subject to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union<sup>16</sup>;
- e) Seconded National Experts (SNEs), i.e. experts employed by a national, regional or local public administration of an EU Member State or an associate country or by a public inter-governmental organisation and seconded to the Agency<sup>17</sup> for the provision of support to its operational activities;

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

<sup>17</sup> By virtue of Decision No 01 of the Management Board of EASO of 25 November 2010 laying down rules on the secondment of national experts (SNE) to the European Asylum Support Office (ref. number: EASO/MB/2010/03).

- f) Experts on contract, i.e. individuals providing services in relation to the Plan upon conclusion of a public contract between the Agency and the legal entity with which these individuals have an employment and/or contractual relationship, including temporary agency workers, or with remunerated external experts in line with Article 93 of EASO Financial Regulation<sup>18</sup>.

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

**Upon the entry into force of the EUAA Regulation:**

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

- i. The Agency's staff members, i.e. statutory staff employed by the Agency subject to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union<sup>19</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 draft EUAA Regulation, with which the European Union has an arrangement in place on the modalities of its participation in EASO's work;
- iv. Seconded National Experts (SNEs), i.e. experts employed by a national, regional or local public administration of an EU Member State or an associate country or by a public inter-governmental organisation and seconded to the Agency<sup>20</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 EASO Financial Regulation<sup>21</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 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

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<sup>18</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.

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

<sup>20</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>21</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.

The principles of EASO's Security Governance Framework<sup>22</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 EASO activities under the Plan falls under the overall legal framework of the host Member State and shall be provided by the respective authorities legally responsible and accountable for the public order and security and safety on the territory of that Member State.

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

To that end:

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

### **7.1. Standard security requirements**

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

- Both the host Member State on one side and EASO on the other shall appoint a single point of contact responsible for security matters under the Plan both at central and local level (hereafter 'security responsible').
- The host Member State shall ensure that the working conditions for the performance of the activities under the Plan are compliant with the national occupational health and safety norms and regulations.
- A pre-deployment briefing programme, drafted in close cooperation with the respective national authorities, focusing both on general security rules and awareness, as well as on specific security aspects for each deployment will be provided. With regards to the decentralised nature of deployments, the use of e-learning and other distance-based training techniques should be considered.
- Emergency (evacuation) plan. Certain operational activities, such as operations in field locations, require that staff shall have clear guidance and training on how to evacuate quickly in case of emergencies. In a more general context, there could be a need to evacuate from the operational area as well. Emergency plans shall be drafted and maintained up-to-date by the competent authority/person(s), whereas they shall be made available to the concerned parties and exercised regularly. A security responsible shall maintain updated information on the availability of evacuation plans and routes.
- Communication tools. As considered relevant by the EASO Security sector, EASO operational staff shall have access to independent radio communication equipment. If possible, the equipment shall be interoperable with the local law enforcement in charge of the security of the operation.
- Security of information. Sensitive non-classified and classified information shall be protected adequately, in accordance with the applicable legal framework<sup>23</sup>. EASO's security responsible shall be involved in supporting the proper classification of relevant information.

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

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

- Security of IT and communication equipment. EASO IT equipment is adequately prepared to protect the information level it has been foreseen to process.
- Personal security behavior shall be included in the pre-deployment training, led by operational teams and performed for the experts during the first days of arrival to the operational area. This may refer to the EASO Code of Conduct as well.
- Reporting security incidents from the operational area to the EASO HQ is essential to ensure an overview of the overall security management is maintained.

## **7.2. Specific security and safety requirements**

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

## **7.3. Suspension of operational activities on security and safety grounds**

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

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

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

## **7.4. Security incident(s) reporting**

Any participant in EASO's operational activities who becomes aware of a(n) (impending) incident related to the security and safety of persons, assets or premises is obliged to report the matter to the Executive Director of EASO and to the Host Member State Coordinator for the Plan via the appropriate channel: [security\\_incidents\\_operations@easo.europa.eu](mailto:security_incidents_operations@easo.europa.eu). Such an incident is to be reported using the **Security Incident Report Form (Annex III)**.

## **8.0. COMMUNICATION**

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

The host Member State and the Union Contact Point will manage the exchange of information concerning the tasks under the Plan.

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

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

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

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

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

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

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

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

## **9.0. COOPERATION WITH OTHER STAKEHOLDERS**

### **9.1. Cooperation with the European Commission**

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

### **9.2. Cooperation with UNHCR**

In accordance with Article 50 of the EASO Regulation<sup>24</sup>, EASO aims at a coherent and complementary continuation of the fruitful cooperation with UNHCR. The Union Contact Point will liaise with the UNHCR office in the host Member State for a continuous cooperation and coordination of practical activities agreed with the host Member State under the current Plan.

### **9.3. Cooperation with IOM**

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

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

## ANNEX I – Operational Measures

<b>Measure MT1: Asylum support</b>	
<b>Expected Outcome: Enhanced capacity of the Maltese Authorities to ensure swift access to the international protection procedure and reduce the backlog at first instance</b>	
<b>Responsible Authority(ies)/Main National Partner(s)</b>	<ul style="list-style-type: none"> <li>• International Protection Agency (IPA)</li> <li>• Ministry for Home Affairs, National Security and Law Enforcement (MHSE)</li> <li>• Agency for Welfare of Asylum Seekers (AWAS)</li> <li>• Detention Service (DS)</li> </ul>
<b>Operational Preconditions</b>	<ul style="list-style-type: none"> <li>• IPA will ensure that the medical check proceedings will have been concluded before the third country nationals can start the asylum procedure;</li> <li>• Where necessary, joint standard operating procedures (SOPs) are established, and regular coordination meetings are held between concerned representatives of the responsible authorities and EASO to mainstream collaboration and Plan implementation;</li> <li>• A bi-directional data sharing on the outputs of EASO deployed personnel under the performed operational activities and detailed overall national data on the respective statistical indicator.</li> <li>• IPA will make every effort to increase significantly the number of caseworkers as soon as possible, with a view to achieving a sustainable national capacity to process asylum applications in a timely manner.</li> </ul>
<b>Outputs</b>	<ul style="list-style-type: none"> <li>• Support provided for the creation of appropriate dissemination tools for information provision package, covering the various procedural steps, with simple and clear content, appropriate for the age and level of understanding of the applicants, in a language that the applicant is reasonably supposed to understand (see also measure MT2);</li> <li>• Registration of applications for international protection, as well as registration of applications in the implementation of the technical non-binding SOPs<sup>25</sup>;</li> <li>• Referral to the relevant Maltese authorities of vulnerability indicators recorded during the asylum procedure;</li> <li>• Support to the Maltese Dublin Unit with regular Dublin procedure cases and Dublin procedure cases in the implementation of the technical non-binding SOPs;</li> <li>• Personal interviews in the individual asylum determination procedure conducted;</li> <li>• Assessment reports delivered to support IPA asylum decision making processes;</li> <li>• Support provided to enhance IPA’s capacity on asylum quality assurance mechanisms;</li> </ul>

<sup>25</sup> Standard Operating Procedures prepared by COM and adopted as a follow up of the Malta Declaration (<https://www.consilium.europa.eu/en/press/press-releases/2017/02/03/malta-declaration/>)

	<ul style="list-style-type: none"> <li>• Support for the establishment of the IPA COI Unit and support with COI Helpdesk operation until such Unit is fully in place;</li> <li>• Support for the development and/or updating of guidelines, guidance and practical tools, when necessary;</li> <li>• Support for the development, testing and implementation, where relevant, of related IT practical tools.</li> <li>• Training sessions delivered to enhance capacity, knowledge and skills of the trainees in specific areas of expertise.</li> </ul>
<b>Actions</b>	<ul style="list-style-type: none"> <li>• Support the drafting of an information provision package and the development of appropriate dissemination tools and implementation procedures;</li> <li>• Support with referral of vulnerable cases;</li> <li>• Support with document analysis in the asylum procedure first instance processes;</li> <li>• Support to the asylum procedure first instance processes – registration, Dublin procedure, personal interview, drafting of evaluation reports – to improve access to the asylum procedure, decrease the processing period at first instance and reduce the existing backlog.</li> <li>• Support the registration, screening, drafting of the relocation distribution list and the file processing as per the technical non-binding SOPs;</li> <li>• Support the Quality Control Unit and the asylum procedure quality control mechanism as well as relevant guidance/SOPs;</li> <li>• Support the creation of the COI Unit through the set-up of the organisational mandate, objectives as well as relevant guidance/SOPs;</li> <li>• Support the digitalisation of the existing paper-based individual asylum files;</li> <li>• Development of business case for a case management system;</li> <li>• Development and testing of relevant tools, as needed;</li> <li>• Complementary support with physical and remote interpretation, whenever needed in addition to the cultural mediators recruited under the AMIF National Programme;</li> <li>• Training of Maltese national experts, members of EASO asylum support teams, as well as interpreters recruited with the support of the AMIF National Programme, as required.</li> </ul>
<b>Inputs<sup>26</sup></b>	<ul style="list-style-type: none"> <li>• Deployment of asylum support teams: <ul style="list-style-type: none"> <li>• 10 registration/front-desk personnel to operate in IPA working locations (e.g. IPA HQ, SAFI Barracks), complemented by up to 2 Member States experts / Q1 2022 to end of Q2 2023;</li> <li>• 5 data entry personnel to operate in IPA HQ until completion of the workflow / Q1 2022 to end of Q4 2023;</li> <li>• 3 flow management support officers to operate in IPA working locations (e.g. IPA HQ, SAFI Barracks) / Q1 2022 to end of Q4 2023;</li> </ul> </li> </ul>

<sup>26</sup> The agreed inputs are the resources to be deployed during the first 18-24 months of the Plan implementation. These will be subject to at least annual revision or more regular revision and may be revised as necessary.



	<ul style="list-style-type: none"> <li>• 1 document analysis support officer to operate in IPA HQ / Q1 2022 to end of Q4 2023;</li> <li>• 1 administrative support to operate in IPA HQ in the IPA Protection Unit / Q1 2022 to end of Q4 2023;</li> <li>• 15 caseworkers to work in IPA working locations (e.g. IPA HQ, SAFI Barracks) / Q1 2022 to end of Q4 2023;</li> <li>• 4 casework team leaders to work in IPA working locations (e.g. IPA HQ, SAFI Barracks) / Q1 2022 to end of Q4 2023;</li> <li>• Up to 5 Member States experts to complement the caseworkers/team leaders depending on operational needs to work in IPA working locations (e.g. IPA HQ, SAFI Barracks) / Q1 2022 to end of Q4 2023;</li> <li>• 2 Dublin procedure assistants to operate in the MT Dublin Unit / Q1 2022 to end of Q2 2023;</li> <li>• 1 administrative support to operate in the MT Dublin Unit / Q1 2022 to end of Q2 2023;</li> <li>• 1 Member States expert to operate in the MT Dublin Unit / Q1 2022 to end of Q2 2023;</li> <li>• 2 quality assurance support officers to work in IPA HQ / Q1 2022 to end of Q4 2023;</li> <li>• 4 COI researchers to work in the COI Helpdesk / Q1 2022 to end of Q4 2023;</li> <li>• 1 information provider to operate in IPA working locations (e.g. IPA HQ, SAFI Barracks) / Q1 2022 to end of Q2 2023;</li> <li>• Provision of interpretation services if needed;</li> <li>• Provision of equipment, material and operational support, including inter alia works, services, communication/promotional materials, costs for trainings/meetings/workshops, infrastructure costs, IT equipment, office supplies and others where required for the joint EASO and national authorities' activities.</li> </ul>
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<b>Measure MT2: Reception support</b>	
<b>Expected Outcome: Enhanced capacity of the Agency for Welfare of Asylum Seekers in identifying, prioritising, and supporting asylum applicants residing in Malta</b>	
<b>Responsible Authority(ies)/Main National Partner(s)</b>	<ul style="list-style-type: none"> <li>• Agency for Welfare of Asylum Seekers (AWAS)</li> <li>• Ministry for Home Affairs, National Security and Law Enforcement (MHSE)</li> <li>• International Protection Agency (IPA)</li> <li>• Detention Service (DS)</li> </ul>
<b>Operational Preconditions</b>	<ul style="list-style-type: none"> <li>• AWAS will ensure that the medical check proceedings will have been concluded before the third country nationals can start registration procedures;</li> <li>• Where necessary, joint standard operating procedures (SOPs) are established and regular coordination meetings are held between concerned representatives of the responsible authorities and EASO to mainstream the collaboration;</li> </ul>

	<ul style="list-style-type: none"> <li>• A bi-directional data sharing on the outputs of EASO deployed personnel under the performed operational activities and detailed overall national data on the respective statistical indicator.</li> </ul>
<b>Outputs</b>	<ul style="list-style-type: none"> <li>• Support creation of appropriate dissemination tools for information provision package, covering the various procedural steps, with simple and clear content, appropriate for the age and level of understanding of the applicants, in a language that the applicant is reasonably supposed to understand (see also measure MT1);</li> <li>• Enhanced capacity of the AWAS Vulnerability Assessment Team;</li> <li>• Enhanced capacity of the AWAS Care Team on social work;</li> <li>• Enhanced capacity of the AWAS Quality Assurance Unit;</li> <li>• Update and/or development of the guidelines, guidance and practical tools, when necessary;</li> <li>• Development and testing of tools facilitated including the implementation of a centre management system;</li> <li>• Training sessions delivered to enhance capacity, knowledge and skills of the trainees in specific areas of expertise.</li> </ul>
<b>Actions</b>	<ul style="list-style-type: none"> <li>• Support the drafting of an information provision package and of the relevant dissemination tools and implementation procedures;</li> <li>• Support with identification of vulnerable cases in line with instructions from AWAS in all reception centres;</li> <li>• Support with drafting and implementing individual care plans for assigned applicants residing in open reception centres under AWAS management;</li> <li>• Support with adjusting the quality assurance framework within AWAS, including through roll out self-assessment surveys and internal audits;</li> <li>• Update and/or development of guidelines, guidance, SOPs and practical integrated tools, when necessary;</li> <li>• Interpretation as needed for the activity of the Asylum Support Teams, in complementarity with interpretation provided with the support of the AMIF National Programme;</li> <li>• Training of Maltese national experts, members of EASO asylum support teams, as well as the interpreters, as required.</li> </ul>
<b>Inputs<sup>27</sup></b>	<ul style="list-style-type: none"> <li>• Deployment of asylum support teams: <ul style="list-style-type: none"> <li>• Up to 3 quality assurance support officers - vulnerability and 9 vulnerability assessment officers for VART to operate in AWAS working locations (e.g. AWAS HQ, HTV, I.R.C.) / January to December 2022;</li> <li>• Up to 3 Member States experts on vulnerability assessment, quality assurance for vulnerability, and development of guidance and tools / January to December 2022;</li> <li>• 3 social workers to operate in AWAS working locations (e.g. AWAS HQ, HTV, I.R.C.) / January to December 2022;</li> </ul> </li> </ul>

<sup>27</sup> The agreed inputs are the resources to be deployed during the first year of the Plan implementation. These will be subject to at least annual revision or more regular revision and may be revised as necessary.

	<ul style="list-style-type: none"><li>• 5 quality control support officers to operate in AWAS working locations (e.g. AWAS HQ, HTV, I.R.C.) / January 2022 to December 2023;</li><li>• 1 flow management support officer to operate in AWAS working locations (e.g. AWAS HQ, HTV, I.R.C.) / January to December 2022;</li><li>• 1 information provider to operate in AWAS working locations (e.g. AWAS HQ, HTV, I.R.C.) / January to December 2022;</li><li>• Provision of interpretation services if needed;</li><li>• Provision of equipment, material and operational support, including inter alia works, services, communication/promotional materials, costs for trainings/meetings/workshops, infrastructure costs, IT equipment, office supplies and others where required for the joint EASO and national authorities' activities.</li></ul>
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## ANNEX II - Incident Report Form

[CONFIDENTIAL] Incident Report

<b>Location:</b>	
<b>Date:</b>	
<b>Name of EASO staff:</b>	
<b>Name of responsible National Authority Authorised Representative:</b>	

Date of incident:

Information on the incident:

## ANNEX III – Security Incident Report Form

### [CONFIDENTIAL] Security Incident Report

<b>Location:</b>	
<b>Date:</b>	
<b>Name of EASO staff:</b>	
<b>Name of responsible National Authority Authorised Representative:</b>	

1. Time of the incident:
2. Date and time of the report:
3. Type of incident:
4. Persons involved:
5. Incident description:
6. Consequences:
7. Actions taken:
8. Annexes:
9. Recipients of Security Incident Report