

Juan Fernando López Aguilar  
Chairman of the LIBE Committee

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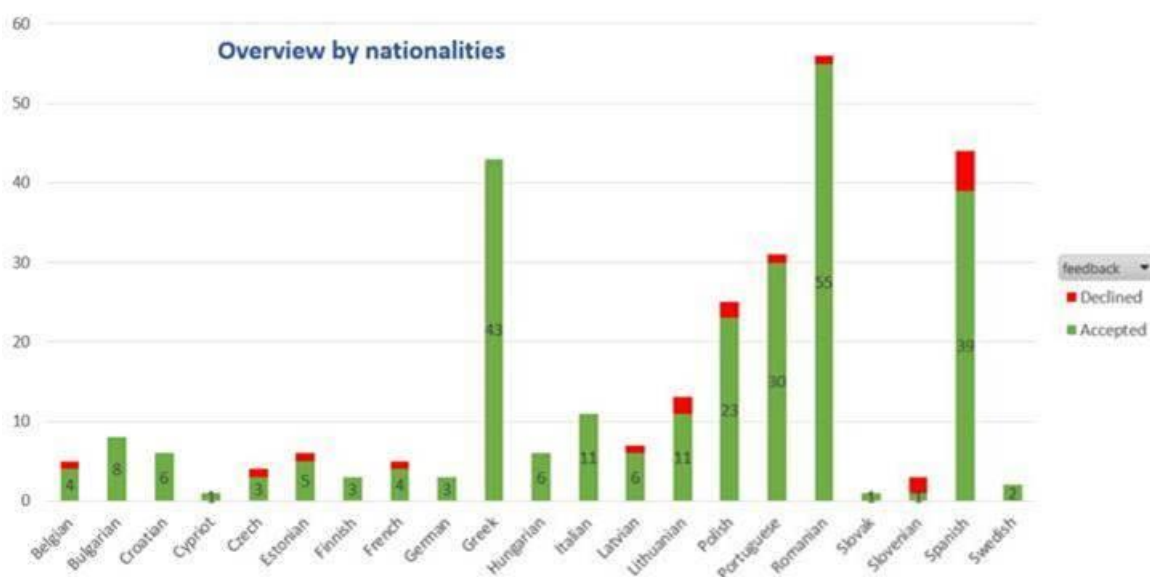
**Subject: Written questions following the presentation to the Members of the LIBE Committee on the “Activities of the European Border and Coast Guard Agency”**

Dear Mr López Aguilar,

With reference to your letter of 9 July 2020, and my participation in the LIBE Committee meeting of 6 July 2020, please find below the replies to the questions from LIBE Members. I would like to thank you for bringing your questions forward.

**Question 1 - From which Member States do applications for Frontex staff, particularly Category 1 come? We would like an overview of the composition of nationality of the candidates that are currently being trained.**

Answer: Frontex has received nearly 7,500 applications from all EU MS (including the UK) and of Schengen Associated Countries for the three selection procedures aiming to recruit new European Border and Coast Guard officers in 2020 - 2021. Please find below the overview of nationalities of the firstly recruited batch of 263 Standing Corps in Category I. The largest-represented nationalities are RO, GR, ES, PT and PL.



**Question 2 - For which type of Frontex operations do you foresee Category 1 staff carrying weapons?**

Answer: The Agency foresees the field deployment of the Border Management Teams, Migration Management Support Teams and Return Teams of the European Border and Coast Guard Standing Corps, and will provide the necessary technical equipment for the purposes of Joint Operations, Pilot Projects or Rapid Border Interventions at air, sea and land borders, as well as for Return Operations and Rapid Return Interventions. The Executive Director of the Agency will authorise statutory staff (Category 1) deployed as members of the team, to carry and use weapons. Carrying a service weapon will not be systematic for all Category 1 members. It will be decided depending on the operational tasks that each staff member is assigned to and based on operational needs, in agreement with host country authorities and in general, following the national practices. The rules for authorisation of the statutory staff to carry and use weapons will be adopted by the Frontex Management Board.

**Question 3 - We would ask Frontex to swiftly inform the European Parliament about the outcome of the opinion of the Commission regarding the legal question on the possibility for the Agency to acquire, store and transfer weapons, as soon as it is available.**

Answer: The Agency sent a letter asking for the opinion of the Commission on legal challenges regarding acquisition, registration and storage of service weapons, including firearms for Frontex Standing Corps category 1, on 28 April 2020. The Agency still expects an answer from the Commission.

**Question 4 - We would like to know if FRONTEX has recorded video surveillance of push backs that are regularly happening at the border between Turkey and Greece, whether at the land border or sea border. As FRONTEX has aerial surveillance to monitor this border, we assume that FRONTEX aerial surveillance records what is happening that could be used to see if those push backs are indeed happening. If FRONTEX does not have any recordings of its video surveillance, could you tell us what is the function of the aerial surveillance?**

Answer: A Serious Incident Report ('SIR') was created based on a sighting of an incident by aerial surveillance where people were transferred on a rubber boat from a vessel and later on rescued by Turkish authorities. In follow up to this SIR, it was ascertained that the Hellenic authorities had already launched an internal inquiry regarding this case (please see further details under question 5 below).

**Question 5 - In light of the evidence of push backs and illegal collective expulsions to Turkey, as well as people left in distress at sea for hours and hours, has FRONTEX taken any action regarding this matter with the Greek authorities? Has it shown any concerns? Did FRONTEX ask the Greek authorities to put an end to these illegal practices?**

Answer: Further to the regular monitoring and coordination of the proper implementation of Frontex operational activities in accordance with the relevant Operational Plans, in the

course of the Rapid Border Intervention Aegean 2020, the Executive Director has notified the Hellenic Coast Guard regarding an incident earlier this year.

Hellenic authorities confirmed that an internal inquiry had been launched and Frontex is not in a position to comment on such.

In accordance with its mandate, Frontex will be continuing its situational monitor in its areas of operation; this , includes ensuring compliance with fundamental rights, and taking actions in case of suspected fundamental rights violations.

**Question 6 - The EBCGA is in many ways setting an important precedent for the EU by taking on operational responsibilities. It is therefore vital that the internal scrutiny and respect for fundamental rights is maintained. In that regard, I welcome the Service Level agreement with the Fundamental Rights Agency to establish fundamental rights monitors, as requested in the new mandate. Two questions related to this:**

**By what time do you expect to fill the vacancies for the 40 monitors?**

Answer: Pursuant to Article 110 of the EBCG Regulation<sup>1</sup>, “The Agency shall ensure that by 5 December 2020 at least 40 fundamental rights monitors are recruited by the Agency.”

Pursuant to Article 109 (2) of the EBCG Regulation,  
“The fundamental rights officer shall perform the following tasks:

(j) select and manage the fundamental rights monitors;

For the purposes of point (j) of the first subparagraph of paragraph 2, the fundamental rights officer shall, in particular:

(a) appoint the fundamental rights monitors;”

In view of the above the Agency and its Management Board have agreed with the Commission (DG HOME) to ensure a transparent, coherent and legally-based step-by-step approach to adapting the FRO functions, including the appointment of a fundamental rights officer ad interim, according to the new remit and tasks as defined by the EBCG Regulation.

Simultaneously a two-phase approach is applied in developing an effective monitoring of fundamental rights in Frontex operations through the fundamental rights monitors through a structured cooperation with the European Union Agency for Fundamental Rights:

Phase I: pilot deployments of FRO/FRA staff in conducting monitoring visits to operational areas (e.g.: Bulgaria, Hungary, Greece, Italy, etc.) in order to serve as basis for the development of the fundamental rights monitors establishment (e.g.: procedures, guidelines, etc.)

Phase II: Service Level Agreement between Frontex and FRA concluded on 10 June 2020 for assisting in the establishment and the development of fundamental rights monitors. In the framework of this SLA, the Agencies cooperate in the establishment of the Fundamental

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<sup>1</sup> European Border and Coast Guard Regulation (EU) 2019/1896 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

Rights Monitors, develop their training curriculum and compile a manual of monitoring tools for their effective functioning.

**The monitors will be integrated with the agency's Fundamental Rights Office. The Frontex Fundamental Rights Officer will oversee their work and assign them to particular operations. How independent is this Officer from the rest of the management structure?**

Answer: Pursuant to Article 109(5) of the EBCG Regulation, “[t]he Agency shall ensure that the fundamental rights officer is able to act autonomously and is able to be independent in the conduct of his or her duties. The fundamental rights officer shall have sufficient and adequate human and financial resources at his or her disposal necessary for the fulfilment of his or her tasks.”

Moreover, pursuant to Article 109(4) of the EBCG Regulation, “[t]he management board shall lay down special rules applicable to the fundamental rights officer in order to guarantee that the fundamental rights officer and his or her staff are independent in the performance of their duties.”

In light of the above:

- Firstly, the Agency is currently in the process of adopting the special rules referred to in Article 109(4) of the EBCG Regulation. Once in place, these rules will ensure that the fundamental rights officer has the organisational, financial and human resources to exercise his or her tasks efficiently in accordance with the EBCG Regulation while ensuring full compliance with the EBCG Regulation and the legal framework applicable to the Agency.
- Secondly, considering that the fundamental rights officer is independent in the performance of his or her duties, which include the appointment, selection and management of the fundamental rights monitors; those fundamental rights monitors will also benefit from independence when performing their tasks (Articles 109(3) and 110 of the EBCG Regulation).
- Thirdly, in relation to the performance of his or her duties referred to in Article 109(2) of the EBCG Regulation, the fundamental rights officer reports directly to the management board (in accordance with Article 109(4) of the EBCG Regulation).

Taken together, the above ensure that the fundamental rights officer is independent in relation to the performance of his or her duties referred to in Article 109(2) of the EBCG Regulation and is able to exercise his or her duties effectively in line with the EBCG Regulation and the legal framework applicable to the Agency.

**What is the evaluation model for their work?**

Answer: In accordance with Article 109(2)(j) of the EBCG Regulation, the fundamental rights officer is tasked with “selecting and managing the fundamental rights monitors”. It is therefore the task of the fundamental rights officer to evaluate the work of the fundamental rights monitors, including their effectiveness, and ensure that they discharge their duties to the highest standards.

It should be underlined that one of the objectives of the Service Level agreement with the Fundamental Rights Agency is precisely to design a tool for effective reporting and analysis of the work of the monitors.

**Question 7 - The first standing corps members have started their 6 month long training a couple of weeks ago. This recruitment is key to achieving the objectives within your revised mandate and to be an enormous challenge in the coming years. Three questions related to this:**

**What is the distribution of nationalities within the first group of standing corps recruits?**

Answer: see reply to question 1.

**Frontex communication mentions that candidates from 21 EU Member States have accepted offers to join Frontex (out of a total of 7500 applications). From which countries have there been no accepted applications? What explanation do you have for this?**

Answer: On 16/12/2019 (deadline for applications) 7500 applications were received. Recruitment procedures were interrupted in March 2020 due to the COVID-19 pandemic travel restrictions for the physical tests and face-to-face interviews. Interviewing continued in on-line mode. A first batch of 283 successful Standing Corps applicants were sent a job offer out of which 265 accepted the offer, in the end 263 signed the contract of employment. Thus the nationality division amongst 21 EU Member States reflect only the results of the first batch of recruits.

The physical tests were restarted in June 2020 and the recruitment procedures for the next batches are ongoing. Nevertheless it provides an indication that the majority of successful applicants that signed a contract of employment originate from EU Member States with a low correction coefficient; the place of employment for Standing Corps being Warsaw, Poland thus the correction coefficient of Poland being applicable making it less or not attractive to potential candidates from EU Member States with a higher correction coefficient.

**Given the pay scales, do you find it more difficult to attract applications from certain countries with high wages? If so, how do you address this challenge?**

Answer: It is indeed a challenge for the Agency to attract applications from countries with high wages (not only for the Standing Corps). Each year, several job offers made by Frontex to successful candidates are in the end rejected due to better conditions offered elsewhere. The Agency is trying to address this by working on its employer branding, focusing on other elements that score high in motivation surveys of jobseekers, such as challenging environment (unique experience), training and development offer etc. (though the latter being at stake in view of envisaged budget cut).

**Question 8 - Strengthening cooperation with third countries will be key to manage migration. Some questions related to this:**

**With how many and within what timeframe is Frontex considering to expand the number of liaison officers in third countries?**

Answer: Frontex has currently deployed 4 Frontex Liaison Officers (FLOs) in Turkey, Niger, Serbia (with a regional mandate covering the Western Balkan countries) and Senegal. Frontex has recruited a fifth FLO to be deployed in Albania later on this year depending on the evolution of the COVID-19 pandemic, thus becoming the second FLO with a regional mandate in the Western Balkans which complements the work of the FLO in Serbia. Additionally, the Vacancy Notice for the recruitment of sixth FLO to be posted in Ukraine, also with a regional mandate covering the Eastern Partnership countries, has just been published. The deployment is envisaged to take place in the course of 2021.

As part of its multiannual programming, Frontex aims to deploy 10 FLOs posted in third countries in the near future based on the geographic priorities identified in the Agency's International Cooperation Strategy 2018-20 (which is currently in the process of being renewed). It is worth noting that the deployment of FLOs in third countries is proposed based on the EU's external action policy and it would require the positive response from the national authorities of the third countries concerned. In this light, Frontex has recently received the Commission's prior approval for the deployment of a FLO to Pakistan. Frontex is now in contact with the EU Delegation in Pakistan in order to explore the possibilities of such a deployment keeping in mind that the main focus of all third country authorities are still shifted towards combating the COVID-19 pandemic.

**Question 9 - Director Leggeri, you mentioned a new liaison officer in the Maghreb countries, as well as Albania and Pakistan. Is there a formal structured cooperation with EEAS/local EU delegations within their responsibilities? If so, in what form?**

Answer: Frontex has in place a Working Arrangement with the EEAS that, amongst other subjects, refers to cooperation and the provision of support to the Agency in the deployment of FLOs in third countries. Prior to seeking a Management Board decision to deploy a FLO to a third country, Frontex conducts a series of consultations that include the EEAS and the respective EU Delegation in order to ensure overall coherence with the EU's external action policy.

Additionally, the EEAS also supports Frontex from a logistical point of view, as the FLOs deployed to third countries are co-located within the EU Delegation concerned. This co-location is based on an agreement that sets out the necessary modalities, such as those concerning office space but also when it comes to cooperation of the FLO with the EU Delegation. In this regard, the FLOs are in permanent contact and report regularly to the Head of the EU Delegation concerned and other EU Delegation staff on their activities.

**Question 10 - Are there countries that have refused cooperation through liaison officers? If so, which ones and for what reason?**

Answer: The process of deploying a FLO to a third country is done in coordination and consultation with the Commission and the EEAS with the corresponding EU Delegation. There have been instances where the EEAS/EU Delegation advised to wait for a more opportune time to consider deploying a FLO for specific priority regions due to the third countries concerned having different priorities at that particular point in time, such as due to the focus on the fight against the COVID-19 pandemic. To this end, by following this advice, Frontex has not yet experienced a refusal by third countries to cooperate in this area.

**Question 11 - EN: My question relates to the following case. In November 2020, activists Arne Semsrott and Luisa Izuzquiza conducted an information procedure against Frontex before the ECJ and lost it (<https://fragdenstaat.de/blog/2019/11/27/urteil-frontex-luxemburg-transparenz/>). In an unusual step, Frontex tries to have the entire costs for external lawyers reimbursed by the activists - a total of 24,000 euros. EU authorities usually do not charge for costs for 1049/2001 proceedings. I also see this as problematic because it could prevent actors from civil society and science from requesting further information on Frontex work. According to information from the activists, they have now received an "amicable solution", which should consist in reducing the amount requested from 23,700 euros to around 20,500 euros. The activists refused to do this because, of course, as the new amount should also deter people. Frontex has announced that it will sue the activists if they do not pay. What can you tell us specifically about this case?**

**DE (or) Meine Frage bezieht sich auf folgenden Fall. Im November 2020 haben die Aktivisten Arne Semsrott und Luisa Izuzquiza ein Auskunftsverfahren gegen Frontex vor dem EuGH geführt und verloren (<https://fragdenstaat.de/blog/2019/11/27/urteil-frontex-luxemburg-transparenz/>). In einem ungewöhnlichen Schritt versucht Frontex, sich die gesamten Kosten für externe Anwälte von den AktivistInnen erstatten zu lassen - insgesamt 24.000 Euro. Gewöhnlich stellen EU-Behörden ihre Kosten für Verfahren nach 1049/2001 nicht in Rechnung. Ich sehe das auch problematisch, weil das AkteureInnen aus Zivilgesellschaft und Wissenschaft davon abhalten könnte, weitere Informationen zur Frontex-Arbeit anzufragen. Laut Informationen der AktivistInnen haben sie nun eine "amicable solution" erhalten, die darin bestehen sollte, dass die von geforderte Summe von 23.700 Euro auf rund 20.500 Euro gesenkt wird. Die AktivistInnen haben dies abgelehnt, weil natürlich auch die neue Summe vor allem abschrecken soll. Frontex hat angekündigt, die AktivistInnen zu verklagen, sollten sie nicht zahlen. Was können Sie uns konkret zu diesem Fall sagen?**

Answer: In its judgment of 27 November 2019, the General Court dismissed all of the applicants' five pleas in law and ordered them to bear Frontex's costs in line with Article 134(1) of the Rules of Procedure of the General Court. The ruling of the Court is enforceable in accordance with Article 280 of the Treaty on the Functioning of the European Union and respecting judgments is the cornerstone of the rule of law.

By implementing the Court's order, Frontex acts in accordance with its duty to ensure sound financial management, to protect the financial interests of the EU and to responsibly implement its budget. Being part of the European public administration, Frontex has an obligation to respect the applicable legal framework including orders of Union courts. Consequently, implementing a Union court order cannot by no means deter any individual from seeking further information on Frontex's work.

The Agency's legal service has been in contact with the applicants' counsel in view of reaching a resolution, which is a gesture of goodwill from Frontex. The Agency would like to note that the applicants have publically criticised the Court ruling. They have also repeatedly stated that they would not pay any costs, and therefore it is not excluded that Frontex will be forced to start a new procedure to recover its eligible costs. The exact amount of eligible costs is based on case law of the Court of Justice of the European Union (CJEU) and we invite you to consult the CJEU's website for further information

**Question 12 - EN: Particularly in view of the considerable expansion of Frontex's mandate, which has already been mentioned several times, we need the certainty that Frontex's work is a role model for a border and coast guard that is oriented towards fundamental rights and human rights. In fact, unfortunately we keep hearing the massive criticism that the agency is at least complicit in the violation of fundamental rights at the external borders by certain Member States - I recall the reports from the Hungarian-Serbian border in 2016 and 2017 or the current cases in Greece since 2019. Please be specific: How do you intend to ensure the integrity of your operations in the future and ensure that fundamental and human rights are fully guaranteed in all operations involving Frontex?**

DE (or) Besonders angesichts der schon mehrfach angesprochenen erheblichen Erweiterung des Mandates von Frontex brauchen wir die Sicherheit, dass die Arbeit von Frontex ein Vorbild für eine grund- und menschenrechtsorientierte Grenz- und Küstenwache ist. Tatsächlich hören wir leider immer wieder die massive Kritik, dass sich die Agentur der Missachtung von Grundrechten an den Außengrenzen durch bestimmte Mitgliedstaaten zumindest mitschuldig macht - ich erinnere an die Berichte von der ungarisch-serbischen Grenze in den Jahren 2016 und 2017 oder die aktuellen Fälle in Griechenland seit 2019. Bitte daher ganz konkret: Wie wollen Sie zukünftig die Integrität Ihrer Einsätze gewährleisten und dafür sorgen, dass bei allen Operationen unter Frontex-Beteiligung die Grund- und Menschenrechte in vollem Umfang gewährleistet werden?

Answer: Full compliance with fundamental rights obligations is a cornerstone of all activities undertaken by Frontex. In this respect relevant trainings are given to all deployed Team Members, as well as in the individual operational briefings provided to each officers prior to their deployment. The Frontex Code of Conduct, as well as Operational Plans include detailed instructions and obligations regarding professionalism, integrity and respect of fundamental and human rights. These obligations apply to all officers participating in the Joint Operations, including host country and other participants (e.g. observers).



In case of any suspicion or allegation of misconduct in this respect all participants have the obligation to report it, and all reported suspicions are investigated through the Serious Incident Report process by the Agency. A complaints mechanism is systematically established for each Joint Operation in the Operational Plan, in accordance with Article 38(n) of the EBCG Regulation.

To enhance Frontex' capability to monitor the compliance of its operational activities with fundamental rights, the EBCG Regulation foresees the establishment of Fundamental Rights Monitors (FRM). At least 40 FRMs are to be recruited (deadline is within a year following the entry into force of the EBCG Regulation) to monitor the compliance of the Agency's activities with fundamental rights. According to Article 110 of the EBCG Regulation, FRMs will be entrusted with a broad range of tasks related to monitoring of fundamental rights, including the provision of advice and assistance to operations' stakeholders as well as contribution to the preparation, conduct and evaluation of operational activities of the Agency.

**Question 13 - EN:** In the report on our mission to you in Warsaw in February, which was presented here in committee, we made specific suggestions: we would like, for example, an update of the timetable for the implementation of the regulation so that Parliament's action where this is provided for in the regulation, can be guaranteed in due time. We also believe that it is necessary to make the complaints mechanism for fundamental rights more visible and accessible and we are convinced - not least because of the unpleasant reports from Hungary and Greece - that all officials of the permanent standing corps must have the best basic rights training. Will that be the case? Finally, we would like to receive timely information on the individual Frontex operations so that we can exercise our scrutiny function. How do you feel about these expectations from our side?

**DE (or)** Im bereits hier im Ausschuss präsentierten Bericht über unsere Mission vergangenen Februar zu Ihnen nach Warschau haben wir konkrete Vorschläge gemacht: Wir wünschen uns zB eine Aktualisierung des Zeitplans für die Umsetzung der Verordnung, damit das rechtzeitige Handeln des Parlaments dort, wo dies in der Verordnung vorgesehen ist, gewährleistet werden kann. Wir glauben auch dass es notwendig ist, den Mechanismus für Grundrechtsbeschwerden sichtbarer und zugänglicher zu gestalten und wir sind überzeugt davon - nicht zuletzt wegen der unerfreulichen Berichte aus Ungarn und Griechenland - dass alle Beamte des ständigen Courts über die beste Grundrechtsausbildung verfügen müssen. Wird das so sein? Und schließlich wünschen wir uns eine zeitnahe Information des EU-Parlaments über die einzelnen Einsätze von Frontex, damit die durch uns vorgesehene Kontrolle überhaupt erfolgen kann. Wie stehen Sie zu diesen Erwartungen von unserer Seite?

Answer:

- (i) With regards to the update of the timetable for the implementation of the EBCG Regulation, please be informed that on 27 April 2020, a report on the state of play of its implementation was issued. As the joint Commission-Agency's Roadmap for the implementation of the EBCG Regulation developed by the Commission and

Frontex on 1 July 2019 has become the main tool for ensuring transparency and effective monitoring of the progress made and stresses the Agency's full accountability vis-à-vis the EU Institutions. The Roadmap covers the main novelties brought by the EBCG Regulation, identifies the priorities for implementation and defines roles and responsibilities among Frontex, COM, Member States and the Management Board. A revised version of the Roadmap was endorsed by the Management Board in June 2020.

- (ii) In regard to training on fundamental rights, please be informed that Frontex has always been attaching great importance to training and raising awareness of its staff to all aspects of the respect for fundamental Rights. In accordance with Article 55(3) of the EBCG Regulation following their recruitment, all statutory staff to be deployed as members of teams shall undergo necessary border-guard or return-related training, including on fundamental rights. Regarding an update on the complaints mechanism, please kindly refer to the answer to Question 14.
- (iii) With reference to your request to receive timely information on particular operations, please kindly note that the Single Programming Document of the Agency includes the plan of operational responses for the following year. This plan outlines the core elements of the operational concepts and the relevant individual operations in this regard.

Article 106 of the EBCG Regulation, stipulates that each year the Executive Director shall prepare the consolidated Annual Activity Report on the Agency's activities and submit it to the Management Board. Article 100 of the EBCG Regulation states that the Management Board shall adopt an Annual Activity Report of Frontex for the previous year and forward it, by 1 July at the latest, to the European Parliament, the Council of the European Union, the European Commission and the European Court of Auditors.

**Question 14 - Thank you and welcome Mr Leggeri. With Frontex ever stronger mandate we are happy welcoming you here regularly to hear about the developments of the agency. One of the important elements of this agency is that the involvement of your staff is meant to guarantee the non-violation of human rights. We have had representatives here several times in the past year, often receiving questions on the lack of functioning of the fundamental rights mechanism and the fundamental rights officer. The internal reporting system of the agency has received criticism for not being used enough, the numbers we see are treacherously low, and the pool of monitors is reported to be overstretched. Could you inform us on the latest developments regarding this?**

Answer: The Agency is currently in the process of updating its complaints mechanism with the view of ensuring easier access and enhanced redress. In particular, as per Article 111 of the European Border and Coast Guard (EBCG) Regulation, the complaints mechanism will become available not only to complainants claiming to be directly affected by actions on the part of Agency staff but also in cases of a failure to act. Those revamped rules will also provide the explicit possibility for complaints to be reopened, in light of new evidence submitted by the complainant, where the complaint has been declared inadmissible or unfounded.

Furthermore, Annex V to the EBCG Regulation provides that “[a]ny person may report suspected breaches by statutory staff deployed as members of the teams of the rules on the use of force applicable under this Annex through the complaints mechanism provided

for in Article 111.” This provision should help ensure that reports about suspected breaches related to the use of force can more easily be made.

In view of the Office of the FRO, the Agency ensured reinforced staffing evolving from two posts before 2016 to its current full capacity of 11 staff on board (as of 1 September 2019). Concerning the fundamental rights monitors, the Agency is preparing for a launch of selection of the minimum number of 40 provided for by Article 110(6) of the EBCG Regulation. The process is set to be complete by 5 December 2020. Once the recruitment has been finalised, and subject to the fundamental rights officer’s decision concerning their assignments, the Agency’s fundamental rights monitors should soon reinforce the Agency’s efforts to protect fundamental rights.

The budget 2021 foresees for the activities in the field of fundamental rights an overall financial envelope of close to EUR 1,3m. This figure has been requested by the Fundamental Rights Officer; EUR 1m aims at financing the missions of the fundamental rights monitors to the operational activities, close to EUR 0,3m is dedicated to finance the support of the Consultative Forum to the Agency.

The budget 2020 earmarked EUR 1m for all fundamental rights office related activities; out of this amount, until end of July 2020, EUR 245 000 have been committed and EUR 16 000 paid.

**Question 15 - Secondly I would like to ask regarding search and rescue. In the coming Migration pact, the Commission will hopefully address the current lack of leadership in the Mediterranean, where the Member States and Frontex can conveniently blame each other. What do you see as a suitable solution out of this stale mate, where humans have been left to die at sea in this spring for lack of communication between your agency and the Member States?**

Answer: The legal responsibility regarding provision of search and rescue (SAR) services defined in international instruments involves mainly coastal states governments. According to the relevant EU legislation (Article 10,(1)(i) of the EBCG Regulation; Article 9 of Regulation 656/2014), Frontex provides technical and operational assistance to Member States (MS) and third countries, in support of SAR missions for persons in distress at sea, which may arise during border surveillance activities.

Moreover, as defined in international instruments, under the flag state responsibility, the master whose ship flies their flag are required to proceed to distressed targets, wherever they may be and no matter whom they are, to address necessary support. All assets deployed to Frontex coordinated maritime operations follow this responsibility under the coordination of a competent Rescue Coordination Centre (RCC).

To facilitate the implementation of the defined legal requirements relevant communication channels have been established between Frontex, International Coordination Centres (ICC) of Frontex coordinated maritime operations and competent MRCCs in the same geographical area.

**Question 16 - Thirdly, Croatia. We keep getting horrendous reports on systematic push-backs on the border. According to Frontex, the agency deploys specialised officers, border surveillance vehicles and other equipment in Croatia. Will you be able to continue being present here, since Frontex is not legally allowed to operate in areas where human rights are being violated?**

Answer: Croatia is a host country in the framework of Joint Operation Flexible Operational Activities on border surveillance only with the Croatian-Serbian border which is being currently only a monitoring area (without deployments). This practically means, that Croatia only provides regular (daily) incident reporting. Frontex has not received fundamental rights related reports from Croatia regarding the Croatian-Serbian border. The green border between Croatia and Bosnia and Herzegovina has not been an Operational Area of Frontex JO focused on surveillance. In general, deployment of border surveillance experts (conducting border patrolling) has not been implemented in Croatia since the beginning of 2017.

Moreover, Croatia is hosting the Joint Operation (JO) Focal Points Land and Frontex deploys Technical Equipment and Human Resources within this JO. Focal Points are established at the Border Crossing Points (BCPs) and Frontex deployed Team Members provide support in border checks at the BCP. Frontex has not received fundamental rights related reports in the framework of this activity.

If you require further clarification, Frontex remains at your disposal.

Yours sincerely,



Fabrice Leggeri  
*Executive Director*