

Mr David Sassoli
President of the European Parliament

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Please quote when replying.

Warsaw, 11 November 2020

Subject: Frontex maritime operations at EU external borders

Dear President,

Given the importance of the topic and the surrounding echoes in the media I deemed necessary to inform you about the outcome of the extraordinary meeting of Frontex Management Board held yesterday on 10 November 2020.

During the aforementioned meeting I proposed to establish an evaluation committee that could be composed of the Commission, in its role of guardian of the Treaties, and representatives of volunteering Member States due to their responsibilities in the European Border and Coast Guard. My proposal is meant as a follow up to my presentation of the preliminary findings of the inquiry that I ordered after a group of media outlets reported alleged fundamental rights violations within the framework of the Rapid Border Interventions in Greece. This evaluation committee would have access to Frontex reports and operational environment as a measure ensuring transparency and a fair inquiry.

As I informed the participants of the MB meeting, the preliminary findings of the inquiry conclude that there is no evidence of a direct or indirect participation of Frontex staff or officers deployed by Member States under Frontex operations in alleged “pushbacks” in the Aegean Sea.

However it appears in the light of the findings that two categories of operational situations require a common understanding and consolidated response of the European Border and Coast Guard, in full alignment with the assessment of the EU institutions, as well as the Member States and Schengen Associated Countries.

First, the interpretation of Article 6 of Regulation 656/2014 should be analysed in depth, and especially the circumstances in which the action as described in Article 6(2b) may be applied. An agreement should be reached on what constitutes evidence confirming that an intercepted vessel is carrying persons intending to circumvent border checks or engaged in the smuggling of migrants by sea. Furthermore, the correct course of action should be confirmed in case an

intercepted vessel is not deemed to be in distress, i.e. when provisions of Article 9 of Regulation 656/2014 on search and rescue situations do not apply.

Second, there is a need to develop a coordinated response to “hybrid threats” reported by the Member States at their external borders, affecting the national security or national defense of those Member States and, as a consequence, the security and stability of the EU. With the deployment of the European standing corps, these challenges will soon be faced by the entire European Border and Coast Guard, thus the matter requires an urgent reply.

Clarifications on the legal framework and, where necessary, decisions on a political level of the European Union regarding these issues would ensure that our operational activities are fully aligned and coordinated.

I remain available to further cooperate with the EU institutions and the Member States to fully implement the mandate given to Frontex by the EU legislator.

Yours sincerely,



Fabrice Leggeri
Executive Director

CC: Mr Juan Fernando López Aguilar, Chair of the Committee on Civil Liberties, Justice and Home Affairs