

OPERATIONAL PLAN 2022 -2023

AGREED BY THE EUROPEAN UNION AGENCY FOR ASYLUM AND AUSTRIA

Valletta Harbour and Vienna

December 2022

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

and

The Director General for Migration and International Affairs of the Austrian Federal Ministry of the Interior (hereinafter 'Member State'),

Having regard to Regulation (EU) No 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010¹ (hereinafter referred to as 'EUAA Regulation'), and in particular Article 1, Article 2, Article 3, Articles 16 to 20 and Articles 23 to 28 thereof,

Hereby agree on the Operational Plan (hereinafter 'the Plan') for the provision of technical and operational assistance by EUAA to Austria.

The Operational Plan is binding in its entirety, including annexes.

The implementation period of the Plan shall be from 6 December 2022 until 30 September 2023.

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

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

Valletta Harbour and Vienna

Executive Director of the
European Union Agency for
Asylum

Nina Gregori

6 December 2022

Director General for Migration and International
Affairs of the Austrian Federal Ministry of the
Interior

Peter Webinger

19 December 2022

¹ Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office.

1.0 INTRODUCTION

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

- operational and technical needs of the Member State whose asylum and/or reception systems are subject to disproportionate pressure;
- operational and technical reinforcement needs of the Member State(s) facing disproportionate migratory challenges;
- the implementation of its(their) obligations under the Common European Asylum System (CEAS).
- the implementation of Directive 2001/55/EC and the Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection.

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

2.0. OPERATIONAL SITUATION, NEEDS ASSESSMENT AND OBJECTIVES

Austria has been one of the first destination countries after the Balkan route in recent years and as a result, has received a high number of asylum applications. In the first half of 2022, the country ranked fifth in terms of the number of asylum applications in absolute figures, and second in proportion to the number of its inhabitants.

In 2021, 39,930 asylum applications were filed, which - at the peak - resulted in a number of 29,937 persons in Basic Care, with the highest number of 4,692 people in federal reception. Due to the continued increase in the number of asylum applications the Federal Agency for Reception and Support Services (BBU GmbH) had to reactivate thirteen hitherto temporarily closed facilities and opened five new ones with a total capacity of 8,492 places. At present, these do not suffice to accommodate the continuously rising applicants of international and temporary protection within the Austrian territory.

As regards the reception system, the number of persons within the overall Austrian reception system as well as within federal reception tripled within the last two years. As of 28 November 2022, 92,651 persons were reported to be registered within the Austrian Basic Care system including 7,388 persons in federal reception facilities as well as some 56,000 Ukrainian nationals. These numbers exceed the ones recorded during the peak period of 2015/2016 where the all-time high was 86,904 persons in Basic Care in March 2016.

Considering the high figures of new arrivals, the total reception capacity from the Federal state, and the delays in transfers to the provinces, the reception system has reached maximum capacity in the Federal system in the recent months. The limited capacity and number of transfers to the Provincial system has resulted with residents staying longer in a reception system initially established for shorter stay.

Also, shortages have been reported as regards the availability of sufficient staff, due to the high number of applicants along with the rapid turnover of residents. Reportedly, the existing staff is often occupied with different tasks and responsibilities, which leaves little room for the full utilisation of their expertise. Another challenge linked to the size of the staff in

reception facilities versus the multiple and diverse tasks that they hold, is the limited time left for training.

Consequently, the limitations in staffing capacity coupled with increasing number of arrivals makes the identification of potential vulnerable cases in need of specific reception guarantees, including unaccompanied minors, challenging as well; the transfer of the latter to the provinces with dedicated space was also reported to face obstacles in implementation by the national authorities.

Moreover, and following the situation in Ukraine, more than 80,490 displaced Ukrainian nationals have been registered for temporary protection in Austria. Austria has been the first Member State to carry out transfers of displaced Ukrainian nationals from the Republic of Moldova within the framework of the newly established Solidarity Platform. As part of the response to the increased influx, the BBU GmbH dedicated separate reception facilities to Ukrainian nationals, while temporary accommodation has also been organised through civil society schemes. Similar measures have been taken by the Federal Provinces in providing care and accommodation to beneficiaries of temporary protection. These resources are specifically allocated for beneficiaries of Temporary Protection and cannot be used for applicants for international protection.

Against this backdrop, the Austrian authorities addressed a letter to the Executive Director of EUAA requesting support from the Agency on 31 August 2022 in enhancing their capacity with regards to reception.

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

The rapid needs assessment focused on one key area of assessment:

1. Reception conditions

In accordance with the operational situation and needs assessment described herewith, the Parties agree to pursue the achievement of the following operational objectives and results:

Measure AT-REC 1: First response to address emergency Reception Needs

Expected outcome: Enhanced capacity of the Austrian authorities to respond to emergency reception needs

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 this Plan are the following.

Organisation	Responsibilities
Federal Ministry of the Interior Bundesministerium für Inneres	Migration Asylum procedure Reception procedure, etc
The Federal Agency for Reception and Support Services BBU GmbH (<u>Bundesagentur für Betreuungs- und Unterstützungsleistungen GmbH</u>)	Reception

4.0 MONITORING AND EVALUATION FRAMEWORK

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

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

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

Periodic or mid-term and final (ex-post) evaluations² can be carried out in order to take stock of lessons learned and good practices. The evaluation(s) will be conducted in line with EUAA's Evaluation Framework, which is based on the European Commission's Better Regulation methodological guidelines for evaluations. They may be performed externally through engagement of evaluation specialist(s), internally by Agency staff, or a hybrid approach.

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

An evaluation report on the results of the operational and technical measures shall be submitted to the Management Board on conclusion of an evaluation. The report on the final (ex post) evaluation will be due within 60 days from the end of the provision of operational and technical measures. For transparency and accountability purposes, evaluation report(s) may be made publicly available on the Agency's website after internal checks have been made

² Article 16(4) and Article 18(2)(k) EUAA Regulation

to ensure compliance with the applicable provisions in Regulation (EU) No 2018/1725³ and Regulation (EC) No 1049/2001⁴.

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

5.0 LEGAL FRAMEWORK

5.1 General legal basis for the Plan

In accordance with Article 1 of the EUAA Regulation, the Agency shall contribute to ensuring the efficient and uniform application of Union law on asylum in the Member States in a manner that fully respects fundamental rights. The Agency shall facilitate and support the activities of the Member States in the implementation of the Common European Asylum System (CEAS), including by enabling convergence in the assessment of applications for international protection across the Union and by coordinating and strengthening practical cooperation and information exchange. The Agency, shall improve the functioning of the CEAS, including through the monitoring mechanism and by providing operational and technical assistance to Member States, in particular where their asylum and reception systems are under disproportionate pressure.

Article 2 of the EUAA Regulation specifies the tasks the Agency is entrusted to perform, while in accordance with Article 3 thereof, each Member State shall appoint at least one national contact point for communication with the Agency on matters relating to the tasks referred to in Article 2.

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

5.2. Legal framework applicable to the Plan

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

5.3. Lawfulness and Respect for Fundamental Rights

This Plan shall be implemented by the Parties in full compliance with the applicable law, and with full 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 EUAA operational support activities and taking part in the implementation of the Plan shall respect the applicable International law, European Union

³ 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)

⁴ 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)

law and the national law of the host Member State. They shall maintain the highest standards of integrity and ethical conduct, professionalism, respect and promotion of fundamental rights and international protection.

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

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

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

Participants in EUAA's operational activities⁵ who have reason to believe that a violation of the EUAA Code of Conduct has occurred or is about to occur, are obliged to report the matter to the Executive Director of EUAA and to the host Member State Coordinator for the Plan via the appropriate channel: complaints_operations@euaa.europa.eu. Such an incident is to be reported using the **Incident Report Form (Annex II)**.

Under the complaints mechanism set up by the Agency⁶, Any person who is directly affected by the actions of experts in the asylum support teams, and who considers that his or her fundamental rights have been breached due to those actions, or any party representing such a person, may submit a complaint in writing to the Agency.

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

Without prejudice to the right of access to documents, as laid down in Regulation (EC) No 1049/2001⁷ and the EUAA implementing rules on access to documents⁸, all versions of this document shall be made available to the competent authorities in each EU Member State, as well as the associate countries, Iceland, Liechtenstein, Norway and Switzerland.

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

Personal data will be processed in accordance with Regulation (EC) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural

⁵ The 'participants in EUAA's operational activities' are to be construed as persons deployed to asylum support teams ('AST') referred to in Section 6.3. of the Plan.

⁶ As soon as it is established in the EUAA.

⁷ 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

⁸ Decision No. 6 of the Management Board of EUAA of 20 September 2011 laying down practical arrangements regarding public access to the documents of EUAA

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 2018⁹ with a Corrigendum to the 2016/679 Regulation on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (Data Protection Directive), which is applicable to stakeholders at national level.

Whenever personal data is processed by EUAA within the activities agreed in the current Plan, EUAA will act as data processor on behalf of the competent authorities of the host Member State, following the applicable EU and national laws and regulations, as well as the instructions received from the Host Member State as the data controller.

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

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

The host Member State agrees that any personal data obtained in the course of the implementation of the Plan and by any EUAA personnel working on behalf of the Member State authorities can be processed in the EUAA IT systems, including cloud-based systems, exclusively under the instructions of the Member State and until an alternative system exists that can substitute the processing system used by EUAA.

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

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

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

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

5.6. Non-substantial changes during implementation

The Plan aims to provide effective and flexible support to the identified needs of the host Member State. Therefore, the foreseen activities will be implemented in consideration of the

⁹ Corrigendum, OJ L 127, 23.5.2018, p. 2 ((EU) 2016/679)

changing circumstances which may occur in the international protection and reception systems in the Member States or on the ground, as well as in the context of the availability of financial resources and experts.

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

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

5.7. Amendments to the Plan

Any changes that prove to require an amendment to or adaptation of the Plan, shall be agreed in writing between the Executive Director of EUAA and the host Member State, after consulting the participating Member States, where necessary, in line with Article 18(5) of the EUAA Regulation.

Changes to outcome(s) specified in Section 2.0. shall as a general rule be considered substantial changes and will be subject to an amendment.

5.8. Suspension of measures and/or the Plan implementation

In accordance with Article 18(6)(c) of the EUAA Regulation, the Executive Director shall, after informing the host Member State, suspend or terminate, in whole or in part, the deployment of the asylum support teams if the conditions to carry out the operational and technical measures are no longer fulfilled or if the Plan is not respected by the host Member State or if, after consulting the Fundamental Rights Officer of the EUAA, it considers that there are breaches of fundamental rights or international protection obligations by the host Member State that are of a serious nature or are likely to persist.

5.9. Protocol (No 7) on Privileges and Immunities

Protocol (No 7) on the privileges and immunities of the European Union ('the Protocol')¹⁰ applies to the Agency staff members (statutory staff), when they are deployed for the purposes of the implementation of the Plan on the territory of Austria, including to the Asylum Support Teams.

The host Member State shall ascertain that the relevant provisions of the Protocol are implemented and shall provide the necessary support to the Agency in this regard.

6.0 IMPLEMENTATION AND COORDINATION STRUCTURE

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

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 EUAA representatives to all relevant databases and provide the relevant parties with the required information and data in the context of the implementation of this Plan.
- facilitate the provision of appropriate working space. Every effort shall be made by the Parties to provide suitable working conditions and, where required, working place for the participants in the activities implemented in the framework of the Plan. Minimum working and security conditions are considered as organisational pre-conditions.
- As far as operationally feasible, and where relevant, the working files shall be made available by the host Member State in English (unless otherwise agreed).
- The host Member State shall provide EUAA with information on the implementation of the Plan through timely input to the Early warning and Preparedness System and the delivery of tailored information on the implementation of measures agreed in the Plan.
- Designate a contact point in view of its role as a data controller for any data processed by EUAA on behalf of the national authorities of the host Member State.
- Facilitate the implementation of the EUAA survey data collection systems (including but not limited to Surveys with Asylum Related Migrants (SAM), Surveys of Arriving Migrants from Ukraine (SAM-UKR)).

EUAA will:

- designate an overall Plan Coordinator (also referred to as Coordinating Officer in accordance to Article 25 of EUAA Regulation), as well as a specific Measure Coordinator for each measure stipulated in the Plan.
- provide technical support to experts participating in this Plan with the aim of ensuring that all deliverables make good use of the expertise and information already available to EUAA.
- provide the technical equipment required for the work of the asylum support teams and reimburse costs incurred by persons participating in the support activities deployed by EUAA in the framework of this Plan, according to the applicable EUAA rules.
- support the development and implementation of agreed tools and procedures, taking into account the EUAA tools and guidance.

6.1.1 Preconditions for the deployment of equipment by the Agency

In accordance with Article 23(1) of the EUAA Regulation, without prejudice to the obligation of the host Member State to supply the facilities and equipment necessary for the Agency to be able to provide the required operational and technical assistance, the Agency may deploy

its own equipment to the host Member State. This may happen at the Member State's request, to the extent that such equipment might be needed by asylum support teams and insofar as such equipment might complement equipment already made available by the host Member State or other Union bodies, offices and agencies.

The Agency shall therefore provide the ICT equipment (including appropriate accessories) needed by the deployed experts to perform their tasks as specified in the Operational Plan. The ICT equipment provided may be used, inter alia, for the purposes of supporting activities related to temporary protection, reception, training of national authorities, information provision and registration activities.

The Agency will ascertain that the equipment provided is operational and ready for use, including, if necessary, by installing the appropriate software and by supplying user access.

The Agency will take the necessary actions related to the shipping and storage of the ICT equipment to secure its delivery to the sites where operational and technical assistance is provided, in agreement with national authorities. The national authorities may be authorised by the Agency to transport the equipment from and to different sites where operational and technical assistance is being provided.

The equipment will be provided primarily for the use of the deployed experts. However, the Agency authorises the duly identified staff of the national authorities to make use of the equipment to carry out tasks which are preparatory, ancillary or closely linked to the tasks carried out by the deployed experts. Staff of the national authorities shall exercise due care and diligence when using or transporting the equipment and shall notify the Agency without delay where equipment is damaged or requires repair or maintenance.

In accordance with Article 26(5) of the EUAA Regulation, the Agency shall bear the costs of damage to its equipment during deployment, except in cases of gross negligence or willful misconduct. The Agency shall be responsible for carrying out the necessary repairs and/or maintenance and replacing any damaged equipment to the extent required for the continued provision of operational and technical assistance under the Operational Plan. Without prejudice to the exercise of its rights against third parties, the Agency shall also be responsible for taking out the necessary insurance against loss, theft or damage to the equipment.

By default, the Agency shall be responsible for taking the necessary measures to ensure the security of the equipment, including measures relating to the security of the information stored therein. By default, the Agency retains control over the equipment throughout the time of the implementation of the Operational Plan and the Agency shall have the right to assign external accounts to the users of the equipment, conditional on the signature of dedicated forms by such users, for purposes of identification and appropriate asset management. Staff of the national authorities who are duly authorised to access and use the equipment shall abide by any instructions given by the Agency relating to appropriate usage of the IT resources.

However, exceptions may be implemented to part of the equipment provided, depending on the setup that the authorities wish to apply to ensure adequacy with its own technical and security provisions and to ensure interoperability with its own systems. In such exceptional cases, the authorities shall have the right to assign users access to the equipment, shall be responsible for the user support and shall also be responsible for the appropriate usage of the resources there contained.

In any case, the technical equipment of the Agency shall bear the distinctive asset markings (i.e. barcodes) which shall not be removed.

Detailed provisions on the conditions of use and support to end users, transportation, logistics, and financial arrangements relating to the deployed equipment may be communicated to the national authorities by the Agency during the implementation of the Operational Plan by means of an equipment deployment letter.

6.2. Conditions for Deployment

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

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

The platforms contain relevant information, such as:

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

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

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

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

6.3. Composition of asylum support teams

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

- i. The Agency's staff members, i.e. statutory staff employed by the Agency subject to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union¹¹;
- ii. Member States experts;
- iii. Associate Countries experts, i.e. experts made available through contributions to the Asylum Intervention Pool by associate countries referred to in Article 34 of the EUAA Regulation, with which the European Union has an arrangement in place on the modalities of its participation in EUAA's work;
- iv. Seconded National Experts (SNEs), i.e. experts employed by a national, regional or local public administration of an EU Member State or an associate country or by a public inter-governmental organisation and seconded to the Agency¹² for the provision of support to its operational activities;
- v. Other experts not employed by the Agency: Experts on contract, i.e. individuals providing services in relation to the Plan upon conclusion of a public contract between the Agency and the legal entity with which these individuals have an employment and/or contractual relationship, including temporary agency workers, or with remunerated external experts in line with Article 93 of EUAA Financial Regulation¹³ and Article 19 of EUAA Regulation.

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

The principles of EUAA's Security Governance Framework¹⁴ are based on the security principles contained in the Commission's security rules. That Commission Decision 443/2013 on the security in the Commission defines that security shall be based on the principles of legality, transparency, proportionality and accountability.

The safety and security of persons participating in EUAA activities under the Plan falls under the overall legal framework of the host Member State and shall be provided by the respective authorities legally responsible and accountable for the public order and security and safety on the territory of that Member State.

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

To that end:

¹¹ As laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, OJ L 56, 4.3.1968, p.1.

¹² Decision No 01 of the Management Board of EUAA of 25 November 2010 laying down rules on the secondment of national experts (SNE) to the European Asylum Support Office (ref. number: EUAA/MB/2010/03).

¹³ Article 93 of Management Board Decision No 54 of 14 August 2019 on the EUAA 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 EUAA being replaced by the EUAA. Any references in the EUAA Financial Regulation to 'EUAA' or the 'EUAA Regulation', should therefore be construed as references to the 'EUAA' or equivalent provisions in the 'EUAA Regulation', respectively.

¹⁴ Decision of the Executive Director No 61 of 12 April 2021 on the Security Governance Framework.

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

7.1. Standard security requirements

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

- Both the host Member State on one side and EUAA on the other shall appoint a single point of contact responsible for security matters 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 regard to the decentralised nature of deployments, the use of e-learning and other distance-based training techniques should be considered.
- Emergency (evacuation) plan. Certain operational activities, such as operations in field locations, require that staff shall have clear guidance and training on how to evacuate quickly in case of emergencies. In a more general context, there could be a need to evacuate from the operational area as well. Emergency plans shall be drafted and maintained up-to-date by the competent authority/person(s), whereas they shall be made available to the concerned parties and exercised regularly. A security responsible shall maintain updated information on the availability of evacuation plans and routes.
- Communication tools. As considered relevant by the EUAA Security sector, EUAA operational staff shall have access to independent radio communication equipment. If possible, the equipment shall be interoperable with the local law enforcement in charge of the security of the operation.
- Security of information. Sensitive non-classified and classified information shall be protected adequately, in accordance with the applicable legal framework¹⁵. EUAA’s security responsible shall be involved in supporting the proper classification of relevant information.
- Security of IT and communication equipment. EUAA’s IT equipment is adequately prepared to protect the information level it has been foreseen to process.
- Personal security behavior shall be included in the pre-deployment training, led by operational teams and performed for the experts during the first days of arrival to the operational area. This may refer to the EUAA Code of Conduct as well.
- Reporting security incidents from the operational area to the EUAA Headquarters is essential to ensure an overview of the overall security management is maintained.

¹⁵ Including, *inter alia*, the security principles contained in Commission Decision (EU, Euratom) 2015/444.

7.2. Specific security and safety requirements

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

7.3. Suspension of operational activities on security and safety grounds

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

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

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

7.4. Security incident reporting

Any participant¹⁶ in EUAA's operational activities who becomes aware of a(n) (impending) incident related to the security and safety of persons, assets or premises is obliged to report the matter to the Executive Director of EUAA and to the Host Member State Coordinator for the Plan via the appropriate channel: duty.officer@euaa.europa.eu. Such an incident is to be reported using the **Security Incident Report Form (Annex III)**.

8.0. COMMUNICATION

The Executive Director will appoint one expert from the Agency's staff to act or to be deployed as a Coordinating Officer in accordance with Article 25 of the EUAA Regulation.

The Coordinating Officer will act as an interface between the Agency, the host Member State, and experts participating in asylum support teams, and will foster cooperation and coordination between the host Member State and the participating Member States.

The Coordinating Officer will also monitor the correct implementation of the operational plan, act on behalf of the Agency as regards all aspects of the deployment of asylum support teams and report to the Agency on all those aspects, and report to the Executive Director where the operational plan is not adequately implemented.

The host Member State and the Coordinating Officer will manage the exchange of information concerning the tasks under the Plan.

¹⁶ The 'participants in EUAA's operational activities' are to be construed as persons deployed to asylum support teams ('AST') referred to in Section 6.3. of the Plan.

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

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

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

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

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

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

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

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

9.0. COOPERATION WITH OTHER STAKEHOLDERS

9.1. Cooperation with the European Commission

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

9.2. Cooperation with UNHCR

In accordance with Article 38 of EUAA Regulation, the Agency aims at a coherent and complementary continuation of the fruitful cooperation with UNHCR. The EUAA Coordinating Officer will liaise with the UNHCR office in the host Member State for a continuous cooperation and coordination of practical activities agreed with the host Member State under the current Plan.

9.3. Cooperation with IOM

In accordance with Article 52 of the EASO Regulation¹⁷, in July 2019 the Agency signed a working arrangement with IOM to establish a cooperation framework covering the relevant areas of common work and interest setting objectives and principles of such cooperation. Therefore, the EUAA Coordinating Officer will liaise with the IOM office in the host Member State for a continuous cooperation and coordination of practical activities agreed with the host Member State under the current Plan and in accordance with the working arrangement.

¹⁷ Reference to Article 52 of the EUAA Regulation shall be construed as reference to Article 38 of the EUAA Regulation.

ANNEX I - OPERATIONAL MEASURES

<p>Measure AT-REC 1: First response to address emergency reception needs</p> <p>Expected outcome: Enhanced capacity of the Austrian authorities to respond to emergency reception needs</p>	
<p>Responsible Authority(ies)/Main National Partner(s)</p>	<p>Federal Ministry of the Interior</p> <p>Federal Agency for Reception and Support Services BBU GmbH</p>
<p>Operational Preconditions</p>	<ul style="list-style-type: none"> • The Austrian authorities make available the necessary office space for the Agency's deployed personnel and provide the necessary equipment for implementation of the activities, where needed. • Regular coordination meetings are held among representatives of the Austrian authorities and EUAA to ensure effective collaboration and coordination. • A two-way data sharing procedure is established between EUAA and the Austrian authorities to measure the results/outputs from the intervention. • The host Member State will be responsible for securing all national permits and permissions necessary for the provision of the agreed support, including with regard to the deployed personnel. • An agreement is reached between EUAA and the host Member State on practical and administrative arrangements necessary for the deployment of EUAA personnel, e.g., as regards linguistic requirements and professional certifications.
<p>Outputs</p>	<p>AT-REC 1.1 Support for the enhancement of capacity and quality of emergency reception response</p>
<p>Actions</p> <p>AT-REC 1.1</p>	<p>The Austrian authorities are assisted through the following activities:</p> <ul style="list-style-type: none"> • Support to the management and operation of reception facilities through the deployment of reception personnel • Support for the enhancement of communication and information provision to residents of reception facilities, including through the development of information material, where needed • Support for vulnerability identification, screening and referrals • Provision of training on topics and modules of the EUAA curriculum relevant to reception (e.g.

	<p>communication and information provision, reception of vulnerable persons, interpreting in the reception context), to personnel of the national authorities and EUAA deployed asylum support teams.</p> <ul style="list-style-type: none"> • Study visits to other Member States focusing on reception system management, reception workflows and procedures • Provision of interpretation services
Inputs	<p>Indicative inputs¹⁸:</p> <p><u>Human resources:</u></p> <p>Reception Experts: Up to 30</p> <p>Interpreters: Up to 30</p> <p>Training Expert/Training Support Officer: 1</p> <p><i>Conditional on an agreement between EUAA and the Austrian authorities, and subject to budget availability for the present Operational Plan, material and operational support by the Agency could include inter alia provision of equipment, works, services, communication/promotional materials, required translations, costs for trainings/meetings/workshops, infrastructure costs, IT equipment, office supplies and others where required for the joint EUAA and national authorities' activities</i></p>

¹⁸ The proposed resources are indicative and subject to budget availability. EUAA support may be adjusted in line with the evolving needs, following the Plan inception and, where relevant, thematic needs assessments.