

Explanatory note on the “Hotspot” approach

As part of the immediate action to assist frontline Member States in meeting the challenges presented by high migratory pressures at the EU’s external borders, in the European Agenda on Migration, the Commission proposed to develop a new “Hotspot” approach.

The European Council, in its Conclusions of 25-26 June 2015, tasked the Commission with drawing up, in close collaboration with the host Member States, a **roadmap** by July 2015 on the **legal, financial and operational aspects** of the “Hotspots”. This explanatory note elaborates the concept of the “Hotspot” approach. The annexes to this explanatory note consist of two roadmaps setting out the way in which that approach is implemented in practice in Italy and in Greece, and an annex consisting of a flowchart setting out the workflow under the “Hotspot” approach. The explanatory note and the roadmaps have been prepared in close collaboration with the EU Agencies and with the host Member States, in this case, Italy and Greece.

1. Current situation and the role of EU Agencies

Migratory flows at the EU’s external borders are generally characterized by mixed flows of asylum seekers and economic migrants, with the involvement of organised migrant smuggling networks. These networks often facilitate not only the hazardous journeys across sea and land borders, but also secondary movements across the Member States.

EU Agencies, namely Frontex, EASO, Europol and Eurojust provide operational assistance to the Member States in accordance with their respective mandate in the field of managing the external borders, dealing with applications for international protection, and combatting serious organised crime such as facilitation of irregular migration. The founding Regulations of Frontex and EASO explicitly include the provision of increased technical and operational support to Member States whose border management or asylum systems are confronted with specific and disproportionate pressure. The expertise of the Fundamental Rights Agency (FRA) and its advice on how to address fundamental rights challenges can be used by all EU agencies, in line with existing bilateral cooperation agreements.

Frontex provides operational cooperation through joint operations and rapid interventions, upon request from the Member States. Since 2006 the Agency has been coordinating and financing many joint operations hosted by the Member States affected by exceptional irregular migration across their external maritime and land borders (e.g. Spain, Italy, Malta, Greece, Bulgaria, Hungary and Poland), based on risk analysis, including an assessment of Member States’ capacity to face pressures at their external borders. Frontex supports Member States in the identification procedures through screening. Moreover, Frontex provides tailored products and services within the context of Eurosur (for instance, vessel traffic monitoring, vessel detection or vessel of interest tracking and analysis layer deliverables). Furthermore, the Agency collects information for own analysis and supports Member States’ competent authorities on investigation by carrying out debriefing interviews to gather information concerning routes, modus operandi and facilitators. Frontex also organises and coordinates return operations of Member States.

EASO provides or coordinates the provision of operational support, *inter alia* through the deployment of asylum support teams to support Member States in particular with expert knowhow in the different steps of the asylum process and to facilitate the analysis of asylum applications under examination by the competent national authorities, for example, through

joint processing. Currently a number of Member States receive assistance coordinated by EASO through Operational Support Plans (Italy, Greece, Bulgaria and Cyprus).

Europol supports Member States by providing secure information-sharing opportunities, expertise, strategic and operational analysis relating to cross-border serious and organised crime and terrorism. Europol offers support on the spot including forensic assistance to the authorities of the affected Member States and cooperation with other services involved (e.g. EUNAVFOR MED). Europol staff may participate in a supporting capacity in joint investigation teams. Joint Operational Team (JOT) Mare was launched in March 2015 as the EU information hub for criminal (including personal) data on smuggling of persons by sea and specifically intended to tackle related organised criminality. The deployment of JOT Mare in the context of a “Hotspot” mainly serves three purposes, namely to:

- Enhance intelligence collection of JOT Mare via direct provision of intelligence from agencies active in the field to maximise opportunities to identify organised crime groups active in facilitated illegal migration in the Mediterranean, as well as secondary movements;
- Establish direct access to Europol’s information and analysis capabilities for the agencies active in the field.
- Increase opportunities for coordinated operations, using improved intelligence flows and on-the-spot access to initiate and support investigations against OCGs.

Eurojust supports and strengthens coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime affecting two or more Member States, in order to render their investigations and prosecutions more effective. Eurojust can ask the competent authorities of the Member States, also in cases involving third countries, to undertake an investigation or prosecution. Eurojust can assist in the execution of European Arrest Warrants and requests for mutual legal assistance, advise on jurisdiction and support in the setting up and running of Joint Investigation Teams, including financial support. Eurojust contributes to facilitating swift prosecution of criminal networks of smugglers.

2. What is a “Hotspot” approach?

The aim of the Hotspot approach is to provide a platform for the agencies to intervene, rapidly and in an integrated manner, in frontline Member States when there is a crisis due to specific and disproportionate migratory pressure at their external borders, consisting of mixed migratory flows and the Member State concerned might request support and assistance to better cope with that pressure. The support offered and the duration of assistance to the Member State concerned would depend on its needs and the development of the situation. This is intended to be a flexible tool that can be applied in a tailored manner.

In the European Agenda on Migration, the Commission committed itself to setting up a new “Hotspot” approach. The Agenda does not provide a definition of a “Hotspot” but rather describes how the “Hotspot” approach is to be applied. Accordingly, in such a “Hotspot” approach, *“the European Asylum Support Office, Frontex and Europol will work on the ground with frontline Member States to swiftly identify, register and fingerprint incoming migrants. The work of the agencies will be complementary to one another. Those claiming asylum will be immediately channelled into an asylum procedure where EASO support teams will help to process asylum cases as quickly as possible. For those not in need of protection, Frontex will help Member States by coordinating the return of irregular migrants. Europol*

and Eurojust will assist the host Member State with investigations to dismantle the smuggling and trafficking networks.”

3. What qualifies a “Hotspot”?

A “Hotspot” is characterized by specific and disproportionate migratory pressure, consisting of mixed migratory flows, which are largely linked to the smuggling of migrants,¹ and where the Member State concerned might request support and assistance to better cope with the migratory pressure. The triggering of the “Hotspot” approach is based on both the assessment of the Member State concerned and the risk analysis provided by the relevant EU Agencies, in particular Frontex and EASO.

In principle, an external border section should be considered to be a “Hotspot” for the limited period of time during which the emergency or crisis situation subsists and during which the support of the “Hotspot” approach is necessary.

4. How is the “Hotspot” approach triggered?

The “Hotspot” approach is to be triggered upon the request of a Member State. The requesting Member State would need to submit its request and proposal outlining its needs to the Commission and the relevant Agencies. Under the overall coordination of the Commission, the Agencies will assess the request and the accompanying proposal with the aim of defining a comprehensive support package that would meet the needs of the Member State concerned without delay. This approach would avoid overlap or duplication of efforts on the ground.

In those instances where despite facing high migratory pressures, a frontline Member State does not request support from all of the Agencies or only requests emergency funding, the Commission will consider to propose to that Member State to request the triggering of the “Hotspot” approach.

5. How is coordination on the ground to take place?

On the ground, operational coordination is necessary. For practical reasons that would consist of an EU Regional Task Force (EURTF) responsible for the overall coordination of the work of the different teams of experts involved in the “Hotspot” approach and the information exchange among these teams. The EURTF is the organisational entity to implement the “Hotspot” approach in administrative and operational terms. The “Hotspot” approach consists of a headquarters hosting the EURTF and operational expert teams that support the work of the host Member State on the ground (e.g. registration and screening of irregular migrants at the ports of disembarkation, pre-return assistance in pre-removal centres).

It is essential that officers from all Agencies directly concerned, namely Frontex, EASO and Europol, as well as national authorities are present in this EURTF. Eurojust and other EU Agencies may also consider deploying staff to this EURTF, depending on the situation. The expenses related to the EURTF are covered under the current financial framework for 2015.

¹ The impact level attributed to external border sections in accordance with the Eurosur Regulation could already offer a basis for determining whether a particular border place requires a “Hotspot” approach and requires the triggering of the “Hotspot” approach. For instance, currently 10 border sections in Italy have been attributed a high impact level.

Representatives from relevant Member States' authorities could be temporarily deployed, upon previous agreement with the host Member State, to the EURTF for the only purposes related to a relocation scheme. Close links must be built to the national competent authorities and the coordination structures, in particular the International Coordination Centre for Frontex Joint Operations. The operational support and assistance to be provided by closer interaction among national and EU actors can be further enhanced by liaising with international actors such as Interpol, IOM, UNHCR and relevant NGOs.

The EURTF, in close cooperation with the competent national authorities, will facilitate the overall coordination of the teams of experts from the different Agencies deployed on the ground, and ensure information exchange. The EURTF will coordinate its efforts with national competent authorities. Depending on whether the major challenge is pressure at the external borders, or processing asylum applications or investigating criminal networks, the relevant Agency would need to take up the role of coordinator in the EURTF in cooperation with the competent authority of the host Member State. The coordinating EU Agency will take care of the administrative and logistical arrangements in cooperation with the competent authority of the host Member State. The EURTF shall carry out its tasks without prejudice of the competences and responsibilities of the relevant national authorities, and in close collaboration with them.

It could be that more than one external border section in the same Member State would be considered a "Hotspot" at the same moment in time. Therefore, the EURTF could be coordinating efforts with regard to more than one "Hotspot".

6. What operational support can be provided?

The operational support to be provided using the "Hotspot" approach will be tailored to the specific situation at the external sea or land borders of the frontline Member State. The following operational support could be included:

1. **Registration and screening of irregular migrants by Frontex** to determine their identity and nationality, and provision of information, where appropriate, concerning the asylum process. Fingerprinting and registration in EURODAC will be carried out by Member State authorities, and if requested with the support of the relevant EU Agencies and specialized expert teams from the Member States. At this stage, each individual undergoes a first screening interview. Following the screening it should be possible to distinguish between the following categories of persons:
 - a. Persons who wish to apply for asylum (Actors: national competent authorities with the support of EASO);
 - b. Persons who can be returned immediately: procedures for immediate return (Actors: national competent authority with the support of Frontex);
 - c. Persons with regard to whom the situation may remain doubtful: normal procedure applies (Actor: national competent authorities).

Special attention will be paid to vulnerable groups, including children particularly unaccompanied children who need specific protection.

2. **Debriefing of migrants supported** by Frontex at the frontline to understand routes, modus operandi and to gather information, including on secondary movements, with a view to contributing towards investigations into smuggling networks and for criminal

analysis. Europol is provided with relevant information and intelligence from all debriefing interviews to support and initiate investigation with the concerned Member State.

3. **Stepping up investigations (including forensic/operational support), information and intelligence exchange on facilitation** of irregular transit and stay within the EU. This enhanced cooperation should deal with criminal networks facilitating migration to the EU as well as secondary movements from the Member State of disembarkation to the final destination (Actors: host Member State, in particular national prosecutors and judicial authorities, Europol, Eurojust as needed).
4. **Asylum support**, in line with the joint processing concept, by channelling asylum seekers into the appropriate asylum procedure (normal, accelerated/border procedure, prioritized/Article 78(3) procedure, according to the relevant national legal system) and assisting with registration of asylum seekers and subsequent preparation of case files. In this framework EASO teams, alongside with UNHCR, should focus on persons in clear need of international protection in order to ensure swift processing possibly linked to relocation (Article 78(3) decision).
5. **Coordination of the return of migrants that do not have the right to stay in the EU legally**, in particular with regard to pre-return assistance and the coordination of return flights. Support for the acquisition of travel documents from countries of origin, including by setting up teams from identified countries of return to carry out interviews and speed-up the issuance of travel documents (Actors: host Member State and other Member States which can assist in the contacts with the relevant countries of origin or transit with the support of Frontex).
6. **Interpretation to facilitate the work of the experts provided by the Agencies** for the above tasks will be provided by the Agencies and/or Member States.

The “Hotspot” approach does not provide reception facilities to its host Member States but builds on their existence and functioning. The expert teams deployed under the “Hotspot” approach support the work of the host Member State in its national reception facilities and pre-removal centres (for those not in need of protection). The existence and functioning of national reception facilities and pre-removal centres is therefore necessary for the successful implementation of the “Hotspot” approach.

7. What is the added value of the “Hotspot” approach?

The benefit of this “Hotspot” approach is that comprehensive and targeted support is provided to the frontline Member State by the relevant EU Agencies with regard to all challenges that arise due to specific and disproportionate migratory pressures at the external borders. The “Hotspot” approach is envisaged to contribute to facilitating the implementation of the relocation scheme established on the basis of Article 78(3) TFEU. This approach also allows for parallel efforts in respect of tackling smuggling based on real-time law enforcement analysis of the situation on the ground. At the same time, this approach contributes to enhancing the return policy.

The support offered by the Agencies can already be provided by them within their respective mandates. The “Hotspot” approach would help avoid duplication and better pooling of efforts.

It is an opportunity for the Agencies to make best use of information, capabilities and systems which they already have available for the benefit of the frontline Member States. The result of combining information, operational support and capacity building activities from all relevant EU Agencies should amplify the impact of this assistance, which would be greater and more visible than when provided by EU Agencies separately. This should enable the frontline Member State to address the migratory pressure in a swifter and more effective manner in full compliance with fundamental rights and also strengthen its capacities for facing migration and asylum as well as internal security challenges in the future.

Component 1: Roadmap on the practical implementation of the “Hotspot” approach in Italy

1. European Union Regional Task Force: overall coordination of the operational support provided by the EU Agencies to Italy

The Commission and the relevant EU Agencies are developing a “Hotspot” approach as set out in the European Agenda on Migration. A European Union Regional Task Force (EURTF) has been set up in Sicily to implement this “Hotspot” approach.

The aim of having an EURTF is to improve inter-agency cooperation and information exchange, and to enable concerted actions from the moment of disembarkation of migrants and to channel these persons through the appropriate asylum or return procedures. The EURTF does not replace the existing coordination structures of Joint Operation Triton and the search and rescue activities.²

In Catania (Sicily), the EURTF has been set up by Frontex in agreement with Italy. The Agency is acting as a service provider and will ensure proper working conditions for the staff deployed to the EURTF by other EU Agencies namely, Europol, EASO and possibly Eurojust. All relevant Agencies have been asked to participate in the EURTF.

For the time being, the EURTF is situated at a police station in Catania and the plan is for it to be accommodated in another building put at the disposal of Frontex free of charge by the Italian authorities towards the end of the summer. The situation as regards staffing the EURTF – i.e. the headquarters of the “Hotspot” approach triggered in Italy – is currently as follows:

- Frontex: 1 operational officer, 1 intelligence officer (analyst), 1 field press officer and 1 officer from the Frontex Situation Centre
- Europol: 1 officer
- EASO: 1 officer (to be deployed shortly)
- Eurojust: The desk officer responsible for Italy at Eurojust has established a direct contact with the Correspondent of the DNA (National Anti-mafia and Antiterrorism Directorate) responsible for the district of Catania. The correspondent will be Eurojust’s contact point and will be regularly (weekly basis) present in Catania. The possibility of deploying a permanent staff member to the EURTF will be under consideration depending on what is needed.
- EUNAVFOR MED: 1 liaison officer to ensure the daily information exchange with the Agencies present.

EURTF must liaise, through its different components, with the teams of experts on the ground (including the debriefing and screening teams), and the ICC coordinating Joint Operation Triton, as well as NGOs and media. The EURTF shall act without prejudice of the competences and responsibilities of the national authorities and must constantly coordinate its efforts with the latter.

² Frontex coordinates the implementation of Joint Operation Triton. The average deployment during the peak seasons consists of 4 Fixed Wing Airplane, 3 Helicopters, 6 Offshore Patrol Vessels, 7 Coastal Patrol Vessels, 5 Coastal Patrol Boats. The total budget allocated to the operation for 2015 is EUR 37.700.000. It is expected that JO Triton will have to be continued in 2016.

The common working place shared among the Agencies should facilitate close-to-real-time exchange of information, better planning and adjustment of their respective activities, e.g. deployment to the ports of disembarkation of migrants and/or to the first reception facilities of the Frontex screening and debriefing teams, the Asylum Support Teams, and experts of Europol.

2. Concerted Operational Support of EU Agencies – Who is doing what?

The EURTF is the organisational entity to implement the “Hotspot” approach in administrative and operational terms in Italy. However, the operational activities do not take place in the actual premises of the EURTF but are implemented by the expert teams on the ground. The teams of experts consisting of Frontex guest officers (screening and debriefing experts) are working along with the Italian authorities at the ports of disembarkation. The EURTF can include the asylum support teams deployed by EASO with the aim to assist with the registration of asylum seekers and subsequent preparation of case files.

2.1. Frontex Operational activities

Frontex assists with 9 Joint Debriefing Teams (in which 17 debriefing experts deployed by other Member States work together with Italian officers) and 6 Screening Teams (having 10 screening experts from another Member States). The running costs of the EURTF are being covered by the extended budget of Frontex.

Frontex helps in identification of the persons disembarked and in collecting information regarding their journey to the EU. The Agency will also provide for assistance to preparing and implementing the return of those irregular migrants who have no right to stay in Italy and are subject to an enforceable return decision issued by the Italian authorities.

2.2. EASO Operational activities in Sicily/Italy

EASO assists with registration of asylum seekers and subsequent preparation of case files. It will also assist Italy and other Member States implementing the relocation of asylum seekers in accordance with the relocation scheme under the Article 78(3) procedure. The call for experts has been launched and 45 experts are ready to be deployed. The actual deployment of the mentioned experts is subject to the previous agreement of the host Member State on the basis of their specific skills and in accordance with the activities to be carried out.

2.3. Europol’s Operational support

Europol through the Joint Operational Team (JOT) MARE supports the migration and law enforcement authorities to collect evidence and conduct investigations against the smugglers who facilitate the unauthorised entry, onward secondary movement and residence of migrants in the EU.

Component 2: Roadmap on the practical implementation of the “Hotspot” approach in Greece

1. European Union Regional Task Force: overall coordination of the operational support provided by the EU Agencies to Greece

The Commission and the relevant EU Agencies are developing a “Hotspot” approach as set out in the European Agenda on Migration. A European Union Regional Task Force (EURTF) will be set up in Greece in pursuance of implementing this “Hotspot” approach. The EURTF will be set up in the Frontex Regional Office³ in Piraeus from where it can coordinate the activities being carried out by the EU Agencies in more than one "hotspot".

Through improved inter-agency cooperation and information exchange, the EURTF will enable concerted actions by the Agencies from the moment of disembarkation of irregular migrants at the borders to the channelling of these persons through the appropriate asylum or return procedures. It will also contribute to gathering and sharing information useful to launch investigations against migrant smugglers. The EURTF reinforces the operational assistance provided upon disembarkation and at first reception centres. The EURTF does not replace the existing coordination structures of Joint Operation Poseidon and the search and rescue activities⁴.

Frontex can act as a service provider and will ensure proper working conditions for the staff deployed to the EURTF by other EU Agencies. Apart from Frontex, the presence of EASO and Europol is an absolute must, with officers from these Agencies detached for the life-time of the operation. This will ensure improved information gathering and sharing, as well as appropriate liaising between immigration, law enforcement and judiciary authorities. The presence of other Agencies, such as Eurojust, is subject to a needs assessment. The EURTF must coordinate its efforts with the national authorities.

The staffing situation of the EURTF must be sufficiently adequate to ensure effective running of day-to-day business, and coordination of the number of mobile units of experts (including the debriefing and screening teams) deployed on the ground, which can vary depending on the number of “Hotspots” declared in a specific external border section. It is necessary for the EURTF to work closely with the ICC coordinating Joint Operation Poseidon. It may need to liaise with NGOs and media and therefore the presence of a press officer is recommended.

The common working place shared among the Agencies should facilitate close-to-real-time exchange of information and its onward transmission to the Agencies, better planning and adjustment of their respective activities, e.g. deployment to the ports of disembarkation of migrants and/or to the first reception facilities of the Frontex screening and debriefing teams, the Asylum Support Teams, and experts of Europol on migrant smuggling. Full coordination with Europol intelligence-hub on migrant smuggling in the Mediterranean (JOT MARE) must be ensured.

The EURTF should collaborate with IOM and national authorities as regards activities related to return, in particular assisted-voluntary return, including the work done by IOM together

³ The Frontex Regional Office in Piraeus is set up to promote closer cooperation between Frontex and the Member States hosting joint operations and strengthen regional presence in Greece, Italy, Cyprus and Malta.

⁴ Frontex coordinates the implementation of Joint Operation Poseidon. The monthly deployment during the peak seasons consists of 1 Fixed-wing aeroplane, 3 helicopters, 2 offshore patrol vessels, 4 coastal patrol vessels, 10 coastal patrol boats, 4 thermo-vision vans. The total budget allocated to the operation for 2015 is EUR 18.100.000. It is expected that Joint Operation Poseidon will have to be continued in 2016.

with national authorities. It should also collaborate with UNHCR, which can provide support as regards interpretation and provision of information on access to asylum procedures.

2. Concerted Operational Support of EU Agencies – Who is doing what?

The EURTF is the organisational entity to implement the “Hotspot” approach in administrative and operational terms. However, most of the tangible operational activities do not take place in the actual premises of the EURTF in Piraeus but on the ground. The teams of experts consisting of Frontex guest officers (screening and debriefing experts), and the asylum support experts deployed by EASO must work together with Greek authorities at the ports of disembarkation, the first reception centres and other places where administrative handling of the individual cases of the irregular migrants and persons seeking international protection is taking place. Europol experts should help gather information about migrant smuggling.

2.1. Frontex Operational activities

Frontex assists with 6 joint debriefing teams and 5 screening teams, 3 first line officers and 7 advanced level document experts. The running costs of the EURTF can be covered by the extended budget of Frontex.

Frontex helps in identification of the persons disembarked and in collecting information regarding their journey to the EU. This information is to be shared with Europol. The Agency will also provide for assistance to preparing and implementing the return of those irregular migrants who are subject to an enforceable return decision issued by the Greek authorities. Nationality identification results may also be used by the Asylum Service for the purposes of both the national asylum procedure and in the context of a relocation process.

2.2. EASO Operational activities

EASO assists with registration of asylum seekers and subsequent preparation of case files at the request of the Greek authorities. It will also assist Greece and other Member States implementing the relocation of asylum seekers in accordance with the relocation scheme under the Article 78(3) procedure. The call for experts will be launched shortly. The deployment of these experts is subject to the agreement of the host Member State on the basis of their specific skills and in accordance with the activities to be carried out.

2.3. Europol Operational support

Europol, through the Joint Operational Team (JOT) MARE, can support the Greek migration and law enforcement authorities by providing secure-information sharing opportunities, expertise, strategic and operational analysis relating to facilitation of illegal migration in the Mediterranean as well as onward secondary movements of migrants.

In particular, Europol can provide on-the-spot support by direct cross matching of data gathered on the spot with Europol’s information, as well as their analysis to maximise the opportunities to identify the organised crime groups involved. The information flow from the Hellenic Police and Hellenic Coast guard will further improve with the arrival of the Greek seconded national expert at JOT Mare. Europol could also support capacity building of the

Greek law enforcement authorities, by providing training and tools to extract relevant data or to share them with the law enforcement authorities at EU level⁵.

⁵ Training could be provided on the use of SIENA (the secure channel of information exchange), temporary mobile offices with direct access to SIENA and Europol Information System and tools allowing for the extraction of data from mobile phones and other devices (UFED).

Component 3: "Hotspot" approach flowchart

