

Minutes from the technical meeting held in Rome, 24 September 2014

Date	24 September 2014
Place	Scuola Superiore di Polizia, Rome
Chaired by	Mr. [REDACTED] (Central Director, Immigration and Border Police Central Directorate) - [REDACTED]

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Participants

[REDACTED], Head of Border Management and Schengen Governance Unit (DG Home Affairs) - [REDACTED];
[REDACTED], Director of Operations Division (Frontex) - [REDACTED];
[REDACTED], Sea Border Sector (Frontex)
[REDACTED], Director of Immigration Service (Mol)
[REDACTED], Director of 2nd Division (Mol)
[REDACTED], Risk Analysis and Maritime Operations Unit (Mol)
[REDACTED], Coordinator for maritime issues (Ministry of Foreign Affairs)
International Affairs Unit, Mol Cabinet
Ministry of Defense, General Staff
Italian Navy
Italian Coast Guard
Italian Guardia di Finanza

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The meeting was opened by the chairman, [REDACTED] that warmly welcomed all the participants to this final meeting for the implementation of the new Joint Operation TRITON in the Central Mediterranean.

[REDACTED] thanked Frontex support to Italy in this period of high irregular migration pressure and its constant commitment to find the needed operational support.

[REDACTED] stressed, as Italian Ministry of Interior ALFANO and Commissioner MALMSTROM already did, that TRITON is different from Mare Nostrum, with different objectives, scope and operational area. The termination of Mare Nostrum will depend always on the final decision of the Italian Government but surely the full implementation of TRITON will give room for this decision to be taken.

[REDACTED] stated that Italy is very much keen in the participation of all the possible Member States in the new JO and agrees that further negotiations as regards the participation of Malta have to be done.

[REDACTED] pointed out some of the Italian efforts to address the phenomenon of irregular migration and people's smuggling, namely:

[REDACTED]

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3. Strong efforts made by the Italian authorities to increase and improve the identification procedures - the number of identified migrants has risen to 48-49%;

[REDACTED] expressed his hope that at the end of today's meeting an agreement would be reached for the JO TRITON as concerns the number and type of assets, operational area and period. Furthermore, ITA intends to be able to announce in the next JHA Council meeting on the 09th October that the new JO will start from 01st November.

[REDACTED] thanked Italy for hosting this meeting and expressed appreciation for the Italian efforts in the cooperation with 3rd Countries.

As regards the new JO, [REDACTED] stated that its launch shows EU solidarity to tackle irregular migration. Nevertheless, we should continue to reinforce the idea that TRITON will not replace Mare Nostrum. The new TRITON is a border surveillance operation with capacity to support SAR activities. A general open call will be made to the MS to

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support ITA and the budget is being currently negotiated with the Commission but it doesn't affect the immediate implementation of the activities. The future activities should also foresee the systematic identification of migrants and the prevention of reuse of the migrants' boats left adrift.

█ stressed that Frontex will do the utmost to start the new JO on the 1st of November.

█ acknowledge the good progress reached by both parties to launch the JO TRITON and sees as a good political sign to be able to state in the next JHA Council meeting that agreement has been reached.

█ stated that the success of the new JO will depend on the MS participation with aerial and maritime assets and recalled all present that the budget of the FX Jos is to be used for funding MS participation. In this sense, the COM will put pressure in MS to strongly participate.

█ mentioned that for 2014, the COM has available 3.5 to 4 Million Euros for the initial start of the activities. It is a quite fast procedure that simply requires Frontex request. As regards 2015, there could be additional 20 Million to reinforce Frontex budget but it is not yet confirmed as discussions are still ongoing.

Regarding the duration and intensity of the activities of the new JO TRITON, █ suggested that we should leave it open as it all will depend on the flows affecting the operational area.

Concerning the Mare Nostrum operation and the new TRITON, the COM respects all the National efforts of the MS regarding SAR. Nevertheless, the key element is coordination between the activities of both operations. Finally █ stated that the COM is also very keen in the participation of Malta in the activities of TRITON, recognizing that the limitations imposed make it somehow difficult. Finally, the concept of the JO TRITON should describe the actions to be taken as concerns the migrants' boats in order to avoid the possible reuse by the criminal networks. █ informed that there is an emergency funding that can be used for this purpose in case it is requested by Italy.

█ recognized the importance of having the COM mediating the negotiations. Regarding the boats adrift, the Ministry of Interior had tried to introduce in a law the possibility to destroy the boat but unfortunately the Ministry of Environment blocked the amended law.

█ stated that it is important that in today's meeting we reach a final agreement as concerns the period of the JO, the operational area, the assets to be deployed and the budget. Finally, ITA accepts the fact that the main part of the budget of the JO will be used to co-finance the participating MS.

█ reiterated that all the migrants intercepted by MS assets will be disembarked in Italy and that the Maltese limitations to the participation in TRITON have to be further analysed, discussed and the terms of these participation have to be laid down in paper.

Italian Navy mentioned that was waiting for a formal proposal from Frontex for the new TRITON

█ in █. Moreover, the Navy stated that in case Mare Nostrum finishes, the new operation in the area will have surely extra work as concerns SAR.

Italian Ministry of Foreign Affairs informed that it is extremely important to send a political signal by starting the new operation on the 01st November. As regards the position of Malta, the legal department of the MoFA will further analyse the document and come with final conclusions.

█ informed that Frontex proposal had been sent informally and negotiations had been kept at technical level. In detail, Frontex proposal includes 2 OPVs (1 MS and 1 ITA), 2 MS/FWA, 2 IT/CPVs and 2 IT/CPBs.

█ clarified that the Frontex proposal included also 5 JDTs, 2 screening teams, the costs of the ICC/LCC and of Liaison Officers. The percentage of the total budget committed to Italy would be around 38%.

█ stated that first of all we should assess what we want and need, and only afterwards address MS for their contribution. Moreover 38% of the total budget for ITA is already above the ceiling defined for HMS.

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■ mentioned that the Italian Navy and Coast Guard have many other units that are operating at sea, on spot, and are not co-financed. In case of the MS offers to the open call for support are not enough, ITA can cover the needed gaps. On the other hand, in case we receive more offers than we need, rotation is mandatory in order to assure full participation of all the MS.

■ informed that TRITON has not the same calibre of Mare Nostrum. TRITON's concept foresees border surveillance and the proposed deployments fit the objectives. For this new operation Frontex wants to be very flexible and will launch the operation as soon as possible. Moreover Frontex will adjust the scope, the calibre and duration of the JO according to the irregular migration pressure (winter/summer period).

■ reiterated that the FWA will be used for early detections and the OPVs are to be used in border surveillance and not for the transfer of migrants. In case of SAR, all the assets in the area and according to international legislation are obliged to respond and react upon request from competent authority.

■ stated that the all parts agree on the concept of TRITON and the contribution from participating MS and HMS. The OPVs are to be used for border surveillance inside the operational area and in case of SAR they can operate in the high seas according to international regulations, suspending their border surveillance activities. ■ confirmed that the OPVs will not be involved in the transfer of the migrants to mainland. Moreover ■ stated that all the migrants will be disembarked in Italy for identification procedures and law enforcement follow up actions.

■ mentioned that there is still the possibility that Malta participates and Frontex sees it as a very important partner in the Central Mediterranean region.

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■ proposed to host a meeting in Rome with Maltese authorities to try to find a compromise for their participation in the new JO.

Period of the operation of the JO TRITON: participants agreed to start the JO TRITON as from 01st November;

Operational area: participants agreed that the operational area will be the same as the current one approved for the extension of Hermes;

Coming to the boats left adrift, ■ stated that this is still a big problem for Italy. Only in case of judicial interest the boats can be seized and in all the other situations they are left adrift as it is impossible to tow them and avoid their possible reuse by criminal networks.

Moreover, an important intelligence task is being done in the identification of the port of departure and all the information is forward to the respective authorities of the 3rd country.

■ mentioned that it could be foreseen the deployment of one tug boat to be financed by an emergency funding but it should not be included in the operational plan since it is outside the scope of the JO.

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Commented [A8]: The non-disclosed text contain detailed information regarding the modus operandi of law enforcement officials. It contains references to the methods applied by law enforcement officers to perform border control tasks in general and to counter illegal activities in particular. Its publicity would expose the working methods applied those activities which would jeopardize the implementation of ongoing and future operations, and thus facilitate irregular migration and other cross-border crime such as facilitation of irregular immigration, trafficking in human beings and terrorism. Therefore, public security will be affected. In light of the above the text is not disclosed pursuant to the exception laid down in the first indent of Article 4(1)(a) of Regulation No 1049/2001 relating to the protection of the public interest as regards public security.

■ reiterated that the COM can support financially the towing of the migrants' boats in case Italy requests it formally.

and

Conclusions by ■:

- Agreed in the type and number of assets of the HMS and participating MS;
- Agreed on the activities of the aerial and maritime assets;
- Agreed on the activities of the new JO TRITON - border surveillance of the external borders of the EU;
- Agreed on the starting date of 01st November;
- The percentage of the budget to the HMS will depend on the number of assets offered by the participating MS;
- Agreed on the operational area;
- Agreed that the deployed assets in patrol inside the operational area and in case of SAR, the border surveillance activities will be suspended and support to SAR is assured (SAR activities are part of TRITON);
- Boats adrift - to be further discussed;
- Participation of Malta - FX and ITA common letter will be drafted describing the scope of the activities of TRITON and the role expected from Malta;
- Information campaign in the 3rd countries - outside the scope of the JO;

Conclusions by ■:

- Frontex will start the drafting of the new operational plan and will launch immediately an open call for the participation of the MS;
- Agreed to start the new JO on the 01st November;
- Further discussions needed with Malta. Frontex will draft common letter;

■ thanked the presence of all the participants in such a fruitful discussions and closed the meeting.

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