



Warsaw, 29 March 2011
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Please quote when replying.

The Minister of Justice and Home Affairs
Mr. Carmelo Mifsud Bonnici
Malta

**Assistance required by Malta in the context of the crisis in Libya and the North
African region;**
Your request letter received by Frontex 15 March 2011;

Mr. Minister, *Your Excellency*

Reference is made to your letter requesting different measures for dealing with envisaged massive migratory influx from Libya to Malta within the nearest future. Malta requested Frontex for the preparatory measures to be taken before the critical situation in North Africa, particularly Libya, unfolds.

The envisaged influx of mainly Libyan nationals fleeing the violence in the country would effectively challenge Malta's capabilities in respect of maritime border surveillance as well as border checks, once the migrants are received on land.

In the light of this scenario it is envisaged that Malta would require assistance from Frontex and Member States/Schengen Associated Countries (MS/SAC) through a joint operation in conjunction with the deployment of Rapid Border Intervention Teams (RABIT).

I am writing you to use the opportunity expressing Frontex' firm willingness to support Malta in the framework of the Agency's mandate and to provide the requested assistance by encouraging EU Member States (MS) to contribute to activities coordinated by Frontex. Following your letter the Agency tabled the issue as a topic of the extraordinary Management board meeting at 16 March in Warsaw, activated the mechanism for the Deployment of Rapid Border Intervention Team according to regulation (EC) No 863/2007 and addressed your proposal on establishing a joint processing centre as well as launching a joint maritime operation to all MS/SAC asking for contribution and comments to be responded by 25 March 2011.

On 22 March 2011 I took the decision to deploy an adequate Rapid Border Intervention Team to Malta composed by border guards in order to immediately increase border checks, and by screening and debriefing experts to be deployed in a later stage after massive arrivals of migrants would have occurred.



Frontex started to develop the Operational plan for such RABIT Operation and carried out a fact finding visit (24/25 March 2011) to your authorities in order to get all necessary information and to ensure close cooperation for the further development of the envisaged operation.

During this visit the Frontex delegation was told that Malta would agree on a deployment of RABIT only if the requested support would completely be provided, in particular if the establishment of the joint processing centre and the joint operation is being organized simultaneously; Frontex was promised to receive an additional letter confirming this position of your country. Furthermore this statement was reiterated yesterday by the permanent secretary of your Ministry, Mr. Mario Debattista with a phone call made by Frontex Director of Operations Division, Mr. Klaus Roesler.

In parallel Frontex until 28 March 2011 received 10 official answers to its request for contribution to a possible joint operation and establishment of joint processing centre;

For now it is a matter of fact that the Maltese request will not find the support and contribution by EU MS: 9 of them have responded negatively or questioned the concept of the requested joint operation.

According to the replies – and also indicated by the number of missing replies – it is obvious that the MS consider the establishment of a joint processing centre as an issue that needs discussion and agreement on political level. It remains doubtful from legal point of view that a joint operation not applying the non-binding part of the Maritime guidelines – Council decision No 2010/252/EU – could be developed and implemented under Frontex coordination.

The Agency now sees the only remaining option to support Malta by further applying the RABIT mechanism and deploying the Rapid Border Intervention Team based on the Operational Plan to be developed in agreement with your authorities. The Agency has done its utmost to gain the contribution and support by the EU MS, however does not consider being in a position to coordinate the aforementioned further elements of your request.

Therefore I would like to propose you using the still remaining RABIT element to get adequate support from EU MS coordinated by Frontex.

Sincerely yours,



Ilkka Laitinen
Executive Director