

European Policies On Sea Borders Quarding: European Border And Coast Guard Agency (Frontex) And Hellenic Coast Guard *

Dr. Tryfon Ch. Korontzis

Rear Admiral of the Hellenic Coast Guard (ret)

Collaborating Teaching Personnel /Hellenic Open University

Programme Leader of Shipping and Maritime Studies, Metropolitan College (Hellas-Marousi)

Abstract—Illegal immigration is a phenomenon that preoccupies European Union (henceforth EU) states and their societies today to a great extent and causes turmoil at an economic, social and political level. The EU has tried to develop policies through the establishment of European organizations such as Europol and Frontex in order to assist the EU Member States (henceforth MS) in the effective management of this phenomenon. As is well known, the greatest pressure in dealing with this phenomenon is faced by the states located in the southern part of Europe, among which Hellas also belongs. The latter is under pressure from migratory flows both through its land borders and from sea borders which are at the same time the sea borders of the EU. The main burden for dealing with these flows has been assumed by the Hellenic Coast Guard (henceforth HCG) with its staff and executives.

Keywords—*European Border and Coast Guard Agency [EBCGA] (henceforth Frontex)-Hellenic Coast Guard (HCG) -European Policies-Sea Borders-Illegal Immigration, Area of Freedom, Security and Justice (AFSJ)*

Introduction

Migration, a phenomenon that strongly concerns modern societies as well as the EU, has many causes. The causes of immigration are many and immigration constitutes a threat to Hellas's internal security and the specific issue has been reduced to a major issue of the country's national policy¹. The challenges facing Hellas can be summarized as follows:

- there has been a continuous influx of illegal immigrants over time, mainly through Turkey, which takes place from the sea and land borders with a spike in 2015²,

- the effects of the civil war in Syria which led to large population movements,

- the situation in Afghanistan and the civil war before the withdrawal of American forces and the rest of the forces that were in that country,

- the current situation in Afghanistan with the dominance of the Taliban forces,

- the situation in the Arab states due to the Arab spring which led to migration flows but still leads due to the economic problems faced by many of them,

- the civil war that prevails in many states of the African continent but also in the Middle East (eg Yemen).

The situation in Hellas, which was called to manage this specific phenomenon as it is also managed by the EU³, as the Hellenic borders are also EU borders⁴, at a time when it was in an economic crisis with major financial problems, was not the best possible, especially in the refugee-migration crisis of 2015. In particular, many security threats were created such as:

- threat to public health: with the introduction of new or and the re-emergence of diseases that had disappeared for decades attributed to immigrants;

- threat to national security, through the introduction⁵ of all kinds of ethno-cultural-ethnic-religious conflicts and confrontations that can escalate⁶,

- a threat to national and social cohesion, as illegal immigration can bring about a change in national identity, overturning demographic data, while the phenomenon of ghettoization is also observed,

- a threat to public order, which means an increase in crime, combined with the change in elements of crime as international organized crime is on the rise⁷.

The increase in migration flows⁸ is, as expected, linked to security and public order⁹. Consequently, the national policy¹⁰, bearing in mind the provisions of the Area of Freedom, Security and Justice (henceforth AFSJ), includes immigration¹¹ in this area. By using the term policy is meant the management of illegal immigration flows at the national and European level.

In national level:

- many operations have been evolved to identify and deport immigrants such as the "Xenios Zeus" operation,
- there are enhanced controls at the land and sea borders and in fact there is recent pressure from the Turkish side to allow illegal immigrants to enter Hellas from the Evros side,
- the existence and recently the strengthening of an artificial fence in part of the Hellenic-Turkish land border despite the related reactions¹².

At the European level, Hellas, justifying the argument that the Hellenic land and sea borders are at the same time EU borders¹³, focused on the request to provide support for the management and prevention of the influx of illegal immigrants (Operation POSEIDON¹⁴, Rabbit teams¹⁵, etc.)¹⁶. I estimate that the EU's assistance to Hellas in dealing with migration flows is positive and still has a lot of room for improvement¹⁷.

1. -European Border and Coast Guard Agency (Frontex)

The integrated management of the EU's borders was and still is the main objective of European policy. Through this policy, an effort is made to ensure a holistic policy in the management of external borders, with the ultimate goal of high-level controls and uniform, effective surveillance of sea and land borders.

The aforementioned, which are the main elements of the of the AFSJ, are the result required by the policy that has been formulated in the EU based on which there is free movement in the EU area, without the existence of internal controls at the borders of the EU MS. To ensure the above common rules have been drawn up on the specifications and control procedures carried out at the external borders¹⁸.

As a result of the needs that had been formed, a European organization was set up in 2004, which, having the appropriate expertise, would undertake, as it happens, the development of the coordination of the operational cooperation of the competent bodies of the EU MS regarding the management of the external borders, intervening and improving it where necessary. That organization was Frontex¹⁹.

In order to fulfill the tasks and mission assigned to it according to the respective legal texts, the specific organization cooperates with Europol, Eurojust, Olaf, other European and international organizations, competent national authorities of third countries, in relation to the matters which are determined in the legal framework of its action but at the same time they also have competence, based on the arrangements

provided by agreements signed between Frontex and various organizations with these organizations²⁰.

An important aspect of the policy pursued by this European organization, and always within the framework of the EU's external relations policy, is its contribution to facilitating operational cooperation between EU MS and third countries.

It is based in Warsaw (Poland)²¹ and its main tasks were and are operational²².

It should be noted that the officers of the Rabbit Border International Teams [henceforth RABITs]²³ established under the aforementioned organization and available to deal with emergency situations, may carry weapons, make arrests, etc. presence of prosecuting Hellenic Authorities²⁴. In particular Frontex according to the legal framework before implementation of Reg. (EU) 2019/1896, i.e. of Reg. (EU) 1052/2013 and Reg. (EU) 2016/1624 exercised the following powers:

a) in the management of the external borders coordinated the operational cooperation between the EU MSs,

b) assisted the MS in the training of national border guards by establishing common training standards,

c) carry out and utilize risk analyses,

d) monitored research developments regarding the control and surveillance procedures of the external borders by informing the MSs,

e) in cases where increased technical and operational assistance is required at the external borders of the EU provided assistance to MSs,

f) provided the MS with support when organizing joint repatriation operations,

g) had rapid intervention teams in the MS [(RABIT)] in relation to Reg. (EC) 863/2007, Reg. (EU) 1168/2011²⁵.

From its establishment until the issuance of Regulation (EU) 2019/1896, Frontex had carried out important actions and initiatives, namely:

A.-implementation of joint European operations at sea borders,

B.-creation of a European network of patrols,

C.-creation and monitoring of a central register of equipment that was available,

D.-deployment of a rapid intervention team at the external borders if there was a case, E.-subsidy in

training but also training of border guards with the drawing up of common training specifications²⁶.

In order for there to be effective and substantial management of migration flows, a coherent policy of integrated management of the external borders must be formulated, completed and implemented at the national and European level. The establishment, implementation and monitoring of such a policy will effectively contribute, in addition to tackling illegal immigration, to tackling various forms of cross-border crime, thus contributing to the existence of a high level of security in EU MS and ultimately all policies and actions they must be developed-implemented fully respecting the fundamental rights of people as well as the freedom of movement of all persons in the EU²⁷.

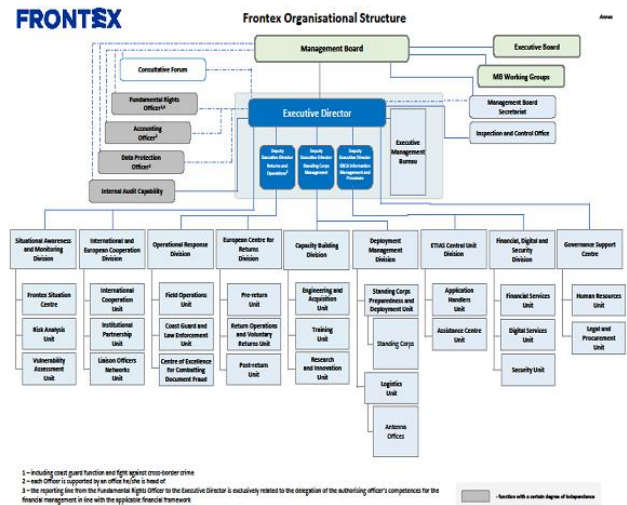
It should not be overlooked that free movement within the EU with the abolition of border controls presupposes a high quality of external border controls to tackle all crimes, thus balancing the abolition of border controls between EU MS.

The European Agency for the Management of Operational Cooperation at the External Borders of the EU Member States was renamed the European Border and Coast Guard Agency (EBCGA) and on the occasion of the migration crisis of 2015 as well as the increase in migration flows, a new institutional framework was drawn up and the mission and its tasks were expanded in order to make the management of the external borders effective. The European Border and Coast Guard is made up of the competent authorities of the Member States that are active in the management of external borders and in particular the control of these, the national authorities responsible for return and the European Border and Coast Guard Organization.

The main actions of the Organization consist of the following:

- in the context of the implementation of the multi-annual strategic political cycle, the creation of an operational and technical strategy to achieve integrated management of the EU's external borders,
- carrying out risk analyzes and assessments and the effective management of the external borders²⁸,
- if there is a need and in accordance with the legal framework of the organization, increased operational and technical assistance is provided to MS and third countries by carrying out joint operations and interventions at the external borders,
- providing technical and operational assistance to MS to deal with emergencies at the external borders,
- as well as providing technical and operational assistance to maritime search and rescue operations,

- organization, coordination and conduct of return operations²⁹.



Soucre: European Border and Coast Guard Agency [Frontex] (10/2021)

The Board of Directors consists of representatives of the MS, Norway, Iceland, Liechtenstein and Switzerland are members of the Board as countries associated with the Schengen Agreement although they are not members of the EU. Two members from the Commission participate in the Board, while the Board appoints the Executive Director, Deputy Directors and approves the annual its budget, its annual work program, its organizational structure, etc.

ILLEGAL IMMIGRATION ROUTES TO EU COUNTRIES



Soucre: Ministry of Maritime Affairs and Insular Policy/Headquarter of the Hellenic Coast Guard/Division of Security and Sea Borders Protection (10/2021)

In order to strengthen the operations of effective border guarding, asylum, the return of illegal immigrants, dealing with cross-border crime, it was decided within the new institutional framework drawn up for Frontex to set up a standing corps of the European Border Guard and Coast Guard [henceforth (Standing Corps)]³⁰.

The European Council, in its conclusions of 28 June 2018, decided to strengthen cooperation between the Agency and third countries by providing resources, effective border control and carrying out returns of illegal immigrants [see diagram below regarding the maritime joint operations carried out by Frontex].

The European Integrated Border Management Policy is consisted by the following³¹:

- 1.- cooperation with third countries and taking measures in them as well as common visa policy,
- 2.- external border control measures,
- 3.- risk analyses,
- 4.-the measures within the Schengen area and
- 5.-returns.

It is necessary to carry out:

- 1.- general and specific risk analyzes based on a common integrated risk analysis model monitored by both Frontex and the MS,
- 2.-providing information to the MS based on the information provided by the competent authorities of the MS but also based on its activity, regarding border control, returns, movements of third country nationals within the EU, human trafficking, human trafficking, of terrorism, dealing with cross-border crime, the situation in third countries, with the ultimate aim of taking measures to deal with threats and risks and improving the integrated management of external borders and in cooperation with other European organizations such as Europol when serious forms of crime exist affecting two or more MS.

Regarding the determination of the satisfactory operation of the Schengen area or not, this is carried out by a vulnerability assessment with the Schengen assessment mechanism³² and also with Reg. (EU) 1053/2013 of the Council³³.

PLAN ON THE JOINT OPERATIONS -SEA CARRIED OUT BY FRONTEX



Soucre: Ministry of Maritime Affairs and Insular Policy/Headquarter of the Hellenic Coast Guard/Division of Security and Sea Borders Protection (10/2021)

The tasks of the organization are defined in accordance with Article 10³⁴.

It is noted that in article 82 of the regulation the tasks and responsibilities of the members of the teams³⁵ and in particular the members of the teams sent by the permanent body of the European Border and Coast Guard to perform tasks and responsibilities to achieve the objectives of Reg. (EU) 656/2014³⁶ and (EU) 2016/399³⁷ and Directive 2008/115/EC³⁸, while the exercise of executive powers is governed by the permission of the host Ministry in conjunction with the provisions of Regulation (EU) 656/2014³⁹.

Summarizing the work of the specific organization, it focuses on the following:

- coordination, i.e. coordination of operational cooperation between MSs that enhances border security,
- risk analysis, meaning an assessment of the risks, which is based on the situation at the external borders of the EU, taking into account the geopolitical developments that may affect the situation at the borders, the comparison and analysis of data from the MS, other bodies of the EU but also by using open sources such as the internet, press etc.

The analysis aims to predict the future flows of illegal immigration as well as the modes of action of organized crime in order to be able to deal with them in the future. • assistance and support to the MS, with means and resources, with training of executives in the guarding of sea and land borders as well as the realization of sea and land operations,

- monitoring of the technology and the corresponding investigations referred to entry points such as ports, airports, etc. as well as the surveillance of maritime borders so that the Organization can then inform the competent Authorities of the EU Member States⁴⁰. Frontex gathers information related to the challenges faced by the MS in border management and then forwards this information to specialized scientific and technical staff for further evaluation - development. At the same time, it monitors investigations carried out in the security sector and accordingly informs the competent authorities of the Member States.

As far as maritime joint operations⁴¹ are concerned, these are carried out on the basis of risk analyzes carried out by Frontex, or on the basis of real risks existing at the borders of the EU⁴². Each company defines the objective, the operational area and the resources (human and technical) that will be involved. Many of the operations are funded by Frontex. The allocation of resources and forces is carried out either through the RABITs⁴³ which are made up of the available personnel available to the MSs, and from the available equipment (Centralized Records of Available Technical Equipment-CRATE) which is the information base with the technical equipment available to the MS.

- Providing assistance to MS when increased technical and operational assistance is required at the external borders, due to events requiring rapid response-intervention, based on planning (see recent assistance to Hellas in the migration pressure exerted on the border line of Hellas-Turkey at Evros area)⁴⁴. It also provides assistance to MS in organizing joint repatriation operations.

- Exchange of information in real time through the Eurosur system.

In Hellas, Frontex has set up an Operational office known as (Frontex Operational Office-FOO). Decision-making remains to Frontex but contributes to operational efficiency.

In order for the Organization in question to carry out its work effectively, the new institutional framework that defines its operational framework has also included provisions referring to its cooperation with third countries (ie countries outside the EU). In particular, the Organization in question cooperates with third countries for the purpose of European integrated border management and immigration policy, providing these countries with technical and operational assistance within the framework of the Union's external action policy [see articles 71, 72, 73, 74, 75 of Regulation (EU) 1896/2019]. In this context, there is provision for the Agency to send experts from its permanent and other staff to third countries as liaison officers who are part of local or regional cooperation networks made up of immigration liaison

officers and EU and MS security experts [see article 66 of Regulation (EU) 1896/2019 and Regulation (EU) 2019/1240].

European organizations touch on internal and external policies of the EU (EU external relations) and through cooperation with third countries (policy determined by the EU) but also other policies that have been developed such as the Joint Investigation Teams (JITs), the European Arrest Warrant (EAW) etc., lead in strengthening cooperation and acquiring a common European culture, which gradually leads to better integration through the diffusion of knowledge, policies and cooperation.

An important regulation that, in my opinion, has purely supranational elements is the provision of article 42 of Reg. (EU) 1896/2019 entitled "Situation at the external borders requiring urgent action".

Specifically and according to the point 57 of the preamble of the above mentioned Reg.: «Where external border control is rendered ineffective to such an extent that it risks jeopardising the functioning of the Schengen area, either because a Member State does not take the necessary measures in line with a vulnerability assessment or because a Member State facing specific and disproportionate challenges at the external borders has not requested sufficient support from the Agency or is not implementing such support, a unified, rapid and effective response should be delivered at Union level. For the purpose of mitigating these risks, and to ensure better coordination at Union level, the Commission should propose to the Council a decision that identifies the measures to be implemented by the Agency and requires the Member State concerned to cooperate with the Agency in the implementation of those measures. The implementing power to adopt such a decision should be conferred on the Council because of the potentially politically sensitive nature of the measures to be decided, which are likely to touch on national executive and enforcement powers. The Agency should then determine the actions to be taken for the practical execution of the measures indicated in the Council decision. The Agency should draw up an operational plan with the Member State concerned. The Member State concerned should facilitate the implementation of the Council decision and the operational plan by fulfilling, inter alia, its obligations as provided for in this Regulation. If a Member State does not comply with that Council decision within 30 days and does not cooperate with the Agency in the implementation of the measures contained in that decision, the Commission should be able to trigger the specific procedure provided for in Article 29 of Regulation (EU) 2016/399⁴⁵ to address exceptional circumstances putting the overall functioning of the area without internal border control at risk».

The provision in question is innovative in terms of the AFSJ and is a provision that would have been

difficult to achieve some years ago. However, its preparation through the institutional process provided for in the Treaty of Lisbon and with the agreement of the EU's leading institutions, namely the European Parliament, the European Commission and the European Council, reflects the will of both the peoples of the EU and institutionally are expressed through the European Parliament but also the political leaderships in conjunction with the European Commission to proceed unitedly in dealing with situations which are not considered unlikely to happen especially from 2015 onwards when the phenomenon of illegal immigration is on the rise.

In particular, the provision for unified and collective action by the EU in the event that a Member State for specific reasons cannot face or cope with specific situations at its borders which are also the borders of the EU, shows and reflects a policy with supranational characteristics and more specifically it captures the admission that governance presupposes agreement on certain points (as in this particular case) and therefore involves supranational elements. In addition, it should be said and emphasized at this point that if you have decided to participate in a form of cooperation such as the EU, you should know that what is in the interest of the EU is also in the interest of the MS.

2.-Hellenic Coast Guard and Illegal Trafficking of Immigrants

In the mission of HCG is the implementation of the law in the areas and places in which its competence extends⁴⁶. In particular, the mission of the HCG includes:

- a. Ensuring public order, which includes the exercise of general policing and traffic police.
- b. The prevention and suppression of crime, especially organized crime, which includes the exercise of public and state security.
- c. The organization of safe navigation conditions.
- d. Search and Rescue (SAR) at sea.
- e. The protection of the marine environment,
- f. Taking measures to monitor, police and control maritime borders.
- g. Ensuring compliance with and monitoring the application of maritime safety rules on ships and port facilities, as well as the conditions for the safe management of ships, in accordance with the institutional framework that applies at any time, such as the International Ship and Port Facility Safety Code (ISPS)⁴⁷ and the International Security Management (ISM) Code⁴⁸.

h. The control of the implementation of ship personnel requirements.

Regarding its character, the HCG is an armed security force, militarily organized, whose uniformed personnel have the status of military personnel according to the Military Penal Code (MPC)⁴⁹. The provisions concerning the other armed forces are applied to its personnel, as long as this is specifically defined by law, as well as the provisions of article 129 of the Hellenic Coast Guard Personnel Code (CGPC) ratified by L. 3079 /2002 (A' 311).

To the executives of HCG from the rank of Petty Officer First Class and above, have been assigned the duties of general investigative officers in relation to crimes committed in their areas of jurisdiction⁵⁰.

In order to fulfill its mission, the HCG Headquarters was established as the highest staff service in the Ministry of Maritimes Affairs and Insular Policy (MMAIP). Through the Headquarters, the Chief of the HCG assists the minister and deputy minister of MMAIP in the implementation of their duties⁵¹. The Headquarters is made up of six (06) branches and twenty-six (26) divisions. Other main staff bodies besides the Chief are the Deputies Chiefs (2) is the General Inspectorate of the HCG.

The sectors in which the philosophy of the new mission of the HCG is reflected and which make up its Headquarters are the following:

- a.-Operations Branch (consists of six divisions).
- b.-Branch of Administration, Organization and Education (consists of three divisions).
- c.-Infrastructure and Support Branch (consists of four divisions).
- d.- Security Branch (consists of five divisions).
- e.- Police and Order Branch (consists of three divisions) and
- f.- Department of Navigation Safety (consists of five divisions).

The organization of its services was determined in accordance with the provisions of the Presidential Decree (P.D.) 67/2011 (A' 149). The HCG is composed of Central and Regional Services. The first include the HCG Headquarters, which is structured into branches (as described above) and the services described in article 1, paragraph 3 of the said PD. The regional services include the Regional Administrations of the HCG, the Port Police Authorities subordinate to them and the services of the Maritime Attaches. Among the notable features of L. 3922/2011 is the establishment of a Staff Planning and Crisis

Management Council as exists at the Headquarters of the Hellenic Police (HP) [L. 2800/2000 (A' 41)]⁵².

a.- Facing the Phenomenon of illegal Migrants Smuggling Through the Sea Borders

Hellas and by extension the EU, whose land and sea borders are those of Hellas, are facing large migration flows through the land and sea borders with Turkey⁵³.

Illegal immigration is one of the biggest problems-issues facing Hellas, due to its geopolitical position between the continents of Asia and Africa, its huge coastline that is equivalent to $\frac{3}{4}$ of the coastlines of the African continent and its proximity to Turkey. In addition, its position on the Balkan Peninsula, its proximity to the countries of North Africa and the Middle East and the Black Sea, worsens the situation in terms of dealing with the phenomenon of illegal immigration, as it makes it a strategic point in terms of maritime and land routes taken by illegal immigrants to reach or pass through it to other EU countries.

With regard to illegal immigration to Hellas through the sea border, until about the end of the 1980s, the following was observed:

1.-Initially it was limited to a small number of people who were of Kurdish origin, as well as Turkish citizens who were persecuted for various reasons who were transported to the islands of the eastern Aegean in small boats which they either stole, or bought and then abandoned⁵⁴. Around the middle of the aforementioned decade, immigrants-refugees from Iran who had opposed the Khomeini regime were also added. During that period, the first transporters appeared who, for a fee, transported immigrants and refugees to the Hellenic islands from the Turkish coast.

2.-To them are added very few Albanian citizens of Hellenic origin who reached Corfu island in improvised boats or by swimming.

3.-There was also a small number of citizens from various states of Asia and Africa who were crew of ships that were chartered mainly in the port of Piraeus and subsequently deserted and now remained in Hellenic illegally.

The phenomenon of illegal immigrant trafficking begins and takes on greater dimensions from the mid-90s onwards, as the USSR and the communist regimes that existed in the Balkan countries collapse in the period 1989-1990, operations are carried out by the Turkish state in the areas inhabited by citizens of Kurdish origin, Saddam Hussein's dictatorship in Iraq leads to the movement of thousands of people – economic refugees from Asian and African countries to find work. They start and present themselves - cases of detection of illegal immigrants are most often

recorded in groups of about 20-30 people. Now, high-speed boats are used for their movement and the transports from the coasts of Albania and Turkey are carried out - they are carried out by organized networks of transporters-traffickers.

The majority of immigrants come from Pakistan, Iran, Iraq and Turkey, while due to the civil war in Rwanda, there are also citizens from this country on the African continent. Migrants are concentrated in parts of central and southern Turkey and are taken to Turkish ports in the south, west and south-west of the country by means of roads. Then, using watercraft, either speedboats, or inflatable or plastic boats, they move to the islands of the Eastern Aegean with a focus on the Dodecanese region⁵⁵. The organization and transport of immigrants is carried out by organized illegal immigrant transport circuits.

Another new method of transporting illegal immigrants from the western coast of Turkey to Hellas is then observed-recorded by using yachts and transporting immigrants in a number ranging between 30-40 people. At the same time, a new method of organized transportation of illegal immigrants begins to be implemented. Specifically, from the coastal areas of Syria, Lebanon, occupied Cyprus and Egypt, maritime transport is carried out by fishing boats and trucks to the coasts of southern Crete and mainland Hellas. In these cases, the transport of illegal immigrants involves dozens of people, they are carried out by organized circles that are active in the countries of origin but also have partners in the Hellenic area. This form of transport is the dominant one in Hellas in recent years.

COMMON ROUTES OF MIGRANTS ENTERING HELLAS



Source: Hellenic Delegation at Europol, 09/2021

MODUS OPERANDI OF TRAFFICKERS

From a study of cases of illegal migrant trafficking, it was found that the traffickers implements the following methods⁵⁶:

(1) The trafficker(s), who in most cases are Turkish citizens, board together with the illegal immigrants on a boat that transports them from the Turkish coast and then disembarks them on Hellenic islands and then returns to Turkey at the point from which departed.

(2) The smuggler(s) train one or more of the illegal immigrants to operate the boat - the smuggler(s) do not board it - and the illegal immigrant carries out the transfer of the boat from the Turkish coast to the Hellenic Islands.

(3) Two boats depart from the Turkish coast. One boat is boarded by the trafficker(s) who operate the boat together with the illegal immigrants who are to be transported to the Hellenic islands and the other boat is boarded by partners of the trafficker-operator. During the transport, the trafficker(s) informs-trains one or more illegal immigrants on how to operate the vessel and at a point usually located near the Hellenic-Turkish border, leaves the vessel leaving the handling to the illegal immigrant, boards the accompanying vessel and is heading to the Turkish coast where it left off. The boat with the illegal immigrants continues its course to the designated disembarkation point, manned by the designated illegal immigrant.

(4) Foreign nationals board small, usually inflatable, rowing boats or rafts, usually up to three people, and departing from the Turkish coast, disembark on the islands closest to the Turkish coast, namely Kos and Samos. The illegal immigrants have been supplied by the traffickers with these rafts, while from the moment they disembark on the Hellenic islands, Hellenic partners of the traffickers undertake the further promotion of the illegal immigrants to mainland Hellas from the Hellenic islands. This promotion takes place in almost all cases where illegal immigrants land on the Hellenic islands.

(5) In cases where the transport of illegal immigrants is carried out by large fishing vessels, yachts or cargo ships, the transport by the smuggler(s) is organized in cooperation with trafficking rings operating in the countries of origin of the illegal immigrants. The departure usually takes place from the shores of Egypt, Syria, Lebanon, occupied Cyprus, Turkey, a point is chosen in the Hellas area that is usually difficult to reach and remote from mainland Hellas so that the disembarking illegal immigrants cannot be immediately identified by the prosecuting authorities. In these cases, when the transfer is completed, the ships return to the point of departure or to another one to carry out another transfer, or they may leave the ship at the point of

disembarkation and, in cooperation with Hellenic members of the circuit, be forwarded back to the country of departure or somewhere else. However, there are also cases where the crews of these ships and near the Hellenic territorial waters abandon the ship by boarding an escort vessel and then the illegal immigrants are spotted by passing ships or floating vessels of the HCG.

b.-Problems of the Eastern Aegean

In addition to the methodology followed by traffickers and described above, problems are created in dealing with the phenomenon of illegal immigration in the Eastern Aegean area in general for the following reasons:

A.-Traffickers' rings operate along the entire border between the maritime borders of Hellas and Turkey, which includes islands and islets, many of which are uninhabited. Due to the proximity of the Hellenic coasts to the Turkish coasts, the traffickers have the possibility to take advantage of the very short distances and in a very short time to disembark illegal immigrants on the islands or direct them on how to carry out the transport.

B.-The breadth of the sea area and the long coastline where traffickers are active, leads to a wide dispersion of HCG patrol vessels and without being able to cover all the sea areas and maritime corridors that are closer to the Turkish coasts.

C.-Traffickers and organized circuits use boats that develop high speeds for transporting illegal immigrants (usually exceeding 50 knots). The speed of the boats used by the traffickers combined with the short distance of the Hellenic islands from the Turkish coasts, gives the circuits the possibility to transport the illegal immigrants in a short time and there is no reaction time for the Hellenic patrol boats.

D.-The interception that is carried out many times on ships or boats that transport illegal immigrants and their return to territorial waters whenever this is carried out, is often without a substantial result whenever this is possible, it has no substantial results, since it is certain that it will be an attempt to transport to the Hellenic islands will be attempted in the next period of time. An important role in the aforementioned is also played by the fact that traffickers do not care about the transportation of illegal immigrants and specifically about their lives, many times the ships and boats are overloaded and sometimes they force them to fall into the sea in order to escape themselves.

3. Frontex and Hellenic Coast Guard (HCG)

The HCG is active-participates with its operational means and executives in all joint European operations that have taken place and are taking place in the

Mediterranean Sea. In addition, in cooperation with all the competent services in the Hellenic area, but also in close cooperation with the competent European organizations and mainly Frontex, in order to deal with the migration flows in the Hellenic area, it takes the following actions to defend the Hellenic sea borders, which are also the borders of the EU:

A.- Maritime border and coastline surveillance, carrying out patrols with the assistance of Frontex forces.

B.- Implementation of the maritime operation "POSEIDON" with the participation of means and human resources from Frontex and the participation of special experts who can help with their expertise in dealing with the phenomenon of illegal immigration.

C.- Close cooperation with the Hellenic Police (HP), Hellenic National Intelligence Service (NIS) and the Hellenic Armed Forces (AF) for the effective surveillance and guarding of the sea borders.

The estimates of the HCG executives taking into account the geopolitical data and the more general political situation in specific countries in Asia and Africa for the development of this phenomenon are:

A.- The high migratory flows and pressures on the eastern and land sea borders will remain.

B.- In the countries of the Middle East and Asia, Pakistan, Iraq, Afghanistan and North Africa, there will be political instability as it happens, which will lead to an increase in immigration flows.

C.- Attempt to evacuate illegal immigrants from the coasts of Western Hellas and the Peloponnese with the ultimate aim of moving them to other EU Member States.

Conclusions

The strategic position of Hellas, as previously mentioned, has led the competent Hellenic authorities to constantly face great pressure on the external sea and land borders, which are also EU borders. It must be mentioned that many of the incidents that are faced by the HCG are cases of Search and Rescue (SAR). This happens because many of the illegal immigrants, following the advice of the traffickers, when they see floating patrol boats of the HCG, fall into the sea, after having sunk the boats that transport them, or fall into the sea so that they are then treated as people who need to be rescued and against consequently, in this case, the rules of international law are followed and there are no longer any cases of deterrence.

The responsibility for surveillance and the control of the sea borders is the responsibility of the HCG⁵⁷, which works closely with the other competent national

bodies so that there is effective management of the Hellenic-European sea borders⁵⁸.

To implement an effective holistic policy on illegal immigration Hellas implements a complete legal framework at national level, participates in the formulation of policies at EU level and has incorporated into the national legal order all relevant legal texts imposed by the principles of the rule of law and international protection. Along with officials of the national public administration, he participates in all European and international organizations that have competence in the formulation and implementation of immigration policies. An important role is also played by exerting relevant pressure on Turkey for the implementation of the relevant agreements signed between it and the EU as well as with the Hellenic Authorities.

Hellas participates in the EU in all the initiatives that are developed and in the competent organizations (Frontex, Eurosur, Europol etc.), in order to make the best use of the know-how that is developed and applied for the effective surveillance and guarding of the maritime borders and with the assistance MS and EU organizations as guarding the maritime borders in addition to dealing with migration flows contributes to dealing with, preventing and suppressing other critical criminal activities such as maritime terrorism, weapons of mass destruction, protection of critical infrastructure, etc.

Also through its participation it has the possibility to absorb resources to strengthen its deterrent-management capacity in the specific sector and at the same time through the assistance of the Ministry of Defense and the presence of Frontex with its officers at its land and sea borders through Frontex, to make the citizens of the EU sharing the pressure that exists on its borders which are also the borders of the EU by transferring these executives their experiences to their countries and also to the competent organizations they serve. It should be pointed out that the presence of foreign officials at the borders of Hellas also enshrines them practically as borders of the EU.

The MS in this case cannot provide effective solutions on their own regarding the protection of the maritime borders and the formulation of similar policies, but an effort is required at many levels, national and international as they act in a complementary manner.

The existence of effective immigration policies that in order to help effectively guarding the sea borders will lead to a reduction in the number of illegal immigrants entering the EU, but also because it is a phenomenon due to the existence of many other causes such as social, economic inequalities the EU should help these states by providing financial aid, construction - financing of critical infrastructure, provision of know-how, conclusion of contracts of an

economic nature, etc. In short, the existence of an active economic foreign policy of the EU can also bring also effectiveness in the safe guarding of the EU borders.

The visa policy that has been developed by the EU and is multi-level, is one of the most important dimensions of policy implementation in the AFSJ. The Schengen system allows the EU's borders to be controlled effectively, so as to ensure free movement within it while interacting with immigration and asylum policies. After all, since the checks between the MS are abolished, it is self-evident that mechanisms must be created to ensure a security environment internally as well as externally.

For this reason, European organizations such as Europol, Eurojust, etc. have been set up, which clearly have elements of supranationalization and advanced political integration and clearly reflect the transition from the intergovernmental nature of the EU to the AFSJ, to a supranational one. In this specific area, the provisions of the Treaty of Lisbon can be seen and captured.

The policy in this area has been organized efficiently and coherently through a set of rules of secondary law, while the rights of citizens are in any case guaranteed at the national and European judicial level as, in addition to the rule of law that exists in every Member State of the EU, there is also the «rule» of law at EU level.

It is an indisputable fact that population movements are not going to stop for economic, social, political reasons. The EU is a territory characterized by a relatively good standard of living and for this reason it is an attraction for many people. The phenomenon of illegal immigration has intensified in recent years on the perimeter of Europe, whether by sea or by land.

The EU tried to address this by establishing a main Frontex operational agency. The latter assists the MSs that participate in its administration with resources-means, know-how, training, carrying out joint sea and land operations, preparing studies, risk analysis, etc. Undoubtedly, its contribution is positive in dealing with the phenomenon of illegal immigration and for this reason, taking into account the constant pressures of the migratory flows, it was decided to set up a special body (Standing Corps), the administration of which was placed under the responsibility of the Organization in question. In any case, Frontex reflects the political will of the Member States to help together in the holistic response – management of the phenomenon of illegal immigration, showing the solidarity of the MS, and this political will also shows an important element of promoted integration in the EU.

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¹ See T. KORONTZIS "The contribution of the European Organizations Europol, Frontex, Eurojust and the institution of the European Prosecutor in the area of freedom, security and justice of the EU. The case of Hellas", p. 288, BOOKSTARS, Athens, 2022, ISBN: 978-960-571-464-2, Appendix 1 [interview of Mr. Avramopoulos Dimitris, former EU Commissioner responsible for managing migration at EU level in the period 2014-2019].

² See P. NEDERGRAAD, Borders and the EU legitimacy problem: the 2015–16 European Refugee Crisis, Policy Studies, Volume 40, 2019 - Issue 1. Also see and interview of Mr. Dimitris Avramopoulos on the specific subject, ibid T. KORONTZIS, Appendix 1.

³ For the migratory pressures exerted in the southern and southeastern part of the EU see map 1 ibid. T. KORONTZIS.

⁴ See T. KORONTZIS, 3rd International Open Conference on BUSINESS & PUBLIC ADMINISTRATION (IOCBPA 2016) held on April 16-17, 2016 by the Hellenic Open University and HEBEI UNIVERSITY OF ECONOMICS AND BUSINESS (of China), presentation on the topic: "The provisions on the smuggling of immigrants in the UN Convention for dealing with International Organized Crime and in the Hellenic legal order. The management of the Hellenic sea border between Hellas and Turkey during the period 2006-2012" [ISBN 978-960-538-990-1] (Proceedings, p.p. 149-166), T.KORONTZIS, "Organized crime and illegal immigration", p. 386, published by BOOKSTARS, Athens, 2017, ISBN: 978-960-571-254-9 and also CHRONOLOGY-EU MIGRATION POLICY, available on the website <https://www.consilium.europa.eu/el/policies/eu-migration-policy/migration-timeline/> (last access 12/10/2022).

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¹³ See map 2 *ibid.* T. KORONTZIS, "The contribution of the European Organizations Europol, Frontex, Eurojust and the institution of the European Prosecutor in the area of freedom, security and justice of the EU. The case of Hellas".

¹⁴ See. http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=5164&Itemid=0&lang (last access 12/10/2022).

¹⁵ See <https://frontex.europa.eu/media-centre/news/news-release/frontex-deploys-rapid-border-intervention-teams-to-greece-PWDQKZ> (last access 12/10/2022).

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¹⁸ See T. KORONTZIS, *ibid.*, "Surveillance of the Hellenic sea borders and illegal trafficking of immigrants. European policy, Frontex and the institutional role of the Hellenic Coast Guard", *ibid.*, "The contribution of EUROPOL and FRONTEX in combating the phenomenon of illegal immigration in Hellas".

¹⁹ See Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing regulations (EU) 1052/2013 and (EU) 2016/1624, OJ L 295 of 14.11.2019. Since its launch on 1 May 2005, it has successfully assisted Member States in implementing the operational aspects of external border management with joint operations and rapid border interventions, risk analyses, information exchange, liaison with third countries and returns.

²⁰ See articles 68, 69, 72, 73 and 74 of Reg. (EU) 2019/1896

²¹ See Council Decision 2005/358 (26/4/2005).

²² See articles 10, 36-42, 48-50, 54-59, 82 and 85 of Reg. (EU) 2019/1896.

²³ See European Commission, FRONTEX and RABITS: the European Union is stepping up its operational efforts combating illegal immigration, accessible in the link https://ec.europa.eu/commission/presscorner/detail/en/ME_MO_07_142, Frontex and the Rabbit Operation at the Greek-Turkish border, available in the link https://ec.europa.eu/commission/presscorner/detail/en/ME_MO_11_130, Frontex, Frontex launches rapid border intervention on Greek land border accessible in the link <https://frontex.europa.eu/media-centre/news/news-release/frontex-launches-rapid-border-intervention-on-greek-land-border-J7k21h> (last access 12/10/2022).

²⁴ In particular, in article 5 paragraph 6 of Regulation (EC) 863/2007 it is defined that: "The members of the teams, in the performance of their duties and the exercise of their responsibilities, may use violence, including service weapons, ammunition and equipment, upon approval of the Member State of origin and the host Member State, in the presence of border guards of the host Member State and in accordance with its national legislation". Also see article 82 of Reg. (EU) 2019/1896.

²⁵See T. KORONTZIS, *ibid* «The contribution of EUROPOL and FRONTEX in combating the phenomenon of illegal immigration in Hellas».

²⁶ See M. DELEIXHE & D. DUEZ, The new European border and coast guard agency: pooling sovereignty or giving it up? *Journal of European Integration*, Volume 41, 2019 - Issue 7.

²⁷ "The Visa Information System (VIS) allows Schengen States to exchange visa data. It consists of a central IT system and of a communication infrastructure that links this central system to national systems. VIS connects consulates in non-EU countries and all external border crossing points of Schengen States. It processes data and decisions relating to applications for short-stay visas to visit, or to transit through, the Schengen Area. The system can perform biometric matching, primarily of fingerprints, for identification and verification purposes", available at https://ec.europa.eu/home-affairs/policies/schengen-borders-and-visa/visa-information-system_en. SIS II [Schengen Information System] became operational on 09/04/2013 and replaced SIS1. SIS II is the largest public safety information application in Europe. It enables the exchange of information between national border management, customs and police authorities, ensuring that the free movement of people within the EU can take place in a secure environment. It also contains alerts for missing people especially children, as well as information on specific property such as banknotes, cars, vans, guns, and identification documents that may have been stolen, lost or forged. This system is used by 29 countries (25 EU Member States and 4 Associates ie Iceland, Liechtenstein, Norway and Switzerland), available at https://knowledge4policy.ec.europa.eu/dataset/ds00009_en. Each EU country operating SIS has set up a national SIRENE Bureau, operational 24 hours a day, seven days a week that is responsible for any supplementary information exchange and coordination of activities connected to SIS alerts. Efficient SIRENE cooperation is a key element for the effective functioning of the concept of SIS. The cooperation between EU countries may be one-to-one or one-to-many and always needs to be linked to a specific SIS alert. In order to ensure prompt, confidential and efficient follow-up of cases, communication is accomplished through the structured exchange of standardized forms via a secure network. The tasks of the national SIRENE Bureau include, among others: providing supplementary information on alerts • validating alerts on persons wanted for arrest • contacting the Member State that issued the alert when a match (hit) has been made and the required action has been taken • contacting the Member State that issued the alert when the required action cannot be taken • supervising data quality and compatibility of alerts • coordinating cross-border activities related to SIS alerts handling requests to access personal data, available at https://ec.europa.eu/home-affairs/policies/schengen-borders-and-visa/schengen-information-system/sirene-cooperation_en. Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 on the establishment of an entry/exit system (ESS) for the recording of entry and exit data and refusal of entry data of third-country nationals crossing external borders of

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²⁸ See P. REGIME, Harmonisation by risk analysis? Frontex and the risk-based governance of European border control *Journal of European Integration*, Volume 39, 2017 - Issue 6 κατ S.HORII, The effect of Frontex's risk analysis on the European border controls, *European Politics and Society*, Volume 17, 2016 - Issue 2

²⁹ See S. BAER, R. BEERES & M. BOLLEN, Border Sharing – a Quantitative Analysis of Contributions to FRONTEX 2012–2018, *Defence and Peace Economics*, 4/6/2020.

³⁰ The permanent corps in question will reach the operational number of 10,000 officers as defined in Reg. (EU) 1896/2019 [Annex I] with executive powers and participation in operations for the effective guarding of the external borders and with an on-site presence in the officers' MSs of these. In this way they will also contribute to dealing with cross-border crime, but also to the return of illegal immigrants. See Frontex careers, European Border and Coast Guard Standing Corps, available on the website <https://frontex.europa.eu/careers/standing-corps/about/> and additionally the articles of Regulation (EU) 2019/2016, 54, 55, 56,57,58,61,82 which refers to the duties and responsibilities of the members of the groups. It is noted that based on paragraphs 2, 3, 4 of article 82, "2. The performance of duties and the exercise of powers by members of the groups, especially those requiring executive powers, are subject to the permission of the host Member State in its territory, as and applicable Union, national or international law, and in particular Regulation (EU) No. 656/2014, as described in the operational plan of article 38. In carrying out their duties and exercising their powers, the members of the teams shall ensure full respect for fundamental rights and comply with Union law and international law and the national law of the host Member State. Without prejudice to Article 95(1) as regards permanent and other staff, the members of the teams may perform tasks and exercise powers only under orders and, as a general rule, in the presence of border guards or staff of the host Member State performing return duties. The host Member State may authorize the members of the teams to act on its behalf". Paragraph 7 states that "the possibility of possession and use of service weapons, ammunition and equipment are subject to the national legislation of the Member State of origin. The possibility of possession and use of service arms, ammunition and equipment by the permanent personnel of the Agency deployed as members of the unit shall be subject to the framework and detailed rules set out in this Article and Annex V. For the purposes of implementing this paragraph, the executive director may authorize members of the permanent staff to carry and use a weapon in accordance with the rules established by the board, in accordance with section 55 paragraph 5 letter b)" and in paragraph 9 Service weapons, ammunition and equipment may be used in the context of lawful self-defense, lawful defense of members of groups or third parties, in accordance with the national legislation of the

host Member State and within the framework of the relevant principles of international human rights law and the Charter".

³¹ «According to the article 3 of Reg. (EU) 2019/1896, European Integrated Management consist of the following components:

- a) border control, including measures to facilitate legitimate border crossings and, where appropriate: measures related to the prevention and detection of cross-border crime at the external borders, in particular migrant smuggling, trafficking in human beings, and terrorism; and mechanisms and procedures for the identification of vulnerable persons and unaccompanied minors, and for the identification of persons who are in need of international protection or wish to apply for such protection, the provision of information to such persons, and the referral of such persons;
- (b) search and rescue operations for persons in distress at sea launched and carried out in accordance with Regulation (EU) No 656/2014 and with international law, taking place in situations which may arise during border surveillance operations at sea;
- (c) analysis of the risks for internal security and analysis of the threats that may affect the functioning or security of the external borders;
- (d) information exchange and cooperation between Member States in the areas covered by this Regulation, as well as information exchange and cooperation between Member States and the European Border and Coast Guard Agency, including the support coordinated by the European Border and Coast Guard Agency;
- (e) inter-agency cooperation among the national authorities in each Member State which are responsible for border control or for other tasks carried out at the border, as well as between authorities responsible for return in each Member State, including the regular exchange of information through existing information exchange tools, including, where appropriate, cooperation with national bodies in charge of protecting fundamental rights; (35) Regulation (EU) 2019/1240 of the European Parliament and of the Council of 20 June 2019 on the creation of a European network of immigration liaison officers (OJ L 198, 25.7.2019, p. 88), L 295/20 EN Official Journal of the European Union 14.11.2019
- (f) cooperation among the relevant Union institutions, bodies, offices and agencies in the areas covered by this Regulation, including through regular exchange of information;
- (g) cooperation with third countries in the areas covered by this Regulation, focusing in particular on neighbouring third countries and on those third countries which have been identified through risk analysis as being countries of origin or transit for illegal immigration;
- (h) technical and operational measures within the Schengen area which are related to border control and designed to address illegal immigration and to counter cross-border crime better;
- (i) the return of third-country nationals who are the subject of return decisions issued by a Member State;
- (j) the use of state-of-the-art technology including large-scale information systems;

(k) a quality control mechanism, in particular the Schengen evaluation mechanism, the vulnerability assessment and possible national mechanisms, to ensure the implementation of Union law in the area of border management;

(l) solidarity mechanisms, in particular Union funding instruments.

2. Fundamental rights, education and training, as well as research and innovation shall be overarching components in the implementation of European integrated border management».

³² Regulation (EU) 656/2014 of the European Parliament and of the Council, of 15 May 2014, on rules for the surveillance of external maritime borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (L 189).

³³ Regulation (EU) no. Council Regulation 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the implementation of the Schengen acquis and repealing the Executive Committee's decision of 16 September 1998 on the establishment of the Standing Committee on evaluation and implementation of the Schengen Convention (L 295).

³⁴ Briefly, among its main tasks are "the monitoring of migratory flows and carrying out risk analyzes regarding all aspects related to integrated border management, monitoring the operational needs of Member States linked to the execution of return, including through the collection of operational data, conducting vulnerability assessment, including assessments of the capacity and preparedness of Member States to deal with threats and problems at the external borders, monitoring the management of the external borders through the Agency's liaison officers in the Member States, monitoring the compliance of fundamental rights in all its activities at external borders and return operations, supporting the development and operation of EUROSUR, providing assistance to Member States in cases where increased technical and operational assistance is required at their external borders through coordination and organization of joint ventures etc".

³⁵ The members of the teams according to the article are criminally liable ".....and subject to article 95, during a joint operation, pilot project, support team mission for the management of migration flows, rapid border intervention, return operation or return intervention, the members of the teams, including the permanent staff of the Organization, are assimilated, within the territory of the host Member State, to the employees of the host Member State with regard to the criminal acts of which they may have been victims or which they may have committed".

³⁶ REGULATION (EU) no. 656/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of May 15, 2014, on rules for the surveillance of external maritime borders in the context of operational cooperation coordinated by the European Organization for the Management of Operational Cooperation at the External Borders of the Member States of the European Union.

³⁷ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on the Union Code on

the procedure for the movement of persons across borders (Schengen Borders Code).

³⁸ DIRECTIVE 2008/115/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 December 2008 on common rules and procedures in Member States for the return of illegally staying third-country nationals.

³⁹See article 38 of the Regulation. Also see T.KORONTZIS, «The contribution of the European Organizations Europol, Frontex, Eurojust and the institution of the European Prosecutor in the area of freedom, security and justice of the EU. The case of Hellas», *ibid* Appendix 2.

⁴⁰ In maritime border surveillance there are various systems such as VTS (Vessel Trafficking System), AIS (Automatic Identification System). They are integrated maritime traffic control systems which consist of radars, cameras, base stations, maritime communications, etc. They transmit an image regarding maritime traffic in real time and contribute to the effective management of search and rescue issues, preventing maritime accidents, dealing with pollution, etc. At the same time, they are also used in the control of maritime borders by monitoring marine areas. See T. KORONTZIS, "Search and rescue. Regulatory framework and implementation problems in the Aegean and the southeastern Mediterranean", p.351, BOOKSTARS publisher, Athens, 2017, ISBN: 978-960-571-275-4, p. 209-214.

⁴¹ The joint ventures that have been carried out or are being carried out are the following: POSEIDONAS: It takes place in Greece and can now be characterized as a permanent enterprise. It started from Evros in 2011 as a continuation of the development of the RABITs units and continues to this day. AINEIAS: It took place in Italy (Pulgia, Clabria regions) due to the migration pressures due to the Arab Spring. MERCURY: It takes place on the islet of Lampedusa near the coast of Africa. At this point there is pressure in general due to migration flows. NEPTUNE: Held in Slovenia, Hungary, Romania to tackle illegal immigration through the Balkan route. See further for other Frontex operations, Main Operations, available at [https://frontex.europa.eu/we-support/main-operations/operation-poseidon-greece-/\(last](https://frontex.europa.eu/we-support/main-operations/operation-poseidon-greece-/(last) access 12/10/2022).

⁴² See J. COPPENS, *Migrants in the Mediterranean: Do's and Don'ts in Maritime Interdiction*, Ocean Development & International Law, Volume 43, 2012 - Issue 4.

⁴³ See Regulation (EU) no. Council Regulation 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the implementation of the Schengen acquis and repealing the Executive Committee's decision of 16 September 1998 on the establishment of the Standing Committee on evaluation and implementation of the Schengen Convention (L 295).

⁴⁴ See S. TZIMA, "We held on to Evros by hand-to-hand combat", KATHIMERINI, available on the website <https://www.kathimerini.gr/society/561279385/kratisameston-evro-dinontas-maches-soma-me-soma/>.

⁴⁵ The specific article is entitled "Special procedure when exceptional circumstances endanger the overall functioning of the area without internal border controls". In particular, it is determined that: 1. In exceptional circumstances where

the overall functioning of the area without internal border controls is jeopardized because serious weaknesses remain related to external border controls, as referred to in Article 21 of this regulation, or as a result of the non- of a Member State's compliance with a Council Decision as referred to in Article 19(1) of Regulation (EU) 2016/1624 of the European Parliament and of the Council and to the extent that these circumstances constitute a serious threat to public order or internal security within the area without internal border controls or parts thereof, internal border controls may be reinstated in accordance with paragraph 2 of this article, for a period not exceeding six months. This period may be extended a maximum of three times, for an additional period of a maximum duration of six months, if the exceptional circumstances persist...'.⁴⁶

⁴⁶Regarding the Coast Guard-Hellenic Coast Guard, see T. KORONTZIS, "The institutional role of the Coast Guard", p. 411, published by BOOKSTARS, Athens, 2017, ISBN: 978-960-571-266-2, of the same international conference "Hellenic Open Business Administration International Conference (HOBA)", held in Athens, March 8-9, 2014 by HELLENIC OPEN UNIVERSITY BUSINESS ADMINISTRATION UNDERGRADUATE PROGRAMME and the EAST-WEST JOURNAL of Economics and Business, announcement with title: «The Hellenic internal security system in combating organized crime. The role of the Hellenic Coast Guard" Vol. 4 [ISBN 978-960-538-937-6], T.KORONTZIS, "The Hellenic internal security system in combating organized crime. The case of the Hellenic Coast Guard", The HELLENIC OPEN BUSINESS ADMINISTRATION Journal, Vol. 1-2015 No. 2, p.p. 23-48 [ISBN 2407-9332], T.KORONTZIS, "The role of the Hellenic Coast Guard in the Hellenic internal security and in combating the phenomenon of organized crime", International Review of Social Sciences and Humanities, Vol. 3, issue 1, April 2012, p.p. 210-227, T.KORONTZIS, "Hellenic Coast Guard and Illicit Tobacco Trade", 'Europolitan', No 15, Dec 2013, p.p. 18-19, T.KORONTZIS, "The contribution of Patra's Port Police Authority (Hellenic Coast Guard) in combating Organized Crime in the period 2010-2013", Management and Administrative Sciences Review, Vol. 3, Issue 6, September 2014, pp. 891-899. In particular, the competence of the HCG extends to the maritime area of its responsibility, to ships and all kinds of floating structures, to ports and their land zone, as well as to other land, coastal or sea areas as the meanings of these terms are defined especially in the Law Decree 444/1970 (A' 39'), Law 2971/2001 (A' 285), Law 2242/1994 (A'162), in article 12 of Law 2289/1995 (A' 27), article 5 Law 4150/2013 or other special provisions.

⁴⁷ Which was ratified by Law 1045/1980 (A' 95) after the amendments adopted in particular by the Conference of the Contracting Governments of the International Convention on December 12, 2002 and incorporated into the Hellenic legal order with the P.D. 56/2004 (A' 47).

⁴⁸ Ratified by Law 1045/1980 (A' 95), as amended and supplemented by Decision 1/1994 of the Conference of the Parties to the International Convention for the Safety of Life at Sea 1974, States, which was incorporated in the Hellenic legal order with the P.D. 74/1996 (A' 58).

⁴⁹ See T. KORONTZIS, "Public order and security institutions competencies which determine the working action framework of their officials. The case of Hellenic Coast Guard personnel", *Journal of Law and Politics*, Vol. 5, No. 4, December 2012, pp. 50-68 (doi:10.5539/jpl.v5n4p50), T.KORONTZIS, "Evaluation process of Hellenic Coast Guard personnel and disciplinary law. A critical legal approach", *International Journal of Asian Social Science*, Vol. 2, issue 12, December 2012, p.p. 2096-2113, T.KORONTZIS, "Penal, disciplinary and civil responsibility of the Hellenic Coast Guard personnel", *International Journal of Humanities and Social Science*, Vol. 2, issue 9, May 2012, p.p.174-185.

⁵⁰ According to articles 158-163 of Chapter C "Judicial Police" of the Law Decree 187/1973 (A' 261).

⁵¹ The Headquarters is made up of six (06) branches and twenty-six (26) divisions. Other main staff bodies besides the Chief are the two deputy chiefs and the General Inspection of the HCG.

⁵² An important role in the implementation of the duties of the HCG in terms of security responsibilities, the Security Branch operates, which is consisted by the following five divisions:

A. Division of State Security.

B. Division of Public Safety.

C.- Maritime Border Protection Division

D.- Division of International Police Cooperation and

E.- Division of Prosecution of Drugs and Smuggling (articles 18-22 of P.D. 64/2011).

Particularly:

A.- The division of public security includes in particular the following departments: a. The prosecution of crimes against life, personal freedom, property and property rights. b. The prosecution of smuggling and antiquities theft, the crimes provided for by articles 187 and 187A of the Hellenic Criminal Code and mainly the prosecution of drugs use and trafficking, cybercrime and money laundering. c. The search and arrest of persons who are being prosecuted. d. The search for persons who have disappeared and items that have been lost or stolen. e. The collection and utilization of information related to public security matters. f. Dealing with incidents of piracy in his area of responsibility.

B.- The implementation of state security includes in particular the following departments: a. The protection of the state and the democratic polity from any act of undermining. b. The prevention and response to acts of violence and terrorism. c. The control of compliance with the provisions concerning weapons and explosives. d. The control of compliance with the provisions concerning the movement, stay and work of foreigners in the country and in particular the treatment of illegal immigration. e. The collection and utilization of information related to matters of state security and national interest in general.

C.- The sea borders policing exercise includes in particular the following departments: a. The organization of policing measures and maritime border control to deal with illegal immigration and cooperation with other competent authorities and services of the country for this purpose. b. The participation and cooperation with competent services of the European Union, third countries and international organizations for the planning and implementation of joint

operational actions, regarding the treatment of illegal immigration and the protection of the country's maritime borders, as well as the participation of the HCG in corresponding actions of other EU MS c. The prevention and treatment of any other illegal activity.

⁵³ Hellas has signed the following bilateral agreements with Turkey: Law 2926/2001 (A' 139) "Ratification of the Agreement between the Hellenic Republic and the Republic of Turkey on the cooperation of the Hellenic Republic's Ministry of Public Order and its Ministry of the Interior of the Republic of Turkey to combat crime, especially terrorism, organized crime, illegal drug trafficking and illegal immigration", Law 3030/2002 (A' 163) "Ratification of the Protocol for the implementation of Article 8 of the Agreement between the Government of the Hellenic Republic and the Government of the Republic of Turkey on the fight against crime, especially terrorism, organized crime, illegal drug trafficking and illegal immigration", Law 3540/2007 (A' 46) "Sanction of the Protocol between Ministry of Merchant Shipping of the Hellenic Republic and the Ministry of Interior of the Republic of Albania for the cooperation work of the Coast Guard and the Border Police of Albania with the aim of effective policing of the maritime border of the two countries", Law 3543/2007 (A' 60) "Sanction of Cooperation Protocol between the Ministry of Justice of the Hellenic Republic and the Ministry of Justice of Republic of Turkey".

⁵⁴ See T. KORONTZIS, «Smuggling of migrants by the sea. Predictions in the United Nations Convention against transnational organized crime and in the Hellenic legal order. The situation at the sea border between Hellas and Turkey in the period 2006-2012», *International Journal of Asian Social Science*, Vol. 3, issue 6, June 2013, p.p.1360-1380.

⁵⁵ See S. GREEN, PERFORMING BORDER IN THE AEGEAN: On relocating political, economic and social relations, *Journal of Cultural Economy*, Volume 3, 2010 - Issue 2.

⁵⁶ Oral interview carried out by me with relevant officers of the HCG dealing with illegal immigration matters placed in competent Services at the Headquarters of the HCG on 07/2022. The assessments described - analyzed in the section entitled "Frontex and HCG" also belong to this context.

⁵⁷ In this direction, based on article 27 of Law 4058/2012 (A' 63), the National Coordinating Center for Surveillance and Border Control (ESKEES) was established with its headquarters in the building of the HCG Headquarters in Piraeus.

⁵⁸ The Armed Forces play an important role in maritime border surveillance, see "NATIONAL DEFENSE AND SECURITY - MODERN CHALLENGES AND PROSPECTS", September 2009, ISTANCE, p. 18.