



Press Release: The First Legal Action Against Frontex for Human Rights Violations

Subject: Immediate Suspension or Termination of Activities in the Aegean Sea Region

15 February 2020

Front-LEX and the **Legal Centre Lesvos** sent on 15 February 2020 a Communication to the Executive Director of Frontex, requesting that the agency immediately suspends or terminates operations in the Aegean in view of serious and persistent human rights violations, pursuant to Article 265 of the Treaty on the Functioning of the European Union (TFEU).

A team of lawyers, composed of **Omer Shatz, Adv.**, Legal Director *front-LEX*, **Anastasia Ntailiani, Adv.**, Head of Legal Team Legal Centre Lesvos, and **Iftach Cohen, Adv.**, Senior Legal Adviser *front-LEX*, communicated today to the Executive Directors of the European Border and Coast Guard Agency (Frontex), Fabrice Leggeri, a *preliminary action against the agency for failure to act*.

In the face of systematic serious and persistent violations of fundamental rights and international protection obligations related to acts and omissions of the Agency in the Aegean Sea, the lawyers request that the Agency immediately suspends or terminates all its border surveillance activities in the Aegean Sea Region.

The request is in line with the obligation of the Executive Director under Article 46 (4) of the European Border and Coast Guard (EBCG) Regulation, according to which the Executive Director is obliged to withdraw the ‘financing for any activity by the Agency, or suspend or terminate any activity by the Agency, in whole or in part, if he or she considers that there are violations of fundamental rights or international protection obligations related to the activity concerned that are of a serious nature or are likely to persist’.

Frontex is accused of structural failures to prevent violations, failure to fulfil its monitoring obligations and investigate serious reports of fundamental rights violations. It is now called upon to respond for systematic, widespread and serious violations of its fundamental rights obligations.

The agency has now been called upon to act, as required by Article 265 TFEU. The Agency has to define its position within two months. If it fails to do so, a legality review action may be brought before the Court of Justice of the European Union.

The text of the Pre-Action is available here:

<https://www.front-lex.eu/english/legal-department>

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