

English

COMPLAINT FORM

General guidance

Who can submit a complaint?

1. You, or a person or party acting on your behalf, may submit a complaint to the European Border and Coast Guard Agency, Frontex, if you believe that you are directly affected by the actions or failure to act of staff involved in a Frontex activity¹, and you consider that one or more of your fundamental rights have been violated due to those actions or failure to act. For a *List of Potential Fundamental Rights Violations During Operations* see the *Additional Information* section of the complaints mechanism in the Agency's website.
2. You can be represented by any party (e.g. another person, lawyer, organisations, family member, legal guardian, etc.). Any of these parties may file a complaint on your behalf.
3. In case of suspected violations of the rules on the use of force² by Frontex staff deployed as members of the teams, any person may report such alleged violations.
4. Cases involving multiple complainants can also be submitted.

How do I submit a complaint?

5. Your complaint must be submitted **in writing**. Your complaint will be handled by the Frontex Fundamental Rights Officer (FRO), an independent expert who monitors and promotes fundamental rights within Frontex. Using this complaint form will help the FRO to process your complaint more efficiently, but you can submit a complaint by other written means of your choice. At any stage of the procedure, the FRO may request you to submit additional information, documentation or clarification to your complaint. For this reason, it is important you add your contact details.
6. Complaints may be submitted in any language. Complaint forms are available in several languages.
7. There is no maximum length for your complaint, but it is preferable that all the information is contained in **no more than 15 pages**.
8. You should submit your complaint within a year from the date on which the alleged violation of your fundamental rights occurred or you were informed or learnt about it or otherwise were able to submit the complaint.

¹ Frontex activity means a: joint operation, pilot project, rapid border intervention, migration management support team deployment, return operation, return intervention or an operational activity of the Agency in a third country. For definitions of these activities, please consult the Regulation (EU) 2019/1896 of 13 November 2019, on the European Border and Coast Guard. (OJ L 295, 14.11.2019, p. 1).

² Please see the Regulation 2019/1896, Annex V on the Rules on the use of force, including training and the supply, control and use of service weapons and non-lethal equipment, applicable to Frontex staff deployed as members of the teams.

9. Your complaint can only refer to facts that occurred or whose effects continued after 6 October 2016³, otherwise it will be inadmissible.
10. You do not need to go through national procedures before submitting your complaint.
11. If you submit a complaint to Frontex, this does not prevent you from accessing other forms of complaint, such as national or European courts.
12. You should explain the **detailed facts** of your complaint, **identifying the impact** those actions or failure to act had on your fundamental rights, to the extent possible.
13. Filing a complaint is **free of charge**.

What happens after I submit my complaint?

14. Frontex and the FRO will treat all complaints as **confidential** unless you explicitly waive your right to confidentiality in this form or in any other written manner.
15. If your complaint refers to actions or failure to act performed by a member of the teams from a participating Member State deployed in a Frontex activity, your complaint will be referred by the FRO to national authorities who handle individual complaints and to national fundamental rights institutions. The FRO will inform you about which authority(ies) have received your complaint. You need to specifically consent in order for the FRO to forward your personal data to the relevant authorities (see Section 5 in the complaint form).
16. If your complaint is declared inadmissible, the FRO will inform you in writing about the reasons for the inadmissibility and, if possible, provide you with further options for addressing your concerns.
17. Any change of address, email or other contact details of the complainant should be notified as soon as possible to the FRO.

Further information on the Frontex complaints mechanism can be found in the Agency's webpage: www.frontex.europa.eu/complaints

1. Information on the complainant(s)

You are submitting the complaint as:

(please select appropriate)

Directly Affected Person(s)

Party Representing Affected Person(s)

Any person(s) suspecting breach of the rules on the use of force by Frontex staff deployed as member of the teams



Please provide at least one contact detail from the complainant or representative.

Representative:

³ Date of the entry into force of the Regulation (EU) 2016/1624 on the European Border and Coast Guard.

COMPLAINANT(S):

Last name(s):

First name(s):

Age over 18 years old: Yes No

Nationality(ies) (if known):

If stateless, please specify the last place of residence:

Address for correspondence:

Postcode:

City:

Country:

E-mail:

Tel (please indicate country and area code):

Fax:

Other relevant information:

For cases that involve more than one complainant, please add personal data for each individual.

ANY PARTY REPRESENTATIVE:

Last name(s):

First name(s):

Relationship to the complainant:

Name of the Organisation, where applicable:

Address for correspondence:

Postcode:

City:

Country:

E-mail:

Tel (please indicate country and area code):

Fax:

Other relevant information:

Note: The complainant must sign at the end of the complaint form to demonstrate her/his consent to being represented. If the complainant is unable to sign the complaint form due to justified reasons (e.g., deceased, missing, detention incommunicado, health reasons, illiteracy, etc.) or there are other compelling reasons for the complainant not to give a written authorization for your representation, please explain the reasons:

2. Information on the alleged violation(s) of fundamental rights or the rules on the use of force

Please provide information on the alleged violation(s) of fundamental rights or the rules on the use of force including dates, places, a description of the action(s) or failures to act and staff involved. Please explain how you believe these actions affect your fundamental rights or those of the person(s) you are representing:

- a) Approximate date and time of the event(s):
- b) Location/country:

In case the exact location is unknown, please provide a detailed description of the location where the event took place:

- c) Detailed description of the person(s) you are complaining against. Describe, to the best of your knowledge, whether the complaint refers to actions or failure to act performed by (tick all that apply):
 - I. Person(s) wearing a Frontex blue uniform, identifiable by an azure blue coloured chest band
 - II. Person(s) with a light blue Frontex armband
 - III. Person(s) with Frontex identification cards
 - IV. Person(s) wearing national uniforms of the location where the activity takes place
 - V. Other persons, such as interpreters, drivers, etc.

Provide information about the person(s) involved (e.g., name, clothing description, language spoken, physical appearance, what job or functions she/he was doing, etc.):

d) Detailed description of the event, in a chronological order if possible. If the alleged violation is still ongoing, please specify:

e) If the complaint concerns alleged fundamental rights violations, please provide detailed description of how the event described above has affected you and how you consider that it violates your fundamental rights (for a *List of Potential Fundamental Rights Violations During Operations* see the *Additional Information* section of the complaints mechanism in the Agency's website):

3. Submission of your complaint to other authorities

Note: You do not need to complete national procedures of any kind before submitting your complaint to Frontex.

1) Have you already submitted your complaint to any court (e.g., national, European, etc.)? Please specify which court, the current status and the outcome of the procedure, if known:

2) Have you submitted your complaint to any other institution (e.g., a national ombudsman, a national human rights institution, etc.)? Please specify which institution, the current status and the outcome of the procedure, if known:

4. Copies of supporting documents

1) Please provide **copies** of all available supporting documents related to your complaint. **Examples** of these documents could be:

- a copy of your ID, passport or other form of identification;
- copies of any documentation, pictures, videos, reports, certificates, witness statements or other supporting documents relevant to your complaint;
- if you have submitted your complaint to other courts or institutions, copies of complaint forms, pleadings, or decisions related to these procedures.

2) If you cannot provide supporting documentation, please explain:

Note: Please do not submit originals as they will not be returned to you

5. Confidentiality and personal data

By submitting this complaint you consent to the processing of your personal data by the Fundamental Rights Officer (FRO). Please find further information on the processing of your data in the following privacy statement.

The FRO deals with complaints confidentially. If your complaint is declared admissible, it will be referred for a follow-up to the competent authorities (Frontex Executive Director and national authorities from the relevant Member State(s)) and sent to relevant national fundamental rights institutions.

Please confirm that you explicitly authorize the FRO to disclose your data to the competent authorities and fundamental rights institutions. If you decide not to share your data, your complaint might be rejected by those authorities.

I hereby consent to the sending of my personal data to the Frontex Executive Director, the competent national authorities from the relevant Member State(s) and the relevant national fundamental rights institutions, as applicable (please tick):

YES

NO

6. Redress

If your complaint is substantiated, what in your view could Frontex or other institutions do to address the harm caused?

7. Submission of your complaint

You can submit your complaint and the necessary attachments via:

- Email: complaints@frontex.europa.eu
- Frontex website: www.frontex.europa.eu/complaints
- Directly to Frontex staff where the activity takes places.
- Post: Frontex - Fundamental Rights Officer, Complaints
Plac Europejski 6
00-844 Warsaw
Poland

In case of submission of this electronic form, kindly write your full name below:

Date:

Complainant:

Date:

Party Representative:

Frontex complaints mechanism PRIVACY STATEMENT

1. WHAT PERSONAL DATA DO WE COLLECT?

The personal data you provide through your complaint, including your name, contact details or supporting documents (such as medical or police reports or photos).

2. WHY DO WE COLLECT YOUR DATA?

Your data will be processed so that the Fundamental Rights Officer (FRO) and the Fundamental Rights Office staff, who will deal with your complaint, can handle and process the complaint.

3. LEGAL BASIS FOR THE PROCESSING

The legal basis for the processing of your data is Article 111 paragraph 11 of the Regulation (EU) 2019/1896. The FRO will process your data based on Article 5 paragraph 1 (d) of the Regulation (EU) 2018/1725⁴. By submitting the complaint, you give your consent for the processing. You have the right to cancel that consent at any time.

4. WHO COLLECTS YOUR DATA?

Your data will be collected by the FRO, who is the data controller. You can reach the FRO at complaints@frontex.europa.eu.

5. WHO ELSE CAN SEE YOUR DATA?

Only if you give a consent, the FRO and the Fundamental Rights Office staff, who will deal with your complaint, can send your data to: the Frontex Executive Director, the competent national authority(ies) from the relevant Member State(s) and the relevant national fundamental rights institutions; the disclosure of your data to these parties will depend on the person who has allegedly violated your rights and on the rights that have allegedly been violated.

If you do not give a consent, your data will not be disclosed. It is important for you to know that without your consent your complaint might be rejected by those authorities, in case they do not accept anonymous complaints.

Your data will not be given to a third country or international organisation.

⁴ Regulation (EU) 2018/1725 of 23 October 2018, on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data. (OJ L 295, 21.11.2018, p. 39–98).

6. HOW LONG DO WE KEEP YOUR DATA?

Your data will be stored for the period of three (3) years. If you have submitted the same complaint to national or international courts, your data will be stored for the period of five (5) years, due to possible court proceedings. The retention period is counted from the moment of the closure of the case. After that period the data will be deleted.

7. WHAT ARE YOUR RIGHTS?

You have the right to access your data and the right to ask the FRO to correct or delete your data or to limit the processing of it. You can submit a complaint to the European Data Protection Supervisor at www.edps.europa.eu. In case you need any clarification you can also contact the Frontex Data Protection Officer at dataprotectionoffice@frontex.europa.eu. No automatic decision-making will be done based on your data.

8. OTHER PERSONS MENTIONED IN YOUR COMPLAINT

If in your complaint you give us data of any witnesses, persons who allegedly violated your rights or other persons, the FRO and the Fundamental Rights Office staff, who will deal with your complaint, will process these data as well. These persons will be informed of the processing of their data where possible.