



C/2024/6948

25.11.2024

**Action brought on 4 October 2024 – FM v Frontex**

**(Case T-511/24)**

(C/2024/6948)

*Language of the case: English*

**Parties**

*Applicant:* FM (represented by: F. Gatta, lawyer)

*Defendant:* European Border and Coast Guard Agency

**Form of order sought**

The applicant claims that the Court should:

- declare that, following the defendant's having been called upon to act in accordance with the procedure laid down in Article 265 TFEU by the applicant, the defendant unlawfully failed to act and to fulfil its obligations in conformity with Article 46(4) of Regulation 2019/1896, by not partly suspending or terminating its impugned activities in the Central Mediterranean, resulting in the direct and/or indirect unlawful provision of information to Libyan entities, or by not providing duly justified grounds for failing to implement the required measures pursuant to Article 46(6), or otherwise by not defining its position on the applicant's invitation to act of 29 May 2024.
- order the defendant to bear all the costs, in accordance with Article 134(1) of the Rules of Procedure of the General Court.

**Pleas in law and main arguments**

In support of the action, the applicant relies on two pleas in law.

1. First plea in law, alleging that in the face of serious and persisting violations of fundamental rights and international protection obligations related to the aerial surveillance activities of the Agency in the Central Mediterranean, the Agency failed to act by not partly suspending or terminating its aerial surveillance activities under the framework of the EUROSUR Fusion Services in the 'pre-frontier area' in the Central Mediterranean, as well as respective Maritime Aerial Surveillance under the framework of Joint Operations, which enable the unlawful direct provision of information to Libyan entities, in compliance with the Agency's legal obligations under Article 46(4) of Regulation (EU) 2019/1896 on the European Border and Coast Guard. <sup>(1)</sup>
2. Second plea in law, alleging in the face of serious and persisting violations of fundamental rights and international protection obligations related to the aerial surveillance activities of the Agency in the Central Mediterranean, the Agency has failed to act by not partly suspending or terminating its aerial surveillance activities under the framework of the EUROSUR Fusion Services in the 'pre-frontier area' in the Central Mediterranean, as well as respective Maritime Aerial Surveillance under the framework of Joint Operations, which enable the unlawful indirect provision of information to Libyan entities, in compliance with the Agency's legal obligations under Article 46(4) of Regulation (EU) 2019/1896 on the European Border and Coast Guard.

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<sup>(1)</sup> 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) No 1052/2013 and (EU) 2016/1624 (OJ 2019 L 295, p. 1).