



**COUNCIL OF
THE EUROPEAN UNION**

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**MIGR 44
COMIX 353**

I/A NOTE

from : Presidency
to : COREPER/Council
Subject : **Draft Council Conclusions on improved operational co-operation on joint return operations by air**

1. At its meetings on 23 January and 24 February 2006 the Working Party on Migration and Expulsion addressed, under initiative of the Presidency, the issue of improving the operational co-operation on joint return operations by air. In this context, special attention was devoted to the question of developing in this area the role of FRONTEX, which was given some tasks under the FRONTEX Regulation, in supporting Member States in the organisation and implementation of joint return operations by air.
2. The purpose of the draft Council Conclusions on improved operational co-operation on joint return operations by air, which have been submitted by the Presidency, is to reflect the valuable elements and guidelines which arose from the above discussions, with the objective of providing clear orientations for further action to be taken in this area. The draft Council Conclusions were considered by the JHA Counsellors at their meeting on 30 March 2006.

3. At its meeting on 6 April 2006 the Strategic Committee on Immigration, Frontiers and Asylum reached agreement on the text as set out in the Annex to this Note.
 4. The COREPER is invited to confirm agreement on this text with a view to its approval by the Council.
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Draft Council Conclusions
on improved operational cooperation on joint return operations by air

Recalling that:

- The Return Action Programme¹, adopted by the Council on 28 November 2002, recommends in Chapter IV making the return of third country nationals illegally resident in a Member State as efficient as possible by sharing existing capacities for the organisation of joint flights among the Member States (n. 36) and points out the necessity of joint training measures for the officials with responsibility for return operations (n. 30);
- The Council adopted in 2004 a Decision² defining the organisational arrangements which are appropriate for carrying out joint return operations by air, identifying in particular the tasks specific to the organising Member State, the tasks specific to the participating Member States and the common tasks;
- The Council, in its Conclusions adopted on 12 July 2004 on giving practical effect to the Council Decision on the organisation of joint flights³, invited the European Commission and the Member States *"to explore ways for the Border Management Agency to provide the necessary assistance for organising joint flights"*;
- The FRONTEX Agency has been tasked, in the relevant Regulation, *"to provide the necessary assistance for organising joint return operations of Member States"* (Article 9), as well as to hold additional training courses and seminars on *"subjects related to the return of third country nationals for officers of the competent national services of Member States"* (Article 5)⁴.

¹ 14673/02 MIGR 125 FRONT 135 VISA 172.

² Council Decision of 29 April 2004, on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders (2004/573/EC) (OJ L 261 of 6.8.2004, page 28).

³ Council Conclusions on giving practical effects to the Council Decision on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders (8540/04 MIGR 30 COMIX 275).

⁴ See Council Regulation (EC) 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349 of 25.11.2004, page 1).

The Council of the European Union, underlining that joint return operations constitute an important tool for the efficient implementation of the return policy of the Union, considers that:

- joint return operations should be organised in full respect of the human rights and of the dignity of the person subject to removal, in compliance in particular with Article 6(2) of the Treaty on the European Union and with the relevant international instruments;
- the model whereby the charter flight is organised by one Member State, which leads the entire operation, with the participation of other Member States, has proven to be successful and efficient and should continue to apply;
- FRONTEX, subject to a precise definition of the scope of its responsibilities in this area, should play a co-ordinating role in the organisation of joint charter flights and provide the necessary assistance. When identifying its specific tasks special attention should be paid in particular to criteria of economic efficiency and to the need to accelerate and facilitate the relevant procedures;
- FRONTEX should be given access to ICO-NET¹ in order to perform its tasks and should use this system as a platform for its communication with the Member States;
- the involvement of Liaison Officers, of members of the diplomatic and consular representations of the Member States concerned and of representatives of the relevant destination countries during the organisation and implementation of joint return operations is of utmost importance and should be reinforced;
- the definition of common training standards and the organisation of training courses for officers of the Member States responsible for removal operations will promote the future organisation of joint charter flights and improve the efficiency of joint return operations. The national standards of Member States will constitute the basis for further developing such activities.

¹ See Council Decision of 16 March 2005 establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services (2005/267/EC) (OJ L 83 of 1.4.2005, page 48).

The Council, having regard to these considerations, calls for a further increase in the use of joint flights as a means of demonstrating the commitment of the EU in relation to joint return actions making more effective use of resources, thus increasing the rate of returns from the Member States.

The Council, in particular, invites:

- Member States which organise joint charter flights or which plan to organise them to involve FRONTEX, in accordance with the FRONTEX Regulation;
- Member States and FRONTEX to define practical arrangements for their co-operation in the organisation and implementation of joint charter flights on the basis of the lessons learned and of the best practices, to take the necessary action for this purpose and to keep them under review on the basis of the experience acquired;
- the Commission to conclude agreements with FRONTEX with a view to enabling access to and the use of ICO-NET;
- FRONTEX to draw up, in consultation with the Member States, common training standards for officers responsible for removals on the basis of existing national training curricula as well as organising training courses specifically directed to officers responsible for removals and accompanying personnel during joint return operations.