



**COUNCIL OF
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NOTE

from : Presidency
to : Working Party on Migration and Expulsion

Subject : Draft manual for the shared organisation of joint flights for group removals of third-country nationals illegally present in the territory of two or more Member States

1. Introduction

On 28 February 2002 the Justice and Home Affairs Council adopted the comprehensive plan to combat illegal immigration and trafficking of human beings, which emphasised, among other things, that:

- readmission and return policy is an integral and vital component of the fight against illegal immigration;
- it is possible to highlight a number of practical measures that should be considered for implementation;
- a Community return policy should be based on two elements: common principles and common measures.

On 13 June 2002 the Justice and Home Affairs Council approved the plan for the management of the external borders of the European Union, which provided for rational repatriation operations as one of the measures and actions for the integrated management of the external borders of the Member States of the European Union.

On 28 and 29 November 2002 the Justice and Home Affairs Council approved the Return Action Programme, which recommends – as one of the measures and actions with regard to improved operational cooperation among Member States – that the return of illegally resident third-country nationals should be made as efficient as possible by sharing existing capacities for such returns on joint flights.

Moreover, the Greek Presidency has proposed a draft manual of best practices on the acquisition of travel documents and the removal of third-country nationals from Member States' territory. In highlighting the importance of organising common charter flights, the draft manual stresses that Member States should comply with the security provisions for charter flight returns/removals of third-country nationals from Member States' territories which will be based on the conclusions of the experts currently working in this field (meetings on 28 January and 5 March 2003, at which a Commission non-paper and a Franco-German paper were presented).

2. Proposal to draw up a manual for joint return operations

The proposal is to develop a manual for the shared organisation of joint flights for the removal of third-country nationals illegally present in the territory of two or more Member States.

In line with earlier initiatives and with aim of implementing the recommendations made in the Return Action Programme in particular, we propose the immediate launch of a project to develop a special manual, which would set out the operational and security provisions for organising and carrying out joint flights for group removals of third-country nationals illegally present in the territory of two or more Member States.

The manual would provide strictly operational instructions for the authorities designated by the Member States to organise joint flights. Those instructions would be the distillate of best practice and reflect the lessons learned by the Member States at national level from earlier operations.

3. Working method

We propose that the manual be drawn up by a drafting committee, acting on instructions from the Working Party on Migration and Expulsion, to which the manual would be submitted for approval.

The drafting committee should take into consideration the findings of the group of experts, which met on 28 January and 5 March 2003.

The committee would be composed of:

- a possibly restricted number of national experts appointed by the Member States;
- one representative of the European Commission;
- one representative of the Council Secretariat.

Italy offers to coordinate the committee's proceedings.

The committee would be responsible for the physical compilation of the manual with the prior approval of the Working Party on Migration and Expulsion and the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA). The manual would be printed and circulated to Member States and the other bodies and departments concerned (e.g. ILO, Member States' diplomatic representations in third countries, etc.).

The committee would report to the Working Party on Migration and Expulsion on the progress of its work.

4. The committee's terms of reference

Framework

When drawing up the manual, the committee should take account of:

- the plan for the management of the external borders of the European Union, approved on 13 June 2002, which provides for rational repatriation operations as one of the measures and actions for the integrated management of the external borders of the Member States of the European Union;
- the Return Action Programme, approved on 28 November 2002, which recommends – as one of the measures and actions with regard to improved operational cooperation among Member States – that the return of illegally resident third-country nationals should be made as efficient as possible by sharing existing capacities for such returns on charter flights;
- the suggestions provided by the manual of best practices on the acquisition of travel documents and the removal of third-country nationals from Member States' territory;
- the guidelines already drawn up by the group of experts regarding the security provisions to be followed when organising joint flights for group removals of third-country nationals illegally present in Member States' territories.

5. Structure of the manual

A. General part of the manual

1. Designation of the national central offices/departments responsible for organising joint flights, with a list of the specific organisations, their phone and fax numbers and their e-mail addresses.
2. Concise information on Member States' national laws on returning third-country nationals.
3. Information sheets on each third country indicating:
 - cooperation situation;
 - travel documents used for returning that country's nationals;
 - the situation as regards of cooperation with the European Union, with information on agreements signed and measures carried out, proposed or being negotiated in the area of immigration in general and readmission in particular.
4. Member States' diplomatic representations in third countries, with their addresses, phone and fax numbers and e-mail addresses.

B. Specialised part of the manual

1. Pre-return stage
 - Information on the organisation of the joint flight among Member States;
 - carrier's responsibilities;
 - documents used for the return;
 - escort (definition, number of members, capacity, etc.);
 - medical assistance.

2. Pre-flight stage.
 - Arrangements for transferring the third-country nationals;
 - security checks;
 - any particular security measures;
 - boarding procedures.

3. Security provisions during the flight.
 - Information on security measures;
 - use of coercion;
 - medical assistance.

4. Arrival of the flight.
 - Disembarkation procedures;
 - assistance at the airport of destination.

C. Audio-visual recording of operations and relations with the media

- Arrangements for audio-visual recordings;
- relations with the media;
- final report on return operations using joint flights.

Working on this basis, we have drafted a number of points that might be included in the manual as a basis for the Committee's discussions.

This initiative is a response to the need for practical follow up to the Return Action Programme which, as already mentioned, recommends – as one of the measures and actions with regard to improved operational cooperation among Member States – that the return of illegally resident third-country nationals should be made as efficient as possible.