

**National Return Operation by Air to _____ by _____
on __/__/____**

IMPLEMENTATION PLAN

This National Return Operation (hereinafter “NRO”) takes place in accordance with the provisions of this Implementation Plan (hereinafter “IP”). This IP is an integral part of the Rolling Operational Plan for Return Operations (hereinafter “ROP”) attached to the Frontex Operational Activity Plan for Return 2020 (“FOA-R”) which fulfil the requirements of Article 38 of the Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 (hereinafter “the Regulation”).

The operational aim of this NRO is to return from the territory of the Member State¹ (hereinafter “MS”), third-country nationals who are subject to individual, enforceable return decisions issued by the organizing MS, to the Third Country of Return (hereinafter “TCoR”) by air.

The organising MS (hereinafter “OMS”) escort leader (hereinafter “EL”) is responsible to inform each participant to this NRO about the content of the Implementation Plan and to ensure that they comply with the plan throughout the NRO.

I. General provisions

1. Applicable legal framework

The indicative list of applicable international and EU law, including relevant standards and guidelines, can be found in the annex to the Code of Conduct for Return Operations and Return Interventions coordinated or organised by Frontex² (Annex 3b). In addition, during in-flight phase of the return operation, Tokyo Convention³ governs the rules with regard to all actions related to the security and safety on board the aircraft.

2. Operational information

The escort leader shall make him/herself aware of the operational details for this NRO, which are uploaded into the Frontex Application for Return (hereinafter “FAR”) that is the implementing tool for the ROP, such as:

- The flight schedule, including time and airports of departure and arrival, the route and the TCoR (Annex 1);
- The list of passengers, including participants (escorts, medical staff, interpreters, monitor, observers and Frontex representative) and returnees (Annex 1);

¹ The term “Member State” means for the propose of this document a Member State of the European Union or a Country associated with the implementation, application and development of the Schengen acquis.

² https://frontex.europa.eu/assets/Key_Documents/Code_of_Conduct/Code_of_Conduct_for_Return_Operations_and_Return_Interventions.pdf

³ Convention on offences and certain other acts committed on board aircraft, signed at Tokyo, on 14 September 1963

- The list of coercive measures authorised by the OMS (**Annex 1**);
- Contact details, including OMS, Frontex, handling agents, monitors and medical staff (**Annex 2**).

3. Communication

The communication between Frontex Joint Return Coordination Centre (hereinafter “FJRCC”) and all operational actors with regard to the organisation and implementation of this NRO will be ensured via FAR, mobile and landline phones indicated in this IP, in FAR (**Annex 2**) and via the following e-mail address:

[REDACTED]

FAR is the primary communication channel between OMS and Frontex, allowing exchange of information and processing of personal data.

If no Frontex representative takes part in the return operation, the EL shall send a **flash report** to Frontex [REDACTED] before take-off and after the handover procedure in the TCoR. The report shall include the number of returnees and other participants in the NRO and the number of returnees successfully handed over. In case an e-mail cannot be sent, the report could be also sent via SMS to the Frontex Operational Manager (**see the contact details in Annex 2**).

4. Risk assessment

The OMS shall perform individual risk assessments of its returnees based on factors such as previous behaviour and removal history. This assessment shall be used to determine the number and profile of escorts, as well as ground staff deemed necessary in order to ensure security during all phases of the operation. The OMS ensures proper gender balance within its staff, depending on the returnees’ gender. At least one escort of the same gender as the returnee should be designated.

The following circumstances (non-exhaustive list) should be taken into account:

- The gender and age of the returnees;
- Vulnerable condition (e.g. children if present with their families, persons with physical or mental disabilities, etc.)
- Their previous conduct, such as threats, previous resistance in connection with transport/arraignment in court/return, risk of absconding;
- Information on the returnee’s health - both physical and mental.

Escorts have to be aware of any personal circumstance which may put in danger other returnees, passengers and their own health and safety.

The use of coercive measures must not be systematic and must be justified in each case by an individual dynamic risk assessment that shall continue to be performed throughout the operation. The use of coercive measures takes appropriate account of the individual circumstances of each person, such as their vulnerable condition (e.g. children if present with their families, persons with physical or mental disabilities, etc.).

The EL **periodically reviews the continuing necessity and proportionality of deploying coercive measures**, especially when these are used for prolonged periods, based on a dynamic risk assessment.

5. Use of force



Escorts may use force and/or coercive measures to perform their duties, in legitimate self-defence, in order to prevent the returnee from escaping, causing injury to himself/herself or to a third party, or damage to property. **The use of force and coercive measures is always the last resort and must be limited to the minimum level required to achieve the legitimate objective. Use of force shall never be arbitrary or abusive.**

When using force, the escorts shall respect the principles of strict necessity, proportionality and respect for the dignity of returnees, as well as the right to physical integrity and the prohibition on inhuman or degrading treatment or torture in relation to all aspects of the use of force in return operations and not only to coercive measures.

The use of coercive measures takes appropriate account of the individual circumstances of each person, such as their vulnerable condition (these may include: minors if present in a return operation with their families, elderly people, pregnant women, persons with physical or mental disabilities, victims of human trafficking, persons with serious illnesses, persons with mental disorders, persons who have been subject to psychological, physical or sexual violence).



During the in-flight phase the use of **all coercive measures is subject to the authority of the pilot in command**, who is in charge of the aircraft in connection with all safety and security measures.

The use of sedatives to facilitate a removal is forbidden, without prejudice to emergency measures under medical supervision to ensure flight security. Weapons are prohibited.

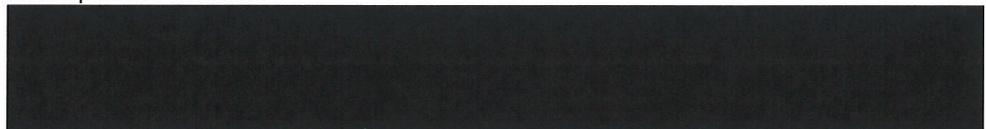
In the event of a **flight emergency, while the plane is airborne the rescue of returnees must not be impeded**. Any means restricting the freedom of their movement must be removed.

6. Incident reporting

Any incident of a sensitive or public interest nature which occurs during the course of this operation (occurrence, natural or caused by human action) which may affect or be relevant to the Frontex mission, image, the safety or the security of participants in Frontex coordinated activities, including violations of Fundamental Rights or infringements of the Frontex Code of Conduct applicable to all persons participating in Frontex operational activities or the Code of Conduct for Return Operations and Return Interventions coordinated or organised by Frontex⁴ is to be reported.

This will be done via the EL to the national Crisis Focal Point that activates the **Serious Incident Reporting procedure (hereinafter "SIR")** by informing the Frontex Situation Centre (hereinafter "FSC") and to the Frontex Operational Team, as follows:

- By phone (within 2 hours after knowledge of the incident) to the Senior Duty Officer of the FSC and Frontex Operational Team:



- In writing (within 24 hours after knowledge of the incident) by using the SIR template (**Annex 4**) available in FAR, to be sent to FSC:



⁴ <https://frontex.europa.eu/about-frontex/key-documents/?category=code-of-conduct>

7. Fundamental rights and complaints mechanism

Frontex fulfils its tasks in full compliance with EU law, including the Charter of Fundamental Rights, the relevant international law, including the Convention Relating to the Status of Refugees of 1951, the respect for Fundamental Rights, in particular the access to international protection, and the compliance with the principle of *non-refoulement*, and taking into account the recommendations of the Frontex Consultative Forum on Fundamental Rights.

Participants assigned for duty during this operation shall ensure full compliance with the Charter of Fundamental Rights ensuring respect and dignity for all persons encountered in the course of this operation and with the Code of Conduct for Return Operations and Return Interventions coordinated or organised by Frontex and the Code of Conduct applicable to all persons participating in Frontex operational activities. The common standardised procedures for JROs are laid down in the Frontex Guide for JROs.

The Regulation requires Frontex to put in place an effective mechanism to monitor the respect for fundamental rights in all its activities. For this purpose, Frontex developed a Fundamental Rights Strategy, adopted the Code of Conduct applicable to all persons participating in Frontex operational activities and established a complaints mechanism. The Code of Conduct applicable to all persons participating in Frontex operational activities lays down procedures intended to guarantee the principles of the rule of law and the respect for and promotion of fundamental rights. The complaints mechanism (**Annex 7**) lays down the procedures to be followed whenever a person makes a complaint regarding the fact that s/he was directly affected by the actions of staff involved in a Frontex activity, and considers her/himself to have been the subject of a breach of her/his fundamental rights.

Hard copies of the complaint form (**Annex 6**), privacy statement and information material have to be available and accessible to all participants in the operational areas in those operational locations where such availability is feasible. Persons who want to file a complaint using the hard copy of the form will be granted the form, the privacy statement and leaflets on the complaint procedures by the Frontex staff, the members of the team, or other persons nominated by the Member States in Frontex supported return-related activities. The Agency's rules on the complaints mechanism are listed in FAR (**Annex 5**).

8. Forced-return monitoring

This operation shall be monitored by the forced-return monitor on the basis of objective and transparent criteria from the pre-departure phase until the handover of the returnees in the TCoR.⁵

The forced-return monitor shall submit his/her report within 15 days from the completion of the NRO to the Executive Director [REDACTED] and the Fundamental Rights Officer of Frontex [REDACTED] [REDACTED] as well as to the Direct Contact Point in Returns matters of the OMS [REDACTED].

Accreditation document for forced-return monitors from the Frontex pool

The accreditation document for forced-return monitors from the pool shall be issued by Frontex⁶. The document shall be delivered to the OMS by the Frontex Operational Team or via FAR in case a Frontex representative is not on board.

In case of delivery via FAR, the OMS is responsible to print the accreditation document and hand it over to the forced-return monitor from the pool prior to the operation in a transparent plastic badge holder (ID-1 size is preferred).

At the end of the operation, the EL or other representative in charge shall take back the accreditation document.

⁵ Pursuant to Article 50(5) of the Regulation

⁶ Pursuant to the Article 83(1) of the Regulation

9. Returnees NOT allowed on board

Unaccompanied minors are not allowed in return operations coordinated by Frontex.

OMS may specify other categories of returnees not allowed on board. This information is available in FAR (Annex 1).

10. Other passengers and goods allowed on board

OMS must ensure that only returnees who are subject to a return decision and participants announced in the passengers list take part in the operation and board the aircraft. **Persons who do not belong to the national contingent and who have not been announced nor agreed with Frontex in advance cannot be transported on either leg of the return flight.** In case there are arrangements made between OMS and authorities in the TCoR on transporting any additional passengers on the flight, appropriate justification is to be provided and Frontex approval obtained in due time in advance of the flight.

OMS is responsible to announce in advance all types of cargo, outside of the regular range of goods (such as equipment, catering, personal luggage of the participants, etc.) needed for the execution of the flight, which will be transported to/from the TCoR. No unannounced cargo shall be transported on either leg of the flight.

11. Informing the TCoR about the NRO

The OMS is obliged to inform the relevant diplomatic representation of the TCoR of the return of their citizens from its territory.

12. Medical attention and interpreters

Medical staff and interpreters should be available in a waiting area at the OMS embarkation airport before the departure as well as on board.

13. Travel and health documentation

The OMS is responsible for obtaining appropriate travel documents for its returnees, as well as for the documentation of its NRO participants. All participants must have the required travel and health documentation and be made aware of entry restrictions that may potentially affect them.

14. Dress code

The dress code for participants during the operation depends on their tasks, OMS national rules, NRO duration and circumstances. Smart casual is preferable for the EL. [REDACTED]

[REDACTED] Uniforms or military-style clothes are not permitted on board the aircraft.

NRO participants should be identifiable and fully distinguishable from returnees. The Frontex vests shall be used during the implementation of the whole return operation⁷. These will not be worn in the TCoR if disembarking from the aircraft, unless required during the handover procedure.

15. Media coverage

All media activities related to Frontex supported return operations, including media briefings, press conferences in the organising or destination countries, photo shoots, filming and interviews, must be

⁷ Standard Operating Procedure for the use of Frontex vests for Return Operations.



coordinated and authorised in advance by the Frontex press office.⁸ Filming and photographing of individuals for legal purposes according to relevant national legislations, may be carried out upon prior communication to Frontex and provided that they are officially carried out by forensic police/other national authorized unit.

If filming and photographing of individuals, both returnees and staff, was agreed in accordance with art. 13 of the Code of Conduct for Return Operations and Return Interventions coordinated or organised by Frontex, full compliance with the applicable legislation on the protection of personal data shall be ensured, including through blanking out any element or feature which could allow for the identification of the concerned data subject.

As a general rule, in order not to jeopardise the outcome of the operation, **no information about the operational activity may be released to the public prior to its beginning.** National authorities deploying officers shall also limit their public statements to the general objectives of the activity, numbers and profiles of experts.

Press lines regarding operational issues and actions as well as on specific incidents that might occur must be agreed by Frontex and all involved parties before they are released.

For specific questions Frontex press office shall be contacted at

16. Reporting

OMS shall fill in and publish the “Post Flight Information” in FAR within 14 days of the end of the operation.

II. Operational phases and procedures

1. Pre-departure phase

- The area designated for pre-departure phase should be properly secured. In case of preparations at the airport, this area should be separated from areas where regular passengers have access.
- Respective national forced-return escorts will **search each returnee thoroughly** (in accordance with their national law) before leaving the OMS territory and in any case **before boarding.**
- The **escort/returnee ratio on this flight is in line with a previous risk assessment** carried out by the OMS.
- Forced-return **escorts will be designated to concrete returnees** according to the instructions given by the EL.
- **Valuable personal belongings** like laptops, jewellery, money, etc. shall not be placed in the luggage hold of the aircraft. They are to be **stored in a sealed envelope or a plastic bag** and marked with the name of the returnee. These items are to be handled only by a designated escort(s), who shall hand them back over to the returnee prior to disembarkation.
- **Luggage**, which is transported in the hold of the aircraft, shall be properly searched and labelled with the names of returnees, TCoR, so that it can be properly unloaded in the TCoR. No fragile plastic bags or carton boxes shall be used. OMS is advised to monitor and confirm the transfer of luggage to be loaded into the aircraft hold.
- Maximum weight allowed per passenger shall be limited in line with the information provided in FAR (Annex1).

⁸ According to Article 13 of the Code of Conduct for Return Operations and Return Interventions “Any form of recording during a RO or RI is possible only when specifically agreed between the relevant MS, Frontex and/or the company operating the means of transport, and in compliance with applicable legislation on protection of personal data. Recording for private use is prohibited.”

a) Operational briefing

The EL shall **organize an operational briefing prior embarkation with other relevant participants** (back-up team leader, observers, medical staff, interpreters, monitors, Frontex representative). The briefing point and time will be determined by the EL in due time. The EL will **discuss the latest updates** (e.g. the passenger lists, seating plan, embarkation process, procedures during the in-flight and arrival phases), the availability of the Frontex complaint mechanism and the security, including the use of coercive measures.

A separate briefing is to be conducted by the EL with the cockpit and the cabin crew.

b) Boarding

- The cabin of the aircraft shall be searched thoroughly for any dangerous items prior to embarkation by a team of designated escorts.
- Boarding shall take place in a secure area. [REDACTED]
[REDACTED] The seating plan shall be distributed during the operational briefing before the departure.
- Once on board, all passengers shall take their seats and remain seated. **Emergency exit rows shall not be utilised for seating returnees.**

2. In-flight phase

- No escort shall leave his/her designated returnee unless relieved.
- Any movement of a returnee from her/his seat shall be granted in accordance to the rules set during the operational briefing.
- Toilet(s) for the sole use by returnees are to be designated and clearly labelled. Only one escorted returnee at a time is permitted to move on board in order to access the toilet. Escorts of the same gender as the returnee are advised to jam the toilet door open and supervise the returnee while respecting their personal dignity.
- A security back-up team shall operate in the aircraft. This team shall isolate and deal with any disruptive case as well as securing the exit doors.
- All relevant incidents shall be brought to the attention of the EL and Frontex representative on board.
- On the outward flight the returnees and NRO participants will be provided with the same catering. Finger food and cold drinks in paper cups are strongly recommended. If necessary, plastic spoons are to be provided.
- **Consumption of alcoholic beverages is forbidden. The flight is a non-smoking flight.**

3. Arrival phase.

- **When the aircraft comes to a stop and a complete standstill at the final parking position any restraint will be removed from the returnees and they will be brought to the door of the aircraft. At this time they shall be handed their personal belongings, which were transported in the cabin.**
- The EL shall make the first contact with the representative of the TCoR in order to prepare the hand-over.
- The EL shall meet the relevant representatives of the TCoR and hand over the travel documents and other relevant documentation, while presenting the returnees.
- The respective luggage in the hold shall be unloaded.
- The EL shall inform all participants in case of necessity to disembark the aircraft for a planned overnight stay or for administrative or technical reasons.

4. Return flight phase



a) Unaccepted returnees



b) Operational debriefing

A debriefing shall be organised during the return flight from the TCoR with all the relevant participants, in particular the EL, the back-up team leader, the monitors and the Frontex representative.

For the European Border and Coast Guard Agency (Frontex)⁹,
Head of Return Operations Sector, ECRet

Done in Warsaw, __/__/____

- Annexes:
- Annex 1 - Operational Overview
 - Annex 2 - Contact List
 - Annex 3a - Code of Conduct applicable to all persons participating in Frontex operational activities
 - Annex 3b - Code of Conduct for Return Operations and Return Interventions Coordinated or Organised by Frontex
 - Annex 4 - Serious Incident Report template
 - Annex 5 - The Agency's rules on the Complaints Mechanism
 - Annex 6 - Complaint form
 - Appendix 1 - List of potential Fundamental Rights violations during operations
 - Annex 7 - Booklet information on the Complaints Mechanism

⁹ In accordance with ED decision No R-ED 2020-15 of 06.02.2020, on delegation of the power to approve Implementation Plans