Third-country nationals: joint flights for removals of illegal emigrants. Initiative Italy

2003/0821(CNS) - 29/04/2004 - Final act

PURPOSE: the organisation of joint flights for the removal of illegal immigrants

LEGISLATIVE ACT: 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.

CONTENT: The purpose of this Council Decision is to co-ordinate joint removals by air, from two or more Member States, of third-country nationals who are the subject of individual removal orders. In order to enact the objective's of the Decision, the following measures have been provided for:

- Joint flights must be conducted properly and in accordance with the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, the United National Convention against torture and other cruel, inhumane or degrading treatment or punishment, the 1951 Geneva Convention on the status of refugees, the Convention on the rights of the child and the Charter of fundamental rights of the European Union.

- For the sake of clarity and consistency a number of related terms have been defined. They are: third-country national, organising Member State, participating Member State, joint flight, removal operations, joint removals by air and escorts.

- Member States should appoint a national authority responsible for organising and/or participating in joint flights.

- In cases where a Member State decides to organise a joint flight for the removal of third-country nationals it shall inform the national authority of the other Member State. The national authority of the organising Member State will adopt the necessary measure ensuring that the joint flight is conducted properly. It will also be responsible for practical measures such as selecting the air carrier as well as related costs and relevant contractual obligations. In addition, the national authority shall request and receive information from the third-countries of transit and destination, the authorisations required for the implementation of the joint flight and make the appropriate arrangements for the organisation of the joint flight with the participating Member State.

- The participating Member State will be responsible for specifying the number of third country nationals, which need to be removed and provide a sufficient number of escorts for each third-country national to be removed.

- Under common arrangements each participating Member State must ensure that each third-country national and the escorts hold valid documents and inform their diplomatic and consular representations in the third-countries of transit and destination of the arrangements concerning the joint flight.

- Attached to the Decision, in Annex form, are Common Guidelines on security provisions for joint removals. These common guidelines concern, requirements for returnees, requirements for escorts, transportation to the airport and stay at the airport, check-in, boarding and security check before take-off, security measures on board the aircraft, use of coercive measures, medical personnel and interpreter and lastly documentation and monitoring of removal operations.

Denmark will not be participating in the adoption of this Decision. The United Kingdom and Ireland will be participating as will the Republic of Iceland and the Kingdom of Norway.

ENTRY INTO FORCE: 7 August 2004