



Guide for Joint Return Operations by Air coordinated by Frontex

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1. List of abbreviations

CoR	Country of return
EL	Escort Leader
EURLO	European Return Liaison Officer of a Member State
FJRCC	Frontex Joint Return Coordination Centre
FOSS	Frontex One-Stop-Shop ¹ https://foss.frontex.europa.eu
ILO	Immigration Liaison Officer of a Member State
JRO	Joint Return Operation
MS	Member State
OMS	Organising Member State
PMS	Participating Member State(s)

¹ FOSS is accessible for registered users.

2. Terms and definitions

For general terms and definitions see the Frontex Code of Conduct for Joint Return Operations², the Frontex Code of Conduct³ and Council Decision 2004/573/EC. Specific terms, with their definitions, are listed below.

Advance party	Representative(s) of the OMS/PMS who travel(s) either to the country/countries of return or to another MS in order to make preparations for the realisation of a JRO.
Collecting Joint Return Operation	JRO initiated by an OMS, with escorts provided by a country of return and returnees handed over to them by the OMS/PMS on the territory of a Member State.
Dynamic risk assessment	An ongoing risk assessment.
Embarkation airport	An airport where OMS/PMS passengers embark on a joint return flight, not an airport where a connecting flight is boarded to reach the embarkation airport
Joint Return Operation by Air	An operation aimed at the removal of illegally present third-country nationals by air. The initiative for such an operation is to be taken by one MS, which will invite the participation of others.
Local transportation expenses	A given amount of money handed out to the returnee prior to arrival in the country of return. It is aimed at covering immediate expenses that the returnee may have on his arrival, in particular transportation from the airport to his/her final destination.
Plan B	Contingency plan(s) which should be prepared in case a JRO fails, or to deal with the refusal of a returnee(s) in a country of return.
Rolling Operational Plan	A rolling forecast for JRO drawn up by Frontex on the basis of Member States' needs for assistance or coordination in order to provide the requesting Member States with the necessary operational support.

² The Code of Conduct for Joint Return Operations coordinated by Frontex adopted by the Decision of the Executive Director of 7 October 2013 (ED Decision 2013/67)

³ The Frontex Code of Conduct for all Persons Participating in Frontex Activities, adopted by Decision of the Executive Director No. 24/2011, 21 March 2011

Seating plan	Distribution of seats on a specific type of an aircraft between all Member States taking part in a specific JRO.
Transit country	A country via whose airport the JRO passengers transit to connect to with the next flight.
Common Guidelines	Common Guidelines on security provisions for joint removals by air, which is annexed to Council Decision 2004/573/EC.
Council Directive 2003/110/EC	Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air.
Return Directive	Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.
Council Decision 2004/573/EC	The 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.
Tokyo Convention	The Convention on Offences and Certain Other Acts Committed on Board Aircraft, concluded in Tokyo on 14 September 1963, which entered into force on 4 December 1969.
Chicago Convention	The Convention on International Civil Aviation, known as the Chicago Convention, signed on 7 December 1944 in Chicago. It established the International Civil Aviation Organization (ICAO), a specialised agency charged with coordinating and regulating international air travel.

3. Introduction

The purpose of this document is to provide operational guidance for Frontex coordinated joint return operations by air in order to standardise procedures and to simplify the organisation of JROs. This Guide has been developed and updated⁴ pursuant to Art. 2(2) of the Code of Conduct for Joint Return Operations. This document is a tool to provide support to the authorities responsible for the organisation of joint return operations.

However, this document is not intended to replace or alter in any way Council Decision 2004/573/EC; this document complements such Decision by providing a practical, experience-based approach.

This document does not aim at creating new legally binding obligations of Member States. It collects best practices relating to the performance of the duties of national authorities competent for carrying out return-related tasks in the framework of joint return operations coordinated by Frontex.

This document also takes into account the principles contained in the specific “Best Practices on the Organization of Charter Flights for Illegal Immigrants’ Repatriation” of 2009, on the implementation of joint return operations among G8 members.

As regards Collecting Joint Return Operations, a separate document, titled “Guidance for Collecting Joint Return Operations by Air coordinated by Frontex”, will be developed.

In order to clarify the general responsibilities in the realisation of joint return operations, it should be mentioned that the Frontex Consultative Forum and the national authorities of the Member States responsible for organising and/or participating in joint return operations coordinated by Frontex have been invited to share their knowledge and experience for this guide. In addition, Frontex has coordinated the updating of this document and, on behalf of the above-mentioned authorities, has completed some formal aspects of this document.

⁴ The original title was “Best Practices for the Removal of Illegally Present Third-country Nationals”

4. Legal Framework

4.1 Legal basis of activities coordinated by Frontex

Frontex was established by **Council Regulation (EC) No 2007/2004 of 26 October 2004**⁵ on the basis of the provisions of the Treaty on the Functioning of the European Union (TFEU) establishing an area of freedom, security and justice.⁶ In this area the free movement of persons and the abolishment of internal border control among EU Member States require high and uniform levels of control at the external borders of the EU Member States. Frontex was thus established to improve and facilitate that task, although the responsibility for the control and surveillance of the external borders lies entirely with the Member States.

In its operational coordinated activities Frontex is subject to EU law and its objectives, tasks and responsibilities are formulated in the Frontex Regulation, which includes cooperation with regard to return.

The legal basis of the removal of illegally present non-EU nationals has been enhanced by the **Council Decision of 29 April 2004 (2004/573/EC)** on the **organisation of joint flights for removals** from the territory of two or more Member States of third-country nationals who are the subjects of individual removal orders and the **Common Guidelines** on security provisions for joint removals by air, which is annexed to the aforementioned Decision.

Frontex assumes that all return decisions which are executed via JROs are in compliance with fundamental rights, including the non-refoulement principle, and other provisions of EU, international and national law.

In addition, **Article 9 of the Frontex Regulation** stipulates several obligations in return cooperation. Firstly, Frontex provides the necessary assistance and, at the request of the participating Member States, ensures the coordination or the organisation of joint return operations of Member States. Secondly, Frontex develops a Code of Conduct for the return of illegally present third-country nationals which applies during all joint return operations coordinated by the Agency. Thirdly, this Code in its Article 2 stipulates that technical and detailed instructions for the practical implementation of Frontex coordinated JROs are included in separate and relevant Best Practices for operations.

Different national legislation on coercive measures lead to a variety of applications during JROs. Frontex highlights the necessity and proportionality principles with regard to the use of coercive measures.

⁵ Council Regulation (EC) No 2007/2004 of 26 October 2004, published in OJ L 349, 25.11.2004, as last amended

⁶ Articles 74 and 77 (2) (b) and (d) of the Treaty on the Functioning of the European Union (TFEU).

4.2 Obligations of Frontex

Frontex is required to carry out its tasks in full compliance with relevant EU law, including the Charter of Fundamental Rights of the European Union (the Charter), relevant international law, including the Convention Relating to the Status of Refugees approved at Geneva on 28 July 1951, obligations related to access to international protection, in particular the principle of *non-refoulement*, and fundamental rights. Frontex further takes into account the advice of the Frontex Consultative Forum, as referred to in Article 26a of the Frontex Regulation.

The Frontex Regulation requires Frontex to put in place an effective mechanism to monitor the respect for fundamental rights in all of its coordinated activities. The Frontex Fundamental Rights Officer monitors and reports on a regular basis and as such contributes to the monitoring mechanism.

During JRO coordination the Agency must assure return is carried out in a humane manner and with full respect for Fundamental Rights as enshrined in the Charter and any other relevant international instruments, as stated in Article 4 of the Code of Conduct for Joint Return Operations.

Furthermore, Frontex has the obligation to interrupt or terminate its operational activity in the event of serious or persistent violations of fundamental rights or international protection obligations.

If an alleged violation is committed by a person assigned by a Member State, Frontex communicates information regarding this allegation to the competent national authority concerned, which provides an effective and independent investigation. The authorities of the MS are expected to inform Frontex of the conduct and results of such investigation. Frontex's Executive Director may request information on the conduct and results of the investigation and may decide to inform the Management Board accordingly. The returnee may request information and should be informed of the measures taken and his/her possible right to compensation.⁷

4.3 Obligations of persons participating in Frontex coordinated activities

All persons participating in activities coordinated by Frontex, including joint return operations, have to carry out their tasks with respect for human dignity and fundamental rights, to meet the obligations imposed upon them by the provisions of the Frontex Code of Conduct and the Frontex Code of Conduct for Joint Return Operations and are required to comply with the rules of their mandates.

The Frontex Code of Conduct sets out principles and rules which guide the conduct of all persons participating in Frontex activities, namely Frontex staff, officers of border guard services of a Member State and other staff performing any actions. It aims to guarantee the principles of the rule of law and the respect for, and protection, fulfilment and promotion of, fundamental rights, with a particular focus on accompanied and unaccompanied minors and other vulnerable persons, as well as

⁷ Article 17 of the Code of Conduct for JRO

on persons seeking international protection, including the obligation of referral to national authorities competent for receiving asylum requests.

This code is complemented by the Code of Conduct for JROs, which sets out common principles and the main procedures to be observed during joint return operations coordinated by Frontex. This code addresses specific issues and situations that may occur during joint return operations. Each Implementation Plan drawn up and distributed by Frontex prior to each JRO contains links to both the aforementioned codes. These codes are available on the Frontex One-Stop-Shop information platform and on Frontex's website.

All persons involved in activities coordinated by Frontex are required to maintain the highest standards of integrity, ethical conduct, professionalism and respect for fundamental rights. While taking part in activities coordinated by Frontex they are required to comply with European law, international law, Fundamental Rights and the national law of the organising Member State or the transit country. Furthermore, the Member State of each relevant JRO participant must provide appropriate disciplinary, criminal or other measures in accordance with its national law in cases of violation of applicable national and international legal provisions in the course of an operational activity.

All persons involved in activities coordinated by Frontex must avoid any kind of discrimination. They are expected to treat every person with courtesy, respect and due consideration for the nature of any legitimate activity in which they are engaged.

The specific needs of vulnerable groups, such as minors, persons with disabilities, elderly people, pregnant women, single parents with minor children and persons who have been subject to torture, rape or other serious forms of psychological, physical or sexual violence, as well as persons with a serious health condition, mental disabilities or any other vulnerabilities, as defined in the EU acquis, should be taken into account and particularly observed during all the phases of the operation.

All persons participating in Frontex coordinated activities are required to report any incidents involving suspected or alleged violations of fundamental rights or the Frontex Codes of Conduct via the appropriate reporting channel, for example via the Frontex Serious Incident Reporting system. They should receive in advance appropriate training (including on fundamental rights) provided by national authorities responsible for their deployment or by Frontex.

Moreover, all tasks and objectives must be performed in full compliance with international law, i.e. the **Tokyo Convention** and the **Chicago Convention**.

5. General Rules

5.1 Communication during the organisation of JRO

Information exchange is a precondition for successful cooperation. For this reason, the communication⁸ between the OMS, the PMS and Frontex is organised via the FJRCC (fjrcc@frontex.europa.eu) and the standardised templates stored in the FOSS⁹ are to be used.

Operational communication, related to the specific operation, with the country of return is made directly by the OMS.

5.2 Escorts / Escort Leaders

Escorts from both the OMS and the PMS should be carefully selected. JRO can be carried out with escorts who are police/immigration officers or private companies' staff, for whose actions the responsibility remains with the MS. In all cases the escorts should be adequately trained for the activity in physical techniques and in accordance with fundamental rights, international and national law, and relevant Frontex standards (national multiplier training for escorts).

All escorts participating in a JRO should be informed of their specific task/role via a briefing by their escort leader.

Escorting to the embarkation airport and during the pre-departure phase may be carried out by the same officers who subsequently carry out the escorting on board or by other officers.

The number of escorts should be determined by an appropriate security risk assessment by each MS taking part in a JRO and in consultation, if necessary, with Frontex, the OMS and the relevant PMS. The gender and age of the returnees, as well as experience and communication skills (both interpersonal and language skills), of the escorts should be taken into account when appointing the escorts for an operation.

Each MS should nominate an EL responsible for the whole team. It is highly recommended that these leaders have attended Frontex's standardised training for JRO escort leaders.

5.3 Back-up team

An appropriate back-up team of escorts (depending on the circumstances involved), with a high level of control and restraint techniques and knowledge of English, should be provided by the OMS. The gender and age of the returnees should be also taken into consideration when designating the back-up team. Such a team provides assistance to all of the escorts (those from the OMS and the PMS) during the following phases of the operation, in particular during emergencies:

- The pre-departure phase on the OMS territory including
 - Transport from the place of arrival to a waiting area and or to the main charter

⁸ The communication includes in particular offer of the operation, Member States' interest in participation, a number of returnees, escorts and their updates, information on embarkation places, means of connecting transport, time schedules, overnight stays, etc.

⁹ A web-based and secure portal designed to provide situational awareness and to share operational-related information. Close-to-real-time and up-to-date information is available to multiple users, simultaneously.

- Support in the transit zone (especially in any smoking area and toilets)
- Embarkation procedure
- The in-flight phase (e.g. movements on board, access to toilets)
- The disembarkation phase
- The return-flight phase, in the event that that some returnee(s) are not accepted by the country of return

Members of the back-up team should provide assistance

- Upon an order from the OMS' escort leader
- Upon the request of the PMS' escort leader
- Upon own initiative (if immediate assistance is required)

During embarkation in one of the PMS, that PMS should have ground staff assisting other PMS boarding as follows:

- Transport to the main charter
- Embarkation procedure

The PMS may also provide their own back-up team if deemed necessary, in particular during the (joint) connecting transport to the embarkation airport.

5.4 Medical staff and interpreters

The OMS provides appropriate medical staff during the whole operation (the pre-departure phase, ground procedures on the OMS' territory, and the in-flight and return-flight phases). The relevant PMS arranges for the presence of medical staff on the ground during the pre-departure phase when embarkation of any other PMS takes place on its territory.

At least one medical doctor should be present during a JRO.

The OMS must consider the need to have an interpreter on board to help the medical staff and escorts communicate with returnees.

PMS may bring their own interpreter(s) and/or medical staff during the connecting transport and also during the joint return flight, if they consider that necessary. However, they should seek the prior agreement of the OMS to provide their own medical staff and/or interpreter.

The administration of medication to the returnees should be based on a medical check by and the decision of the medical staff and takes place with the consent of the returnee, except in emergency medical situations. During the JRO medication should not be within the returnees' direct reach.

The relevant MS ensures that the necessary amount of medication prescribed is available for returnees who are under medical treatment. Moreover, the MS should consider the possibility of providing an advance supply of medication (e.g. for several weeks) in order to prevent any interruption of treatment in the country of return (please see 6.2.4.2. with regard to the need to leave behind in a MS any medicines prohibited in a CoR).

5.5 Working language

During joint return operations coordinated by Frontex the working language is English and at least the escort leaders are required to have adequate knowledge of the English language. This is to facilitate quick and efficient communication between different stakeholders.

5.6 Coercive measures

JRO participants must respect the principles of strict necessity, proportionality, and respect for the dignity of the returnee, 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 JROs, and not only to measures of restraint.

A list of authorised restraints and equipment permitted during the JRO is decided by the OMS together with Frontex in accordance with its national legislation, international law and EU law, in particular the Charter of Fundamental Rights and communicated by the OMS in a standardised form: “*Offer of Joint Return Operation by Air - Information Sheet*”. It is then included by Frontex in the Implementation Plan for each specific JRO. However, no PMS should use coercive measures that its legislation does not allow, even if those measures are accepted by the OMS for that particular operation.

The use of force is always a last resort and must be the minimum level required to achieve the legitimate objective. The use of force must be reasonable and necessary in the circumstances and proportional to the assessed risk of harm. Every case has to be assessed individually.

Returnees must not be physically assaulted or threatened to force them to board a means of transport or as a punishment for not having done so.

The use of coercive measures must not be systematic and must be justified in each case by an individual dynamic risk assessment.

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

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.

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 in a JRO with their families, persons with physical or mental disabilities, etc).

The use of sedatives to facilitate a removal is forbidden, without prejudice to emergency measures to ensure flight security.

Weapons are prohibited.

When using handcuffs, handcuffing returnees behind the back during transportation should be prohibited, given the potential for discomfort to the person concerned and the risk of injury in case of accident.

Bringing a returnee into a position preventing him/her from breathing adequately may cause positional asphyxia (see Annex 2) and must not be used.

5.7 Information for returnees

The competent persons should communicate with returnees in a language they can understand, in a calm, clear and detailed manner, ask them for cooperation and try to put them at ease. No later than at the point of collecting returnees from their place of stay (e.g. a detention centre) the competent person from the OMS and PMS explains orally or in writing to the returnee the removal procedure (e.g. reason, phases of travel and procedures, the necessity for body and luggage searches, the possibility of using coercive measures when deemed necessary, etc) and answers their questions.

5.8 Seeking cooperation from returnees

In order to avoid or minimise as much as possible the use of force, the escorts designated to each returnee must seek their cooperation. The escorts must treat the returnees with respect. They should keep the returnees informed, maintain communication and answer their questions.

5.9 Dress code & distinction of JRO participants

The dress code for JRO participants during the operation depends on their tasks, each MS' national rules, the JRO duration and circumstances. Smart casual dress is preferable for the OMS' EL and the PMS' ELs. When wearing a necktie, the one with a Velcro closure is recommended. Uniforms or military-style clothes are not permitted on board the aircraft.

The JRO participants should be identifiable and fully distinguishable from returnees. To this end, official vests with "national logo" in clear letters, armbands, badges or some other distinguishing signs are required to be worn on duty; vests are preferable, as they are easily recognisable. They will not be worn if disembarking from the aircraft in the country of return, unless required during the hand-over procedure.

5.10 Consumption of alcoholic beverages

The consumption of alcoholic beverages is not allowed during the entire joint return operation coordinated by Frontex. Catering must exclude alcoholic beverages. The airline must be informed about this policy (see 6.1.25).

5.11 Non-smoking flights

Both legs of any joint return flight coordinated by Frontex are non-smoking flights.

5.12 Recording

Any kind of recording during all JRO phases is forbidden, unless specifically agreed with the OMS, the PMS, Frontex and the company operating the means of transport, and carried out in compliance with applicable data protection legislation.

5.13 Monitoring

Frontex strongly encourages the OMS as well as the PMS to organise the presence of a monitor, as set forth in Article 8 (6) of the Return Directive, during all JRO phases.

As the OMS monitoring is sometimes limited to the pre-departure phase, and in order to ensure the entire flight is monitored, Frontex actively recommends the PMS to also provide a monitor.

The Frontex Fundamental Rights Officer has the mandate to monitor any JRO as part of the overall support to the Frontex monitoring system of fundamental rights, and the FJRCC notifies the Frontex FRO as soon as possible of each JRO that is likely not to be monitored. In any event, FRO monitoring activities do not replace the MS' obligation to monitor forced return operations.

The OMS and each PMS advise FJRCC whether a monitor(s) is/are planned or not, using standardised forms, i.e. "Offer of Joint Return Operation-Information Sheet" in the case of OMS and "General interest-Email" and "Participation in Offered Joint Return Operation-Concrete Interest" in the case of each PMS.

The participation of more than one monitor from the same MS is possible, to support national monitors' training and experience. However, this has to be agreed in advance with Frontex and the OMS.

The monitoring of a JRO aims at gathering information and observing whether a JRO is conducted in compliance with fundamental rights, paying specific attention to the treatment of vulnerable persons.

Monitors must be allowed the freedom to carry out their monitoring function; they may inform relevant officials of any perceived irregularities, but they may not interfere with the JRO procedures. They must have access to all relevant and up-to-date information concerning the JRO prior to the implementation day of the operation and during the operation, including information on the current mental and physical state of the returnees, except for confidential medical documentation, which is only to be shared between medical personnel. Monitors may observe the briefings, take part in the debriefing and provide a brief account of the main findings.

A Frontex representative is also on board to observe that the operation is performed in line with EU standards.

5.14 Serious Incident Reporting

Any incident of a sensitive or public interest nature, including any fundamental rights violation, as defined in the JRO Implementation Plan, which occurs during the course of an operation has to be reported according to the instructions described in the plan. Frontex can adapt future JRO after evaluating these reports, therefore it is crucial to ensure reporting of incidents.

5.15 Presence of external representatives during a JRO

The OMS informs the PMS and Frontex, via the FJRCC when external representatives (e.g. from embassies / ministries / international organisations / NGOs) intend to be present during a joint return operation.

When external representatives from a PMS intend to be present during a JRO, the PMS should obtain the prior agreement of the OMS and Frontex.

The OMS or a PMS, as appropriate, should notify Frontex as soon as possible whenever they receive a request to participate in a JRO from external representatives and provide a justification for the requested participation.

5.16 Travel & health documentation

Each MS (OMS/PMS) is responsible for obtaining appropriate documents for its returnees (e.g. national passport, emergency travel certificate, EU-letter).

In addition, each MS must provide any additional documentation to speed up the hand-over procedure, e.g. fingerprints, forms required by a country of return.

Each MS is also responsible for the documentation of its JRO participants; they all must have the required travel and health documentation (e.g. valid passport/visa/vaccination certificate) and be made aware of entry restrictions that may potentially affect them.

Both the OMS and the PMS should check if any vaccination is required by the country of return as an entry condition, e.g. in case of a planned overnight stay. It is recommended that JRO participants are vaccinated in case of an unexpected overnight stay in a third country. The OMS and the PMS are responsible for the health-care of their own JRO participants.

6. Operational Procedures for JRO by Air

6.1 The pre-return phase

6.1.1 Destination of the joint return operation

The OMS should select and specify the country/countries of return of the JRO according to:

- its own needs, i.e. the presence of irregular migrants of a given nationality;
- acceptance of the flight and conditions applied by third country/countries;
- return needs of other MS expressed via the Rolling Operational Plan.¹⁰

It is preferable to have only one country of return. No more than two countries should ever be considered. They should be as near to each other as possible, or along the most direct flight route, and they should be approached at an appropriate time in advance of the JRO. Special arrangements, such as two simultaneous flights to different destinations with a common stopover, must be agreed with Frontex.

The planned routing, including an overnight stay, must be agreed with Frontex too.

6.1.2 Date and time of JRO

When choosing a date and time for a JRO the OMS should:

- take account of public holidays and/or other national, political, security related, cultural and religious circumstances in the country of return;
- take account of serious public health circumstances;
- have the acceptance of the country of return for a given date and time;
- take into account the journey(s) for the PMS to transfer returnees to the embarkation airport;
- check with the Frontex database whether any other MS plans a return flight to the same country of return in the intended period.

6.1.3 Choice of airport

The embarkation airport must be an international one. The operational hours of the airport must be taken into consideration.

The airport must have sufficient ground staff available, along with the possibility of arranging an operational area without public access, in the event that is needed.

The choice of the arrival airport is decided by the OMS in cooperation with the competent authorities of the country of return.

6.1.4 Total number of seats

This depends on actual needs (number of returnees from the chosen country/countries of return, number of escorts) and on possible restrictions on a number of returnees by the country/countries of return. The OMS decides on the total number of returnees to be removed on any one flight.

¹⁰ See more: Article 9 (1c) Frontex Regulation & Management Board Decision No 21/2012 of 27 September 2012 adopting the content and the modus operandi of the rolling operational plan for Joint Return Operations

In addition, the OMS must make provision for seats for medical staff, interpreters, monitors and Frontex' representatives. The seats for observers and external representatives should be also considered.

6.1.5 Number of seats available for PMS

During a JRO coordinated by Frontex the OMS is entitled to occupy up to 50% of the available seats. The OMS decides the number of seats it needs and advises all or selected MS of the number of seats available for use by their escorts and returnees (using the standard form "*Offer of Joint Return Operation by Air - Information Sheet*" to be found in the FOSS, see point 6.1.13).

6.1.6 Selection of an aircraft

In order to select an aircraft the OMS will contact a broker, or make a direct approach to an airline, depending on national administrative procedures.

The aircraft must be EU registered and should comply with the operational needs. The country of return, number of seats needed, security measures, costs, safety requirements and conditions, etc are factors to be considered during the selection of the aircraft/airline.

The use of two staircases, closed on the sides and covered by a roof for security reasons, in the front and rear parts of the aircraft is recommended to facilitate boarding procedure in a safe manner.

Double aisles are preferable for long flights and operations with high numbers of passengers.

The space between the seating rows should be according to international standards and allow comfortable seating, particularly during long flights. It is preferred that a seat pitch distance between two seat rows is 32 inches or more, but it should not be less than 30 inches.

The extreme sensitivity of JRO makes it advisable to select airline with a reliable history. It is recommended that an airline and preferably also a crew with previous experience of either carrying out return operations or flying to the specific country of return is selected whenever possible.

The OMS should ensure a guaranteed response time in case the aircraft becomes unavailable or develops a technical fault at any time prior to the scheduled departure or during the flight is included in the contract. The OMS should also obtain a further guarantee of a replacement aircraft within the shortest timescale possible, preferably within a maximum of:

- 12 hours if the incident is at a third country's airport.
- 6 hours if the incident is at an EU airport.

For any JRO with two CoR and refuelling at the airport of the first CoR, the OMS should include a special clause in an agreement between the airline and the refuelling company requesting refuelling with passengers remaining on board.

6.1.7 Flight schedule

This should be prepared by the airline following the OMS' instructions and will be based on such factors as the departure point of the charter or the airport in the country of return and time, number of collection points, need for technical stopovers (for refuelling and/or crew changing), etc.

6.1.8 Catering & cutlery

The type of catering has to be agreed with the airline. Finger food (cold or warm), but of a high quality, is recommended during the flight to the country of return. No distinction may be made between the food served to JRO participants and returnees. However, cultural and religious considerations should be taken into account, as well as the presence of babies or young children on board. Hot food is not excluded, subject to the OMS' national rules. During the return leg it is highly recommended to serve hot meals.

Due consideration should be paid to the quantity and quality of catering served during both legs of the flight. The length of the operation has to be taken into account, as well as the fact that some contingents undertake a long journey before reaching the place of embarkation.

Catering should be arranged for all the passengers in the waiting area(s) prior to the embarkation if the flight's departure is significantly delayed, e.g. when an aircraft experiences technical problems, either in the OMS or in one of the PMS during the stopover.

If cutlery is provided during the flight to the country of return, it should be plastic and without a knife and a fork.

When possible, it is recommended that crew members hand over food and drinks to returnees via escorts in order to avoid direct contact with the returnees.

6.1.9 Costs of the aircraft

Frontex decides on the operations to be financed from its budget and on the conditions for any JRO.

Frontex reserves the right to finance only the OMS or only the PMS, or to finance only some of the eligible costs, as well as to request the OMS to provide a price comparison for various aircraft types or flight routes in accordance with the principle of sound financial management.

6.1.10 Luggage

The weight of luggage allowed per returnee should not normally exceed 30 kg. MS need to be aware that airlines require information on the number of pieces of luggage and, if possible, the total weight, because it affects the seating on board in connection with the number of passengers. Member States, according to their national rules and procedures, can send the rest of returnees' luggage later.

It is recommended that one escort, preferably from the OMS back-up team, is assigned to deal with luggage handling.

The returnees' luggage is not to be treated as hand luggage, but should be stored in the aircraft hold. Sealable firm bags are required to carry returnees' belongings.

Luggage stored in the aircraft hold needs to be clearly labelled with a name tag.

When more than one destination is involved, luggage to different destinations should be marked with different colours, e.g. the flag of the country of return, and/or a flight tag-with an IATA code. The airline should be advised to use different compartments for different destinations.

JRO participants usually take little luggage or no hold luggage. In the event that their luggage is stored in the aircraft hold, it should be marked with a different colour, blue being recommended.

The PMS should inform the OMS if there is an exceptional situation regarding luggage.

6.1.11 Local transportation expenses

Both the OMS and the PMS should plan the handing out the allowance for local transportation expenses in line with their national law/policy.

It may be the case that some MS provide such an allowance, while others do not. To avoid potential disruption, PMS should agree arrangements in advance.

Consideration should be given to the distribution of any allowance immediately prior to the commencement of the operation.

6.1.12 Means of transport and arrival time of the PMS at an embarkation airport

The PMS must inform the OMS via Frontex of the time of arrival, and the means of transport to the embarkation airport, etc, using the standardised form "Participation in Offered Joint Return Operation by Air-Concrete Interest".

The PMS should aim to bring their returnees to the embarkation airport before the departure of the joint return flight according to the instructions provided either by OMS in the standardised FOSS form "*Offer of Joint Return Operation by Air - Information Sheet*" or bilaterally by another PMS when embarkation there is planned, unless agreed otherwise.

If a PMS has no option but to bring their returnees to the OMS or another PMS earlier than instructed, because of a lack of timely connecting transport, the PMS concerned will ask the OMS or another PMS, in writing, to issue a specific transit authorisation in accordance with Articles 4 and 5(3) of Council Directive 2003/110/EC, in order to be provided with appropriate assistance with accommodating and guarding returnee(s), e.g. in a transit area, separate premises, a detention centre. The PMS should send additional escorts to guard returnee(s).

The PMS must notify the OMS and Frontex of the time and method of arrival at the embarkation airport.

6.1.13 Offer of a joint return operation

As soon as all preparatory steps are in place, the OMS is required to provide Frontex with an offer using the standardised form “*Offer of Joint Return Operation by Air - Information Sheet*” to be found in the FOSS, with deadlines for MS to express general and concrete interest in the JRO. Frontex will forward the Offer to other MS.

6.1.14 General interest & distribution of seats

All MS interested in a JRO are required to send their responses to Frontex, within the deadline set by the OMS, using the standard form “*General interest-Email*”. Frontex informs the OMS accordingly. Frontex also gathers the PMS’ requests and, after the deadline for general interest, Frontex reviews them and shares the number of seats amongst the PMS.

6.1.15 Concrete interest & participation and passenger list

The PMS should report their concrete interest to the OMS and Frontex within the deadline by providing:

- the standardised form “*Participation in Offered Joint Return Operation by Air - Concrete Interest*”, which includes general information about returnees (total number, nationality, numbers of non-compliant cases and medical cases) and JRO participants, connecting transport, embarkation airport, contact persons, escort leader, etc); and
- annex “*Passenger List in Offered Joint Return Operation*”¹¹ (more details regarding the JRO passengers).

Frontex, together with the OMS, plans the carrying out of the operation according to the information received.

In the event of cancellations, Frontex, at short notice, informs the OMS and each PMS about free seats in order to give them a chance to increase the numbers of returnees, making the operation as efficient and cost effective as possible.

The OMS must prepare and forward at least two different types of lists of all passengers, both from the OMS and the PMS.

One list is sent to the airline and includes names, surnames and dates of birth. The second list is for the internal use by the OMS. The PMS should provide the information in the relevant FOSS form “*Annex to Participation in Offered Joint Return Operation Concrete Interest*”.

For handover in a country of return the OMS is required to prepare a list containing the personal data of returnees only. This list includes returnees of the OMS and all PMS.

6.1.16 Risk assessment

The OMS and each PMS carry out an individual risk assessment of their returnees (based on factors such as previous behaviour and removal history). Such assessment should be used to determine the number of escorts and ground staff and the size of the back-up team in order to ensure security during all the JRO phases, as well as for the determination of the possible use of coercive measures.

¹¹ To be filled in by a country interested in participation in an offered return flight.

The risk assessment of returnees must be provided by the PMS in the format specified in the FOSS form “*Participants List in Offered Joint Return Operation*”. Any changes to the risk assessment must be communicated by the PMS to the OMS and Frontex as soon as possible.

Each PMS informs the MS which has offered embarkation on its territory, in advance, about any special requirements concerning returnees, e.g. any need to provide a wheelchair and/or a baby carriage at the airport, etc.

6.1.17 Fitness to travel and medical examination

The OMS and each PMS must ensure that all returnees are in an appropriate state of health to travel. The returnees are to be removed only as long as they are “fit-to-travel” at the time of the JRO.

The OMS’ medical doctor on board must be informed by the PMS’ medical doctor as soon as possible prior to a joint return flight about any pre-existing medical condition affecting a returnee and/or medical treatment required. Only medical staff have access to the medical information of returnees.

In such cases the PMS must send the required information using the “fit-to-travel” form (for the recommended template, see Annex 1). The form must be issued by a medical doctor and be transmitted from the PMS’ medical staff to the OMS’ medical staff.

After an evaluation, by the medical personnel available, of those individual(s) from a PMS whom the OMS considers are not “fit-to-travel”, their participation in a joint return operation coordinated by Frontex must be refused if their unfitness to travel is confirmed. If there is any doubt, the returnee(s) should not be accepted on the flight; it is the PMS that should document the fitness to travel.

The processing of medical information must be carried out in line with applicable and relevant personal data protection legislation.

6.1.18 Information to the competent authorities

After receiving all replies from the PMS, the OMS is required to inform its own diplomatic mission in the transit country (when applicable) and country/countries of return as well as the diplomatic mission of the country/countries of return responsible for the OMS’ territory, of the following issues: the number and names of PMS, the flight schedule, and the number of returnees and escorts. The OMS should also notify EURLO/its own ILO in the country/countries of return or transit.

Each PMS is required to inform the competent authorities in the country/countries of return or/and the relevant diplomatic post of the country/countries of return in the stipulated term in advance about the return of their citizens who are being removed from the national territory of MS according with the EU or bilateral readmission agreements and existing practice. They should also inform their own diplomatic representations/ILO/EURLO in country/countries of return.

The OMS and the PMS should at this stage request any necessary diplomatic assistance at the airport of arrival, as well as information/support in the event that an overnight stay in the country of return is necessary.

6.1.19 Advance party

The deployment of an advance party, travelling either to the country/countries of return or to another MS, may help to finalise details and enhance the potential for the operation to succeed. An advance party should consist of no more than three people.

An advance party organised to go to the country/countries of return should arrive a few days before the flight, in order to meet the competent authorities in the country/countries of return, provide information about the returnees and agree the details of disembarkation/processing by the competent authorities on arrival.

The members of the advance party *de facto* become the contact persons for the foreign authorities in case of problems with the returnees and the joint return flight. The OMS should provide information about all the returnees to the advance party (e.g. personal data and information about travel documents). The OMS and the advance party stay in close contact with each other and regularly exchange updates on the developments of the JRO organisation.

A delegate or delegates from the PMS may form part of the advance party, if required. Frontex reserves the right to take part in an advance party.

An advance party to another MS is usually arranged by the OMS in a case that the main charter starts from the PMS. The purpose for that is to ensure the appropriate security check of the aircraft, briefing with the crew and direct communication with the relevant PMS.

6.1.20 Crisis focal point 24/7 and Contact list

Both the OMS and each PMS must nominate a person responsible for the preparation of the operation, and/or a crisis focal point to be contacted round-the-clock in order to contribute to solving possible technical/operative needs which might arise during the operation.

The PMS informs the OMS and Frontex of their nomination(s).

The OMS and the PMS provide Frontex with a list of their relevant contacts (phone numbers and email addresses), also in a country of return and any transit country, in particular EL, crisis focal points, medical doctors, monitors, ILO, EURLO, hotels, handling agents, etc.

Frontex compiles a list of all the provided contact details, including the Frontex representatives dealing with the concrete JRO. Frontex distributes the list, together with the Implementation Plan, to all relevant stakeholders.

6.1.21 Overnight stay & accommodation

Where an overnight stay either in the country of return or the transit country is required, the OMS and each PMS are responsible for arranging their own accommodation. However, the OMS can offer the PMS assistance with finding, or advice on, suitable accommodation.

When the OMS arranges accommodation for any other MS, the PMS should inform the OMS of the number and type of rooms they will need, copying the FJRCC. Afterwards the PMS should be informed by the OMS, prior to the implementation day of the

operation, about the hotel, e.g. contact details, location, method of payment, etc, and also about arrangements concerning airport-hotel-airport transportation.

It is recommended that the whole operation is conducted so as to avoid overnight stays outside the territory of Europe; however, where that is unavoidable, it is preferable for all JRO participants to stay in one hotel.

If any PMS arranges accommodation and/or transport on its own, it communicates all the relevant information listed above to Frontex and the OMS.

Where several hotels arranged by the OMS have to be used, lists of those staying in the respective hotels should be prepared in advance. A responsible person should be nominated for each hotel group.

National groups should not be divided unless there is no alternative. In this case, a responsible person should be also nominated for each group.

6.1.22 Transportation to the aircraft

A MS offering embarkation to any other MS on its territory arranges vehicles for the transport of all returnees and JRO participants.

Such transport might be arranged either from any special operational / waiting area, directly from detention centres or from a plane to another one.

6.1.23 Designated airport special areas

These areas may be required based on the needs of both the OMS and the PMS.

The MS arranges a secure waiting area at the airport if the JRO participants and returnees have to wait at the airport for a period of time before the departure of the flight.

Such area should include space to facilitate checks, medical examination, toilets, a smoking area, catering, meetings, etc.

Sufficient privacy within the secure waiting area to proceed with fitting body cuffs, other means of restraint, or to separate out any returnee who has put up physical objections to his/her removal is recommendable, in case these are the identified means based on the principles of necessity and proportionality.

It is highly recommended to provide a separate area for families with children and people with special needs.

6.1.24 Seating plan

In designing a seating plan for the main charter, the OMS should first request the aircraft layout from the airline. The OMS should then be conscious of the following guidelines:

- Seats for all JRO participants and returnees should be clearly marked (e.g. different colours, flags, countries codes, etc) in the seating plan.
- No returnees should be placed next to emergency exits, the cockpit and/or aircraft equipment.
- The returnees who pose high security risks should be placed at the rear of the aircraft.

- Those who need special health care can be isolated in a separate area, e.g. in the first rows of seats that are allocated for the returnees.
- One (or more, depending on the aircraft) of the toilets should be designated and labelled for the sole use of returnees. For security reasons the crew should not use the same toilet as returnees. Some aircrafts are big enough to reserve a toilet cabin for the sole use of the crew.
- The aircraft should be divided into different national sectors, separated, if possible, by one free row.
- Specific area(s), usually at the front of the aircraft should be reserved for ELs, official representatives, medical personnel, etc. Two or three adjoining seats, where a doctor is placed, should be reserved for medical consultations.
- In order to allow monitors to exercise their duties in line with their mandate, they should have good visibility of the returnees from their seats.
- It is recommended that two seats are reserved for the ELs, one in front, with the OMS' EL, and one within his/her national area.
- If there is a back-up team, it should be spread out on board the aircraft e.g. between the rows for the OMS' EL, external representatives, etc, and the first section for returnees at the front of the aircraft, in the middle and at the rear of the aircraft. The seats for the back-up team should be clearly indicated on the seating plan.
- Consideration should be given to families with children (families should not be separated on board), people in need of special care, etc.
- Consideration should be given to reserving some seats for the crew to rest during long flights; if so, this should be taken into account when designing the seating plan.
- Before boarding the proposed seat plan must be coordinated with the captain of the aircraft. Requirements for weight distribution and aircraft trim might require changes, especially if only a part of the seat capacity is used.

Each EL is provided with one copy of the seating plan.

6.1.25 Meeting with the airline

The OMS needs to have a meeting with the airline at this pre-return phase, especially if the airline has no previous experience in this type of operation. The company should be briefed about the confidentiality of the JRO, in-flight and return-flight procedures, such as the catering (meals, food customs related to the returnees' religion, beverages, including policy on alcoholic drinks), schedule, rules concerning contact with returnees, movements on board, the seating plan, onboard entertainment (music, films), etc.

It is recommended that the airline should be asked to provide an experienced and cooperative crew.

6.1.26 Aircraft check

The OMS should identify in advance the staff responsible for carrying out an aircraft security check prior to the commencement of the operation.

6.1.27 Plan B (failure to return a person in the event of, for example, an overnight stay)

The OMS and the PMS must have in place contingency arrangements (a “Plan B”) in the event that one or more returnees are refused entry to the country of return by the relevant local authorities.

In such circumstances, the relevant MS assumes responsibility for the transport of its own returnees to its territory (see point 6 of the Common Guidelines).

Taking into account the JRO flight schedule, each MS should check in advance:

- the availability of commercial flights for the returnee and the escorts, departing either directly from the CoR or after the return leg from the MS of arrival (in the latter case a transit request pursuant to Council Directive 2003/110/EC would be needed);
- the possibility of an immediate return of the joint charter flight from the CoR, where an overnight stay is organised. The OMS needs to take account of factors such as, for example, clearance, the duty times of the crew, catering, technical issues, etc.

In the event of an unplanned overnight stay in the CoR or other MS as well as of an unforeseen return to the MS by a commercial flight(s), the following matters have to be considered:

- possible visa or entry requirements, security levels, technical issues, etc;
- the need to guard the returnee(s) at the airport (premises, food, security, possible shift rotation of escorts according to their duty time, need to rest);
- various assistance to be requested from the local authorities.

6.1.28 Meeting with escort leaders

It is recommended that a meeting is convened with the EL, medical personnel, monitors and other significant JRO participants prior to the boarding. All important issues, in particular an update regarding the passenger list, seating plan, boarding procedure, returnees’ mental and physical state, and management of any noncompliant returnee(s), should be discussed at such a meeting, which should be held in the embarkation airport to enable the responsible personnel to check the premises.

6.1.29 Implementation Plan

Frontex draws up an Implementation Plan in cooperation with the OMS and distributes it to the PMS prior to the implementation day of the JRO.

The OMS and all PMS escort leaders are responsible for informing each JRO participant in his/her contingent about the content of the Implementation Plan, as well as the annexes, and for ensuring that they comply with the plan. This obligation is specified in each Implementation Plan.

6.1.30 Estimated budget

Based on Frontex decision on the financing for a given JRO and its conditions, each Member State entitled to receive reimbursement must submit an estimated budget (a standardised form is available in the FOSS) no later than three working days prior to the implementation day of the JRO.

6.2 The pre-departure phase

6.2.1 Checks of designated special areas

When designated special (waiting and/or operational) areas have been arranged in a MS which has offered embarkation to any other MS on its territory, it is required that such areas are subjected to a security and technical check prior to the commencement of the operation.

6.2.2 Briefing of escorts

Prior to the operation the OMS' EL should brief his/her own escorts. The PMS should similarly brief their escorts before leaving for the departure point.

At this stage, information and process should be discussed relating to the requirement not to take any medicines or substances prohibited in the CoR.

6.2.3 Briefing of the crew and authorisation by the captain

The OMS's EL introduces himself/herself to the captain and the crew as the main point of contact. This escort leader should discuss and agree with the captain the operational details for returnees' boarding and the procedures to be adopted on board for flight security, in particular the use of coercive measures.¹²

The OMS is required to inform the crew also about the seating plan, the number of passengers, their risk assessment, the weight of luggage, the catering schedule, etc.

6.2.4 Checks

6.2.4.1 Body search of returnees

Body searches of returnees should be carried out in a designated area according to relevant national regulations, in order to remove objects that might be harmful to them or other persons.

In the event that the body search is carried out in the detention centre, it is advisable to check the returnees once again before their boarding following a transfer, in particular on a connecting commercial flight, to the airport of departure, as they might have come into possession of dangerous objects.

The aforementioned search must be conducted in full respect for the returnees' personal dignity. Any body search must only be conducted by personnel of the same gender as the returnee.

6.2.4.2 Luggage search

Searches of returnees' luggage should be carried out either in the detention centre or in the operational area. Appropriate airline security rules should be followed.

Special attention should be paid to returnees' personal belongings and valuable items (e.g. laptops, mobile phones, jewellery, money, etc). An official list of such items should be created and verified by the signatures of both the Member State's

¹² In accordance with the Article 6 (2) of the Convention on Offences and Certain Other Acts Committed on Board Aircraft signed at Tokyo, on 14 September 1963 (the 1963 Tokyo Convention), the aircraft commander may request or authorise the assistance of passengers to restrain any person whom he is entitled to restrain.

person(s) performing this search and the returnee. In the event that the returnee refuses to sign this list, the reason should be noted down on the document.

Returnees should be advised to leave behind in a MS any documentation about their asylum procedure.

They should be also informed about the need to leave behind in a MS any medicines or substances prohibited in a country of return. MS should consider the possibility of providing the returnee with a substitute, in line with the relevant medical recommendation, which is allowed in the CoR.

Searches must be conducted in full respect for returnees' personal dignity.

6.2.4.3 Document check

Although document preparation is part of the pre-return phase, a responsible person/team should be appointed to check the travel documents for both returnees and escorts immediately prior to boarding.

PMS should carry out similar checks before boarding in their country.

6.2.4.4 Check and preparation of an aircraft (see also 6.1.26)

Security checks of the cabin, including the toilet area, must be conducted thoroughly, looking for explosives, dangerous items, etc, prior to the embarkation. After such checks have been completed the aircraft must remain under guard.

Where special equipment for sanitary purposes or safety is needed, it should be placed in the aircraft at this stage.

The seating plan should be checked, so as to confirm that it matches the plane's configuration and the required weight distribution.

6.2.5 Personal belongings & labelling and loading of luggage (see also 6.1.10)

Returnees' personal belongings and valuables must not to be treated as hold luggage, but instead kept by the respective escorts/EL. They should be stored in a sealed envelope or a transparent plastic bag and marked with the name of the returnee. Access to the hygienic items for babies and female returnees should be ensured during the entire operation.

6.2.6 Final passenger list

Each PMS escort leader reports any changes in numbers of returnees and JRO participants prior to the departure from their respective home country according to the instructions in the Implementation Plan.

A definitive list of all JRO participants need to be completed by the OMS immediately prior to boarding and provided to the airline (to the responsible handling agent and the aircraft commander). For take-off weight calculation the airline requires a breakdown on the number of male and female passengers, as well the number of infants.

6.2.7 Transportation of PMS

A MS offering embarkation to any other MS on its territory should assist with the transport of the returnees and JRO participants to the waiting area or to the plane. A separate vehicle should be on standby, e.g. close to the secure waiting area, to transport any noncompliant returnees.

PMS connecting charters are required to wait at the embarkation airport of the OMS or the PMS until the joint return charter has departed.

6.2.8 Executive powers of escorts during transit

As a general rule, escorts operating outside their own national territory cannot exercise the same powers¹³ that they have in their respective countries.

The detailed information on this topic can be found in the Common Understanding¹⁴ uploaded to the FOSS.

6.2.9 Briefing of all relevant JRO participants

The OMS provides all relevant JRO participants, in particular EL, observers, medical staff, interpreter(s), monitor(s), Frontex representative(s), with the latest updates, e.g. information about embarkation and in-flight procedures, movements on board, access to toilets, safety belts, hand-over of personal belongings and valuables to returnees prior to disembarkation, etc. Each PMS EL provides the OMS' EL with information on the current mental and physical state of the returnees.

Each PMS EL should subsequently brief their escorts with this latest information.

6.2.10 Boarding process

Boarding takes place in a secure area.

The embarkation process is always monitored by the OMS' EL.

It is recommended to do this MS by MS and one returnee at a time, in order for the PMS EL to control the embarkation.

Boarding should be arranged so as to ensure that the seats furthest from the point of access are occupied first. However, returnees, escorts and other JRO participants are seated as directed by the OMS' escorts. Once on board, all passengers take their seats and remain seated.

Special attention must be paid to the embarkation of families with children in order to avoid exposing children to possible violent behaviour of other returnees (e.g. separate transport for families with children and pregnant women from the waiting area to the plane).

Pregnant women (single or with families) and families with children shall board the aircraft separately and shall be seated separately from other returnees.

Family members should not be separated on board, except in exceptional cases when extreme non-compliance takes place and in order to shield the children's view

¹³ See Article 7 of Council Directive 2003/110/EC

¹⁴ Common Understanding of Frontex LEGNET of 4.2.2013 on the executive powers of escorts at airport outside their own home Member State (<https://foss.frontex.europa.eu/OperationalActivities/ReturnOperationsSector/Legislation/tabid/771/Default.aspx>)

or ensure their physical integrity. Children should not be exposed to violent and aggressive adults. Therefore, if a family member acts in a violent or aggressive way, such a person may be separated for as long as necessary.

6.2.11 Guarding of the aircraft doors

To ensure orderly embarkation, and to prevent returnees from escaping from the aircraft during the boarding, designated escorts from the back-up team should guard the aircraft's doors.

6.3 The in-flight Phase

6.3.1 Fulfilment of agreements

All of the listed procedures and preparations are to be followed by all of the participants during this operational stage.

6.3.2 The OMS' EL

Generally the OMS' EL has the overall responsibility/command authority¹⁵ in this phase.

The OMS' EL should regularly monitor the situation on board.

Each PMS EL should regularly monitor the situation within their national group.

6.3.3 Vigilance of escorts

The escorts in general pay full attention to guarding the returnees. Activities such as reading and listening to music depend on national rules, the judgement of the national EL, as well as the dynamic risk assessment of the current situation by the escorts themselves. When two or more escorts are designated to a returnee, at least one stays fully vigilant.

Escorts are required to remain with the returnees unless they are relieved or a dynamic risk assessment indicates otherwise.

6.3.4 Deployment of coercive measures

When coercive measures are needed, the OMS' EL and the PMS' EL make a decision based on advice from the escorts.

PMS escort leaders should inform the OMS' EL, who has the responsibility for making the final decision.

6.3.5 Movement on board

The movement of escorts with returnees is limited (e.g. visit to a toilet, consultation with a medical doctor). Only one returnee at any time is to be allowed to move from his/her seat under the supervision of the back-up team and the national escort(s). In order to avoid a blockage in an aisle, a back-up team member regulates the movement of the escorts with the returnees.

Returnees and escorts should remain seated unless they have permission to be out of their seat. Returnees standing or sitting in the aisles should be avoided at all times.

The JRO participants should not hinder the clear view for either the crew members or the back-up team. It is essential that the crew is not hindered from carrying out their own security measures on board.

Security instructions given by the crew members must be followed (e.g. seat belt fastening, etc).

¹⁵ Command authority delegated by the captain according to Art. 6(2) of Tokyo Convention

6.3.6 Returnees' personal belongings

Personal belongings and/or valuables transported in the cabin must be returned to the returnees before disembarkation, according to the instructions from the OMS' EL provided during the briefing of all relevant JRO participants. Other personal belongings will be returned after disembarkation.

6.4 The arrival phase

6.4.1 First contact with local authorities

The OMS (assisted by an interpreter, if needed) is responsible for making initial contact with the competent local authorities in the country of return. Where an advance party has been arranged, or if there is an appropriate diplomatic representation/ILO/EURLO in that country, they should also be present.

The OMS' EL should follow the instructions of, or reach an agreement with, local authorities on the disembarkation procedure.

6.4.2 Hand-over of returnees

The returnees should be handed over without restraints, and usually through the front exit of the aircraft. Restraints should be removed no later than when the aircraft comes to a complete standstill at the final parking position.

Each MS shall hand over its own returnees, together with travel documents. Usually the MS seated in the first rows designated to returnees hands over its returnees first, followed by MS seated behind. Returnees are escorted individually or in small groups to the exit door of the aircraft. If required, returnees are escorted to the immigration counters.

When a hand-over procedure takes place on board, it is worth using a microphone to announce returnees' names.

If a returnee does not want to leave an aircraft:

- Measures should primarily focus on convincing the returnee via verbal communication.
- The OMS' EL may request the assistance of the officials of the country of return (to talk to the returnee).
- If the returnee does not disembark the aircraft, the OMS' EL (together with a PMS EL, when applicable) decides with the officials of the country of return how to proceed.

When the escorts leave the aircraft during the hand-over procedure, it is recommended to either bring their hand luggage, or to keep a back-up team member on board.

6.4.3 Guarding of the aircraft doors

It is recommended that designated escorts of the OMS, for example from a back-up team, guard the aircraft's doors during the hand-over procedure in order to ensure orderly disembarkation and to prevent returnees from possible re-entry to the board of the aircraft, as well as observe the unloading luggage procedures.

6.4.4 Transport for returnees

Where deemed necessary, it is recommended to organise, as a part of the handling arrangements, transport by buses for the returnees from the aircraft to the airport building in the country of return.

6.4.5 Overnight stay in a third country

The OMS' EL or a person acting on his/her behalf should contact transport companies, hotels, etc, in order to advise them of the arrival and should, in agreement with the PMS EL, plan and coordinate the operations of re-boarding of all the JRO participants onto the joint charter flight after the overnight stay.

Each JRO participant is responsible for compliance with immigration regulations of a country of return during their stay there.

6.5 The return-flight phase

6.5.1 Unaccepted returnees

If one or more returnees are not accepted by the authorities of the country of return, the returnees involved should be taken back to departure Member State on the same charter flight or - possibly - on scheduled flights accompanied by escorts from the relevant MS.

6.5.2 Headcount

When the boarding is completed, the OMS' EL should ask the crew for a headcount so as to confirm that all JRO participants foreseen to be on board are there and to detect any possible stowaways.

6.5.3 Debriefing

During a return leg of a JRO a debriefing meeting is held on board with the participation of the escort leaders, the back-up team leader, monitors, observers and the Frontex representative. If the space on the aircraft allows, a crew member and medical personnel may be invited as well.

The OMS and PMS escort leaders are requested to complete the "JRO Debriefing Form", usually distributed and afterwards collected by a Frontex representative onboard. The feedback provided in the forms will be utilised during the debriefing and by the OMS for the preparation of the "Final Return Operation Report".

6.6 Final return operation report

The OMS is responsible for issuing a detailed report on the operation and sending it to Frontex (FJRCC@frontex.europa.eu) within 14 days of the end of a JRO. The OMS' EL will describe the JRO, highlighting any exceptional events, the actions taken to solve any problems that may have arisen, remarks of the PMS and observation of the monitor. The standard form stored in the FOSS should be used for this purpose. The completed report is uploaded to the FOSS.

The standard form of the report does not substitute for the national Member States' reports.

“Fit-to-travel” form

Transmit the completed report from PMS medical staff to OMS medical staff

MEDICAL REPORT AND INFORMATION FOR RETURN OPERATIONS

Date: _____ Hour: _____ Member State: _____
(DD/MM/YYYY)

Returnee Data

Registration Number	Name	Surname	Age	Date of Birth	Sex	Nationality
				<small>(DD/MM/YYYY)</small>	Male <input type="checkbox"/> Female <input type="checkbox"/>	

Additional Information:
 Previous Reports Additional Exams

Medical History

	NO	YES	NOT KNOWN
High Blood Pressure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Diabetes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allergies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Surgeries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asthma / COPD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cancer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vascular/Heart Disorder	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alcohol	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drugs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mental Disorder	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Neurological Disorder	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Epilepsy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Infectious Diseases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIV	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hepatitis A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hepatitis B	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hepatitis C	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Disability NO YES

Blindness Deafness Paralysis Mutation Others

Other Disorders:

Pregnancy NO YES NOT KNOWN

Current and / or Chronic Treatment NO YES

MEDICATION	DOSE	POSICOLOGY

Mark the Area

Current Disorders
 IF YES, mark the present health status

	NO	YES
Inflammation	<input type="checkbox"/>	<input type="checkbox"/>
Pain	<input type="checkbox"/>	<input type="checkbox"/>
Hemorrhage	<input type="checkbox"/>	<input type="checkbox"/>
Open Wound	<input type="checkbox"/>	<input type="checkbox"/>
Fracture	<input type="checkbox"/>	<input type="checkbox"/>
Burn-injuries	<input type="checkbox"/>	<input type="checkbox"/>
Traumas	<input type="checkbox"/>	<input type="checkbox"/>
Bites	<input type="checkbox"/>	<input type="checkbox"/>

Dehydration YES

Fever YES

Painness YES

Cyanosis YES

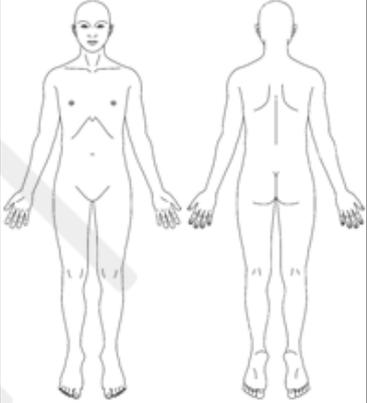
Fainting YES

Vomit YES

Malnutrition YES

Diarrhea YES

Metrorrhagia YES



Observation / Comments

Check-Out Diagnosis
(Use Health Recommendations if necessary)

Fit to travel

Medical Doctor

Name:

Surname:

Mobile Phone Number:

E-Mail:

Signature:

C. Belfiore - C. Martin - N. Condilis - M. Schweiger - R. Weinhold

Positional Asphyxia¹⁶

1.4 POSITIONAL ASPHYXIA SYNDROME



ASPHYXIA



DIAPHRAGMATIC BLOCKADE



AIRWAY PLUGGINS

The pictures are illustrative.

¹⁶ The information about positional asphyxia has been copied from the training material “Medical Doctors’ Handbook on Medical Precautionary Measures for Escort Officers” (to be used during various training sessions in the field of return operations)

DEFINITION

Positional asphyxia (or postural asphyxia) is a form of asphyxia which occurs when someone's position prevents him/her from breathing adequately

A small but significant number of people die suddenly and without apparent reason during restraint by police, prison (corrections) officers and health care staff

Positional asphyxia may be a factor in some of these deaths

RISKS

If left in a prone position, even without weight being applied to the back, the persons own body weight can restrict breathing and cause death.

Pay particular attention to the transportation of persons who are handcuffed in this way.

THE RISK IS HIGHER WHEN

- The person is intoxicated with alcohol or drugs, or has a known history of substance abuse, particularly cocaine
- The person has recently been engaged in violent activity (such as fighting with police) and is suffering respiratory muscle fatigue
- The person is substantially over-weight
- There is some form of obstruction to or blockage of the airway
- The person is unconscious for whatever other reason

WARNING SIGNS

- Verbal complaints of being unable to breathe properly together with increased effort
- A violent and noisy person suddenly changes to a passive quiet and tranquil behaviour
- Blue discoloration to facial skin (this is difficult or impossible to see with very pigmented skin)
- Gurgling/gasping sounds/foam or mucus coming from the nose or mouth

WARNING SIGNS

- It **should be noted** that persons suffering breathing difficulties may not be able to complain about their discomfort
- The problems experienced in trying to breathe will normally result in a **physiological response of fighting for air** and the subject may thus appear more aggressive
- This could lead to the restraint pressure being increased, perpetuating the 'vicious circle'
- Any increased resistance from a person lying in a prone or semi-prone position should be regarded with caution



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MEDICAL PRECAUTIONARY MEASURES FOR ESCORT OFFICERS

FRONTEX

REDUCING THE RISKS

- Once handcuffed, persons should be raised to their feet, placed on a seat or, if violence continues, restrained in the recovery position
- Care should, however, be taken not to put pressure on the back as breathing can be restricted, even if the person is placed in the recovery position
- Monitoring the person's condition continually whilst being restrained, as death can occur suddenly and develop beyond the point of viable resuscitation within seconds rather than minutes
- Getting medical assistance immediately if there is any reason for concern about the person's condition

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MEDICAL PRECAUTIONARY MEASURES FOR ESCORT OFFICERS

FRONTEX

The picture is illustrative.

Restraints forbidden on joint return operations coordinated by Frontex

1. Introduction:

Following the recommendation of the European Ombudsman,¹⁷ Frontex has documented the means of restraint allowed for return operations in each Member State and afterwards thoroughly analysed them to ascertain if any of those means of restraint should not be permitted during JROs coordinated by Frontex. On the basis of that analysis, Frontex has identified a list of restraints forbidden on JROs coordinated by the Agency. The compliance of Member States with this list is considered by Frontex to be a condition for participation in a JRO coordinated by the Agency.

2. Forbidden restraints:

a. General principles

The use of restraints in JROs coordinated by Frontex is guided by the principles of proportionality, necessity, respect for human dignity and personal integrity, in line with the applicable legal framework.

All restraints causing pain or affecting human dignity are forbidden.

Pursuant to the provisions of the Council of Europe Twenty Guidelines on Forced Return,¹⁸ in particular Guideline 19 thereof, *“the only forms of restraint which are acceptable are those constituting responses that are strictly proportionate responses to the actual or reasonably anticipated resistance of the returnee with a view to controlling him/her.”* Furthermore, *“Restraint techniques and coercive measures likely to obstruct the airways partially or wholly, or forcing the returnee into positions where he/she risks asphyxia, shall not be used”*.

b. List of forbidden restraints

Based on the aforementioned principles and the Twenty Guidelines, the following list of concrete forbidden restraints has been compiled:

- a. metal chains used to restrain hands or legs;
- b. straightjackets;
- c. plastic ties not specifically designed for handcuffing or for leg restraint.

¹⁷ While closing her own-initiative inquiry OI/9/2014/MHZ on 4 May 2015, the European Ombudsman issued several recommendations to Frontex regarding the coordination of JROs.

¹⁸ Adopted by the Committee of Ministers on 4 May 2005 at the 925th meeting of the Ministers' Deputies
http://www.coe.int/t/de3/migration/archives/Source/MalagaRegConf/20_Guidelines_Forced_Return_en.pdf

Examples of the List¹⁹ of recommended medical equipment and medication for a medical doctor taking part in a JRO

Example 1 - Equipment list - emergency backpack, Austria

Medikamente / Medication		
Anxiolit forte	Lasix/Furosemid	Rectopred Supp
Aspirin Filmtabl	Lemocin	Refobacin
Aspirin protect	Lovenox	Respicur
Atropinum	Lovenox	Elomel
Berodual	Mexalen	Riopan Gel
Betaisodona	Mexalen Supp	Risperdal Lsg
Betnesol N	Mirtabene	Sedacoron
Blopress	Motilium	Solu-Dacortin/Solu-Volon
Bricanyl	NaCl 10 ml	Strepsyls
Brufen	Naloxon	Sultanol
Buscopan Comp Dg	Nasivin	Symbicort forte
Dehace retard	Nasivin (sanft)	Talcid
DOLO-Menthoneurin	Nitrolingual Spray	Temesta
Dolorex - Spray	Novalgin	Temesta
Effortil	Novalgin - Tropfen	Tramabene/Tramal
Emedyl (Kind)	Nureflex Suspension	Trittico
Fenistil (ggt)	Otrivin	Ulsal
Fenistil Gel	Pantoloc	Vendal
Glucose 33%	Paracodin (ggt)	Vertirosan
Haldol - Tropfen	Parkemed Filmtabletten	Vertirosan
Halset	Parkemed Susp	Visadron
Halset plus Spray	Paspertin	Vitawund
Hova Filmtabletten	PsychoPax	Voluven
Hypnomidate	Passedan	Xanor
Immodium akut	Perfalgan	
Jubin Gel	Pulmicort	

¹⁹ These lists have been developed by Austria and the United Kingdom. Such lists are used during the return operations of those countries when their own medical staff are present. These lists are shared with the consent of those Member States and may be used by other Member States as a basis for their own lists.

Medikamente - Ampullen / Medication - ampoules		
Anexate	Ketanest S	Respicur
Aspirin	Kytrill	Rheumesser
Atropin	L-Adrenalin	Sedacoron
Bricanyl	Lasix	Suprarenin
Buscapina	Lystenon	Urbason
Dormicum	NaCL	Vendal
Ebrantil	Naloxon	Xyloneural
Esmolol	Novalgin	
Fenistil	Paspertin	

Verband / Wound dressing		
ALU - Kompresse	Einmalskalpell	OP Handschuhe
alu - gauze	scalpel (single use)	surgical gloves
Anatomische Pinzette	Elastische Binde (fest)	Peha haft
tweezers	crepe bandage	adhesive bandage
Betaisadona	Elastomull	Pflaster
Betaisodona solution	Elastomull bandage	plaster
Chirurgische Schere	Fingerstülpverband	Pinzette (Stahl)
surgical scissors	finger dressing	Tweezers (metal)
Curapor Steril	Gazin	Skalpellklingen
sterile plaster	Gazin gauze dressing	scalpel blade
Druckverbandpackerl	Kaltostat Kompresse	Splitterpinzette
pressure bandage	cool pack	fragment tweezers
Einmalhandschuhe	Kleiderschere	Steriles Tuch
disposable gloves	scissors for clothes	sterile towel
Nahtmaterial	Leukosilk	Steri-Strip
sterile sutures	Leukosilk	sterile stripes
Mullkompressse	Verbandschere	
gauze	scissors	

Beatmung / Intubation / Sauerstoff / Defibrillator Artificial respiration / intubation / oxygen / defibrillator	
Ambu Beutel	Stauschlauch
bag valve mask	tourniquet
Ambu Maske # 4	Führungsdraht
ventilation mask No. 4	guidewire
Ambu Maske # 5	Fußpumpe/Sauger
ventilation mask No. 5	suction unit
Beatmungsfilter	Guedel (div. Größen)
ventilation filter	Guedel airway
Beissblock	Laryngoskop ink. Batt.
bite block	Laryngoscope, with battery
Blutzuckermessgerät	Laryngoskop Spatel Macintosh 2, 4
blood glucose monitoring	laryngoscope macintosh 2, 4
Blutzuckermessgerät Messstreifen	Laryngoskop Spatel Miller 1
blood glucose stripes	laryngoscope miller 1
Blutzuckermessgerät Tupfer	etCO2 - Indikator „easy cap“
blood glucose swab	etCO2 "easy cap"
Blutzuckermessgerät Lanzetten	Larynxtubus Gr 4/5, + Cuffspritze
blood glucose lances	laryngeal tube gr. 4/5 + cuff
Contamedbox (gelb)	O2 Brille
medical waste box	oxygen mask
Defibrillator (AED)	EKG Kabel 3pol.
defibrillator (AED)	EKG - cable 3 pol. for AED
Defi Elektroden Erwachsener	Defi Elektroden Kind
defibrillator pads (adult)	defibrillator pads (child)
Defi EKG Elektroden	
EKG - electrodes	
O2 Schlauch	Otoskop Heine Mini 3000
oxygen tube	otoscope
Pulsoxymeter	Ersatzbatterien für Pulsoxymeter
pulse oximeter	replacement batteries for pulse oximeter

Sauerstoffflasche (2 Liter Flasche)	RR Manschette Kind
oxygen (2 litre bottle)	blood pressure monitor (child)

Druckminderer O2	RR Manschette Erwachsener
pressure reducer for oxygen	Blood Pressure Monitor (adult)

EKG (tragbar)	Ladekabel 240 Volt/12 Volt für EKG
portable EKG	charging cable AC/DC
EKG Kabel 12 pol.	EKG Klebe- und Saugelektroden
EKG wire (12 pol.)	EKG - electrodes
EKG-Papier	
paper for printer	

Endotrachealtubus (div. Größen)	Larynxtubus
endotracheal tube (various sizes)	laryngeal tube (various size)

Absaugkatheter	Stethoskop
suction catheter	stethoscope

Diverses / Others		
Rettungsdecke (Alu)	Eisspray	Sofortkalt - Kompresse
rescue blanket (alu)	ice spray	cool pack

Drogentest Harn	Infusionsbesteck	Sterilium
drug test	infusion set	disinfectant

Einmalpinzette	Mundspatel Holz	Trockene Tupfer
tweezers (single use)	tongue depressors	swab

Einmalrasierer	Einmalnadeln	Einmalspritzen
razor (single use)	needles (single use)	syringe (single use)

Mundschutzmasken	Pupillenlampe	Fieberthermometer
protective masks	pupillary light	thermometer

Example 2 - the UK Aeromed inventory list

ITEM	QUANTITY per KIT
Blue Diagnostic Bag	
Electronic sphygmomanometer & cuff	1
Pulse oximeter	1
Tympanic thermometer	1
Disposable lens caps (20 per pack)	1
Blood glucose monitor	1
Blood glucose test strips	10
BM lancets	10
Pen torch	1
Stethoscope	1
Gauze dressing pack (5 per pack)	1
Alcohol wipes	10
Peak Flow Meter	
Peak flow meter	1
Peak flow meter mouthpieces	5
Blue Airway Management Bag	
O.P Airways	
Size 00	1
Size 0	1
Size 1	1
Size 2	1
Size 3	1
Size 4	1
N.P Airways	
Size 7	1
Size 9	1
I-gel Airways	
Size 3	1
Size 4	1
Size 5	1
Catheter mount	1
Nasal cannula	1
20ml Syringe	1
Sachet of water based lubricant	4
Loose Items	
Adult BVM (bag valve mask)	1
Medix nebuliser	1
Green Cannulation Pack	
Pink cannula size 20g	1
Green cannula size 18g	2
Grey cannula size 16g	2
Syringe 10ml	2

Syringe 5ml	1
Syringe 2.5ml	1
Orange needles 25g	2
Green needles 21g	2
Red (drawing up) needles	2
Gauze dressing pack (5 per pack)	1
Sodium Chloride 0.9% 500ml	1
Glucose 10% 500ml	1
Giving Set	2
Sodium Chloride 10ml for injection pods / Water for	4
Tourniquet	1
Vecca Fix - plaster for securing cannula	2
Alcohol wipes	10
Mini sharps box	1
Orange Dressing / Burns Pack	
Ambulance dressing No.3	1
Ambulance dressing No.2	1
Gauze dressing pack (5 per pack)	1
Triangular bandage	2
Steri-strip pack - pk of 5	1
Conforming bandage 7.5cm	1
Conforming Bandage 15cm	1
Pack of assorted sticking plasters	1
Moist cleaning wipes	10
Micropore tape	1
Tuff cut scissors	1
Bottle of watergel 50ml	1
Watergel dressing 10x10cm	1
Ice pack	1
Alcohol hand gel 50ml	1
Soiling Pack	
Inco pads	2
'Travel John' urine bag	2
Gloves	10
Clinical waste bag	1
Drugs Pack	
Adrenaline 1:1,000 - 1mg/1ml	2 ampoules
Aspirin 300mg dispersable	8 tablets/1 blister
Cyclizine 50mg/1ml	2 ampoules
GTN	1 spray
Ipratropium 250 mcg - 250mcg/1ml	1-2 nebules
Metoclopramide 10mg	8-14 tablets / 1
Salbutamol 5mg - 5mg/2.5ml	2-5 nebules
Zantac - Ranitidine 150mg	20 tablets / 2 blisters

Diazepam 5mg	14-28 tablets / 2 blisters
Diazepam 5mg	
Diazemuls 10mg - 10mg/2ml	2 ampoules
Diazepam Rectal (Stesolid) 5mg	4 rectal tubes
Dihydrocodeine 30mg	20 tablets / 2 blisters
Over the Counter (OTC's)	
Calpol Infant (2+ months)	2-4 sachets
Calpol Sixplus (6+ years)	2-4 sachets
Dioralyte	10 sachets
Glucose gel	3 tubes
Imodium - Loperamide 2mg	20 tablets / 2 blisters
Nurofen - Ibuprofen 400mg	24-48 tablets
Paracetamol 500mg	24-48 tablets
Piriton - Chlorphenamine 4mg	14-28 tablets / 2 blisters
Travel Sickness Tablets	10 tablets
Kalms	42 tablets / 2 blisters