

MANAGEMENT BOARD DECISION 37/2016 of 23 November 2016

adopting the *modus operandi* of the rolling operational plan for return-related needs

THE MANAGEMENT BOARD

Having regard to the European Border and Coast Guard Regulation¹, in particular Article 28 (2) thereof,

Whereas:

- (1) The Agency shall draw up a rolling operational plan to provide the requesting Member States with the necessary operational reinforcements, including through technical equipment.
- (2) The Management Board decides, on a proposal of the Executive Director, on the *modus operandi* of the rolling operational plan.
- (3) A rolling operational plan for return operations allows the Agency to better provide the necessary assistance to the Member States.
- (4) The establishment of a user-friendly web based application, provides benefits including a more sophisticated way of communication and cooperation with Member States as well as better coordination of return operations and other return-related activities.

HAS DECIDED AS FOLLOWS:

Article 1 **Object**

The content and the *modus operandi* of the rolling operational plan for the return-related needs, annexed to this decision, are hereby adopted.

Article 2 **Repeal**

¹ Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

The decision of the Management Board 21/2012 of 27 September 2012 is hereby repealed.

Article 3
Entry into force

This decision enters into force on the day following its adoption.

Done in Warsaw, 23 November 2016

For the Management Board

[signed]

Marko Gašperlin
Chairperson

Annex

CONTENT AND MODUS OPERANDI OF THE ROLLING OPERATIONAL PLAN FOR RETURN OPERATIONS AND RELATED NEEDS VIA THE FRONTEX APPLICATION FOR RETURN

1. Introduction

At the request of one or several participating Member States, or at its own initiative, Frontex ensures the coordination or the organisation of return operations.

Member States may also be supported, upon request, with the necessary operational reinforcements, namely through technical equipment including by the chartering of aircraft for the purpose of such operations.

2. Frontex Application for Returns (FAR)

The implementation of a Rolling Operational Plan (ROP) for return operations through a web based application will allow the Agency to better provide the necessary assistance to the Member States.

Member States will use the FAR to inform the Agency of:

- a) their indicative planning of the number of returnees and of the third countries of return,
- b) their needs for assistance or coordination by the Agency

Although Member States should inform the needs for assistance or the needs for coordination on a monthly basis, the FAR allows to lodge the requests along the way, as soon as a need arise.

3. Content:

Member States will provide Frontex, via FAR, with information on their return related needs for assistance or coordination by the Agency, regarding the following areas:

- Return operations (including monitoring):
 - as Organising Member State
 - as Participating Member State
- Pre-return assistance;
- Cooperation with Third Countries;
- Identification issues;
- Training activities related to return;
- Legal advice;
- Technical equipment.

4. Modus Operandi:

Needs gathering:

As soon as a return related need arises the Member States will inform Frontex on their needs for assistance or coordination by lodging a request under the appropriated sub-area of the FAR, named Rolling Operational Plan. The needs are structured as outlined in paragraph 3 - *Content*.

The information provided is compiled automatically in the FAR and visible for all FAR users. After a needs assessment, Frontex can decide to coordinate a proposed return operation or to initiate one. The Agency can also plan activities to address the expressed needs related to pre-return or technical assistance.

Information gathering:

At least once a month, MS will also report on their national return operations to the Agency. This information will allow Frontex to have a better overview of the EU-wide return activities.

Additionally, the representatives of the Direct Contact Points in Return Matters (DCPRMs) can update Frontex on their specific needs during the respective meetings organized by Frontex quarterly. The Rolling Operational Plan will be updated accordingly.