

Report of the European Ombudsman on the inspection of the Frontex's files in own-initiative inquiry OI/9/2014/MHZ

Correspondence - 12/01/2015

Case OI/9/2014/MHZ - **Opened on** 20/10/2014 - **Decision on** 04/05/2015 - **Institution concerned** European Border and Coast Guard Agency (No maladministration found) |

Case reference : OI/9/2014/MHZ

Institution involved : Frontex

Date : 22, 23 and 24 October 2014

Location : Frontex, Warsaw

Present :

Representative of Frontex: Mr Per Kvistholm, Head of Return Operations Sector

Representative of the European Ombudsman: Ms Marta Hirsch-Ziembinska, Head of Complaints and Inquiries Unit 1

The inspection started on 22 October 2014 at 3 PM. It ended on 24 October 2014, at 4.30 PM.

Before starting the inspection, Ms Hirsch-Ziembinska explained the inspection procedure and the purpose of inspecting Frontex's file. She drew attention to the fact that the public have no access to confidential documents obtained by the Ombudsman's services during an inspection. She requested the representative of Frontex to indicate those documents which Frontex considered as being confidential.

Subsequently Ms Hirsch-Ziembinska carried out an inspection of the files presented to her.

The following documents were inspected:

A. Document "Overview of JROs 2006-2014".



B. 31 Files related to joint return operations (JRO):

1) FILE 2013/ROS/41 (A) and 2014/ROS/17(B)"JROs to Democratic Republic of Congo (DRC)":

A) 2013/ROS/41 JRO to DRC, on 4 December 2013:

(i) Offer of a return flight (information sheet);

Specific Financial Decisions addressed to (ii) Belgium and (iii) Germany;

(iv) Implementation plan and 2 annexes

(v) 23244/18.12.2013 Frontex Evaluation Report JRO to DRC by Belgium on 4 December 2013

(vi) 23420/20.12.2013 Minutes from 30th Direct Contact Points Meeting, dated 10.12.2013 in Warsaw;

(vii) Evaluation of Joint Return Operations 30th JRO Planning and Evaluation Meeting Warsaw 10 December 2013 (evaluation of JROS from 24 September until 4 December 2013);

B) JRO to DRC 2014/ROS/17, on 27 May 2014:

(i) Frontex letter to the Belgian National Frontex Point of Contact;

(ii) Conditions for the JRO;

(iii) Offer of a return flight (information sheet);

Specific Financial Decisions addressed to (iv) Belgium, (v) Luxembourg and (vi) France;

(vii) Implementation plan and 2 annexes;

(viii) 16825/07.10.2014 Minutes from 33 JRO Evaluation and Planning Meeting, 16 September 2014, Warsaw ;

(ix) Evaluation of JROs 33 JRO Evaluation and Planning Meeting (evaluation of JROs from 27 May 2014 until 25 August 2014);

(x) 9953/06.06.2014; Frontex Evaluation Report JRO to the DRC by Belgium on 27 May 2014

(xi) Final Return Operation Form;



(xii), (xiii) and (xiv) JRO Debriefing Forms by Belgium, France and Luxembourg.

2) FILE 2013/ROS/40 - JRO to Columbia and Ecuador on 11 December 2013:

- (i) Frontex Letter to National Frontex Point of Contact in Spain, together with two Annexes;
- (ii) Implementation plan and 2 annexes
- (iii) Specific Financing Decision addressed to Spain;
- (iv) Specific Financing Decision addressed to Italy;
- (v) Final Return Operation Form;
- (vi) 3440/28.02.2014 Minutes from 31st JRO Evaluation and Planning Meeting of 18.02.14 in Athens
- (vii) Evaluation of JROs 31st JRO Evaluation and Planning Meeting of 18.02.14 in Athens (evaluation of JROs from 11 December 2013 until 4 February 2014)
- (viii) 22986/16.12.2013 Frontex Evaluation Report JRO to Ecuador and Colombia by Spain on 11.12.2013.

3) FILE 2013/ROS/42 JRO to Albania by Iceland on 12 December 2013:

- (i) Offer of a return flight
- (ii), (iii) and (iv) Specific Financing Decisions addressed to Iceland, France and Belgium;
- (v) Implementation Plan and 2 annexes
- (vi) 619/14.01.2014 Frontex Evaluation Report, JRO to Albania by Iceland on 12.12.2013;
- (vii) Minutes from 31st JRO Evaluation and Planning Meeting dated 18.02.2014 in Athens;
- (viii) Evaluation of JROs 31st JRO Evaluation and Planning Meeting of 18.02.2014 in Athens;
- (ix) and (x) JRO Debriefing Form produced by leader escorts;
- (xi) Observer Evaluation - Icelandic Human Rights Centre;
- (xii) 619/14.01.2014 Frontex Evaluation Report JRO to Albania by Iceland on 12.2.2013.

4) FILE 2014/ROS/05 JRO to Nigeria by Italy on 16 January 2014:



- (i) Offer of a return flight,
- (ii), (iii) and (iv) Specific Financial Decisions addressed to Italy, Greece and Malta
- (v) Implementation plan and 2 annexes;
- (vi) (no ref. no) Frontex Evaluation Report 24.02.2014 JRO to Nigeria by Italy on 16.01.2014;
- (vii) JRO Debriefing Form;
- (viii) Minutes from 31st JRO Evaluation and Planning Meeting dated 18.02.2014 in Athens ;
- (ix) Evaluation of JROs 31st JRO Evaluation and Planning Meeting of 18.02.2014 in Athens.

5) FILE 2014/ROS/06 - JRO to Pakistan on 19 January 2014 by Greece:

- (i) Information Sheet;
- (ii) Implementation Plan;
- Specific Financing Decisions addressed to (iii) Greece and (iv) Spain;
- (v) 1583/30.01.2014 Frontex Evaluation Report JRO to Pakistan by Greece on 19.01.2014;
- (vi) Final Return Operation Form by Greece;
- (vii) JRO Debriefing Form;
- (viii) Minutes from 31st JRO Evaluation and Planning Meeting on 18 February 2014 in Athens;
- (ix) Evaluation of JROs, 31st Evaluation and Planning Meeting Athens 18 February 2014 (evaluation of JROs from 11 December 2013 until 4 February 2014).

6) FILE JRO to the Former Yugoslav Republic of Macedonia (FYROM) on 21 January 2014 by Denmark :

- (i) Offer of a return flight
- (ii) Information Sheet;
- Specific Financial Decisions addressed to (iii) Denmark and (iv) Sweden;
- (v) Implementation Plan attached to the Specific Financial Decision iii) including 2 annexes;



(vi) 1703/31.01.2014 Frontex Evaluation Report JRO to the Former Yugoslav Republic of Macedonia on the 21 of January 2014.

7) FILE JRO to Nigeria on 28.01.2014 by the UK :

(i) Frontex Letter to National Frontex Point of Contact in the UK;

(ii) Conditions for the JRO;

Specific Financial Decisions addressed to: (iii) UK; (iv) Bulgaria; (v) Denmark; (vi) Germany; (vii) Iceland; (viii) The Netherlands ; (ix) Spain; (x) Sweden;

(xi) Final Return Operation Form by the UK

(xii) 5804/03.04.2014 Frontex Evaluation Report JRO to Nigeria by the UK on 28.01.2014;

(xiii) Minutes from 31st JRO Evaluation/Planning Meeting of 18.02.2014.

8) FILE 2013/ROS/45 JRO to Serbia on 4 February 2014 by Germany:

(i) Frontex Letter to the German National Frontex Point of Contact ;

(ii) Conditions for the JRO

(iii) Information Sheet;

Specific Financing Decisions addressed to (iv) Germany and (v) Sweden ;

(vi) Implementation Plan attached to the Specific Financing Decision (iv);

(vii) Supplementary Specific Financing Decision No 1 with Annex II Estimated budget

(viii) 2065/06.02.2014 Frontex Evaluation Report JRO to Serbia on the 4th of February 2014;

(ix) and (x) Debriefing Forms by German and Swedish Leader Escorts;

(xi) 3440/28.02.2014 Minutes from 31st JRO Evaluation/Planning Meeting on 18.02.2014 in Athens;

(xii) Evaluation of JROs, 31st Evaluation and Planning Meeting Athens 18 February 2014 (evaluation of JROs from 11 December 2013 until 4 February 2014).

9) FILE JRO to Albania by France on 9 February 2014:

Specific Financial decisions addressed to (i) France, (ii) Belgium, and (iii) Spain



(iv) Implementation Plan and 2 annexes;

(v) Final Return Operations Form;

(vi) 3877/07.03.2014 Frontex Evaluation Report JRO to Albania on 9 February 2014.

10) FILE 2014/ROS/09 JRO to Pakistan on 17 February 2014 by Greece:

Specific Financial Decisions addressed to (i) Greece and (ii) Spain;

(iii) Implementation Plan attached to the Specific Financing Decision (i);

(iv) Final Return Operation Form;

(v) 9667a/06.06.2014 Minutes from 32nd Direct Contact Points Meeting of 21 May 2014 in Warsaw;

(vi) Evaluation of the JROs 32nd Meeting of Direct Contact Points in Return Matters 21 May 2014, Warsaw (Evaluation of JROs from 17 February 2014 until 14 May 2014);

(vii) 3572/04.03.2014 Frontex Evaluation Report JRO to Pakistan by Greece on 17.02.2014 .

11) FILE 2014/ROS/08 - JRO to Columbia and Dominican Republic on 25 February 2014:

(i) Frontex Letter to the Spanish National Point of Contact;

(ii) Offer of a return flight

Specific Financing Decisions addressed to (iii)Spain and (iv) Greece;

(v) Implementation Plan and 2 annexes

(vi) Final Return Operation Form by Spain;

(vii) Minutes from 32nd Direct Contact Points Meeting, 21.05.2014, Warsaw

(viii) Evaluation of JROs 32nd Meeting of Direct Contact points in Return Matters, 21.05.2014, Warsaw (evaluation of JTOs from 17 February 2014 until 14 May 2014);

(ix) 4208/12.03.2014 Frontex Evaluation Report of the JRO to Colombia and the Dominican Republic by Spain on 25.02.2014 .

12) FILE 2014/ROS/007 JRO to Kosovo on 26 February 2014 by Austria:



(i) Frontex Letter to Austrian Frontex Point of Contact;

(ii) Conditions for the JRO;

(iii) Offer of a return flight;

Specific Financial Decisions addressed to (iv) Austria, (v) Finland, (vi) Sweden, (vii) Germany, (viii) France, (ix) Hungary and (x) Slovakia;

(xi) Implementation and Annex 1 ;

(xii) Minutes from the 32nd Direct Contact Points Meeting, 21 May 2014, Warsaw;

(xiii) Evaluation of the JROs 32nd Meeting of Direct Contact Points in Return Matters 21 May 2014, Warsaw (Evaluation of JROs from 17 February 2014 until 14 May 2014);

(xiv) 4973/25.03.2014 Frontex Evaluation Report JRO to Kosovo by Austria on 256 February 2014 ;

(xv) 3937/10.03.2014 Final Return Operation Form drafted by Austria;

(xvi-xxii) JRO Debriefing Forms (from Finland, France, Germany, Hungary, Sweden and Slovakia).

13) FILE 2013/ROS/47 - JRO to Georgia and Ukraine on 27.02.14 by Spain:

(i) Frontex Letter to the National Frontex Point of Contact in Spain;

(ii) Conditions for the JRO

Specific Financial Decisions, addressed to (iii) Spain, (iv) Austria, (v) France , (vi) Greece, (vii) Poland , and (viii) Sweden ;

(ix) Implementation Plan and 2 annexes;

(x) exchange of emails between Frontex and national authorities dated 19 February 2014;

(xi) Supplementary Specific Financing Decision No. 1 with Annex II "Estimated budget"

(xii) Final Return Operation Form;

(xiii) 5805/03.04.14 Frontex Evaluation Report JRO to Georgia by Spain on 21.02.2014 ;

(xiv) 9667a/06.06.2014 Minutes from 32nd Direct Contact Points Meeting, 21.05.2014 in Warsaw;



(xv) Evaluation of JROs 32nd Meeting of Direct Contact Points in Return Matters 21 May 2014, Warsaw (evaluation of JROS from 17 February 2014 until 14 May 2014);

(xvi) JRO Debriefing Form by Austria.

14) FILE 2014/ROS/10 -JRO to Pakistan on 17 March 2014 by Greece:

Specific Financial Decisions addressed to (i) Greece, (ii) France , (iii) Hungary, (iv) Poland and (v) Sweden;

(vi) Implementation Plan and annex 1;

(vii) Final Return Operation Form;

(viii) JRO Debriefing Form;

(ix) Minutes from the 32nd Direct Contact points Meeting, 21 May 2014 in Warsaw

(x) Evaluation of the JROs 32nd Meeting of Direct Contact Points in Return Matters 21 May 2014, Warsaw (Evaluation of JROs from 17 February 2014 until 14 May 2014);

(xi) 84691/16.05.2014 Frontex Evaluation report JRO to Pakistan by Greece on 17 March 2014.

15) 2013/ROS/48 FILE JRO to Nigeria on 19 March 2014 by Italy:

i) Frontex Letter to the National Frontex Point of Contact in Italy;

ii) Conditions for the JRO;

iii) Offer of a return flight together with the Information Sheet of 25.02.2014;

Specific Financing Decisions addressed to (iv) Italy , (v) Bulgaria , (vi) Denmark, (vii) Spain, (viii) Finland , (ix) France , (x) Greece, (xi) Lithuania , (xii) Norway and (xiii) Sweden;

(xiv) 4616/18.03.14 Supplementary Specific Financing Decision and Annex 1 "Estimated budget"

(xv) Implementation Plan;

(xvi) 5421/31.03.2014 Final Return Operation Form;

(xvii) 9667a/06.06.2014 Minutes from 32nd Direct Contact Points Meeting of 21 May 2014 in Warsaw;



(xviii) Evaluation of the JROs 32nd Meeting of Direct Contact Points in Return Matters 21 May 2014, Warsaw (Evaluation of JROs from 17 February 2014 until 14 May 2014);

(xix) 7520/30.04.2014 Frontex Evaluation Report JRO to Nigeria by Italy on 19.03.2014;

(xx) Frontex Mission Report;

(xxi-xxiii) Debriefing Forms by France, Greece and Sweden.

16) 2014/ROS/49 FILE JRO to Serbia and FYROM on 21 March 2014 by Spain :

(i) Frontex Letter to Spanish Frontex Point of Contact;

(ii) Information Sheet and Offer;

Specific Financing Decisions with annexes "estimated budget" addressed to (iii) Spain, (iv) Germany and (v) France:

(vi) 4509/17.03.14 Supplementary Specific Financing Decision and Annex II "Estimated budget"

(vii) Implementation Plan and Annex 1;

(viii) Frontex Mission Report;

(ix) Final Return Operation Form by Spain ;

(x) 9667a/06.06.2014 Minutes from 32nd Direct Contact Points Meeting of 21 May 2014 in Warsaw;

(xi) Evaluation of the JROs 32nd Meeting of Direct Contact Points in Return Matters 21 May 2014, Warsaw (Evaluation of JROs from 17 February 2014 until 14 May 2014);

(xii) 5244/27.03.2014;Frontex Evaluation Report of the JRO to the FYROM and Serbia on 21.03.2014 ;

(xiii) JRO Debriefing Form by Germany;

(xiv) Final Return Operation Form by Spain.

17) FILE JRO to Bosnia and Herzegovina and Albania on 2 April 2014, organised by Germany :

(i) Frontex Letter to the German Frontex National Point of Contact

(ii) Offer of a return flight and "Information Sheet";



(iii) Implementation Plan;

Specific Financing Decisions addressed to (iv) Germany; (v) France; (vi) Finland; (vii) Sweden and (viii) Spain;

(ix) Final Return Operation Form by Germany;

(x) 9667a/06.06.2014 Minutes from 32nd Direct Contact Points Meeting of 21 May 2014 in Warsaw;

(xi) Evaluation of the JROs 32nd Meeting of Direct Contact Points in Return Matters 21 May 2014, Warsaw (Evaluation of JROs from 17 February 2014 until 14 May 2014);

(xii) 6283/10.04.2014 Frontex Evaluation Report of JRO to Albania and Bosnia and Herzegovina on 2.04.2014 ;

(xiii-xvii) JRO Debriefing Forms.

18) FILE 2014/ROS/11 FILE JRO to Serbia on 15 April 2014 by Germany:

(i) Letter from Frontex to National Frontex Point of Contact in Germany;

(ii) Conditions for the JRO;

(iii) Information sheet;

Specific Financing Decisions addressed to (iv) Germany and (v) Sweden;

(vi) Implementation Plan attached to the Financial Decision (iv) with Annex II Estimated budget ;

(vii) Final Return Operation Form;

(viii) Debriefing form by the Swedish leader Escort;

(ix) 9667a/06.06.2014 Minutes from 32nd Direct Contact Points Meeting of 21 May 2014, Warsaw ;

(x) Evaluation of JROs 32nd Meeting of Direct Contact Point in Return matters of 21 May 2014 (evaluation of JROs from 17 February 2014 until 14 May 2014);

(xi) 7118/254.04.2014 Frontex Evaluation Report - JRO to Serbia on the 15th of April 2014 ;

(xii) Final Return Operation Form drafted by Germany.



19) FILE 2014/ROS/12 JRO to Nigeria on 16 April 2014 by the Netherlands:

(i) Frontex Letter to the Dutch Frontex National Point of Contact

(ii) Conditions for the JRO;

(iii) Offer of a Return Flight Information Sheet;

Specific Financial Decisions addressed to (iv) the Netherlands ; (v) Germany; (vi) Malta; (vii) Norway; (viii) Hungary; (ix) Poland; (x) Bulgaria; (xi) France; (xii) Romania and (xiii) Slovakia:

(xiv) Mission Cost Frontex;

(xv) Final Return Operation Form by the Netherlands;

(xvi) 8271/14.05.2014 Frontex Evaluation Report JRO to Nigeria on the 16 April 2014);

(xvii) 9667a/06.06.2014 Minutes from 32nd Direct Contact Points Meeting of 21 May 2014 in Warsaw ;

(xviii) Evaluation of the JROs 32nd Meeting of Direct Contact Points in Return Matters 21 May 2014, Warsaw (Evaluation of JROs from 17 February 2014 until 14 May 2014);

(xix-xxviii) JRO Debriefing Forms.

20) FILE 2014/ROS/13 JRO to Kosovo on 29 April 2014 by Austria;

(i) Frontex Letter to the Austrian Frontex Point of Contact;

(ii) Offer of a Return Flight "Information Sheet";

(iii) Implementation Plan and Annex 1 ;

Specific Financial Decisions addressed to (iv) Austria; (v) Finland; (vi) France; (vii) Germany; (viii) Hungary and (ix) Sweden;

(x) Frontex Mission Cost;

(xi) Final Return Operation Form by Austria - ref. 9326/28.05.2014;

(xii) 8618/19.05.2014 Frontex Evaluation Report JRO to Kosovo by Austria on 29.04.2014 ;

(xiii) 9667a/06.06.2014 Minutes from 32nd Direct Contact Points Meeting of 21 May 2014 in Warsaw ;



(xiv) Evaluation of the JROs 32nd Meeting of Direct Contact Points in Return Matters 21 May 2014, Warsaw (Evaluation of JROs from 17 February 2014 until 14 May 2014);

(xv-xx) JRO Debriefing Forms.

21) 2014/326/ROS JRO to Nigeria on 14 May 2014 by Italy:

(i) Frontex Letter to the Italian Frontex Point of Contact;

(ii) Conditions for the JRO;

(iii) Information sheet;

(iv) Implementation plan;

Specific financial Decisions addressed to (v) Italy; (vi) Germany; (vii) Portugal; (viii) France: (ix) Bulgaria; (x) Malta; (xi) Norway and (xii) Switzerland;

(xiii) E-mails from Polish authorities dated 12.05.2014;

(xiv) 10301/12.06.2014 Frontex Evaluation Report JRO to Nigeria by Italy on 14.05.2014 ;

(xv) Final return operation form by Austria;

(xvi) 9667a/06.06.2014 Minutes from 32nd Direct Contact Points Meeting of 21 May 2014 in Warsaw ;

(xvii) Evaluation of the JROs 32nd Meeting of Direct Contact Points in Return Matters 21 May 2014, Warsaw (Evaluation of JROs from 17 February 2014 until 14 May 2014);

(xviii-xxv) JRO Debriefing Forms.

20) FILE 2014/ROS/18 JRO to Kosovo on 3 June 2014 by Sweden:

(i) Frontex letter to the Swedish National Point of Contact;

(ii) Conditions for the JRO;

(iii) Information sheet together with the Offer of a return Flight;

(iv) Implementation Plan;

Specific Financial Decisions addressed to (v) Sweden ; (vi) Norway; (vii) Germany; (viii) Hungary and (ix) France;



(x) Minutes from 33rd JRO Evaluation and Planning Meeting on 16 September 2014 in Warsaw;

(xi) Evaluation of JROs 33rd JRO Evaluation and Planning Meeting 16 September 2014 Warsaw (Evaluation of JROs from 27.05.14 until 25.08.14);

(xii) 11683/02.07.2014 Frontex Evaluation Report JRO to Kosovo by Sweden on 3 .06.2014 ;

(xiii) Mission Report of Frontex.

21) FILE 2014/ROS/20 JRO to Pakistan and Islamabad on 17 June 2014 by Spain:

(i) Frontex letter of the Spanish National Point of Contact;

(ii) Conditions for the JRO;

(iii) Information sheet including the offer of a return flight;

(iv) Implementation plan;

Specific Financial Decisions addressed to (v) Spain ; (vi) Belgium; (vii) Bulgaria; (viii) France; (ix) Hungary; (x) Lithuania; (xi) Malta and (xii) Sweden; -

(xiii) Minutes from 33rd JRO Evaluation and Planning Meeting on 16 September 2014 in Warsaw;

(xiv) Evaluation of JROs 33rd JRO Evaluation and Planning Meeting 16 September 2014 Warsaw (Evaluation of JROs from 27.05.14 until 25.08.14);

(xv) 13065/22.07.2014 Frontex Evaluation Report JRO to Pakistan by Spain on 17.06.2014 ;

(xvi) Frontex Mission report;

(xvii-xxii) JRO Debriefing Forms by France, Malta, Bulgaria, Belgium, Sweden, Lithuania;

(xxiii) Final Return Operation Form by the Spain.

22) FILE 2014/ROS/22 - JRO to Ecuador and Colombia on 25. 06.2014:

(i) Offer of a return flight;

(ii) and (iii) Specific Financial Decisions addressed to Spain and Bulgaria;

(iv) Implementation Plan and 2 annexes;



(v) Minutes from 33rd JRO Evaluation and Planning Meeting, 16 September 2014, Warsaw;

(vi) Evaluation of JROs 33rd JRO Evaluation and Planning Meeting, 16 September 2014, Warsaw (evaluation of JTOs from 27 May 2014 until 25 August 2014);

(vii) 11851/03.07.2014 Frontex Evaluation Report JRO to Ecuador and Colombia by Spain on 25.06.2014.

23) FILE 2014/ROS/21 JRO to Nigeria (Lagos) on 26 June 2014 by Austria:

(i) Frontex Letter to the Austrian National Frontex Point of Contact;

(ii) Offer of a return Flight including the Information Sheet;

(iii) Implementation Plan and Annex 1;

Specific Financial Decisions addressed to (iv) Austria; (v) France; (vi) Germany; (vii) Finland; (viii) Switzerland; (ix) Greece; (x) Denmark; (xi) Slovakia; (xii) Norway and (xiii) Malta;

(xiv) Minutes from 33rd JRO Evaluation and Planning Meeting on 16 September 2014 in Warsaw ;

(xv) Evaluation of JROs 33rd JRO Evaluation and Planning Meeting 16 September 2014 Warsaw (Evaluation of JROs from 27.05.14 until 25.08.14) ;

(xvi) 11855/04.07.2014 Frontex Evaluation Report on the JRO to Nigeria by Austria on 26.06.2014;

(xvii) Final Return Operation Form by Austria;

(xviii-xxvii) JRO Debriefing Forms by Denmark, Malta, Slovakia, Switzerland, Norway, France, Finland, Greece, and Germany.

24) FILE 2014/ROS/24 JRO to Serbia and FYROM on 8 July 2014 by Germany:

(i) Letter from Frontex to National Frontex Point of Contact in Germany;

(ii) Conditions for the JRO;

(iii) Information Sheet;

Specific Financing Decisions addressed to (iv) Germany and (v) Luxembourg;

(vi) Implementation Plan and Annex 1 ;



- (vii) Minutes from 33rd JRO Evaluation and Planning Meeting of 16.09.2014 in Warsaw;
- (viii) Evaluation of JROs 33rd JRO Evaluation and Planning Meeting 16.09.2014 ;
- (ix) Final Return Operation Form;
- (x) 12627/16.07.2014 Frontex Evaluation Report JRO to the Former Yugoslav Republic of Macedonia and Serbia on the 8th of July 2014;
- (xi) JRO Debriefing Form from Luxembourg.

25) FILE 2014/ROS/28 JRO to Pakistan on 15 September 2014 by Greece:

- (i) Offer from Greece, including the Information Sheet, Offer of a Return Flight;
- (ii) Implementation Plan;
- Specific Financial Decisions addressed to (iii) Greece, (iv) Bulgaria and (v) Lithuania;
- (vi) JRO Debriefing Form;
- (vii) Final Return Operation Form.

26) FILE 2014/ROS/32 - JRO to Bosnia and Herzegovina and Serbia on 21 October 2014 by Germany :

- (i) Frontex Letter to the German National Frontex Point of Contact dated 17.09.2014;
- (ii) Conditions for the JRO;
- (iii) Code of Conduct for JRO coordinated by Frontex;
- (iv) Offer of a return flight "Information Sheet";
- (v) Implementation Plan and Annex 1 "Arrival Details and Distribution of Seats";

Specific Financial Decisions addressed to (vi) Germany, (vii) Luxembourg and (viii) the Netherlands.

27) 2014/ROS/23 JRO to Albania and Georgia on 8 July 2014 by Spain:

- (i) Frontex Letter to the Spanish National Frontex Point of Contact;
- (ii) Offer of a return flight including the Information sheet;



(iii) Implementation plan and annex 1;

Specific Financing Decisions addressed to (iv) Spain ; (v) France; (vi) Greece; (vii) Sweden; and (viii) Norway;

(ix) Minutes from 33rd JRO Evaluation and Planning Meeting on 16 September 2014 in Warsaw ;

(x) Evaluation of JROs 33rd JRO Evaluation and Planning Meeting 16 September 2014 Warsaw (Evaluation of JROs from 27.05.14 until 25.08.14);

(xi) Final Return Operations Form by Spain;

(xii-xvi) JRO Debriefing Forms by France, Greece, Norway, and Sweden;

(xvii) Observer Evaluation dated 8 July 2014 (Spanish Ombudsman);

(xviii) 15402/08.09.2014 Frontex Evaluation Report JRO to Albania and Georgia by Spain on 08.07.2014 .

28) FILE 2014/ROS/25 JRO to Nigeria on 10 July 2014 by Italy:

(i)Frontex Letter to the Italian Frontex Point of Contact;

(ii) Offer - Information Sheet;

(iii) Implementation Plan and annex 1;

Specific Financial Decisions addressed to (iv) Italy; (v) Bulgaria; (vi) Finland; (vii) Greece; (viii) Norway; (ix) Poland;

(x) Minutes from 33rd JRO Evaluation and Planning Meeting on 16 September 2014 in Warsaw ;

(xi) Evaluation of JROs 33rd JRO Evaluation and Planning Meeting 16 September 2014 Warsaw (Evaluation of JROs from 27.05.14 until 25.08.14);

(xii) 12718/17.07.2014 Frontex Evaluation Report JRO to Nigeria by Italy on 10 J.07.2014 ;

(xiii) Final Return Operation Form by Italy;

(xiv) Frontex Mission Report;

(xv-xxi) JRO Debriefing Forms.



29) FILE 2014/ROS/26 JRO to Kosovo on 25 August 2014 by Hungary:

- (i) Frontex letter to the Hungarian National Frontex Point of Contact;
- (ii) Offer of a return flight and Information Sheet;
- (iii) Implementation Plan;
- Specific Financial Decisions addressed to (iv) Hungary; (v) Finland and (vi) Germany;
- (vii) Minutes from 33rd JRO Evaluation and Planning Meeting on 16 September 2014 in Warsaw;
- (viii) Evaluation of JROs 33rd JRO Evaluation and Planning Meeting 16 September 2014 Warsaw (Evaluation of JROs from 27.05.14 until 25.08.14);
- (ix) 15097/02.09.2014 Frontex Evaluation Report JRO to Kosovo by Hungary on 25.08.2014 ;
- (x) Final Evaluation Operation Form by Hungary;
- (xi-xii) JRO Debriefing Forms.

30) FILE 2014/ROS/27 JRO to Kosovo on 30 September 2014 by Sweden:

- (i) Frontex letter to the Swedish National Frontex Point of Contact;
- (ii) Offer of a Return Flight, including the Information Sheet;
- (iii) Implementation Plan;
- Specific Financial Decisions addressed to (iv) Sweden; (v) Hungary; (vi) Germany and (vii) France;
- (viii) Final Return Operations Form by Sweden;
- (ix) JRO Debriefing Forms by Sweden, France, Germany and Hungary.

31) JRO to Kosovo on 15 November 2014 organised by Hungary:

- (i) Frontex Letter from Frontex to the Hungarian National Frontex Point of Contact.

C. 2 Files relating to collecting joint return operations (CJRO)



32) FILE 2013/ROS/46 CJRO to Albania on 4 February 2014 by France:

- (i) Implementation Plan and Annexes I and II;
- (ii) Final Return Operation Form by France;
- (iii) 3877/07.03.2014 Frontex Evaluation Report JRO to Albania by France on 4.02.2014.

33) FILE 2014/ROS/19 CJRO to Albania on 5 June 2014 by France:

- (i) Frontex Letter to the French National Frontex Point of Contact;
- Specific Financial Decisions addressed to (ii) France ; (iii) Finland; (iv) Belgium and (v) Portugal;
- (vi) Collecting Joint Return Operation to Albania organised by France on 5 June 2014
Justification for Commitment;
- (vii) Minutes from 33rd JRO Evaluation and Planning Meeting on 16 September 2014 in
Warsaw;
- (viii) Evaluation of JROs 33rd JRO Evaluation and Planning Meeting 16 September 2014
Warsaw (Evaluation of JROs from 27.05.14 until 25.08.14);
- (ix) 11850/03.07.2014 Frontex Evaluation Report CJRO to Albania by France on 5.06.2014 ;
- (x) Final CJRO Report by France;
- (xi) Observer's evaluation from Finland;
- (xii) Observer's evaluation from Portugal
- (xiii) CJRO Debriefing Form by Finland.

Ms Hirsch-Ziembinska obtained copies of the documents which are listed above **and underlined** . Frontex informed Ms Hirsch-Ziembinska that the underlined documents are all confidential. In accordance with Articles 5.2, 13.2 and 14.2 of the Implementing Provisions of the European Ombudsman, **the Ombudsman's inspection will not result in any other person obtaining access to these documents.**

In reply to the questions put by Ms Hirsch-Ziembinska, Frontex' representatives clarified the following issues concerning the inspected documents:

- (I) In 2014, as of the day of inspection, there were 32 joint return operations of which 53% had no monitors physically present on board during the flight.



(II) The planning and evaluation meetings of national focal points take place four times per year and during two of them the European Commission is present; normally all Member States take part.

(III) The JROs procedure includes the following steps: (a) the JRO offer is first submitted to Frontex by the Organising Member State (OMS); (b) Frontex acknowledges the offer in a subsequent letter to which it attaches "Conditions for the JRO"; (c) an Implementation Plan - annex to the Specific Financing Decision- is prepared by Frontex in cooperation with the OMS and is sent to the Participating Member States (PMS) in advance of the JRO; (d) within 14 days after the end of the JRO, the OMS provides Frontex with a standardised Final Return Operation Report; (e) Specific Financing is issued before the JRO and addressed to the OMS and each PMS; (f) Frontex drafts the Evaluation Report (the Fundamental Rights Officer puts her initials); (g) debriefing forms are drafted by the escort leaders from the OMS and PMSs; and (h) Frontex makes the final payment after having received the Final Financial Statements.

(IV) As regards CJROs: This is a new category of JROs. It was introduced at the end of 2013. In these operations, the third country to which immigrants are returned provides the plane, escorts and medical staff for the operation. The payment to the third country for these expenses is made by Frontex via the OMS. The handing over of immigrants by national authorities/escorts takes however place in one of the EU airports. Frontex gives training to escorts of the third country. The CJROs are possible under the following conditions: (a) the third country must be a party to the European Convention on Human Rights ; (b) a minimum of one monitor, one representative of Frontex and one representative from the OMS must be present on board during the return flight; (c) escorts from the third country present in the CJRO should have been trained by Frontex beforehand. Frontex is now working on the handbook for the CJROs. Legal aspects of the CJRO are to be discussed by the LEG-NET (Legal network of national authorities).

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