



**2025/0059(COD)**

30.10.2025

**\*\*\*I**

## **DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council establishing a common system for the return of third-country nationals staying illegally in the Union, and repealing Directive 2008/115/EC of the European Parliament and the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC  
(COM(2025)0101 – C10-0047/2025 – 2025/0059(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Malik Azmani

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council establishing a common system for the return of third-country nationals staying illegally in the Union, and repealing Directive 2008/115/EC of the European Parliament and the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC (COM(2025)0101 – C10-0047/2025 – 2025/0059(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2025)0101),
  - having regard to Article 294(2) and Article 79(2), point (c), of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C10-0047/2025),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee,
  - having regard to the opinion of the Committee of the Regions,
  - having regard to Rule 60 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A10-0000/2025),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

#### **Proposal for a regulation**

##### **Recital 12**

*Text proposed by the Commission*

(12) The Member State on whose territory the illegally staying third-country national is detected is responsible for

*Amendment*

(12) The Member State on whose territory the illegally staying third-country national is detected is responsible for

ensuring his or her return. Upon detection of illegal stay, Member States should swiftly identify the third-country national and verify possible security risks by querying the relevant Union and national databases. Member States should check for any vulnerabilities and, where relevant, perform a health check.

ensuring his or her *return, including onward returns to his or her country of* return. Upon detection of illegal stay, Member States should swiftly identify the third-country national and verify possible security risks by querying the relevant Union and national databases. Member States should check for any vulnerabilities and, where relevant, perform a health check. *It should be possible to rely upon an existing thorough assessment of all relevant circumstances made at previous stages of the procedure. Any change in circumstances and any new element evidencing a risk should be examined.*

Or. en

## Amendment 2

### Proposal for a regulation Recital 13

*Text proposed by the Commission*

*Amendment*

*(13) Competent authorities should verify compliance with the principle of non-refoulement on the basis of an individual assessment taking into account all relevant circumstances. The third-country national concerned should submit as quickly as possible evidence relating to his or her own personal circumstances. It should be possible to rely upon an existing thorough assessment of all relevant circumstance made in previous stages of the procedure. Any change in circumstances and any new element evidencing a risk should be examined.*

*deleted*

Or. en

## Amendment 3

### Proposal for a regulation Recital 15

*Text proposed by the Commission*

(15) Once it is established that the third-country national does not or no longer fulfil the conditions for entry, stay or residence on the territory of the Member States, a return decision should be swiftly issued based on an individual assessment taking into account all facts and circumstances.

*Amendment*

(15) Once it is established that the third-country national does not or no longer fulfil the conditions for entry, stay or residence on the territory of the Member States, a return decision should, **where necessary**, be swiftly issued based on an individual assessment taking into account all facts and circumstances.

Or. en

**Amendment 4**

**Proposal for a regulation**

**Recital 16**

*Text proposed by the Commission*

(16) ***It is necessary to ensure that*** the essential elements of a return decision issued by a Member State are entered in a specific form as a European Return Order and made available in the Schengen Information System together with the alert on return or through bilateral information exchange with another Member State. The European Return Order should in turn support the recognition and enforcement of return decisions issued by another Member State where the third country national moves unauthorised to another Member State.

*Amendment*

(16) The essential elements of a return decision issued by a Member State are entered in a specific form as a European Return Order and made available in the Schengen Information System together with the alert on return or through bilateral information exchange with another Member State. The European Return Order should in turn support the recognition and enforcement of return decisions issued by another Member State where the third country national moves unauthorised to another Member State.

Or. en

**Amendment 5**

**Proposal for a regulation**

**Recital 17**

*Text proposed by the Commission*

(17) Often, and especially in cases

*Amendment*

(17) Often, and especially in cases

where there is no cooperation by the third country national, it is difficult for the competent authorities to identify the country of return at the time of issuing the return decision. In such cases, the competent authorities should determine the country of return on the basis of the information available *and indicate* the most likely country or countries in the return decision.

where there is no cooperation by the third country national, it is difficult for the competent authorities to identify the country of return at the time of issuing the return decision. In such cases, the competent authorities should, *if possible*, determine the country of return on the basis of the information available *indicating* the most likely country or countries in the return decision. ***Where the removal takes place to a third country which was not indicated in the initial return decision, that third country should be added to the removal order, the return decision should be amended, or a new return decision should be issued.***

Or. en

## Amendment 6

### Proposal for a regulation Recital 18

#### *Text proposed by the Commission*

(18) Where a third-country national present on the territory of a Member State is subject to an enforceable return decision from another Member State, that decision should be recognised and enforced. Recognition and enforcement of return decisions should facilitate and accelerate the return process on the basis of enhanced cooperation and mutual trust between Member States. They can also contribute to deterring irregular migration and discouraging unauthorised secondary movements within the Union, as well as limiting delays in the return process. The remedy against the return decisions should be exercised in the issuing Member State.

#### *Amendment*

(18) Where a third-country national present on the territory of a Member State is subject to an enforceable return decision from another Member State, that decision should be recognised and enforced. Recognition and enforcement of return decisions should facilitate and accelerate the return process on the basis of enhanced cooperation and mutual trust between Member States. They can also contribute to deterring irregular migration and discouraging unauthorised secondary movements within the Union, as well as limiting delays in the return process. The remedy against the return decisions should be exercised in the issuing Member State. ***This serves as an additional incentive to discourage secondary movements.***

Or. en

## Amendment 7

### Proposal for a regulation

#### Recital 19

*Text proposed by the Commission*

(19) From the date of application of ***this Regulation***, Member States ***should*** put in place legal and technical arrangements to ensure that the European Return Order can be made available through the Schengen Information System. ***By 1 July 2027, just over one year after the date of application of Regulation (EU) 2024/1351, the Commission should review whether Member States have established appropriate legal and technical arrangements to effectively process European Return Orders through the Schengen Information System. Based on that review, the Commission should adopt an implementing decision by which*** the recognition of enforceable return decisions, supported by the European Return Order, should become mandatory.

*Amendment*

(19) From ***the date of entry into force of this Regulation until*** the date of application of ***the provisions on recognition and enforcement of return decisions issued by another Member State, it should be possible for*** Member States ***to*** put in place legal and technical arrangements to ensure that the European Return Order can be made available through the Schengen Information System. ***A year after entry into force, the*** recognition of enforceable return decisions, supported by the European Return Order, should become mandatory.

Or. en

## Amendment 8

### Proposal for a regulation

#### Recital 20

*Text proposed by the Commission*

(20) The effects of national return measures should continue to be given a Union dimension by establishing an entry ban prohibiting entry into and stay on the territory of all Member States. The length of an entry ban should be determined with due regard to all relevant circumstances of an individual case ***and should in principle not exceed ten years***. When an illegally staying third-country national is detected during exit checks at the external borders, it could be appropriate to impose an entry

*Amendment*

(20) The effects of national return measures should continue to be given a Union dimension by establishing an entry ban prohibiting entry into and stay on the territory of all Member States. The length of an entry ban should be determined with due regard to all relevant circumstances of an individual case. When an illegally staying third-country national is detected during exit checks at the external borders, it could be appropriate to impose an entry ban in order to prevent future re-entry and

ban in order to prevent future re-entry and therefore to reduce the risks of illegal immigration.

therefore to reduce the risks of illegal immigration.

Or. en

## Amendment 9

### Proposal for a regulation

#### Recital 21

*Text proposed by the Commission*

(21) Third-country nationals can be returned by coercive measures through removal *or by voluntarily complying with the obligation to leave*. The two types of return should be linked to avoid gaps in the system. Whereas cooperating third-country nationals should continue to be returned primarily through voluntary return, reinforced rules on removal seek to ensure a direct and immediate consequence in case the third-country national does not respect the date by which they need to leave. Coercive measures should be subject to the principles of proportionality and effectiveness with regard to the means used and objectives pursued.

*Amendment*

(21) Third-country nationals can *voluntarily comply with the obligation to leave or* be returned by coercive measures through removal. The two types of return should be linked to avoid gaps in the system. Whereas cooperating third-country nationals should continue to be returned primarily through voluntary return, reinforced rules on removal seek to ensure a direct and immediate consequence in case the third-country national does not respect the date by which they need to leave. Coercive measures should be subject to the principles of proportionality and effectiveness with regard to the means used and objectives pursued.

Or. en

## Amendment 10

### Proposal for a regulation

#### Recital 22

*Text proposed by the Commission*

(22) Common rules are necessary to ensure that third-country nationals posing security risks and with no right to stay in the Union are efficiently identified and swiftly returned. It is necessary to ensure that relevant checks are carried out to identify and flag third-country nationals

*Amendment*

(22) Common rules are necessary to ensure that third-country nationals posing security risks and with no right to stay in the Union are efficiently identified and swiftly returned. It is necessary to ensure that relevant checks are carried out to identify and flag third-country nationals

with security risks including by relying on the screening process as set out in Regulation 2024/1356 of the European Parliament and of the Council<sup>11</sup>. For third-country nationals posing security risks, removal should be the rule, and it should be possible to derogate from the general rules in order to provide for *longer* entry bans, longer detention periods and from *the use of* the use of specialised detention facilities so that those who threaten the security of Union are swiftly removed.

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<sup>11</sup> Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817 (OJ L 2024/1356, 22.5.2024, ELI: <http://data.europa.eu/eli/reg/2024/1356/oj>).

with security risks including by relying on the screening process as set out in Regulation 2024/1356 of the European Parliament and of the Council<sup>11</sup>. For third-country nationals posing security risks, removal should be the rule, and it should be possible to derogate from the general rules in order to provide for entry bans, longer detention periods and from the use of specialised detention facilities so that those who threaten the security of Union are swiftly removed.

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<sup>11</sup> Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817 (OJ L 2024/1356, 22.5.2024, ELI: <http://data.europa.eu/eli/reg/2024/1356/oj>).

Or. en

## Amendment 11

### Proposal for a regulation Recital 23

#### *Text proposed by the Commission*

(23) New rules should extend the possibilities for Member States to ensure returns to third countries through additional tools. It should be possible to put in place specific agreements *or arrangements* with third countries for the purpose of providing Member States with more options for returns subject to the conditions that the international human right standards and the principle of non-refoulement are respected by the third country concerned. In particular, the agreement *or arrangement* should set out the modalities of transfer, the conditions for the stay in the country, the modalities in case of onward return to

#### *Amendment*

(23) New rules should extend the possibilities for Member States to ensure returns to third countries through additional tools. It should be possible to put in place specific agreements with third countries for the purpose of providing Member States *and the European Union* with more options for returns subject to the conditions that the international human right standards and the principle of non-refoulement are respected by the third country concerned. In particular, the agreement should set out the modalities of transfer, the conditions for the stay in the country, the modalities in case of onward return to the country of

the country of origin, the consequences in case of violations or of significant changes adversely impacting the situation in the third country, and an independent monitoring body or mechanism to assess the implementation of the agreement *or arrangement*. *Such* agreements *or arrangements* will constitute an implementation of Union law for the purposes of Article 51 (1) of the Charter.

origin, the consequences in case of violations or of significant changes adversely impacting the situation in the third country, and an independent monitoring body or mechanism to assess the implementation of the *agreement*. *Such* agreements will constitute an implementation of Union law for the purposes of Article 51 (1) of the Charter *of Fundamental Rights of the European Union (the ‘Charter’)*.

Or. en

## Amendment 12

### Proposal for a regulation Recital 24 a (new)

*Text proposed by the Commission*

*Amendment*

*(24a) To ensure the effective monitoring of fundamental rights during removals, a centralised European Monitoring Mechanism for Removals should be established within Frontex. This mechanism should be capable of monitoring all removals, including those taking place to and from third countries with which there is an agreement, and cover the entire removal process. The Mechanism should report on its findings and issue recommendations to Member States. It should replace the existing national monitoring mechanisms, and the pool of forced-return monitors currently managed by Frontex. To that end, amendments to the Frontex Regulation are required.*

Or. en

## Amendment 13

### Proposal for a regulation Recital 26

*Text proposed by the Commission*

(26) Where there are grounds for doubting as to whether or not the third-country national is a minor, an age assessment should be carried out. For the purpose of ensuring coherence across migration management in the Union the same procedure as provided for in Regulation (EU) 2024/1348 of the European Parliament and of the Council<sup>12</sup> should be followed. When carrying out age assessments, Member States should in particular take into account relevant guidelines from the European Union Agency for Asylum.

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<sup>12</sup> Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (OJ L 222, 22.5.2024, p. 1).

*Amendment*

(26) Where there are grounds for doubting as to whether or not the third-country national is a minor, an age assessment should be carried out. For the purpose of ensuring coherence across migration management in the Union the same procedure as provided for in Regulation (EU) 2024/1348 of the European Parliament and of the Council<sup>12</sup> should be followed ***after checking any earlier age assessments***. When carrying out age assessments, Member States should in particular take into account relevant guidelines from the European Union Agency for Asylum.

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<sup>12</sup> Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (OJ L 222, 22.5.2024, p. 1, ELI: <http://data.europa.eu/eli/reg/2024/1348/oj>).

Or. en

## **Amendment 14**

### **Proposal for a regulation Recital 29 a (new)**

*Text proposed by the Commission*

*Amendment*

***(29a) Legal assistance and representation should consist of the preparation of the appeal or request for review, including, at least, the preparation of the procedural documents required under national law and, in the event of a hearing, participation in that hearing before a judicial authority to ensure the right to an effective remedy and to a fair trial.***

## Amendment 15

### Proposal for a regulation

#### Recital 29 b (new)

*Text proposed by the Commission*

*Amendment*

***(29b) To ensure that the legal assistance and representation provided pursuant to this Regulation is adequate, it should be provided by a lawyer as defined in Article 1(2) of Directive 98/5/EC of the European Parliament and of the Council<sup>1a</sup>.***

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***<sup>1a</sup> Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained (OJ L 77, 14.3.1998, p. 36, ELI: <http://data.europa.eu/eli/dir/1998/5/oj>).***

Or. en

## Amendment 16

### Proposal for a regulation

#### Recital 30 a (new)

*Text proposed by the Commission*

*Amendment*

***(30a) This Regulation does not provide for an automatic suspensive effect of an appeal. However, it should still be possible for a third-country national to submit a request to suspend the enforcement of a return decision. In order to ensure that there is no duplication of assessments of the risk of non-refoulement, previous assessments, including in the asylum procedure, should be relied upon. It should remain the third-country national's responsibility to indicate, in a***

*timely manner, where there is a risk of non-refoulement and to request the suspension of the return decision. In such cases, and where the third-country national has not previously applied for international protection, Member States may refer the third-country national to the asylum procedure where appropriate.*

Or. en

## Amendment 17

### Proposal for a regulation Recital 32

#### *Text proposed by the Commission*

(32) It should be possible to impose detention when proportionate and necessary, following an individual assessment of each case, including consideration of any situation of vulnerability, only for the purpose of preparing return. For this purpose, detention could be imposed when there is a risk that third-country nationals abscond, when third-country nationals hamper or avoid return, or when they pose a security risk, or do not comply with alternatives to detention, or detention is necessary to determine or verify identity or nationality. The authorities should act with due diligence and detention should be maintained only for as short a period as possible and may not exceed **24** months. Where national law provides for the detention of minors, the best interests of the child should be a primary consideration. Other less coercive alternative measures to detention should be used when they can be applied effectively to illegally staying third-country nationals.

#### *Amendment*

(32) It should be possible to impose detention when proportionate and necessary, following an individual assessment of each case, including consideration of any situation of vulnerability, only for the purpose of preparing return **and as a matter of last resort**. For this purpose, detention could be imposed when there is a risk that third-country nationals abscond, when third-country nationals hamper or avoid return, or when they pose a security risk, or do not comply with alternatives to detention, or detention is necessary to determine or verify identity or nationality. The authorities should act with due diligence and detention should be maintained only for as short a period as possible and may not exceed **18** months. Where national law provides for the detention of minors, the best interests of the child should be a primary consideration. Other less coercive alternative measures to detention should be used when they can be applied effectively to illegally staying third-country nationals.

Or. en

## Amendment 18

### Proposal for a regulation Recital 37

*Text proposed by the Commission*

(37) A systematic and coordinated approach to readmission among Member States is crucial to facilitate the return of third-country nationals. Insufficient follow up to enforceable return decisions risks hampering the efficiency of the common approach to returns. Enforceable return decisions should be ***systematically*** followed by all necessary measures to implement the return, including the submission of readmission ***requests*** to third countries' authorities, in cases where nationality is in doubt or a travel document needs to be obtained.

*Amendment*

(37) A systematic and coordinated approach to readmission among Member States is crucial to facilitate the return of third-country nationals. Insufficient follow up to enforceable return decisions risks hampering the efficiency of the common approach to returns. Enforceable return decisions should be followed by all necessary measures to implement the return, including the submission of readmission ***applications*** to third countries' authorities, in cases where nationality is in doubt or a travel document needs to be obtained.

Or. en

## Amendment 19

### Proposal for a regulation Recital 38

*Text proposed by the Commission*

(38) While readmission also depends on the cooperation of third countries, a coherent approach should be taken among Member States to increase the efficiency and effectiveness of readmission procedures, and to ensure unity among Member States. Transparency and coordination on engagement with third countries, including in the context of negotiating readmission instruments, should be ensured to strengthen a coherent Union approach. ***To ensure effective returns, communication with relevant third country entities for the purpose of the readmission procedure should not amount to diplomatic recognition of the third-country entities concerned.***

*Amendment*

(38) While readmission also depends on the cooperation of third countries, a coherent approach should be taken among Member States to increase the efficiency and effectiveness of readmission procedures, and to ensure unity among Member States. Transparency and coordination on engagement with third countries, including in the context of negotiating readmission instruments, should be ensured to strengthen a coherent Union approach.

## Amendment 20

### Proposal for a regulation

#### Recital 39 a (new)

*Text proposed by the Commission*

*Amendment*

***(39a) Personal data regarding unaccompanied minors should be transferred to a country of origin only after a thorough assessment finding that the transfer is in the minor's best interest and will not endanger his or her well-being.***

Or. en

## Amendment 21

### Proposal for a regulation

#### Recital 43

*Text proposed by the Commission*

*Amendment*

(43) A common system for returns should make full use of digital systems supporting managing returns, readmission and reintegration either operationally managed on Union level or by the Member States, with an emphasis on efficient administrative procedure, cooperation, information sharing and interoperability.

(43) A common system for returns should make full use of digital systems supporting managing returns, readmission and reintegration either operationally managed on Union level or by the Member States, with an emphasis on efficient administrative procedure, cooperation, information sharing and interoperability. ***The digitalisation of return management, to be regulated in a separate instrument, should give guidance on this matter.***

Or. en

## Amendment 22

### Proposal for a regulation

#### Recital 45

*Text proposed by the Commission*

*Amendment*

(45) The collection and analysis of reliable and comparable statistics on return, readmission, and **reintegration** are essential for monitoring the effectiveness of this Regulation and for identifying areas for improvement, as they provide valuable insights into the efficiency of return procedures, the cooperation of third countries, **and the outcomes of reintegration efforts**. Common standards and definitions for the collection and reporting of relevant data should be established to enable the Commission and the Member States to assess the impact of this Regulation and to contribute to making informed decisions on future policy developments.

(45) The collection and analysis of reliable and comparable statistics on return, readmission, and **the assistance of Frontex** are essential for monitoring the effectiveness of this Regulation and for identifying areas for improvement, as they provide valuable insights into the efficiency of return procedures, the cooperation of third countries. Common standards and definitions for the collection and reporting of relevant data should be established to enable the Commission and the Member States to assess the impact of this Regulation and to contribute to making informed decisions on future policy developments.

Or. en

**Amendment 23**

**Proposal for a regulation**

**Recital 46**

*Text proposed by the Commission*

*Amendment*

**(46) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to establish the European Return Order and the common form of readmission requests. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>18</sup>.**

**deleted**

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<sup>18</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of

*implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: <http://data.europa.eu/eli/reg/2011/182/oj>).*

Or. en

## **Amendment 24**

### **Proposal for a regulation Recital 55**

*Text proposed by the Commission*

(55) The European Data Protection Supervisor was consulted in accordance with Article 42(2) of Regulation (EU) 2018/1725 and delivered its opinion on [...].

*Amendment*

(55) The European Data Protection Supervisor was consulted in accordance with Article 42(2) of Regulation (EU) 2018/1725 and delivered its opinion on **23 May 2025**.

Or. en

## **Amendment 25**

### **Proposal for a regulation Article 2 – paragraph 1**

*Text proposed by the Commission*

1. This Regulation applies to third-country nationals staying illegally on the territory of the Member States.

*Amendment*

1. This Regulation applies to third-country nationals staying illegally on the territory of the Member States ***or previously stayed on the territory of the Member States***.

Or. en

## **Amendment 26**

### **Proposal for a regulation Article 4 – paragraph 1 – point 3 – introductory part**

*Text proposed by the Commission*

(3) ‘country of return’ means one of

*Amendment*

(3) ‘country of return’ means one of

the following:

the following, *in the following order of priority*:

Or. en

## Amendment 27

### Proposal for a regulation

#### Article 4 – paragraph 1 – point 3 – point c a (new)

*Text proposed by the Commission*

*Amendment*

*(ca) another third country, to which the third-country national concerned voluntarily decides to return and in which he or she will be accepted;*

Or. en

*Justification*

*Literal copy from Article 3 (3) third indent of current Return Directive 2008/115*

## Amendment 28

### Proposal for a regulation

#### Article 4 – paragraph 1 – point 3 – point d

*Text proposed by the Commission*

*Amendment*

(d) a third country, other than *the one* referred to in points (a), *(b) and (g)*, where the third-country national has a right to enter and reside;

(d) a third country, other than *those* referred to in points (a) *and (b)*, where the third-country national has a right to enter and reside;

Or. en

## Amendment 29

### Proposal for a regulation

#### Article 4 – paragraph 1 – point 3 – point e

*Text proposed by the Commission*

*Amendment*

**(e) a safe third country in relation to which the application for international protection of a third-country national has been rejected as inadmissible, pursuant to Article 59(8) of Regulation (EU) 2024/1348;**

**deleted**

Or. en

### **Amendment 30**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point 3 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

**(fa) a safe third country in relation to which the application for international protection of a third-country national has been rejected as inadmissible, pursuant to Article 59(8) of Regulation (EU) 2024/1348;**

Or. en

#### *Justification*

*The order of (e) and (f) has been changed to reflect the order in the APR.*

### **Amendment 31**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point 3 – point g**

*Text proposed by the Commission*

*Amendment*

**(g) a third country with which there is an agreement *or arrangement* on the basis of which the third-country national is accepted, in accordance with Article 17 of this Regulation.**

**(g) a third country with which there is an agreement on the basis of which the third-country national is accepted, in accordance with Article 17 of this Regulation.**

Or. en

## Amendment 32

### Proposal for a regulation

#### Article 4 – paragraph 1 – point 5

*Text proposed by the Commission*

*Amendment*

(5) ‘removal’ means the enforcement of the return decision by the competent authorities through the physical transportation out of the territory of the Member State;

*deleted*

Or. en

## Amendment 33

### Proposal for a regulation

#### Article 4 – paragraph 1 – point 6 a (new)

*Text proposed by the Commission*

*Amendment*

(6a) ‘removal’ means the enforcement of the return decision by the competent authorities through the physical transportation out of the territory of the Member State;

Or. en

#### *Justification*

*The definitions of "removal" and "voluntary return" have been switched to reflect the changed order of Articles 12 and 13.*

## Amendment 34

### Proposal for a regulation

#### Article 4 – paragraph 1 – point 7

*Text proposed by the Commission*

*Amendment*

(7) ‘absconding’ means the action by which the third-country national does not remain available to the competent

(7) ‘absconding’ means the action by which the third-country national does not remain available to the competent

administrative or judicial authorities, ***such as by leaving the territory of the Member State without permission from the competent authorities***, for reasons which are not beyond the third-country national's control.

administrative or judicial authorities, for reasons which are not beyond the third-country national's control.

Or. en

## Amendment 35

### Proposal for a regulation

#### Article 4 – paragraph 1 – point 8 a (new)

*Text proposed by the Commission*

*Amendment*

***(8a) ‘return operation’ means an operation that is organised or coordinated by the European Border and Coast Guard Agency (“Frontex”) or by a Member State’s competent authority, by which third-country nationals from one or more Member States are returned.***

Or. en

## Amendment 36

### Proposal for a regulation

#### Article 4 – paragraph 1 – point 9

*Text proposed by the Commission*

*Amendment*

***(9) ‘readmission procedure’ means all steps conducted by a competent authority or, where relevant, by the European Border and Coast Guard Agency (‘Frontex’), in relation to the confirmation of nationality of a third-country national, the issuance of a travel document for the third-country national and the organisation of a return operation;***

***deleted***

Or. en

## Amendment 37

### Proposal for a regulation

#### Article 4 – paragraph 1 – point 10

*Text proposed by the Commission*

(10) ‘readmission application’ means a request for the purpose of readmission submitted by a competent authority to a competent authority of a third country **consisting of a** request for confirmation of nationality and **a** request for issuance of a travel document, as relevant;

*Amendment*

(10) ‘readmission application’ means a request for the purpose of readmission submitted by a competent authority to a competent authority of a third country **for the** request for confirmation of nationality and **the** request for issuance of a travel document, as relevant;

Or. en

## Amendment 38

### Proposal for a regulation

#### Article 4 – paragraph 1 – point 10 a (new)

*Text proposed by the Commission*

*Amendment*

**(10a) ‘readmission procedure’ means all steps conducted by a competent authority or, where relevant, by the European Border and Coast Guard Agency ('Frontex'), in relation to the confirmation of nationality of a third-country national, the issuance of a travel document for the third-country national and the organisation of a return operation;**

Or. en

## Amendment 39

### Proposal for a regulation

#### Article 4 – paragraph 1 – point 11

*Text proposed by the Commission*

*Amendment*

**(11) ‘return operation’ means an operation that is organised or coordinated by a competent authority by which third-country nationals from one or more Member States are returned;**

**deleted**

Or. en

## **Amendment 40**

### **Proposal for a regulation Article 5 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

When applying this Regulation, Member States shall act in full compliance with relevant Union law, including the Charter, with relevant international law, with the obligations related to access to international protection, in particular the principle of non-refoulement, and with fundamental rights.

When applying this Regulation, Member States shall act in full compliance with relevant Union law, including the Charter, with relevant international law, ***including the Geneva Convention on the Status of Refugees, the European Convention on Human Rights, and the Convention on the rights of the child***, with the obligations related to access to international protection, in particular the principle of non-refoulement, and with fundamental rights.

Or. en

## **Amendment 41**

### **Proposal for a regulation Article 6 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Member States shall put in place efficient and proportionate measures to detect third-country nationals who are staying illegally on their territory in view of carrying out the return procedure and to carry out any additional verifications needed, including any vulnerability and

1. Member States shall put in place efficient and proportionate measures to detect third-country nationals who are staying illegally on their territory in view of carrying out the return procedure and to carry out any additional verifications needed, including any vulnerability and

security verifications.

security verifications. *To avoid duplication, Member States shall carry out such additional verifications by first checking Union and national databases in accordance with relevant Union and national law.*

Or. en

## Amendment 42

### Proposal for a regulation Article 7 – paragraph 2

*Text proposed by the Commission*

2. The return decision shall be issued in writing and give reasons in fact and in law as well as information about available legal remedies and time-limits to seek those remedies. The return decision shall be notified to the third-country national *without undue delay*.

*Amendment*

2. The return decision shall be issued in writing and give reasons in fact and in law as well as information about available legal remedies and time-limits to seek those remedies. The return decision shall be notified to the third-country national *as soon as possible. A visual explanation shall be provided in accordance with Article 24 for those who cannot read.*

Or. en

## Amendment 43

### Proposal for a regulation Article 7 – paragraph 4

*Text proposed by the Commission*

4. When a country of return cannot be determined on the basis of the information available to the competent authorities at the time of issuing the return decision, a return decision *may* indicate provisionally one or more countries of return.

*Amendment*

4. When a country of return cannot be determined on the basis of the information available to the competent authorities at the time of issuing the return decision, a return decision *shall* indicate provisionally *none*, one or more countries of return, *in accordance with the order of priority set out in Article 4(3)*.

Or. en

## Amendment 44

### Proposal for a regulation Article 7 – paragraph 5

*Text proposed by the Commission*

5. The third-country national shall, upon request, be provided with a written ***or oral*** translation of the main elements of the return decision, as referred to in paragraph 2, including information on the available legal remedies in a language the third-country national understands or may reasonably be presumed to understand.

*Amendment*

5. The third-country national shall, upon request, be provided with a written translation of the main elements of the return decision, as referred to in paragraph 2, including information on the available legal remedies in a language the third-country national understands or may reasonably be presumed to understand. ***Member States may use generalised information sheets or translations, including machine-generated translations.***

Or. en

## Amendment 45

### Proposal for a regulation Article 7 – paragraph 8

*Text proposed by the Commission*

8. ***The Commission shall adopt an implementing act to establish the form of the European Return Order referred to in paragraph 7. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 49(2).***

*Amendment*

8. ***Upon issuance of the return decision, its main elements shall be inserted into the form ('European Return Order') set out in Annex I and shall be made available through the Schengen Information System in accordance with Regulation (EU) 2018/1860 or through information exchange pursuant to Article 38.***

Or. en

*Justification*

*An Annex for the standard form is to be added to this Regulation.*

## Amendment 46

### Proposal for a regulation Article 9 – paragraph 1

*Text proposed by the Commission*

1. The Member State where the third-country national is illegally staying ('enforcing Member State') **may** recognise **an enforceable** return decision issued to that third-country national by another Member State ('issuing Member State') pursuant to Article 7(1), based on the European Return Order referred to in Article 7(7), and it shall on this basis order the removal pursuant to Article **12**.

*Amendment*

1. The Member State where the third-country national is illegally staying ('enforcing Member State') **shall** recognise **and enforce a** return decision, issued to that third-country national by another Member State ('issuing Member State') pursuant to Article 7(1), based on the European Return Order referred to in Article 7(7), and it shall on this basis order the removal **of the third-country national** pursuant to Article **13a**.

Or. en

## Amendment 47

### Proposal for a regulation Article 9 – paragraph 2

*Text proposed by the Commission*

2. **By 1 July 2027, the Commission shall adopt an implementing decision for the application of paragraph 3, based on an assessment of whether the legal and technical arrangements put in place by the Member States to make available the European Return Order through the Schengen Information System referred to in Article 7(7) are effective. The Commission shall inform the European Parliament and the Council of the results of its assessment. The implementing decision shall be adopted in accordance with the procedure referred to in Article 49(2).**

*Amendment*

**deleted**

Or. en

## Amendment 48

### Proposal for a regulation Article 9 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. *As of the publication of the implementing decision taken in accordance with paragraph 2, Member States shall recognise enforceable return decisions issued by other Member States pursuant to Article 7(1) to third-country nationals illegally present on their territory based on the European Return Order referred to in Article 7(7), and they shall order their removal in accordance with Article 12.*

*deleted*

Or. en

## Amendment 49

### Proposal for a regulation Article 9 – paragraph 5

*Text proposed by the Commission*

*Amendment*

5. Where a Member State does not recognise or enforce a return decision pursuant to paragraph *1 or 3*, that Member State shall issue a return decision in accordance with Article 7.

5. Where a Member State does not recognise or enforce a return decision pursuant to paragraph *4*, that Member State shall issue a return decision in accordance with Article 7, *without prejudice to paragraph 9 of that Article or to Article 8.*

Or. en

## Amendment 50

### Proposal for a regulation Article 9 – paragraph 9

*Text proposed by the Commission*

*Amendment*

9. The enforcing Member State *may* ask Frontex to support the enforcement of

9. The enforcing Member State *shall* ask Frontex to support the enforcement of

the return decision in accordance with Chapter II, Section 8, of Regulation (EU) 2019/1896. When the enforcement of the return decision is not supported by Frontex, **and upon request of the enforcing Member State, the issuing Member State shall compensate** the enforcing Member State **with an amount that shall not exceed the actual costs incurred** by the enforcing Member State. **The Commission shall adopt an implementing decision to determine the appropriate criteria for determining the amount and practical arrangements for the compensation. That implementing act shall be adopted** in accordance with the **procedure referred to in Article 49(2)**.

the return decision in accordance with Chapter II, Section 8, of Regulation (EU) 2019/1896. When the enforcement of the return decision is not supported by Frontex, the enforcing Member State **may receive additional financial support provided** by the **corresponding Union funds** in accordance with the **legal acts governing such funds**.

Or. en

#### **Amendment 51**

##### **Proposal for a regulation Article 9 – paragraph 10**

*Text proposed by the Commission*

**10. The Commission decision referred to in paragraph 2 shall be published in the Official Journal of the European Union.**

*Amendment*

**deleted**

Or. en

#### **Amendment 52**

##### **Proposal for a regulation Article 10 – paragraph 1 – point a**

*Text proposed by the Commission*

a. the **third-country national is subject to removal in accordance with Article 12;**

*Amendment*

a. the **obligation to return has not been complied with within the time limits set in Article 13a;**

Or. en

## Amendment 53

### Proposal for a regulation Article 10 – paragraph 1 – point b

*Text proposed by the Commission*

b. the *obligation to return has not been complied with within the time limits set* in accordance with Article 13;

*Amendment*

b. the *third-country national is subject to removal* in accordance with Article 13;

Or. en

## Amendment 54

### Proposal for a regulation Article 10 – paragraph 2

*Text proposed by the Commission*

2. *In cases other than those listed in paragraph 1, competent authorities shall determine whether or not a return decision shall be accompanied by an entry ban taking into account relevant circumstances, in particular the level of cooperation of the third-country national.*

*Amendment*

*deleted*

Or. en

## Amendment 55

### Proposal for a regulation Article 10 – paragraph 3

*Text proposed by the Commission*

3. The entry ban shall be issued as part of the return decision or separately in writing. It shall be notified to the third-country national in a language that the third-country national understands *or may reasonably be presumed to understand.*

*Amendment*

3. The entry ban shall be issued as part of the return decision or separately in writing. It shall be notified to the third-country national in a language that the third-country national understands. *A visual explanation for those who cannot read shall be provided in accordance with*

**Amendment 56**

**Proposal for a regulation  
Article 10 – paragraph 4**

*Text proposed by the Commission*

4. Competent authorities may impose an entry ban without issuing a return decision to a third-country national who has been illegally staying on the territory of the Member States and whose illegal stay is detected in connection with border checks carried out at exit in accordance with Article 8 of Regulation (EU) 2016/399, where justified on the basis of the specific circumstances of the individual case and in compliance with the principle of proportionality and the rights of defence, and avoiding as much as possible to postpone the departure of the third-country national concerned.

*Amendment*

4. Competent authorities may impose an entry ban without issuing a return decision to a third-country national who has been illegally staying on the territory of the Member States and whose illegal stay is detected in connection with border checks carried out at exit in accordance with Article 8 of Regulation (EU) 2016/399, where justified on the basis of the specific circumstances of the individual case and in compliance with the principle of proportionality and the rights of defence, and avoiding as much as possible to postpone the departure of the third-country national concerned. ***The entry ban may be imposed and notified after the third-country national has departed from the territory of the Member States.***

**Amendment 57**

**Proposal for a regulation  
Article 10 – paragraph 6**

*Text proposed by the Commission*

6. The length of the entry ban shall be determined with due regard to all relevant circumstances of the individual case ***for a maximum of 10 years.***

*Amendment*

6. The length of the entry ban shall be determined with due regard to all relevant circumstances of the individual case. ***In particular, where:***

## **Amendment 58**

### **Proposal for a regulation**

#### **Article 10 – paragraph 6 – point a (new)**

*Text proposed by the Commission*

*Amendment*

*(a) the third-country national has not complied with the obligation to return within the time limits determined pursuant to Article 12, Member States may determine an entry ban for a maximum of two years;*

Or. en

## **Amendment 59**

### **Proposal for a regulation**

#### **Article 10 – paragraph 6 – point b (new)**

*Text proposed by the Commission*

*Amendment*

*(b) the third-country national is subject to removal under Article 13, Member States may determine an entry ban for a maximum of 10 years;*

Or. en

## **Amendment 60**

### **Proposal for a regulation**

#### **Article 10 – paragraph 6 – point c (new)**

*Text proposed by the Commission*

*Amendment*

*(c) the third-country national poses a security risk in accordance with Article 16, Member States may determine an entry ban for a maximum of 20 years;*

Or. en

## Amendment 61

### Proposal for a regulation

#### Article 10 – paragraph 6 – point d (new)

*Text proposed by the Commission*

*Amendment*

**(d) the third-country national falls within the scope of Directive 2017/541 of the European Parliament or of the Council<sup>1a</sup> or has committed war crimes as defined in Article 8 of the Rome Statute of the International Criminal Court of 17 July 1998, Member States may determine an entry ban of unlimited duration.**

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<sup>1a</sup> **Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6, ELI: <http://data.europa.eu/eli/dir/2017/541/oj>).**

Or. en

## Amendment 62

### Proposal for a regulation

#### Article 10 – paragraph 7

*Text proposed by the Commission*

*Amendment*

**7. The duration of the entry ban pursuant to paragraph 6 may be extended by successive periods of a maximum of 5 years. Such extension shall be based on an individual assessment with due regard to all relevant circumstances and in particular any duly substantiated reasons of competent authorities why it is necessary to further prevent the third-country national from entering the territory of the Member States.**

**deleted**

### Amendment 63

#### Proposal for a regulation

#### Article 11 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. An entry ban may be withdrawn, suspended or its duration shortened ***where the third-country national:***

*Amendment*

1. An entry ban may be withdrawn, suspended or its duration shortened ***in justified individual cases, including for humanitarian reasons, taking into account all relevant circumstances of the individual case.***

Or. en

### Amendment 64

#### Proposal for a regulation

#### Article 11 – paragraph 1 – point a

*Text proposed by the Commission*

a. ***demonstrates that he or she has returned voluntarily in compliance with a return decision;***

*Amendment*

***deleted***

Or. en

### Amendment 65

#### Proposal for a regulation

#### Article 11 – paragraph 1 – point b

*Text proposed by the Commission*

b. ***has not already been the subject of a return decision or removal order in the past;***

*Amendment*

***deleted***

Or. en

## Amendment 66

### Proposal for a regulation Article 11 – paragraph 1 – point c

*Text proposed by the Commission*

*Amendment*

*c. has not entered the territory of a Member State while an entry ban was still in force.*

*deleted*

Or. en

## Amendment 67

### Proposal for a regulation Article 11 – paragraph 2

*Text proposed by the Commission*

*Amendment*

*2. An entry ban may also be withdrawn, suspended or its duration shortened in justified individual cases, including for humanitarian reasons, taking into account all relevant circumstances.*

*deleted*

Or. en

## Amendment 68

### Proposal for a regulation Article 11 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. The third-country national shall be afforded the possibility to request such withdrawal, suspension or shortening of the duration of an entry ban.

3. The third-country national shall be afforded the possibility to request such withdrawal, suspension or shortening of the duration of an entry ban. ***The third-country national shall be informed about that possibility in accordance with Article 24.***

**Amendment 69****Proposal for a regulation****Article 12***Text proposed by the Commission**Amendment***Article 12***deleted***Removal**

**1. The third-country national subject to a return decision shall be removed when:**

**a. the third-country national is refusing to cooperate with the authorities during the return process;**

**b. the third-country national moves to another Member State without authorisation, including during the period set in accordance with Article 13;**

**c. the third-country national falls within the scope of Article 16;**

**d. the third-country national has not left the territory of Member States by the date set in accordance with Article 13.**

**2. Member States' competent authorities may issue a separate administrative or judicial decision in writing ordering the removal.**

**3. The competent authorities shall assess compliance with the principle of non-refoulement by reference to the country of return. They may rely on an existing thorough assessment of all relevant circumstances in previous stages of the procedure. Changes in circumstances and new elements evidencing a risk shall be duly examined. The third-country national concerned shall bring forward as soon as possible any relevant elements concerning his or her own personal circumstances.**

**4. Coercive measures taken to ensure**

*removal shall be necessary and proportionate and shall, in any case, not exceed the threshold of reasonable force. They shall be implemented in accordance with national law respecting fundamental rights and with due respect for the dignity and physical integrity of the third-country national concerned.*

5. *In carrying out removals by air, Member States shall take into account the common guidelines on security provisions for joint removals by air set out in the Annex to Council Decision 2004/573/EC<sup>26</sup>.*

6. *In duly justified cases and when the third-country national is clearly cooperating, competent authorities may decide to indicate a date by which the third-country national shall leave the territory of the Member States in accordance with Article 13. In such cases, competent authorities shall closely monitor the compliance of the third-country national, including by organising transport assistance to the relevant point of departure from the Union.*

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<sup>26</sup> *Council Decision 2004/573/EC 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 (OJ L 261, 6.8.2004, p. 28, ELI: <http://data.europa.eu/eli/dec/2004/573/oj>).*

Or. en

#### *Justification*

*The order of Articles 12 and 13 has been switched to reflect the political priority of voluntary returns.*

## Amendment 70

### Proposal for a regulation Article 13 – paragraph 1

*Text proposed by the Commission*

1. ***When the third-country national is not subject to removal in accordance with Article 12, the return decision shall*** indicate a date by which the third-country national shall leave the territory of the Member States and shall state the possibility for the third-country national to leave earlier.

*Amendment*

1. A return decision ***shall*** indicate a date by which the third-country national shall leave the territory of the Member States and shall state the possibility for the third-country national to leave earlier.

Or. en

## Amendment 71

### Proposal for a regulation Article 13 – paragraph 2

*Text proposed by the Commission*

2. The date referred to in paragraph 1 shall be determined with due regard to the specific circumstances of the individual case. The date by which the third-country national shall leave shall ***not exceed*** 30 days from the date of notification of the return decision.

*Amendment*

2. The date referred to in paragraph 1 shall be determined with due regard to the specific circumstances of the individual case. The date by which the third-country national shall leave shall ***be between seven and*** 30 days from the date of notification of the return decision.

Or. en

## Amendment 72

### Proposal for a regulation Article 13 – paragraph 3

*Text proposed by the Commission*

3. Member States may provide for a longer period or extend the period to leave their territory in accordance with paragraph 1 taking into account the specific

*Amendment*

3. Member States may provide for a longer period or extend the period to leave their territory in accordance with paragraph 1 taking into account the specific

circumstances of the individual case, *such as family links, the existence of children attending school, participation in a programme supporting return and reintegration pursuant to Article 46(3) and compliance with the obligation to cooperate as set out in Article 21*. Any extension of the period to leave shall be provided in writing to the third-country national.

circumstances of the individual case. Any extension of the period to leave shall be provided in writing to the third-country national *in accordance with Article 24*.

Or. en

### **Amendment 73**

#### **Proposal for a regulation Article 13 – paragraph 4**

*Text proposed by the Commission*

4. The third-country national shall leave the territory of the Member States by the date determined pursuant to paragraph 1. If not, the third-country national shall be subject of removal in accordance with Article 12.

*Amendment*

4. The third-country national shall leave the territory of the Member States by the date determined pursuant to paragraph 1. If not, the third-country national shall be subject of removal in accordance with Article 13a.

Or. en

### **Amendment 74**

#### **Proposal for a regulation Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 13a*

*Removal*

1. *The third-country national subject to a return decision shall be removed when:*

a. *the third-country national refuses to cooperate with the authorities during the return process, contrary to Article 21;*

*b. the third-country national moves to another Member State without authorisation, including during the period determined pursuant to Article 13;*

*c. the third-country national falls within the scope of Article 16;*

*d. the third-country national has not left the territory of Member States by the date determined pursuant to Article 13;*

*e. the enforcing Member State recognises an enforceable return decision, and, where relevant, a removal order, issued by another Member State (“issuing Member State”) pursuant to Article 9(1).*

*2. Member States' competent authorities may issue a separate administrative or judicial decision in writing ordering the removal. Where the country of return indicated in the return decision differs from the country designated for removal or is not indicated in the return decision, the third country national shall be duly notified, including as regards the final decision on the country of return, in accordance with Article 24.*

*3. The competent authorities shall remove third country nationals in compliance with the principle of non-refoulement. They may rely on an existing thorough assessment of all relevant circumstances in previous stages of the procedure. Changes in circumstances and new elements evidencing a risk shall be duly examined if the third-country national concerned brings the new elements forward as soon as possible. Where a third-country national previously has not applied for international protection, the assessment shall only take place upon request. The third-country national concerned shall bring forward as soon as possible any relevant elements concerning his or her own personal circumstances in order to substantiate his claim that the removal in this case would violate the principle of non-refoulement.*

4. *Coercive measures taken to ensure removal shall be necessary and proportionate and shall, in any case, not exceed the threshold of reasonable force. They shall be implemented in accordance with national law respecting fundamental rights and with due respect for the human dignity and physical integrity of the third-country national concerned.*

5. *In carrying out removals by air, Member States shall take into account the common guidelines on security provisions for joint removals by air set out in the Annex to Decision 2004/573/EC.*

6. *At any stage of the process, flexibility shall be given to Member States facilitating or permitting voluntary return of a third country national who is subject to removal according to paragraph 1. In such cases, competent authorities shall closely monitor the cooperation obligations of the third-country national set out in Article 21, including by organising transport assistance to the relevant point of departure from the Union.*

Or. en

#### *Justification*

*The order of Articles 12 and 13 has been switched to reflect the political priority of voluntary returns.*

#### **Amendment 75**

##### **Proposal for a regulation**

##### **Article 14 – paragraph 1 – introductory part**

###### *Text proposed by the Commission*

1. Removal pursuant to Article **12** shall be postponed in the following circumstances:

###### *Amendment*

1. Removal pursuant to Article **13a** shall be postponed in the following circumstances:

Or. en

## Amendment 76

### Proposal for a regulation Article 14 – paragraph 2

*Text proposed by the Commission*

2. Removal pursuant to Article **12** may be postponed ***for an appropriate period***, taking into account the specific circumstances of the individual case.

*Amendment*

2. Removal pursuant to Article **13a** may be postponed, taking into account the specific circumstances of the individual case.

Or. en

## Amendment 77

### Proposal for a regulation Article 14 – paragraph 4

*Text proposed by the Commission*

4. When taking a decision in accordance with paragraph 1 or paragraph 2, Member States shall ***provide the third-country national concerned with a written confirmation*** setting out the period of postponement and their rights during that period.

*Amendment*

4. When taking a decision in accordance with paragraph 1 or paragraph 2, Member States shall ***inform the third country national in accordance with Article 24, by*** setting out the period of postponement and their rights during that period ***without undue delay***.

Or. en

## Amendment 78

### Proposal for a regulation Article 14 – paragraph 5

*Text proposed by the Commission*

5. The ***decision to postpone*** removal in accordance with paragraph 1 or ***paragraph 2*** shall be regularly ***reviewed, and at least every 6 months***.

*Amendment*

5. The ***postponement of*** removal in accordance with paragraph 1 or 2 shall be ***reviewed*** regularly ***and in any event if the circumstances change***.

Or. en

## Amendment 79

### Proposal for a regulation Article 15 – paragraph 1

*Text proposed by the Commission*

1. *Member States shall provide for an independent mechanism to monitor the respect of fundamental rights during removal operations. Member States shall equip the independent monitoring mechanism with appropriate means.*

*Amendment*

1. *In order to monitor respect for fundamental rights during removal, a centralised European Monitoring Mechanism for Removals shall be established within Frontex in accordance with Regulation (EU) 2019/1896.*

Or. en

## Amendment 80

### Proposal for a regulation Article 15 – paragraph 2

*Text proposed by the Commission*

2. The *independent* monitoring mechanism shall select *the removal operations* to monitor based on a risk assessment and conduct its activities on the basis of desk review and on-the-spot checks which may be unannounced. *Member States shall inform the monitoring body in advance about upcoming removal operations and ensure access to relevant locations.*

*Amendment*

2. The *European Monitoring Mechanism for Removals shall be competent to monitor all removals, including those not coordinated or financed by Frontex, and those directed to and from a third country with which there is an agreement pursuant to Article 17. The European Monitoring Mechanism for Removals* shall select *removals* to monitor based on a risk assessment and *shall* conduct its activities on the basis of desk review and on-the-spot checks which may be unannounced. The monitoring *shall cover the entirety of the* removal, *from the pre-departure phase until the handover of the returnees in the third country of return.*

Or. en

## Amendment 81

### Proposal for a regulation Article 15 – paragraph 3

*Text proposed by the Commission*

3. Substantiated allegations of failure to respect fundamental rights during removal *operations* shall be communicated to the competent national authority *by the monitoring mechanism. The competent authorities shall deal with such* allegations effectively and without undue delay.

*Amendment*

3. ***The European Monitoring Mechanism for Removals shall monitor compliance of removals with the principles and obligations set out in Article 5 and shall report on its findings, including any substantiated allegations of failure to respect fundamental rights during removal. Those findings shall be communicated to the competent national authority, the Frontex executive director, the Frontex fundamental rights officer, the Commission, and the European Union Fundamental Rights Agency. Member States shall ensure that any substantiated allegations of failure to respect fundamental rights during removals are dealt with effectively and shall without undue delay trigger, where necessary, investigations into such allegations.***

Or. en

## Amendment 82

### Proposal for a regulation Article 15 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

3a. ***The European Monitoring Mechanism for Removals shall monitor the progress of any action taken at national level in response to its monitoring and it shall have the power to issue annual recommendations to Member States.***

Or. en

## Amendment 83

### Proposal for a regulation Article 15 – paragraph 3 b (new)

*Text proposed by the Commission*

*Amendment*

**3b.** *Member States shall inform the European Monitoring Mechanism for Removals in advance about upcoming removal operations and shall ensure access to all relevant locations and documents, in so far as such access is necessary to ensure that the requirements set out in this Article are fulfilled.*

Or. en

## Amendment 84

### Proposal for a regulation Article 15 – paragraph 3 c (new)

*Text proposed by the Commission*

*Amendment*

**3c.** *The Commission shall take into account the findings of the European Monitoring Mechanism for Removals in its assessment of the effective application and implementation of the Charter in accordance with Article 15(1) of and Annex III to Regulation (EU) 2021/1060 of the European Parliament and of the Council<sup>1a</sup>.*

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<sup>1a</sup> *Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial*

*Support for Border Management and Visa Policy (OJ L 231, 30.6.2021, p. 159, ELI: <http://data.europa.eu/eli/reg/2021/1060/oj>).*

Or. en

## **Amendment 85**

### **Proposal for a regulation Article 16 – paragraph 2**

*Text proposed by the Commission*

2. Third-country nationals falling within the scope of this Article shall be subject to removal in accordance with Article *12*.

*Amendment*

2. Third-country nationals falling within the scope of this Article shall be subject to removal in accordance with Article *13a*.

Or. en

## **Amendment 86**

### **Proposal for a regulation Article 16 – paragraph 3 – point a**

*Text proposed by the Commission*

a. subject to an entry ban issued in accordance with Article 10 *that exceeds the maximum duration referred to in Article 10(6) by an additional maximum period of 10 years*;

*Amendment*

a. subject to an entry ban issued in accordance with Article 10;

Or. en

## **Amendment 87**

### **Proposal for a regulation Article 17 – title**

*Text proposed by the Commission*

Return to a third country with which there

*Amendment*

Return to a third country with which there

is an agreement *or arrangement*

is an agreement

Or. en

## Amendment 88

### Proposal for a regulation Article 17 – paragraph 1

*Text proposed by the Commission*

1. Return within the meaning of Article 4, first paragraph, point (3)(g) of illegally staying third-country nationals requires an agreement *or arrangement* to be concluded with a third country. ***Such an agreement or arrangement may only be concluded with a third country where international human rights standards and principles in accordance with international law, including the principle of non-refoulement, are respected.***

*Amendment*

1. Return within the meaning of Article 4, first paragraph, point (3)(g) of illegally staying third-country nationals requires an agreement to be concluded with a third country ***and shall only be considered for those who, despite adequate support, do not return voluntarily or cannot be forcibly returned to one of the other countries of return*** in accordance with ***the order of priority set out in Article 4(3).***

Or. en

## Amendment 89

### Proposal for a regulation Article 17 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. An agreement pursuant to paragraph 1 shall be concluded with a third country by a Member State or the Union. Such an agreement shall be in accordance with Article 5.***

Or. en

## Amendment 90

### Proposal for a regulation Article 17 – paragraph 2 – introductory part

*Text proposed by the Commission*

2. An agreement *or arrangement* pursuant to paragraph 1 shall set out the following:

*Amendment*

2. An agreement pursuant to paragraph 1 shall set out the following:

Or. en

**Amendment 91**

**Proposal for a regulation  
Article 17 – paragraph 2 – point b**

*Text proposed by the Commission*

b. the conditions for the stay of the third-country national in the third country referred to in paragraph 1, including the respective obligations and responsibilities of the Member State and of that third country;

*Amendment*

b. the conditions for the stay of the third-country national in the third country referred to in paragraph 1, including the respective obligations and responsibilities of the Member State *or the Union* and of that third country;

Or. en

**Amendment 92**

**Proposal for a regulation  
Article 17 – paragraph 2 – point d**

*Text proposed by the Commission*

d. the obligations of the third country referred to in *the second sentence of* paragraph 1;

*Amendment*

d. the obligations of the third country referred to in paragraph *1a*;

Or. en

**Amendment 93**

**Proposal for a regulation  
Article 17 – paragraph 2 – point e**

*Text proposed by the Commission*

e. an independent body or mechanism to monitor the effective application of the agreement *or arrangement*;

*Amendment*

e. an independent body or mechanism, *with appropriate resources and means*, to monitor the effective application of the agreement;

Or. en

**Amendment 94**

**Proposal for a regulation**

**Article 17 – paragraph 2 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

*ea. the monitoring of removals carried out pursuant to Article 15;*

Or. en

**Amendment 95**

**Proposal for a regulation**

**Article 17 – paragraph 2 – point f**

*Text proposed by the Commission*

*Amendment*

f. the consequences to be drawn in case of violations of the agreement *or arrangement* or significant change adversely impacting the situation of the third country.

f. the consequences to be drawn in case of violations of the agreement or significant change adversely impacting the situation of the third country.

Or. en

**Amendment 96**

**Proposal for a regulation**

**Article 17 – paragraph 3**

*Text proposed by the Commission*

3. Prior to concluding an agreement *or arrangement* pursuant to paragraph 1, Member States shall inform the Commission and the other Member States.

*Amendment*

3. Prior to concluding an agreement pursuant to paragraph 1, Member States shall inform the Commission, *the European Parliament* and the other Member States.

Or. en

**Amendment 97**

**Proposal for a regulation  
Article 19 – paragraph 1**

*Text proposed by the Commission*

Where, as a result of statements by the third-country national, available documentary evidence or other relevant indications, there are doubts as to whether or not he or she is a minor, the competent authority may undertake a multi-disciplinary assessment, including a psychosocial assessment, which shall be carried out by qualified professionals, to determine the third-country national's age. Article 25 of Regulation (EU) 2024/1348 shall apply by analogy to such assessment.

*Amendment*

Where, as a result of statements by the third-country national, available documentary evidence or other relevant indications, there are doubts as to whether or not he or she is a minor, the competent authority may undertake a multi-disciplinary assessment, including a psychosocial assessment, which shall be carried out by qualified professionals, to determine the third-country national's age. Article 25 of Regulation (EU) 2024/1348 shall apply by analogy to such assessment. *An age assessment carried out in previous administrative or judicial proceedings in any Member State may be considered sufficient for the purpose of determining the age of a third-country national who presents as a minor.*

Or. en

**Amendment 98**

**Proposal for a regulation  
Article 20 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. ***Before deciding to issue a return decision in respect of an unaccompanied minor, assistance by appropriate bodies other than the authorities enforcing return shall be provided in accordance with the best interests of the child.***

*deleted*

Or. en

## **Amendment 99**

### **Proposal for a regulation Article 20 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. A representative ***or a person trained to safeguard the best interest of the child*** shall be appointed to represent, assist and act, as applicable, on behalf of an unaccompanied minor in the return process. It shall be ensured that the appointed representative is appropriately trained in child-friendly and age-appropriate communication and that they speak a language that the minor understands. That person shall be the person designated to act as a representative under Directive (EU) 2024/1346 where the person has been designated in accordance with Article 27 of that Directive.

2. A representative shall be appointed ***without undue delay following the determination of a third-country national's age pursuant to Article 19*** to represent, assist and act, as applicable, on behalf of an unaccompanied minor in the return process. It shall be ensured that the appointed representative ***acts independently***, is appropriately trained in child-friendly and age-appropriate communication and that they speak a language that the minor understands ***or works together with an interpreter or translator***. That person shall be the person designated to act as a representative under Directive (EU) 2024/1346 where the person has been designated in accordance with Article 27 of that Directive. ***The competent authority may appoint a person trained to safeguard the interests of the child until a representative is appointed.***

Or. en

## Amendment 100

### Proposal for a regulation Article 20 – paragraph 3

*Text proposed by the Commission*

3. The unaccompanied minor shall be heard, either directly or through the representative or trained person referred to in paragraph 2, including in the context of the determination of the best interests of the child. Before removing an unaccompanied minor from the territory of a Member State, the authorities of that Member State shall be satisfied that he or she will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the country of return.

*Amendment*

3. The unaccompanied minor shall be heard, either directly or through the representative or trained person ***provisionally acting for the child until a representative is appointed*** referred to in paragraph 2, including in the context of the determination of the best interests of the child. Before removing an unaccompanied minor from the territory of a Member State, the authorities of that Member State shall be satisfied that he or she will be returned to a member of his or her family, a nominated guardian or adequate reception facilities ***are available*** in the country of return.

Or. en

## Amendment 101

### Proposal for a regulation Article 21 – title

*Text proposed by the Commission*

Obligation to cooperate

*Amendment*

Obligation to cooperate ***and availability during the return process***

Or. en

## Amendment 102

### Proposal for a regulation Article 21 – paragraph 1

*Text proposed by the Commission*

1. Third-country nationals shall have the obligation to cooperate with the

*Amendment*

1. Third-country nationals shall ***respect their obligation to leave the***

competent authorities of the Member States at all stages of the return and readmission procedures ***and comply with the obligation to leave the territory of the Member States***. Third-country nationals shall provide competent authorities with information on any relevant changes in his or her individual situation relevant for the purpose of **Article 5**, without undue delay.

***territory of the Union pursuant to Article 7(1) and*** have the obligation to cooperate with the competent authorities of the Member States at all stages of the return and readmission procedures. Third-country nationals shall provide competent authorities with information on any relevant changes in his or her individual situation relevant for the purpose of ***this Regulation***, without undue delay.

Or. en

### Amendment 103

#### Proposal for a regulation Article 21 – paragraph 2 – point a

*Text proposed by the Commission*

a. remain on the territory of the Member State ***competent for the return procedure of which the third-country national is the subject*** and not abscond ***to another Member State***;

*Amendment*

a. remain ***available to the competent authorities*** on the territory of the Member State and not abscond ***in accordance with Article 21(3), and, in particular appear for the departure for the transportation for return***;

Or. en

### Amendment 104

#### Proposal for a regulation Article 21 – paragraph 2 – point c

*Text proposed by the Commission*

c. not destroy or otherwise dispose of ***such*** documents, ***use aliases with fraudulent intent, provide other false information in an oral or written form, or otherwise fraudulently oppose*** the return or readmission procedure;

*Amendment*

c. not destroy or otherwise dispose of documents ***with the intent to obstruct*** the return or readmission procedure;

Or. en

## Amendment 105

### Proposal for a regulation

#### Article 21 – paragraph 2 – point c a (new)

*Text proposed by the Commission*

*Amendment*

*ca. not use aliases with fraudulent intent, provide other false information orally, in writing or otherwise, with purpose of misleading authorities and fraudulently opposing lawful return or readmission;*

Or. en

## Amendment 106

### Proposal for a regulation

#### Article 21 – paragraph 2 – point g

*Text proposed by the Commission*

*Amendment*

g. provide precise contact details, including current place of residence, address, telephone number where they may be reached and, where available, an electronic mail address;

g. provide, *when requested by the competent authorities*, precise contact details, including current place of residence, address, telephone number where they may be reached and, where available, an electronic mail address;

Or. en

## Amendment 107

### Proposal for a regulation

#### Article 21 – paragraph 2 – point i

*Text proposed by the Commission*

*Amendment*

*i. remain available in accordance with Article 23 throughout the return and readmission procedures, and in particular appear for the departure for the transportation for return;*

*deleted*

Or. en

## Amendment 108

### Proposal for a regulation

#### Article 21 – paragraph 2 – point 1

*Text proposed by the Commission*

*l. where required by competent authorities, participate in return and reintegration counselling.*

*Amendment*

*deleted*

Or. en

## Amendment 109

### Proposal for a regulation

#### Article 21 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

*2a. To ensure swift, efficient and effective return, third-country nationals shall, for the duration of the return procedure, remain on the territory of the Member State referred to in paragraph 2, point (a), and be subject to one or more of the following measures:*

*a. allocation to a geographical area within the Member State's territory in which they are able to move freely;*

*b. residence at a specific address;*

*c. reporting to the competent authorities at a specified time or at reasonable intervals.*

*This paragraph shall apply only to the extent that it is compatible with the specific needs of vulnerable persons and the best interests of the child.*

*Decisions taken pursuant to points (b) and (c), shall be made in writing and in accordance with Article 24, shall be proportionate and shall take into account the specific circumstances of the third-country national concerned.*

## **Amendment 110**

### **Proposal for a regulation Article 21 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. With regard to the information and documentation required pursuant to paragraph 3, competent authorities may suspend the requirement upon the request of the third-country national. A decision to suspend the requirement shall be taken objectively and impartially on the merits of the individual case. In the event of a negative decision, reasons shall be provided in accordance with Article 24.***

Or. en

## **Amendment 111**

### **Proposal for a regulation Article 21 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

***2c. The third-country national shall not be required to request permission to attend appointments with authorities and courts if the attendance of that third-country national is necessary. The third-country national shall notify the competent authorities of such appointments.***

Or. en

## **Amendment 112**

### **Proposal for a regulation Article 22 – paragraph 1 – point 4**

*Text proposed by the Commission*

*Amendment*

**(4) refusal or withdrawal of work permit, pursuant to national law;** *deleted*

Or. en

### **Amendment 113**

#### **Proposal for a regulation Article 22 – paragraph 1 – point 5**

*Text proposed by the Commission*

*Amendment*

**(5) extension of the duration of an entry ban in line with Article 10(7);** *deleted*

Or. en

### **Amendment 114**

#### **Proposal for a regulation Article 22 – paragraph 1 – point 6**

*Text proposed by the Commission*

*Amendment*

**(6) financial penalties.** *deleted*

Or. en

### **Amendment 115**

#### **Proposal for a regulation Article 23**

*Text proposed by the Commission*

*Amendment*

**Article 23** *deleted*

**Availability for the return process**

**1. To ensure a swift, efficient and effective return, third-country nationals shall, for the duration of the return procedure, be subject to one or more of**

*the following measures:*

- a. allocation to a geographical area within the Member State's territory in which they are able to move freely;*
- b. residence at a specific address;*
- c. reporting to the competent authorities at a specified time or at reasonable intervals.*

*2. Paragraph 1 shall only be applied to the extent that it is compatible with the special needs of vulnerable persons and the best interests of the child.*

*3. Upon request, competent authorities may grant the third-country national permission to:*

- a. temporarily leave the geographical area for duly justified urgent and serious family reasons or necessary medical treatment which is not available within the geographical area;*

- b. reside temporarily outside the place designated in accordance with paragraph 1, point (b);*

- c. temporarily not comply with the reporting obligation.*

*4. Decisions regarding the permissions listed in paragraph 3, first subparagraph, shall be taken objectively and impartially on the merits of the individual case and reasons shall be given if such permission is not granted.*

*5. The third-country national shall not be required to request permission to attend appointments with authorities and courts if the attendance of that third-country national is necessary. The third-country national shall notify the competent authorities of such appointments.*

*6. The decisions taken in accordance with paragraph 1, points (b) and (c), shall be made in writing, be proportionate and take into account specific circumstances of the third-country national concerned.*

*Justification*

*Article 23 has been integrated into Article 21.*

**Amendment 116****Proposal for a regulation****Article 24 – paragraph 1 – point a***Text proposed by the Commission*

a. the purpose, duration and steps of the return procedure as well as information on the available legal remedies and the time-limits to seek those remedies;

*Amendment*

a. the purpose, duration and steps of the return procedure as well as information on the available legal remedies, ***including assistance and representation***, and the time-limits to seek those remedies;

Or. en

**Amendment 117****Proposal for a regulation****Article 24 – paragraph 1 – point b***Text proposed by the Commission*

b. the rights and obligations of third-country nationals during the return procedure as set out in Article 21 ***and Article 23***, the consequences of non-compliance pursuant to Article 22, the existence of an alert on return on the person in the Schengen Information System and the recognition and enforcement of a return decision issued by another Member State in accordance with Article 9;

*Amendment*

b. the rights and obligations of third-country nationals during the return procedure as set out in Article 21, the consequences of non-compliance pursuant to Article 22, the existence of an alert on return on the person in the Schengen Information System and the recognition and enforcement of a return decision issued by another Member State in accordance with Article 9;

Or. en

## Amendment 118

### Proposal for a regulation Article 24 – paragraph 2

*Text proposed by the Commission*

2. The information provided shall be given without undue delay in simple and accessible language and in a language which the third-country national understands or is reasonably supposed to understand, including through written or oral translation and interpretation as necessary. That information shall be provided by means of standard information sheets, either in paper or in electronic form. In the case of minors, the information shall be provided in a child-friendly and age-appropriate manner with the involvement of the holder of parental responsibility or the representative referred to in Article 20(2). ***The third-country national shall be given the opportunity to confirm that he or she has received the information.***

*Amendment*

2. The information provided shall be given without undue delay in simple and accessible language and in a language which the third-country national understands or is reasonably supposed to understand, including through written or oral translation and interpretation as necessary. That information shall be provided by means of standard information sheets, either in paper or in electronic form. In the case of minors, the information shall be provided in a child-friendly and age-appropriate manner with the involvement of the holder of parental responsibility or the representative referred to in Article 20(2).

***The Commission shall provide a visual explanation in leaflets for those who cannot read. Those leaflets shall be drawn up in such a manner so as to enable Member States to complete them with additional information specific to the Member State concerned and shall take into account the specificities of vulnerable applicants such as minors or disabled persons.***

Or. en

## Amendment 119

### Proposal for a regulation Article 24 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. The third-country national shall be given the opportunity to confirm that***

*he or she has received the information.*

Or. en

## Amendment 120

### Proposal for a regulation Article 25 – paragraph 1

*Text proposed by the Commission*

1. In the case of an appeal or a review before a judicial authority in accordance with Article 27, Member States shall, at the request of the third-country national, ensure that free legal assistance and representation is made available as necessary to ensure the right to an effective remedy and fair trial.

*Amendment*

1. In the case of an appeal or a review before a judicial authority in accordance with Article 27, Member States shall, at the request of the third-country national, ensure that free legal assistance and representation is made available as necessary to ensure the right to an effective remedy and fair trial. ***Such assistance shall not affect any assistance provided for under Regulation (EU) 2024/1348.***

Or. en

## Amendment 121

### Proposal for a regulation Article 25 – paragraph 3

*Text proposed by the Commission*

3. ***The legal assistance and representation shall consist of the preparation of the appeal or request for review, including, at least, the preparation of the procedural documents required under national law and, in the event of a hearing, participation in that hearing before a judicial authority to ensure the effective exercise of the right of defence. Such assistance shall not affect any assistance provided for under Regulation (EU) 2024/1348.***

*Amendment*

***deleted***

Or. en

## Amendment 122

### Proposal for a regulation Article 25 – paragraph 4

*Text proposed by the Commission*

4. Free legal assistance and representation shall be provided by legal advisers or other suitably qualified persons, as admitted or permitted under national law, whose interests do not conflict *or could not potentially conflict* with those of the third-country national.

*Amendment*

4. Free legal assistance and representation shall be provided by legal advisers or other suitably qualified persons, as admitted or permitted under national law, whose interests do not conflict with those of the third-country national.

Or. en

## Amendment 123

### Proposal for a regulation Article 25 – paragraph 7 – point a

*Text proposed by the Commission*

a. impose monetary or time limits on the provision of free legal assistance and representation, provided that such limits are not arbitrary and do not unduly restrict access to free legal assistance and representation *nor undermine the exercise of the right of defence*;

*Amendment*

a. impose monetary or time limits on the provision of free legal assistance and representation, provided that such limits are not arbitrary and do not unduly restrict access to free legal assistance and representation;

Or. en

## Amendment 124

### Proposal for a regulation Article 25 – paragraph 7 – point b

*Text proposed by the Commission*

b. request total or partial reimbursement of *any* costs incurred where the third-country national's financial situation has improved during the return

*Amendment*

b. request total or partial reimbursement of *the* costs incurred where the third-country national's financial situation has *considerably* improved during

procedure or where the decision to provide free legal assistance and representation was taken on the basis of false information supplied by the third-country national;

the return procedure or where the decision to provide free legal assistance and representation was taken on the basis of false information supplied by the third-country national, *to which end third-country nationals are immediately to inform the competent authorities of any significant change in their financial situation*;

Or. en

## Amendment 125

### Proposal for a regulation

#### Article 25 – paragraph 7 – point c

##### *Text proposed by the Commission*

c. provide that, as regards fees and other costs and reimbursements, the treatment of third-country nationals shall be equal to, but not more favourable than, the treatment generally given to their nationals in matters pertaining to legal assistance.

##### *Amendment*

c. provide that, as regards *access*, fees and other costs and reimbursements, the treatment of third-country nationals shall be equal to, but not more favourable than, the treatment generally given to their nationals in matters pertaining to legal assistance.

Or. en

## Amendment 126

### Proposal for a regulation

#### Article 25 – paragraph 8

##### *Text proposed by the Commission*

8. Member States shall lay down specific procedural rules governing the manner in which requests for free legal assistance and representation are filed and processed, or apply existing rules for domestic claims of a similar nature, provided that those rules do not render access to free legal assistance and representation excessively difficult or impossible.

##### *Amendment*

8. Member States shall lay down specific procedural rules governing the manner in which requests for free legal assistance and representation are filed and processed, or apply existing rules for domestic claims of a similar nature, provided that those rules *are not more restrictive or* do not render access to free legal assistance and representation excessively difficult or impossible.

## Amendment 127

### Proposal for a regulation Article 26 – paragraph 1

*Text proposed by the Commission*

1. The third-country national concerned shall be afforded an effective remedy to challenge the decisions referred to in Article 7, Article 10 and Article **12(2)** before a competent judicial authority.

*Amendment*

1. The third-country national concerned shall be afforded an effective remedy to challenge the decisions referred to in Article 7, Article 10 and Article **13(2)** before a competent judicial authority.

Or. en

## Amendment 128

### Proposal for a regulation Article 26 – paragraph 3

*Text proposed by the Commission*

3. ***Member States shall ensure that compliance with the requirements arising from the principle of non-refoulement is verified by the competent judicial authority, at the request of the third-country national or ex officio.***

*Amendment*

***deleted***

Or. en

## Amendment 129

### Proposal for a regulation Article 27 – paragraph 2

*Text proposed by the Commission*

2. Time limits referred to in paragraph 1 shall start to run from the date when any of the decisions referred to in Article 7, Article 10 and Article 12(2) are notified to the third-country national, ***or from another***

*Amendment*

2. Time limits referred to in paragraph 1 shall start to run from the date when any of the decisions referred to in Article 7, Article 10 and Article 12(2) are notified to the third-country national, notably when

*date to be determined by national law,*  
notably when the third-country national  
concerned has absconded.

the third-country national concerned has  
absconded.

Or. en

## **Amendment 130**

### **Proposal for a regulation Article 27 – paragraph 4**

*Text proposed by the Commission*

4. Where an entry ban is issued together with a return decision as referred to in Article 7, it shall be appealed against jointly with that return decision, before the same judicial authority and within the same judicial proceedings and the same time limits. Where an entry ban is issued separately from the return decision or is the only decision to be challenged, it may be appealed against separately. The time limits to bring such separate judicial proceedings shall be the same as those laid down in case where the entry ban is jointly appealed against with the return decision.

*Amendment*

4. Where an entry ban *or a removal order* is issued together with a return decision as referred to in Article 7, it shall be appealed against jointly with that return decision, before the same judicial authority and within the same judicial proceedings and the same time limits. Where an entry ban is issued separately from the return decision or is the only decision to be challenged, it may be appealed against separately. The time limits to bring such separate judicial proceedings shall be the same as those laid down in case where the entry ban is jointly appealed against with the return decision.

Or. en

## **Amendment 131**

### **Proposal for a regulation Article 28 – title**

*Text proposed by the Commission*

*Suspensive effect*

*Amendment*

*Effects of an appeal*

Or. en

## Amendment 132

### Proposal for a regulation Article 28 – paragraph 1

*Text proposed by the Commission*

1. The enforcement of the decisions issued pursuant to Article 7, Article 10 and Article 12(2) shall be suspended ***until the time limit within which they can exercise their right to an effective remedy before a judicial authority of first instance referred to in Article 27 has expired.***

*Amendment*

1. ***Third-country nationals may submit a request to suspend the enforcement of a return decision.*** The enforcement of the decisions issued pursuant to Article 7, Article 10 and Article 13a(2) shall be suspended ***only as far as necessary to ensure that there is no risk of violating the principle of non-refoulement in accordance with the Charter.***

Or. en

## Amendment 133

### Proposal for a regulation Article 28 – paragraph 2

*Text proposed by the Commission*

2. ***Third-country nationals shall be granted the right to submit an application to suspend the enforcement of a return decision before the time limit within which they can exercise their right to an effective remedy before a judicial authority of first instance referred to in Article 27 has expired.*** A judicial authority shall have the power to decide, following an examination of both facts and points of law, whether or not the enforcement of the return decision should be suspended pending the outcome of the remedy. ***The enforcement of the return decision shall be suspended where there is a risk to breach the principle of non-refoulement.***

*Amendment*

2. A judicial authority shall have the power to decide, following an examination of both facts and points of law, whether or not the enforcement of the return decision should be suspended pending the outcome of the remedy.

Or. en

## Amendment 134

### Proposal for a regulation Article 28 – paragraph 3

*Text proposed by the Commission*

3. Where a further appeal against a first or subsequent appeal decision is lodged, the enforcement of a return decision shall not be suspended unless the third-country national requests suspension and a competent judicial authority decides to grant it, taking due account of the specific circumstances of the individual case.

*Amendment*

3. Where a further appeal against a first or subsequent appeal decision is lodged, the enforcement of a return decision shall not be suspended unless the third-country national requests suspension ***again*** and a competent judicial authority decides to grant it, taking due account of the specific circumstances of the individual case.

Or. en

## Amendment 135

### Proposal for a regulation Article 29

*Text proposed by the Commission*

#### *Article 29*

##### *Grounds for detention*

***1. Member States may detain a third-country national pursuant to this Regulation on the basis of an individual assessment of each case and only in so far as detention is proportionate.***

***2. Member States may only keep in detention a third-country national for the purpose of preparing the return or carrying out the removal.***

***3. A third-country national may only be detained based on one or more of the following grounds for detention:***

***a. risk of absconding determined in accordance with Article 30;***

***b. the third-country national avoids or hampers the preparation of the return or the removal process;***

*Amendment*

***deleted***

- c. *the third-country national poses security risks in accordance with Article 16;*
- d. *to determine or verify his or her identity or nationality;*
- e. *non-compliance with the measures ordered pursuant to Article 31.*
4. *Those detention grounds shall be laid down in national law.*
5. *Detention shall be ordered by administrative or judicial authorities. Detention shall be ordered by a written decision giving the reasons in fact and in law on which it is based as well as information about available legal remedies. The decision shall be notified to the third-country national in a language that the third-country national understands or may reasonably be presumed to understand.*
6. *When detaining a third-country national pursuant to paragraph 2, Member States shall take into account any visible signs, statements or behaviour related to, or made or shown by, the third-country national indicating that he or she is a vulnerable person.*

Or. en

*Justification*

*The order of the Articles 29, 30, 31 was changed to reflect the procedural sequence of the application of detention, prioritising the use of alternatives to detention. The new order is: risk of absconding, alternatives to detention, grounds of detention.*

**Amendment 136**

**Proposal for a regulation**  
**Article 30 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

b. the third-country national is subject to a return decision or ***enforcing decision*** issued by a Member State other than the

b. the third-country national is subject to a return decision or ***removal order*** issued by a Member State other than the

one on the territory of which the person is currently staying illegally, including as detected through the alerts entered in the Schengen Information System pursuant to Regulation (EU) 2018/1860;

one on the territory of which the person is currently staying illegally, including as detected through the alerts entered in the Schengen Information System pursuant to Regulation (EU) 2018/1860;

Or. en

## **Amendment 137**

### **Proposal for a regulation**

#### **Article 30 – paragraph 1 – point c**

*Text proposed by the Commission*

c. non-compliance with the measures pursuant to Article 23.

*Amendment*

c. non-compliance with the measures pursuant to Article 21(3).

Or. en

## **Amendment 138**

### **Proposal for a regulation**

#### **Article 30 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. In cases not covered by paragraph 1, the risk of absconding shall be determined on the basis of an overall assessment of the specific circumstances of the individual case *and where one of* the following criteria *regarding the third-country national concerned is met*:

*Amendment*

2. In cases not covered by paragraph 1, the risk of absconding shall be determined on the basis of an overall assessment of the specific circumstances of the individual case. The following criteria *may indicate a risk of absconding*:

Or. en

## **Amendment 139**

### **Proposal for a regulation**

#### **Article 30 – paragraph 2 – point d**

*Text proposed by the Commission*

d. non-compliance with the obligation to cooperate with the competent authorities of the Member States at all stages of the procedures pursuant to this Regulation, as referred to in Article 21(2), *points (a) to (k)*;

*Amendment*

d. non-compliance with the obligation to cooperate with the competent authorities of the Member States at all stages of the procedures pursuant to this Regulation, as referred to in Article 21(2);

Or. en

**Amendment 140**

**Proposal for a regulation  
Article 30 – paragraph 2 – point e**

*Text proposed by the Commission*

*e. when departure is imminent and there are serious reasons to believe third-country national intends to violate the obligation to cooperate as set out in Article 21(2), point (l);*

*Amendment*

*deleted*

Or. en

**Amendment 141**

**Proposal for a regulation  
Article 30 – paragraph 2 – point g**

*Text proposed by the Commission*

g. opposing the return procedure *violently*;

*Amendment*

g. opposing the return procedure *physically*;

Or. en

**Amendment 142**

**Proposal for a regulation  
Article 30 – paragraph 2 – point h**

*Text proposed by the Commission*

*Amendment*

***h. re-entering the Union in violation of a valid entry ban.***

***deleted***

Or. en

### **Amendment 143**

#### **Proposal for a regulation Article 31 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Member States shall provide for alternative measures to detention in national law. Such measures shall be ordered taking into account the individual circumstances of the third-country national concerned, including any vulnerabilities, and be proportionate to the level of the risk of absconding assessed in accordance with Article 30.

1. Member States shall provide for alternative measures to detention in national law. Such measures shall be ordered ***only where at least one of the grounds for detention listed in Article 31a(3) applies***, taking into account the individual circumstances of the third-country national concerned, including any vulnerabilities, and be proportionate to the level of the risk of absconding assessed in accordance with Article 30.

Or. en

### **Amendment 144**

#### **Proposal for a regulation Article 31 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

c. the obligation to reside in a place designated by competent authorities;

c. the obligation to reside in a place designated by competent authorities ***as an alternative to custodial arrangements, with a particular focus on children, women and other vulnerable persons;***

Or. en

## Amendment 145

### Proposal for a regulation Article 31 – paragraph 4

*Text proposed by the Commission*

4. Third-country nationals shall be notified of any decision to apply measures referred to in paragraph 2 of this Article and shall be informed about the consequence of non-compliance with that decision, including pursuant to Article 29(3), point (e), and the legal remedies referred to in paragraph 5 of this Article.

*Amendment*

4. Third-country nationals shall be notified of any decision to apply measures referred to in paragraph 2 of this Article and shall be informed about the consequence of non-compliance with that decision, including pursuant to Article 31a(3), point (e), and the legal remedies referred to in paragraph 5 of this Article.

Or. en

## Amendment 146

### Proposal for a regulation Article 31 – paragraph 5

*Text proposed by the Commission*

5. Member States shall ensure that the decisions taken in accordance with paragraph 2 of this Article are reviewed *speedily* by a judicial authority on application by the person concerned or ex officio, *and at the latest within two months*.

*Amendment*

5. Member States shall ensure that the decisions taken in accordance with paragraph 2 of this Article are reviewed *as soon as possible* by a judicial authority on application by the person concerned or ex officio.

Or. en

## Amendment 147

### Proposal for a regulation Article 31 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 31a*

##### *Grounds for detention*

1. *Member States may detain a third-country national pursuant to this*

*Regulation on the basis of an individual assessment of each case and only in so far as detention is proportionate and as a measure of last resort.*

*2. Member States may only keep in detention a third-country national for the purpose of preparing the return or carrying out the removal.*

*3. A third-country national may only be detained based on one or more of the following grounds for detention:*

*a. risk of absconding determined in accordance with Article 30;*

*b. the third-country national avoids or hampers the preparation of the return or the removal process;*

*c. the third-country national poses security risks in accordance with Article 16;*

*d. to determine or verify his or her identity or nationality;*

*e. non-compliance with the measures ordered pursuant to Article 30.*

*4. Those detention grounds shall be laid down in national law.*

*5. Detention shall be ordered by administrative or judicial authorities. Detention shall be ordered by a written decision giving the reasons in fact and in law on which it is based as well as information about available legal remedies. The decision shall be notified to the third-country national in accordance to Article 24.*

*6. When detaining a third-country national pursuant to paragraph 2, Member States shall take into account any visible signs, statements or behaviour related to, or made or shown by, the third-country national indicating that he or she is a vulnerable person.*

Or. en

### *Justification*

*The order of the Articles 29, 30, 31 was changed to reflect the procedural sequence of the application of detention, prioritising the use of alternatives to detention. The new order is: risk of absconding, alternatives to detention, grounds of detention.*

#### **Amendment 148**

##### **Proposal for a regulation Article 32 – paragraph 1**

###### *Text proposed by the Commission*

1. Detention shall be maintained for as short a period as possible and for as long as the conditions laid down in Article **29** are fulfilled and it is necessary to ensure successful return.

###### *Amendment*

1. Detention shall be maintained for as short a period as possible and for as long as the conditions laid down in Article **31a** are fulfilled and it is necessary to ensure successful return.

Or. en

#### **Amendment 149**

##### **Proposal for a regulation Article 32 – paragraph 2**

###### *Text proposed by the Commission*

2. When it appears that the conditions laid down in Article **29** are no longer fulfilled, detention shall cease to be justified and the third-country national shall be released. Such release shall not preclude the application of measures to prevent the risk of absconding in accordance with Article 31.

###### *Amendment*

2. When it appears that the conditions laid down in Article **31a** are no longer fulfilled, detention shall cease to be justified and the third-country national shall be released. Such release shall not preclude the application of measures to prevent the risk of absconding in accordance with Article 31.

Or. en

#### **Amendment 150**

##### **Proposal for a regulation Article 32 – paragraph 3**

*Text proposed by the Commission*

3. The detention shall not exceed 12 months in a given Member State. Detention may be extended for a period not exceeding a further **12** months in a given Member State where the return procedure is likely to last longer owing to a lack of cooperation by the third-country national concerned, or delays in obtaining the necessary documentation from third countries.

*Amendment*

3. The detention shall not exceed 12 months in a given Member State. Detention may be extended for a period not exceeding a further **six** months in a given Member State where the return procedure is likely to last longer owing to a lack of cooperation by the third-country national concerned, or delays in obtaining the necessary documentation from third countries.

Or. en

**Amendment 151**

**Proposal for a regulation**

**Article 33 – paragraph 3 – point a**

*Text proposed by the Commission*

a. any judicial review of the lawfulness of detention be concluded as speedily as possible after the beginning of the detention, **and no later than 15 days thereafter**; or

*Amendment*

a. any judicial review of the lawfulness of detention be concluded as speedily as possible after the beginning of the detention; or

Or. en

**Amendment 152**

**Proposal for a regulation**

**Article 33 – paragraph 3 – point b**

*Text proposed by the Commission*

b. the third-country national concerned be granted the right to initiate proceedings by means of which the lawfulness of detention is subject to judicial review, to be concluded as speedily as possible after the launch of the relevant proceedings, **and no later than 15 days thereafter**. In such cases Member States

*Amendment*

b. the third-country national concerned be granted the right to initiate proceedings by means of which the lawfulness of detention is subject to judicial review, to be concluded as speedily as possible after the launch of the relevant proceedings. In such cases Member States shall immediately upon detention inform

shall immediately upon detention inform the third-country national concerned about the possibility of initiating such proceedings.

the third-country national concerned about the possibility of initiating such proceedings.

Or. en

## Amendment 153

### Proposal for a regulation Article 34 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a. The competent authority managing the detention facility shall ensure that detainees are provided with information about their right to contact legal representatives.**

Or. en

## Amendment 154

### Proposal for a regulation Article 34 – paragraph 5

*Text proposed by the Commission*

*Amendment*

5. Legal representatives, family members, competent consular authorities and relevant and competent national, international and non-governmental organisations and bodies shall have the possibility to visit any detention facility and communicate with the third-country nationals and visit them in conditions that respect privacy. ***Such visits may be subject to authorisation.***

5. Legal representatives, family members, competent consular authorities and relevant and competent national, international and non-governmental organisations and bodies shall, ***at the request of the third-country national***, have the possibility to visit any detention facility and communicate with the third-country nationals and visit them in conditions that respect privacy. ***Detention facilities shall allocate time and specific areas for the provision of such legal assistance. Lawyers or other suitably qualified persons to provide legal advice and representation, as admitted or permitted under national law, may establish permanencies at the facility.***

## Amendment 155

### Proposal for a regulation Article 34 – paragraph 6

#### *Text proposed by the Commission*

6. Third-country nationals kept in detention shall be provided in writing with information which explains the rules applied in the facility and sets out their rights and obligations in ***plain intelligible language and in a language they understand***. Such information shall include information on their entitlement under national law to contact the persons or bodies referred to in paragraphs 3 and 5.

#### *Amendment*

6. Third-country nationals kept in detention shall be provided in writing with information which explains the rules applied in the facility and sets out their rights and obligations in ***accordance with Article 24***. Such information shall include information on their entitlement under national law to contact the persons or bodies referred to in paragraphs 3 and 5.

Or. en

## Amendment 156

### Proposal for a regulation Article 35 – paragraph 1

#### *Text proposed by the Commission*

1. Unaccompanied minors and families with minors shall only be detained as a measure of last resort and for the shortest appropriate period of time ***and taking into account*** the best interests of the child.

#### *Amendment*

1. Unaccompanied minors and families with minors shall only be detained as a measure of last resort and for the shortest appropriate period of time. The best interests of the child ***shall be a primary consideration in the context of the detention of minors pending removal***.

Or. en

## Amendment 157

### Proposal for a regulation Article 35 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. Families and unaccompanied minors detained in preparation for return shall be provided with separate accommodation guaranteeing adequate privacy. Personnel shall be adequately trained, and facilities adapted to take into account the needs of persons *of* their age and *of their* gender, including appropriate hygiene, food, health services and other infrastructure.

2. Families and unaccompanied minors detained in preparation for return shall be provided with separate accommodation guaranteeing adequate privacy. Personnel shall be adequately trained, *child friendly* and facilities *shall be* adapted to take into account the needs of persons *according to* their age and gender, including appropriate hygiene, food, health services and other infrastructure.

Or. en

**Amendment 158**

**Proposal for a regulation  
Article 36 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Upon issuance of an enforceable return decision and notwithstanding Article 28, competent authorities, with the support of Frontex *where applicable*, shall *systematically and* without undue delay initiate the readmission procedure.

1. Upon issuance of an enforceable return decision, and notwithstanding Article 28, competent authorities with the support of Frontex shall, without undue delay initiate the readmission procedure. *For readmission applications referred to in paragraph 2, the standard readmission form set out in Annex [II] shall be used.*

Or. en

*Justification*

*An Annex for the standard readmission form is to be added to this Regulation.*

**Amendment 159**

**Proposal for a regulation  
Article 36 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. When a travel document needs to

2. When *confirmation of nationality*

be obtained from the third country authorities, the competent authorities shall *submit* a readmission application. *Such readmission application shall include, as relevant, a request for confirmation of nationality and a request for issuance of travel document. Readmission applications shall be submitted without delay and where possible using a standard form pursuant to paragraph 6.*

*or* a travel document needs to be obtained from the third country authorities, the competent authorities shall *initiate the readmission procedure by submitting* a readmission application *and* using *the form set out in Annex [II]*.

Or. en

## Amendment 160

### Proposal for a regulation Article 36 – paragraph 3

*Text proposed by the Commission*

3. *The competent authorities may submit the request for travel document separately where it is preferable for legal or operational reasons, including due to the duration of the validity of the travel document to be issued and the non-availability of the third-country national to receive the travel document immediately after the confirmation of nationality.* Where applicable, the European travel document for return shall be used in compliance with the applicable readmission instrument and Regulation (EU) 2016/1953<sup>29</sup>.

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<sup>29</sup> Regulation (EU) 2016/1953 of the European Parliament and of the Council of 26 October 2016 on the establishment of a European travel document for the return of illegally staying third-country nationals, and repealing the Council Recommendation of 30 November 1994 (OJ L 311, 17.11.2016, p. 13, ELI: <http://data.europa.eu/eli/reg/2016/1953/oj>).

*Amendment*

3. Where applicable, the European travel document for return shall be used in compliance with the applicable readmission instrument and Regulation (EU) 2016/1953<sup>29</sup>.

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<sup>29</sup> Regulation (EU) 2016/1953 of the European Parliament and of the Council of 26 October 2016 on the establishment of a European travel document for the return of illegally staying third-country nationals, and repealing the Council Recommendation of 30 November 1994 (OJ L 311, 17.11.2016, p. 13, ELI: <http://data.europa.eu/eli/reg/2016/1953/oj>).

Or. en

## Amendment 161

### Proposal for a regulation Article 36 – paragraph 6

*Text proposed by the Commission*

*Amendment*

6. *The Commission shall be empowered to adopt an implementing act in accordance with Article 49(2) for the purpose of determining the standard form to be used to submit readmission applications referred to in paragraph 2. Such standard form shall set out:*

*deleted*

*a. the format for readmission applications;*

*b. the elements of a readmission application including the request for confirmation of nationality and the request for issuance of travel document.*

Or. en

## Amendment 162

### Proposal for a regulation Article 36 – paragraph 7

*Text proposed by the Commission*

*Amendment*

7. The readmission procedure in third countries shall be supported by dedicated Union return liaison officers financed by the Union. Such liaison officers shall be part of the structure of the Union Delegations and shall closely coordinate with the Commission in achieving the relevant Union policy priorities.

7. The readmission procedure in third countries shall, ***whenever possible***, be supported by dedicated Union return liaison officers financed by the Union. Such liaison officers shall be part of the structure of the Union Delegations and shall closely coordinate with the Commission in achieving the relevant Union policy priorities.

Or. en

## Amendment 163

### Proposal for a regulation Article 36 – paragraph 7 a (new)

*Text proposed by the Commission*

*Amendment*

**7a.** *Any failure of third countries to cooperate for the purposes of readmission and reintegration of their nationals shall be assessed by the Commission as part of the annual assessment on the relations between the Union and the third countries such as on readmission cooperation under Article 25a of Regulation (EC) No 810/2009 of the European Parliament and of the Council<sup>1a</sup>.*

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<sup>1a</sup> *Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (OJ L 243, 15.9. 2009, p. 1, ELI:  
<http://data.europa.eu/eli/reg/2009/810/oj>).*

Or. en

## Amendment 164

### Proposal for a regulation Article 37

*Text proposed by the Commission*

*Amendment*

**Article 37**

**deleted**

**Communication with non-recognised  
third-country entities**

**1.** *The competent authorities may communicate, as necessary, with non-recognised third country entities responsible for one or more of the steps of the readmission procedure.*

**2.** *Such communication shall be limited to what is necessary for carrying out the readmission procedure and shall not amount to diplomatic recognition of*

*the entities concerned.*

Or. en

## Amendment 165

### Proposal for a regulation Article 38 – paragraph 1

*Text proposed by the Commission*

1. Member States shall ***make use of all appropriate means of cooperation and of exchanging information to implement*** this Regulation.

*Amendment*

1. Member States shall, ***upon request, exchange information concerning a person falling within the scope of*** this Regulation, ***for the purpose of carrying out the return procedure, readmission procedure and providing reintegration assistance.***

***That information shall be exchanged only through the EU Information Systems referred to in Article 4(15) of Regulation (EU) 2019/818<sup>1a</sup> or through supplementary information in accordance with Regulation (EU) 2018/1860.***

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***1<sup>a</sup> Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, ELI:  
<http://data.europa.eu/eli/reg/2019/818/oj>).***

Or. en

## Amendment 166

### Proposal for a regulation Article 38 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. Notwithstanding the information exchange referred to in paragraph 1, Member States shall make use of all appropriate means of cooperation and of exchanging information to implement this Regulation.***

Or. en

## **Amendment 167**

### **Proposal for a regulation Article 38 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The exchange of information shall be carried out at the request of a Member State and ***may*** only take place between Member States' competent authorities.

2. ***In such cases***, the exchange of information shall be carried out at the request of a Member State and ***shall*** only take place between Member States' competent authorities.

Or. en

## **Amendment 168**

### **Proposal for a regulation Article 38 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. ***Member States shall communicate to each other, on request, information concerning a person within the scope of this Regulation for the purpose of carrying out the return procedure, the readmission procedure and providing reintegration assistance.***

***deleted***

Or. en

## Amendment 169

### Proposal for a regulation Article 38 – paragraph 4

*Text proposed by the Commission*

*Amendment*

**4. Where the information referred to in paragraph 3 can be exchanged through the EU Information Systems referred to in point 15 of Article 4 of Regulation (EU) 2019/818 of the European Parliament and of the Council<sup>30</sup> or through supplementary information in compliance with Regulation (EU) 2018/1860, such information shall be exchanged only through those means.**

*deleted*

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<sup>30</sup> *Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, ELI: <http://data.europa.eu/eli/reg/2019/818/oj>).*

Or. en

## Amendment 170

### Proposal for a regulation Article 38 – paragraph 6 – introductory part

*Text proposed by the Commission*

*Amendment*

**6. The information referred to in paragraph 3 shall include in particular:**

**6. The information referred to in paragraph *I* shall include in particular:**

Or. en

## Amendment 171

### Proposal for a regulation

#### Article 38 – paragraph 6 – point a

*Text proposed by the Commission*

a. information necessary to establish the identity of the third-country national and, where applicable, the identity of his or her family members, relatives and any other family relations, ***in particular surname(s); forename(s); where appropriate, former name(s) and other name(s) (alias(es), pseudonym(s)); date, place and country of birth; sex;***

*Amendment*

a. information necessary to establish the identity of the third-country national and, where applicable, the identity of his or her family members, relatives and any other family relations;

Or. en

## Amendment 172

### Proposal for a regulation

#### Article 38 – paragraph 6 – point b

*Text proposed by the Commission*

b. information related to the biometric data taken of the third-country national in accordance with Regulation (EU) 2024/1358, ***in particular facial image(s); dactyloscopic data; the date on which the biometric data were taken; the Eurodac reference number used by the Member State of origin;***

*Amendment*

b. information related to the biometric data taken of the third-country national in accordance with Regulation (EU) 2024/1358;

Or. en

## Amendment 173

### Proposal for a regulation

#### Article 38 – paragraph 6 – point c

*Text proposed by the Commission*

c. information related to the nationality and the travel document(s) of

*Amendment*

c. information related to the nationality and the travel document(s) of

the third-country national, *in particular current nationality(ies) and previous nationality(ies); type, number and country of issue of the travel document(s); the date of issue and the date of expiry of the travel document(s);*

the third-country national;

Or. en

#### **Amendment 174**

##### **Proposal for a regulation Article 38 – paragraph 6 – point f**

*Text proposed by the Commission*

f. information related to the return operation of the third-country national, *in particular on flight details; other travel arrangements; indication of whether the third-country national is a particularly dangerous person requiring specific arrangements during the return operation; information relating to escorting;*

*Amendment*

f. information related to the return operation of the third-country national;

Or. en

#### **Amendment 175**

##### **Proposal for a regulation Article 38 – paragraph 6 – point g**

*Text proposed by the Commission*

g. information related to the reintegration of the third-country national, *in particular family composition, marital status, contact information of family members in the country of return, work experience, education level, diplomas;*

*Amendment*

g. information related to the reintegration of the third-country national;

Or. en

## Amendment 176

### Proposal for a regulation Article 38 – paragraph 8

*Text proposed by the Commission*

8. The information exchanged *may* be used only for the purposes set out in paragraph 3. In each Member State such information *may*, depending on its type and the powers of the recipient authority, only be communicated to authorities or judicial authorities entrusted with the return procedure, the readmission procedure or the provision of reintegration assistance.

*Amendment*

8. The information exchanged *shall* be used only for the purposes set out in paragraph 1. In each Member State such information *shall*, depending on its type and the powers of the recipient authority, only be communicated to authorities or judicial authorities entrusted with the return procedure, the readmission procedure or the provision of reintegration assistance.

Or. en

## Amendment 177

### Proposal for a regulation Article 40 – title

*Text proposed by the Commission*

Transfer of data to third countries relating to criminal convictions of third-country nationals for the purposes of readmission *and reintegration*

*Amendment*

Transfer of data to third countries relating to criminal convictions of third-country nationals for the purposes of readmission

Or. en

## Amendment 178

### Proposal for a regulation Article 40 – paragraph 1 – point b

*Text proposed by the Commission*

*b. the transfer of data is necessary for the purposes of carrying out the readmission procedure referred to in Article 36;*

*Amendment*

*deleted*

## Amendment 179

### Proposal for a regulation

#### Article 40 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4a. Transfers to third countries of data relating to criminal convictions of third-country nationals shall be subject to a strict necessity test and shall not lead to handing down or executing a death penalty or any form of cruel and inhuman treatment.**

Or. en

## Amendment 180

### Proposal for a regulation

#### Article 42 – paragraph 1 – point c

*Text proposed by the Commission*

*Amendment*

c. the necessary resources and sufficient competent personnel in Member States for the implementation of this Regulation, ***including for detention***;

c. the necessary resources and sufficient competent personnel in Member States for the implementation of this Regulation;

Or. en

## Amendment 181

### Proposal for a regulation

#### Article 42 – paragraph 1 – point d

*Text proposed by the Commission*

*Amendment*

d. digital systems for managing the return, readmission ***and reintegration*** of third-country nationals;

d. digital systems for managing the return ***and*** readmission of third-country nationals;

**Amendment 182****Proposal for a regulation****Article 42 – paragraph 1 – point f***Text proposed by the Commission*

f. Union bodies, offices and agencies **supporting** pursuant to Article 43(4) and in line with their respective mandates.

*Amendment*

f. **Financial support by the Union and operational support by the** Union bodies, offices and agencies, **in particular the support of Frontex**, pursuant to Article 43(4), and in line with their respective mandates.

Or. en

**Amendment 183****Proposal for a regulation****Article 42 – paragraph 2***Text proposed by the Commission*

2. The Union and the Member States shall identify common priorities in the field of return, readmission and reintegration and ensure the necessary follow-up, taking into account the European Asylum and Migration Management Strategy adopted pursuant to Article 8 of Regulation (EU) 2024/1351, the implementation of the return border procedure pursuant to Regulation (EU) **2024/1351**, the assessment of the level of cooperation of third-countries with Member States on readmission in accordance with Article 25a of Regulation (EC) 810/2009 **of the European Parliament and of the Council**<sup>32</sup> and the Union readmission instruments and any other Union instrument relevant for the cooperation on readmission.

*Amendment*

2. The Union and the Member States shall identify common priorities in the field of return, readmission and reintegration and ensure the necessary follow-up, taking into account the European Asylum and Migration Management Strategy adopted pursuant to Article 8 of Regulation (EU) 2024/1351, the implementation of the return border procedure pursuant to Regulation (EU) **2024/1349**, the assessment of the level of cooperation of third-countries with Member States on readmission in accordance with Article 25a of Regulation (EC) 810/2009 and the Union readmission instruments and any other Union instrument relevant for the cooperation on readmission.

<sup>32</sup> *Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15.9.2009, p. 1, ELI: <http://data.europa.eu/eli/reg/2009/810/oj>).*

Or. en

## Amendment 184

### Proposal for a regulation Article 42 – paragraph 3

#### *Text proposed by the Commission*

3. The Union and the Member States shall ensure loyal cooperation and close coordination between competent authorities and between the Union and the Member States, ***as well as synergy between internal and external components***, taking into account their shared interest in the effective functioning of the Union's asylum and migration management policies.

#### *Amendment*

3. The Union and the Member States shall ensure loyal cooperation and close coordination between competent authorities and between the Union and the Member States, taking into account their shared interest in the effective functioning of the Union's asylum and migration management policies.

Or. en

## Amendment 185

### Proposal for a regulation Article 43 – paragraph 2

#### *Text proposed by the Commission*

2. Each Member State shall allocate the necessary resources to competent authorities, including appropriately trained staff who received guidance to fulfil their obligations set out in this Regulation.

#### *Amendment*

2. Each Member State shall allocate the necessary resources to competent authorities, including appropriately trained staff who received guidance to fulfil their obligations set out in this Regulation ***as well as sufficient resources for developing fully-fledged digital systems for managing the return, readmission and reintegration of third-country nationals pursuant to Article 42 (1d)***.

## Amendment 186

### Proposal for a regulation Article 43 – paragraph 3

*Text proposed by the Commission*

3. Member States shall ensure a sufficient level of detention capacity taking into account actual needs and expected returns in the next 12 months, particularly for the purpose of well-prepared systems and contingency planning pursuant to Article 7 of Regulation (EU) 2024/1351.

*Amendment*

3. Member States shall ensure ***sufficient human and financial resources to provide alternatives to detention as well*** as a sufficient level of detention capacity taking into account actual needs and expected returns in the next 12 months, particularly for the purpose of well-prepared systems and contingency planning pursuant to Article 7 of Regulation (EU) 2024/1351.

Or. en

## Amendment 187

### Proposal for a regulation Article 44 – paragraph 1 – point c

*Text proposed by the Commission*

c. leading or supporting the policy dialogue and exchanges with the authorities of third countries for the purpose of facilitating readmission;

*Amendment*

c. leading or supporting the policy dialogue and exchanges with the authorities of third countries for the purpose of facilitating readmission ***where this is not possible by the enforcing Member State;***

Or. en

## Amendment 188

### Proposal for a regulation Article 44 – paragraph 1 – point d

*Text proposed by the Commission*

d. contacting the competent authorities of third countries for the purpose of verifying the identity of third-country nationals and obtaining a valid travel document;

*Amendment*

d. contacting the competent authorities of third countries for the purpose of verifying the identity of third-country nationals and obtaining a valid travel document ***where this is not possible by the enforcing Member State***;

Or. en

**Amendment 189**

**Proposal for a regulation**

**Article 44 – paragraph 1 – point e**

*Text proposed by the Commission*

e. organising, on behalf of the requesting Member State, the practical arrangement for the enforcement of return;

*Amendment*

e. organising, on behalf of the requesting ***Member State, where this is not possible by the enforcing*** Member State, the practical arrangement for the enforcement of return;

Or. en

**Amendment 190**

**Proposal for a regulation**

**Article 45 – paragraph 1**

*Text proposed by the Commission*

1. Member States ***may*** request that their competent authorities be assisted by experts deployed or supported by Frontex, including return liaison officers and other liaison officers, in accordance with Regulation (EU) 2019/1896.

*Amendment*

1. Member States ***shall*** request that their competent authorities be assisted by experts deployed or supported by Frontex, including return liaison officers and other liaison officers, in accordance with Regulation (EU) 2019/1896.

Or. en

## Amendment 191

### Proposal for a regulation Article 46 – paragraph 2

*Text proposed by the Commission*

2. Member States shall ensure that information about return and reintegration is also provided prior to issuing the return decision, in particular when Article 37 of Regulation (EU) 2024/1348 is applicable.

*Amendment*

2. Member States shall ensure that information about return and reintegration is also provided prior to issuing the return decision, in particular when Article 37 of Regulation (EU) 2024/1348 is applicable, ***to ensure that third-country nationals are aware of their obligations to cooperate.***

Or. en

## Amendment 192

### Proposal for a regulation Article 46 – paragraph 3

*Text proposed by the Commission*

3. Member States shall establish national programmes for supporting the return and reintegration and shall, as a general rule, make use of the programmes provided by the Union. National programmes and reintegration assistance provided by the Union shall consist of logistical, financial and other material or in-kind assistance or incentives, including reintegration assistance in the country of return, provided to a third-country national.

*Amendment*

3. Member States shall establish national programmes for supporting the return and reintegration and shall, as a general rule, make use of the programmes provided by the Union. National programmes and reintegration assistance provided by the Union shall consist of logistical, financial and other material or in-kind assistance or incentives, including reintegration assistance in the country of return, provided to a third-country national. ***Reintegration counselling shall be available for third-country nationals who cooperate with the competent authorities as referred to in paragraph 5.***

Or. en

## Amendment 193

### Proposal for a regulation Article 46 – paragraph 5 – point b

*Text proposed by the Commission*

b. whether the third country national is returning voluntarily, ***or is subject to removal***;

*Amendment*

b. whether the third country national is returning voluntarily;

Or. en

**Amendment 194**

**Proposal for a regulation  
Article 46 – paragraph 5 – point d**

*Text proposed by the Commission*

d. whether the third country national has been convicted of a criminal offence;

*Amendment*

d. whether the third country national has been convicted of a criminal offence, ***in which case the third country national shall not be entitled to reintegration support.***

Or. en

**Amendment 195**

**Proposal for a regulation  
Chapter VIII a (new)**

*Text proposed by the Commission*

*Amendment*

***Chapter VIIIa***

***Article 46a***

***Amendments to Regulation (EU)  
2019/1896***

***Regulation (EU) 2019/1896 is amended as follows:***

***(1) in Article 10(1), point (o) is replaced by the following:***

***‘(o) Set up the European Monitoring Mechanism for Removals pursuant to Article 51’;***

***(2) Article 51 is replaced by the***

*following:*

***‘Article 51 European Monitoring Mechanism for Removals***

- 1. In order to monitor respect for fundamental rights during removal, the Agency shall establish a centralised European Monitoring Mechanism for Removals under the management of the fundamental rights officer.***
  - 2. The European Monitoring Mechanism for Removals shall be composed of a dedicated secretariat and a pool of independent Agency forced-return monitors replacing the existing pool of forced-return monitors. The European Monitoring Mechanism for Removals shall be competent to carry out forced-return monitoring activities in accordance with Article 15 of [this amending Regulation]. Forced-return monitors with specific expertise in child protection shall be included in the pool.***
  - 3. The Agency shall ensure appropriate human and financial means to ensure that the European Monitoring Mechanism for Removals may effectively carry out its tasks.***
  - 4. The forced-return monitors shall be subject to the Staff Regulations and the Conditions of Employment and shall be independent in the performance of their duties.***
  - 5. FRA shall issue general guidance and shall be regularly consulted on the functioning of the European Monitoring Mechanism for Removals, including on its monitoring methodology. FRA shall provide regular training to the forced-return monitors.’;***
- (3) in Article 65(2), point (a) is replaced by the following:***
- ‘(a) the number of staff that each Member State has committed to the standing corps, including through the reserve for rapid reaction;’;***

(4) *in Article 109(3), first subparagraph, point (c) is replaced by the following:*

*‘(c) nominate fundamental rights monitors as forced-return monitors for the European Monitoring Mechanism for Removals referred to in Article 51;’;*

(5) *in Article 110, paragraph 4 is replaced by the following:*

*‘4. Fundamental rights monitors shall be nominated by the fundamental rights officer as forced-return monitors for the European Monitoring Mechanism for Removals referred to in Article 51.’.*

Or. en

## Amendment 196

### Proposal for a regulation Article 47 – paragraph 1

*Text proposed by the Commission*

1. In situations where an exceptionally large number of third-country nationals to be returned places an unforeseen heavy burden on the capacity of the detention facilities of a Member State or on its administrative or judicial staff, such a Member State may, as long as the exceptional situation persists, decide to allow for periods for judicial review *longer than those provided for in Article 33(3)* and to take urgent measures in respect of the conditions of detention derogating from those set out in Articles 34(1) and 35(2).

*Amendment*

1. In situations where an exceptionally large number of third-country nationals to be returned places an unforeseen heavy burden on the capacity of the detention facilities of a Member State or on its administrative or judicial staff, such a Member State may, as long as the exceptional situation persists, decide to allow for *longer* periods for judicial review and to take urgent measures in respect of the conditions of detention derogating from those set out in Articles 34(1) and 35(2).

Or. en

## Amendment 197

### Proposal for a regulation Article 48 – paragraph 1 – point c a (new)

*Text proposed by the Commission*

*Amendment*

*ca. number of cases where Frontex did not support in the return or removal procedure and the reasons why.*

Or. en

## **Amendment 198**

### **Proposal for a regulation**

#### **Article 52 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 9(1) shall apply from one year from the date of entry into force of this Regulation.*

Or. en

## **Amendment 199**

### **Proposal for a regulation**

#### **Article 52 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

*Member States may apply Article 9(1) prior to the date referred to in paragraph 1a of this Article.*

Or. en

## EXPLANATORY STATEMENT

The Commission proposal for a Regulation of the European Parliament and of the Council establishing a common system for the return of third-country nationals staying illegally in the Union, and repealing Directive 2008/115/EC of the European Parliament and the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC comes at the right moment. With the implementation of the Pact in June 2026, this Regulation serves as the final piece of the key legislation aimed at addressing illegal migration within the European Union while taking into account the fundamental rights of the third-country national concerned. Without a functioning system on returns, the European migration framework can never operate effectively.

Right now, based on the available data, only around 20 percent of rejected asylum seekers are actually returned to their country of origin. This situation is deeply concerning, as it undermines both public confidence and support for our common migration policies. Moreover, it has the unintended consequence of leaving genuine refugees, those truly in need of protection, out in the cold as well as those who migrate for other reasons via legal pathways.

One of the main reasons for this shortcoming lies in the outdated legal framework, which dates back to 2008. A previous attempt to revise this directive was made, but unfortunately it did not lead to a successful outcome due to a missing Parliament position. This clearly demonstrates the urgent need for a more effective, fast and modern approach.

The only way to ensure a successful, swift and efficient return system is to approach it at European level. Member States share a collective responsibility to contribute to this effort, as this is a challenge that affects us all. The Rapporteur took this in mind while drafting further on the proposal.

### A European approach

Given the importance of a truly European approach, it is useful to begin with the most significant change compared to the current framework, namely the mandatory mutual recognition between Member States. With this new obligation, we aim to prevent an increase in secondary movements and to reduce the administrative burden for Member States, as no entirely new procedure will be required. It will speed up the return processes throughout the Union. To further decreasing pressure on Member States, Frontex will due to this report play a greater role in the return procedure, with the newly introduced obligation of Member States to ask Frontex for support within the return process. Besides, Member States will also be able to build on one another's assessments, which will be accessible through the Schengen Information System (SIS). An example of such an assessment is the well-known age assessment.

Mutual recognition has already been introduced by the Commission. However, in the rapporteur's view, it would be far more efficient to allow for an immediate start of the recognition with a standard return order, and with a full implementation across all Member States after one year. This transitional period will provide Member States with sufficient time to adapt and align their national systems accordingly.

This European approach also encompasses the newly introduced readmission procedure. The Commission's draft proposal provided a solid starting point. However, in the rapporteur's opinion, the extensive level of detail risks creating an additional administrative burden. The approach proposed in this draft therefore offers a simplified and more streamlined solution through a standardised application form, accessible via SIS. This form will only need to be used when necessary. By introducing a common template, other Member States will be able to

consult ongoing procedures more easily, thereby facilitating mutual recognition.

The draft highlights and introduces the new obligation of third countries to cooperate with readmission, especially regarding identification and travel documents. Non-cooperation will be assessed by the Commission and will have the necessary consequences since it costs an unnecessary delay in procedure but also shows a lack of trust between the Union and the specific third country. The Commission did not touch upon this even though it's a mission piece in the legislation.

#### Voluntary return

The draft gives priority to voluntary instead of forced return in contrary with the Commission's proposal. It is clear that voluntary return is more sustainable, effective and efficient. To intensify the benefits of voluntary return, it is in this draft not possible, except when there is a security threat, to give out an entry ban when someone leaves voluntarily and in compliance. Besides, reintegration support is also only possible in these cases of voluntary returns. All these changes are aimed to increase voluntary return as a primary option. But even though voluntary return is the preferred way for returning third-country nationals who have no right to stay, removal is still an important part of the Regulation. Especially since not cooperating with the authorities of the Member States can result in unnecessary delays and an overburden of the system. The whole regulation revolves around returning, so when returning voluntary is not possible or the third-country national will/ is not cooperating, removal stays a possibility to put in place for the Member States. For third-country nationals who poses a security threat, removal should always be possible to keep the safety within the Schengen borders.

#### Return to a third country with which there is an agreement

Because of the importance of actually returning someone out of the Schengen borders, the option proposed by the Commission for returning a third-country national to a country with which there is an agreement is still on the table. It has not gone unnoticed that the proposal for this has raised significant concerns. Nevertheless, it reflects a broad desire among the European Union since it can be a safeguard for Member States in dealing with illegal migration and serves as a valuable incentive to encourage the preferred voluntary returns or cooperation. It is necessary to create a sustainable system that works on a long time basis.

But return to a third country with which there is an agreement can only be done with strict provisions. The draft takes safeguards sufficiently more into account, and such measures may only be implemented on the basis of last resort. To make sure that it only serves as a matter of last resort, a new hierarchy is introduced in article 4. Furthermore, minors and families with minors remain excluded from the return hubs.

Finally, while it is possible to regulate this solely at the level of Member States with remaining flexibility, there is a clearer preference added in this draft for a European Union-level approach.

#### Fundamental rights, the right to information and monitoring

Sixthly, since fundamental rights are key throughout the whole European Union, it is further broadened in this draft. Despite the obligation to return, we must not lose sight of the fact that we are ultimately speaking about people. Hence, the principle of non-refoulement must be respected throughout the draft.

At the same time, it is essential that any measures adopted under this legislation remain proportionate and fully in line with fundamental rights.

As a seventh point, and closely linked to the safeguards and the cooperation of the third-country national, special attention is paid in this draft to the right to information. It is essential to provide clear and understandable information from the beginning to the end of the procedure. Without

sufficient information, it is impossible for the person concerned to cooperate. Moreover, being informed of their rights increases the likelihood that third-country nationals will engage constructively with the process. A new introduction is made of easy leaflets for persons with little or no literacy skills, to ensure that they also receive accurate information and can understand it.

The development of a proper monitoring system also deserves more attention, mainly for two reasons. On the one hand, because this is a regulation, and the European vision should be further enhanced in line with the rest of this draft. On the other hand, because return options are broadened, and we must ensure that removals are sustainable and respectful to fundamental rights. Therefore, a truly European, effective and consistent monitoring system within Frontex is essential in stead of leaving it for the Member States. With make it more centralised, there is a clear overview of the whole return process and the importance of upholding fundamental rights.

#### The obligation to cooperate

Because of the increased focus on voluntary return, there is, as in the Commission's proposal, sufficient attention given to the obligation to cooperate. Indeed, additional measures are provided to facilitate return, including enhanced information provision, assistance with the return process, and support for reintegration. Should an individual nevertheless fail to cooperate, certain consequences will in this draft also apply. Without these measures, the system would remain ineffective, and we would be unable to exceed the current return rate of around 20 percent. In this way, the framework becomes more balanced and effective.

These consequences are proportionate and fair within the context of the proposal. Special attention has been paid in this draft to alternatives to detention to ensure that regular detention remains a measure of last resort. This is why the order in the Regulation is changed. After all, statistics show that detention is effective only in cases where a person can be returned quickly, thereby ensuring the efficiency of the return process and helping to prevent overburdening the system. Further, in this draft, the duration of detention is brought back to the duration know in the current Directive because of positive results. This, of course, does not apply to individuals who constitute a security risk. Nevertheless, detention is still necessary, especially in cases where there is a risk of absconding. This means that detention for minors and families with minors should stay possible to overcome the misuse of minors.

#### Entry bans and the right to an effective remedy

New in this draft is the introduction of an unlimited entry ban for individuals who pose such a significant security risk within the European Union, that it is necessary that they can never return to the Schengen border. This goes for war criminals and terrorists. They should never have a place in our society. On the other hand, extension of an entry ban is no longer possible because of practical reasons but also the lack of proportionality. Besides the unlimited entry ban and the deletion of extension, maximum time limits are introduced to make sure that entry bans are always legitimate, fair and constructive. With this maximum, it is up to the Member States to decide how long the entry ban can be.

As a ninth point, careful attention has been given to the right to an effective remedy. Every third-country national required to return has the right to an effective remedy if they consider that the procedure is not being conducted properly or if there is a risk of non-refoulement. However, this does not imply that an automatic suspensive is always required or necessary in every case. This automatic suspensive effect can result in delays, even though the risk of non-refoulement had already been thoroughly assessed during the initial procedure, or in cases

where the individual had never requested for protection. To prevent possible unnecessary delays, this requirement has been removed, while still preserving the possibility to submit a request for suspension when needed and the possibility to receive legal assistance and representation.

#### Data sharing

Finally, as reflected in the draft, a positive assessment has been made of the rules on data sharing. A Regulation provides an opportunity to place greater emphasis on data safety which should remain at the centre of attention. With the new mutual recognition, it is of upmost important that Member States share the required data with each other in respect with data protection. In this draft, data sharing between Member States is only possible with the authorities or judicial authorities entrusted with the return procedure. Further, not all the proposed details from the Commission are of added value, and sufficient flexibility must be maintained.

Of course, data sharing and protection are also important for the readmission procedure and contact with the third countries, where it is part of a trusted relationship. Without data sharing it is impossible to start a procedure. Extra attention is given to data sharing relating criminal offences since it must not lead to handing down or executing a death penalty or any form of cruel and inhuman treatment.

The Rapporteur welcomes the proposal of the Commission and is convinced that a swift implementation is possible that aligns with the implementation of the Migration Pact when everyone takes responsibility.