REPORT


Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Jussi Halla-aho
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


(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2015)0668),
– having regard to Article 294(2) and Article 79(2)(c) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0405/2015),
– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
– having regard to Rule 59 of its Rules of Procedure,
– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0201/2016),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation
Recital 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The return of third-country nationals who do not fulfil or no longer fulfil the conditions for entry, stay or residence in the Member States, in full respect of fundamental rights, in particular of the principle of non-refoulement, and in compliance with the provisions of Directive 2008/115/EC, is an essential part of the comprehensive efforts to ensure</td>
<td>(1) The return of third-country nationals who do not fulfil or no longer fulfil the conditions to enter or stay in the territory of the Union, in full respect of fundamental rights, in particular of the principle of non-refoulement, and in compliance with the provisions of Directive 2008/115/EC of the European Parliament and of the Council, is an</td>
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</table>
the credibility and proper functioning of the Union migration policies and to reduce and deter irregular migration.


Amendment 2
Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission


Amendment 3
Proposal for a regulation
Recital 1 b (new)

Text proposed by the Commission

(1b) It is essential to take account of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and...
Cultural Rights of 16 December 1966 and the protocols thereto.

Amendment 4
Proposal for a regulation
Recital 1 c (new)

Text proposed by the Commission

Amendment

(1c) It is essential to take account of the United Nations Convention relating to the Status of Stateless Persons of 28 September 1954.

Amendment 5
Proposal for a regulation
Recital 1 d (new)

Text proposed by the Commission

Amendment

(1d) It is essential to take account of the Convention for the Protection of Human Rights and Fundamental Freedoms.

Amendment 6
Proposal for a regulation
Recital 2

Text proposed by the Commission

Amendment

(2) National authorities of the Member States experience difficulties in returning illegally staying third-country nationals who possess no valid travel documents.

(2) Since some third-country-nationals staying irregularly on the territory of the Union do not possess valid travel documents, national authorities of the Member States experience serious difficulties in returning them lawfully and safely to their country of return.

Amendment 7
Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

(2a) Despite the fact that Council Recommendation of 30 November 1994 provided for a standard travel document, the continued lack of a harmonised travel document for return across the Union has been identified as one of the factors contributing to low recognition rates of the travel documents for return in Union readmission agreements with third countries and of the document in general by third countries. These low recognition rates are also often due to the varying formats, standards and security features of existing travel documents for return.


Amendment 8

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Improving cooperation on return and readmission with the main countries of origin and transit of illegally staying third-country nationals is essential for increasing rates of return, which are unsatisfactory.

Amendment

(3) Improving cooperation, including enhanced cooperation, on return and readmission with the main countries of origin and transit of third-country nationals staying irregularly on the territory of the Union is essential for increasing rates of returns, which are unsatisfactory. This includes an improved European travel document for the return of third-country nationals.
Amendment 9
Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) The current standard travel document for the \textit{expulsion} of third-country nationals, established by Council Recommendation of 30 November 1994\textsuperscript{1}, is not widely accepted by authorities of third countries, for reasons including \textit{its inadequate security standards}.


Amendment

(4) The current standard travel document for the \textit{return} of third-country nationals, established by Council Recommendation of 30 November 1994\textsuperscript{1}, is not widely accepted by authorities of third countries for various reasons including \textit{the lack of harmonised and adequate security standards and of common technical features, including safeguards against counterfeiting and falsification, as well as the differing formats and information requirements of each Member State and the number of languages in which the forms are provided}.


Amendment 10
Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) It is therefore necessary to promote the acceptance by third countries of an improved European return \textit{laissez-passer} as the \textit{reference} document for return purposes.

Amendment

(5) It is therefore necessary to promote the acceptance by third countries of an improved \textit{and harmonised} European return \textit{laissez-passer} as the document for return purposes.
Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) A more secure European travel document for the return of third-country nationals should be established to facilitate return and readmission of illegally staying third-country nationals. Its enhanced security features should facilitate its recognition by third countries. Such document should help carry out returns in the context of readmission agreements or other arrangements with third countries, as well as in the context of return-related co-operation with third countries not covered by formal agreements.

Amendment

(6) A more secure and harmonised European travel document for the return of third-country nationals should be established in order to help facilitate return and readmission of third-country nationals staying irregularly on the territory of the Union. Its enhanced security and technical features should facilitate its recognition by third countries. Such document should help carry out returns in the context of readmission agreements concluded by the Union or the Member States with third countries or other legal arrangements concluded by the Union with third countries, as well as in the context of return-related co-operation with third countries not covered by formal agreements.

Amendment 12

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

(6a) The readmission of own nationals is an obligation under international customary law with which all States are required to comply. In relation to African, Caribbean and Pacific (ACP) countries, this obligation is further provided for in Article 13 of the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, which commits all signatory States to readmit their own nationals without further formalities.
Amendment 13
Proposal for a regulation
Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) The negotiation of new Union readmission agreements, which should take precedence over bilateral agreements between Member States and third countries, would guarantee a more effective implementation of this Regulation, within the framework of a more coherent return policy.

Amendment 14
Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) Readmission agreements concluded by the Union with third countries should seek the recognition of the European travel document for return. Member States should seek the recognition of the European travel document for return in bilateral agreements and other arrangements as well as in the context of return-related co-operation with third countries not covered by formal agreements.

Amendment 15
Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7) Readmission agreements concluded by the Union with third countries should seek to include in their terms the European travel document for return. Member States should seek to obtain the guarantee of the recognition of the European travel document for return in bilateral agreements and other legal arrangements entered into with third countries not covered by formal agreements.
(7a) If third countries entering into readmission agreements, either with the Union or the Member States, refuse to legally recognise the European travel document for return, a formal explanation for such refusal should be provided.

Amendment 16
Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) The European travel document for return should help reduce the administrative and bureaucratic burden on Member States' and third countries' administrations, including consular services, and it should contribute to reducing the length of the administrative procedures necessary for ensuring return and readmission of *illegally* staying third-country nationals.

Amendment

(8) The European travel document for return should help reduce the administrative and bureaucratic burden on Member States' and third countries' administrations, including consular services, and, *without prejudice to the fundamental rights of returnees, including the right to asylum, protection in the event of removal, expulsion or extradition and the right to an effective remedy and to a fair trial*, it should contribute to reducing the length of the administrative procedures necessary for ensuring return and readmission of *irregularly* staying third-country nationals.

Justification

*The Regulation shall apply without prejudice to the right to an effective remedy and to a fair trial provided for in Article 47 of the Charter; to the right to asylum provided for in Article 18 of the Charter and to the protection in the event of removal, expulsion or extradition provided for in Article 19 of the Charter.*

Amendment 17
Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) This Regulation should only harmonise the format and technical

Amendment

(9) This Regulation should only harmonise the format and *security* and
specifications of a European travel document for return and should not harmonise rules on the issuing of such document.

technical specifications of a European travel document for return, in particular as regards safeguards against counterfeiting and falsification, and should neither specify the legal requirements of harmonising rules on the issuing of such document nor the merits of such harmonisation.

Amendment 18
Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

(9a) Member States should take all the necessary steps to ensure the systematic use of the European travel document for return in order to ensure the effective return of migrants staying irregularly on the territory of the Union in compliance with Directive 2008/115/EC of the European Parliament and of the Council and in full respect for Union law. In order to improve the efficiency of the European travel document for return, it should be issued without delay.

Amendment 19
Proposal for a regulation
Recital 9 b (new)

Text proposed by the Commission

(9b) A common approach to the format and recognition of travel documents for return is intended to increase cooperation on return and readmission overall and Member States, the Commission and the European External Action Service should prioritise readmission in all relevant contacts at political level with the countries of origin of irregular migrants to ensure that a consistent message is
received by those countries. Such cooperation with countries of origin should also focus on the identification of irregular migrants and the issuing of travel documents. In this context, cooperation with the diplomatic representations of the countries of origin is crucial and should be prioritised.

Amendment 20

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) The content and technical specifications of the European travel document for return should be harmonised in order to ensure high technical and security standards, in particular as regards safeguards against counterfeiting and falsification. The document should bear recognisable harmonised security features. High technical and security standards already exist and are set according to Article 2 of Council Regulation (EC) No 333/2002\(^\text{(11)}\), which should therefore be applied to the European travel document for return.

\(^{11}\) Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form (OJ L 53, 23.2.2002, p. 4).

Amendment

(11) The content and technical specifications of the European travel document for return should be harmonised in order to ensure high technical and security standards, in particular as regards safeguards against counterfeiting and falsification. The document should bear recognisable harmonised security features. Requirements which conform to high technical and security standards already exist and are set according to Article 2 of Council Regulation (EC) No 333/2002\(^\text{(11)}\), and these should therefore be applied to the European travel document for return.

\(^{11}\) Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form (OJ L 53, 23.2.2002, p. 4).

Amendment 21

Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment
(11a) With a view to facilitating exchanges of information among themselves and with the agencies of the Union responsible for migration policy, the Member States should systematically keep a record of the European travel documents for return which have been issued.

Amendment 22

Proposal for a regulation
Recital 12

*Text proposed by the Commission*

(12) In order to amend or supplement certain non-essential elements of the model for a European Travel document for return, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

*Amendment*

(12) In order to amend or supplement certain non-essential elements of the model for a European travel document for return, and to facilitate cooperation between agencies of the Union in the field of migration for the purpose of providing Union travel documents, issuing documents and enhancing consular cooperation with third countries, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level *among the staff of the competent authorities of the Member States and the agencies of the Union responsible for migration policy*, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with
the preparation of delegated acts.


Amendment 23
Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) With regard to the processing of personal data within the framework of this Regulation, competent authorities shall carry out their tasks for the purposes of this Regulation in accordance with the national laws, regulations or administrative provisions transposing Directive 95/46/EC12.

Amendment

(14) With regard to the processing of personal data within the framework of this Regulation, competent authorities shall carry out their tasks for the purposes of this Regulation in accordance with Regulation (EU) 2016/679 of European Parliament and of the Council1a and the national laws, regulations or administrative provisions transposing Directive (EU) 2016/680 of the European Parliament and of the Council1b.


authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

Amendment 24

Proposal for a regulation
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) In due course an assessment of the impact of this Regulation on the implementation of return decisions should be carried out. In that connection, the Commission should take account of all return decisions irrespective of the basis on which they were taken.

Amendment 25

Proposal for a regulation
Recital 23

Text proposed by the Commission

Amendment

(23) This Regulation respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, in particular the protection in the event of removal, expulsion or extradition provided for in Article 19 of the Charter.

(23) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union (the Charter), in particular human dignity as provided for in Article 1 of the Charter and the protection in the event of removal, expulsion or extradition provided for in Article 19 of the Charter. This Regulation should apply without prejudice to the right to an effective remedy and to a fair trial as provided for in Article 47 of the Charter and to the right to asylum as provided for in Article 18 of the Charter.
Amendment 26
Proposal for a regulation
Article 1

Text proposed by the Commission
This Regulation establishes the format and the technical specifications of a European travel document for the return of third-country nationals.

Amendment
This Regulation establishes the common format and the technical and security specifications of a harmonised European travel document for the return of third-country nationals staying irregularly on the territory of the Union.

Amendment 27
Proposal for a regulation
Article 2 – paragraph 1 – point 3 a (new)

Text proposed by the Commission
(3a) 'Union readmission agreements' means agreements which are based on reciprocal obligations and are concluded between the Union and third countries to facilitate the return of persons residing irregularly on the territory of the Union, in accordance with Article 79 (3) TFEU.

Amendment
1. The format of the European travel document for return shall correspond to the model set in the Annex. It shall contain the following information of the third-country national:

(a) the name, surname, date of birth, sex, nationality, distinguishing marks and, if known, the address in the third country national:

1. The format of the European travel document for return shall correspond to the model set in the Annex. It shall contain the following information of the third-country national staying irregularly on the territory of the Union:

(a) the name, surname, date of birth, sex, nationality, distinguishing marks and, if known, the address in the third country
of return of the third-country national;

(b) a photograph;

(c) the issuing authority, date of issue and period of validity.

2. The European travel document for return shall be established in the official language or languages of the Member State that issues the return decision and, where appropriate, it shall be translated into English and French.

3. The document shall be valid for a single journey to the third country of return.

4. Where necessary, additional documents necessary for the return of third-country nationals may be attached to the European travel document for return.

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 6 in order to amend the format of the European travel document for return.

Amendment 29
Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission


Amendment

1. The security features and technical specifications of the European travel document for return shall update those already set in application of Article 2 of Council Regulation (EC) No 333/2002 in order to include digital elements which can ensure the security and safety of the document issued.

Amendment 30

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

The European travel document for return shall be issued free of charge for the third-country national.

Amendment

The European travel document for return shall be issued free of charge for the irregularly staying third-country national.

Amendment 31

Proposal for a regulation
Article 7a (new)

Text proposed by the Commission

Amendment

Article 7a

Review

1. The Commission shall review this Regulation no later than 18 months after its entry into force to assess, in detail, its impact on the effective enforcement of return decisions, and whether it is necessary to amend any of the features of the European travel document for return.

2. That review shall take account of returns in the context of Union readmission agreements, bilateral readmission agreements or other arrangements with third countries, as well
as in the context of return-related cooperation with third countries not covered by formal agreements.

3. For the purposes of this review, Member States shall provide the Commission with all relevant information and statistics with regard to the issuing of the European travel document for return and the enforcement of return decisions, the recognition rate of the document in each third country, and the number of persons to whom more than one travel document for return has been issued.

4. The Commission shall present the results of its review to the Parliament and to the Council accompanied, if appropriate, by a legislative proposal to amend this Regulation.

Amendment 32

Proposal for a regulation
Article 8

Text proposed by the Commission

This Regulation shall enter into force on the […] day following that of its publication in the Official Journal of the European Union.

Amendment

This Regulation shall enter into force on the [twentieth] day following that of its publication in the Official Journal of the European Union.

EXPLANATORY STATEMENT

The return of those who do not qualify for international protection within the EU must be a priority for the European Union. Improving the rate of returns for irregular migrants is vital for the integrity of the EU’s asylum system, for cooperation between EU Member States and third countries, and for maintaining the confidence of EU citizens. In order to stabilise the current migrant crisis, alleviate pressure upon Member States and EU Agencies, and increase capacity and resources within the EU, a long term solution needs to be provided.

The EU cannot continue to be content with its current return rate amongst failed categories of asylum seekers. The existing standard EU travel document requires significant overhaul in its format and its implementation in order to increase its recognition by third countries and be
effective. By harmonizing the format of the travel document, Member States will reduce bureaucracy, variation, costs, and waiting periods, and hopefully increase recognition of the document by third countries.

To date, many third countries are not willing to accept returns papers that are issued by EU Member States because they are poor quality documents. The EU needs to ensure higher technical and security standards, in particular as regards safeguards against counterfeiting and falsification. The Rapporteur therefore proposes setting a technical standard for the photograph provided, enhancing the overall security features of the travel document, and providing translation of the travel documents in both EU languages and the language of the relevant third countries in order to speed up the process.

The Rapporteur also suggests a regular and thorough review and analysis of the workings of the travel document; including the recognition rate of the travel document by each third country, as well as examining any potential improvements which need to made. Such a process needs to be done regularly given the EU’s current migrant crisis. Instruments in the area of asylum and migration cannot be allowed to fail for years before their shortcomings are addressed.

Ensuring the exchange of information between Member States with regard to the issuing of travel documents and individuals listed as illegally staying third country nationals who possess no valid travel documents is essential in order to increase mutual recognition of asylum decisions across the EU, and avoid secondary movement of failed asylum seekers. Therefore, the Rapporteur suggests that copies of travel documents issued by Member States are imputed into the EURODAC system and the Schengen information system.

The rapporteur notes the need to promote the travel document through the work of the EU’s other agencies, the activities of the External Action Service, and any future developments of the FRONTEX and EASO Agencies. The Rapporteur stresses that in order for the travel document to be widely recognised and more effective, it is necessary for this document to be part of a determined pursuit by the EU to gain stronger and more effective readmission agreements with third countries. The recognition of the document should be a requirement of any future EU readmission and cooperation agreement.
## PROCEDURE – COMMITTEE RESPONSIBLE

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<th>Title</th>
<th>European travel document for the return of illegally staying third-country nationals</th>
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<td>Committee responsible</td>
<td>LIBE 1.2.2016</td>
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<td>Jussi Halla-aho 15.2.2016</td>
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<td>30.5.2016</td>
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<td>Result of final vote</td>
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<td>Members present for the final vote</td>
<td>Jan Philipp Albrecht, Martina Anderson, Malin Björk, Michał Boni, Caterina Chinnici, Rachida Dati, Agustín Díaz de Mera García Consuegra, Frank Engel, Tanja Fajon, Laura Ferrara, Monika Flašíková Beňová, Ana Gomes, Nathalie Griesbeck, Jussi Halla-aho, Monika Hohlmeier, Sophia in ‘t Veld, Sylvia-Yvonne Kaufmann, Timothy Kirkhope, Cécile Kashetu Kyenge, Marju Lauristin, Juan Fernando López Aguilar, Claude Moraes, Péter Niedermüller, Soraya Post, Birgit Sippel, Branislav Škripek, Csaba Sógor, Bodil Valero, Marie-Christine Vergiat, Beatrix von Storch, Josef Weidenholzer, Kristina Winberg</td>
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<td>Substitutes present for the final vote</td>
<td>Marina Albiol Guzmán, Hugues Bayet, Carlos Coelho, Pál Csáky, Ska Keller, Miltiadis Kyrkos, Artis Pabriks, Maite Pagazaurtundúa Ruiz, Salvatore Domenico Pogliese, Jaromír Štětina, Róża Gräfin von Thun und Hohenstein, Axel Voss</td>
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<td>Substitutes under Rule 200(2) present for the final vote</td>
<td>Reimer Böge, Edouard Ferrand, Othmar Karas, Ilhan Kyuchyuk, Keith Taylor, Lieve Wierinck</td>
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**FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE**

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<td>Edouard Ferrand</td>
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Key to symbols:
+ : in favour  
- : against  
0 : abstention