



**2015/0306(COD)**

09.5.2016

# **AMENDMENTS**

## **20 - 95**

**Draft report**  
**Jussi Halla-aho**  
(PE578.713v01-00)

European travel document for the return of illegally staying third-country nationals

Proposal for a regulation  
(COM(2015)0668 – C8-0405/2015 – 2015/0306(COD))



**Amendment 20**  
**Marie-Christine Vergiat**

**Proposal for a regulation**

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*Proposal for rejection*

***The European Parliament rejects the Commission proposal.***

Or. fr

**Amendment 21**  
**Marie-Christine Vergiat**

**Draft legislative resolution**  
**Paragraph 2**

*Draft legislative resolution*

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;***

*Amendment*

2. Calls on the Commission to ***withdraw*** its proposal ***and submit a new one;***

Or. fr

**Amendment 22**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

(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<sup>9</sup>, is an essential part of the comprehensive efforts to ensure the credibility and proper***

*Amendment*

(1) ***Any procedure for*** the return of third-country nationals ***should be carried out on a voluntary basis***, in full respect of fundamental rights, ***and such nationals should on no account be returned to countries where they face death or inhuman and degrading treatment.***

*functioning of the Union migration policies and to reduce and deter irregular migration.*

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<sup>9</sup>*Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).*

Or. fr

**Amendment 23**  
**József Nagy**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

(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<sup>9</sup>, is an essential part of the comprehensive efforts to ensure the credibility and proper functioning of the Union migration policies and to reduce and deter irregular migration.

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<sup>9</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

*Amendment*

(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 **of the European Parliament and of the Council**<sup>9</sup>, is an essential part of the comprehensive efforts to ensure the credibility, **public confidence** and proper **and effective** functioning of the Union migration policies and to reduce and deter irregular migration.

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<sup>9</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

Or. en

## Amendment 24

Alessandra Mussolini, Barbara Matera, Salvatore Domenico Pogliese, Monika Hohlmeier

### Proposal for a regulation

#### Recital 1

*Text proposed by the Commission*

(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<sup>9</sup>, is an essential part of the comprehensive efforts to ensure the credibility and proper functioning of the Union migration policies and to reduce and deter irregular migration.

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<sup>9</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

*Amendment*

(1) The return of third-country nationals who do not fulfil or no longer fulfil the conditions for entry *into, stay on* or residence 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<sup>9</sup>, is an essential part of the comprehensive efforts to ensure the credibility and proper functioning of the Union migration policies and to reduce and deter irregular migration.

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<sup>9</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

Or. en

## Amendment 25

Louis Michel, Gérard Deprez

### Proposal for a regulation

#### Recital 1

*Text proposed by the Commission*

(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

*Amendment*

(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<sup>9</sup>, is an essential part of the comprehensive efforts to ensure the credibility and proper functioning of the Union migration *policies* and to reduce and deter irregular migration.

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<sup>9</sup>Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

of the principle of non-refoulement, and in compliance with the provisions of Directive 2008/115/EC<sup>9</sup>, is an essential part of the comprehensive efforts to ensure the credibility and proper functioning of the Union migration *policy* and to reduce and deter irregular migration.

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<sup>9</sup>Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

Or. fr

**Amendment 26**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**(1a) It is essential to take account of the Universal Declaration of Human Rights.**

Or. fr

**Amendment 27**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 1 b (new)**

*Text proposed by the Commission*

*Amendment*

**(1b) It is essential to take account of the United Nations Convention relating to the Status of Refugees of 28 July 1951 and of the protocol relating to that status.**

**Amendment 28**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***(1c) 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.***

Or. fr

**Amendment 29**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 1 d (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. fr

**Amendment 30**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 1 e (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. fr

**Amendment 31**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 1 f (new)**

*Text proposed by the Commission*

*Amendment*

**(1f) It is essential to take account of the United Nations Convention on the Rights of the Child (CRC) of 20 November 1989.**

Or. fr

**Amendment 32**  
**Miriam Dalli, Tanja Fajon**

**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 third-country nationals residing irregularly in the Union do not possess valid travel documents,* national authorities of the Member States experience *serious* difficulties in *lawfully and safely returning them to their country of destination.***

Or. en

**Amendment 33**



**Alessandra Mussolini, Salvatore Domenico Pogliese, Barbara Matera, Monika Hohlmeier**

**Proposal for a regulation  
Recital 2**

*Text proposed by the Commission*

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

*Amendment*

(2) National authorities of the Member States experience difficulties in returning third-country nationals *whose stay on the territory of the Union is illegal and who lack* valid travel documents.

Or. en

**Amendment 34  
Miriam Dalli, Tanja Fajon**

**Proposal for a regulation  
Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*(2a) The lack of a harmonised travel document for return across the Union results in low recognition rates for such travel documents in Union readmission agreements with third countries due to the varying formats, standards and security features of existing travel documents for return.*

Or. en

**Amendment 35  
Marie-Christine Vergiat**

**Proposal for a regulation  
Recital 3**

*Text proposed by the Commission*

*Amendment*

(3) *Improving cooperation on return and readmission with the main countries*

*deleted*

*of origin and transit of illegally staying third-country nationals is essential for increasing rates of return, which are unsatisfactory.*

Or. fr

**Amendment 36**  
**Monika Hohlmeier**

**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 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. ***This should include, in addition to an improved European travel document for the return of third-country nationals which is the subject of this regulation, more determined efforts on the part of the EU to conclude readmission agreements with safe third countries promptly and to implement their provisions properly, with the aid of that document and in a manner entirely consistent with the principle of non-refoulement.***

Or. de

**Amendment 37**  
**Alessandra Mussolini, Salvatore Domenico Pogliese, Barbara Matera, Monika Hohlmeier**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

(3) Improving cooperation on return

*Amendment*

(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.

and readmission with the main countries of origin and transit of third-country nationals *whose stay on the territory of the Union is illegal* is essential for increasing rates of return, which are unsatisfactory.

Or. en

**Amendment 38**  
**Miriam Dalli, Tanja Fajon**

**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 on return and readmission with the main countries of origin and transit of illegally staying third-country nationals, *with full respect for fundamental rights*, is essential for increasing rates of return, which are *as yet* unsatisfactory.

Or. en

**Amendment 39**  
**Miriam Dalli, Tanja Fajon**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) The current standard travel document for the *expulsion* of third-country nationals, established by Council Recommendation of 30 November 1994<sup>10</sup>, is not widely accepted by authorities of third countries, for reasons including *its inadequate* security *standards*.

*Amendment*

(4) The current standard travel document for the *return* of third-country nationals, established by Council Recommendation of 30 November 1994<sup>10</sup>, is not widely accepted by authorities of third countries, for *various* reasons including *the lack of harmonised security and technical features and the lack of safeguards against counterfeiting and falsification*.

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<sup>10</sup> Council Recommendation of 30 November 1994 concerning the adoption of a standard travel document for the expulsion of third-country nationals (OJ C 274, 19.6.1996, p. 18).

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<sup>10</sup> Council Recommendation of 30 November 1994 concerning the adoption of a standard travel document for the expulsion of third-country nationals (OJ C 274, 19.6.1996, p. 18).

Or. en

**Amendment 40**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) The current standard travel document for the expulsion of third-country nationals, established by Council Recommendation of 30 November 1994<sup>10</sup>, is not widely accepted by authorities of third countries, *for reasons including its inadequate security standards*.

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<sup>10</sup>Council Recommendation of 30 November 1994 concerning the adoption of a standard travel document for the expulsion of third-country nationals (OJ C 274, 19.6.1996, p. 18).

*Amendment*

(4) The current standard travel document for the expulsion of third-country nationals, established by Council Recommendation of 30 November 1994<sup>10</sup>, is not widely accepted by authorities of third countries *and its effectiveness has not been assessed*.

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<sup>10</sup>Council Recommendation of 30 November 1994 concerning the adoption of a standard travel document for the expulsion of third-country nationals (OJ C 274, 19.6.1996, p. 18).

Or. fr

**Amendment 41**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

(5) *It is therefore necessary to promote the acceptance by third countries*

*Amendment*

*deleted*

*of an improved European return laissez-passer as the reference document for return purposes.*

Or. fr

**Amendment 42**  
**Marie-Christine Vergiat**

**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) *An impact assessment should be carried out before a European travel document is introduced.*

Or. fr

**Amendment 43**  
**Judith Sargentini**  
on behalf of the Verts/ALE Group

**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

*Amendment*

(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*.

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 with third countries.

Or. en

**Amendment 44**  
**Miriam Dalli, Tanja Fajon**

**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 *harmonised* European travel document for the return of third-country nationals should *help facilitate the* return and readmission of *third-country nationals* staying *illegally in 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 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.

Or. en

**Amendment 45**  
**Louis Michel, Gérard Deprez**

**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 European travel document for the return of ***illegally staying*** third-country nationals should be established to facilitate ***their*** return and readmission. Its enhanced security features should facilitate its recognition by third countries. Such document should help carry out returns in the context of ***bilateral*** readmission agreements, ***readmission agreements concluded by the EU*** 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.

Or. fr

**Amendment 46**  
**József Nagy**

**Proposal for a regulation**  
**Recital 6 a (new)**

*Text proposed by the Commission*

***(6a) Member States should input the data of copies of all European travel documents for return that they have issued in Eurodac and the Schengen Information System as part of increased information sharing in the area of return decisions and in order to facilitate mutual recognition and effective enforcement of return decisions in the area of asylum.***

Or. en

**Amendment 47**  
**Alessandra Mussolini, Salvatore Domenico Pogliese, Barbara Matera, Monika Hohlmeier**

**Proposal for a regulation**

**Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**(6a)** *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.*

Or. en

**Amendment 48**

**Marie-Christine Vergiat**

**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.*

*deleted*

Or. fr

**Amendment 49**

**Judith Sargentini**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Recital 7**



*Text proposed by the Commission*

(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*

(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 ***readmission*** agreements.

Or. en

**Amendment 50**

**Miriam Dalli, Tanja Fajon**

**Proposal for a regulation**

**Recital 7**

*Text proposed by the Commission*

(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*

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

Or. en

**Amendment 51**

**Louis Michel, Gérard Deprez**

**Proposal for a regulation**

**Recital 7**

*Text proposed by the Commission*

(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*

(7) Readmission agreements concluded by the Union with third countries should seek *to guarantee* the recognition *by the third country* of the European travel document for return. Member States should *also seek to obtain a guarantee of* 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.

Or. fr

**Amendment 52**  
**Miriam Dalli, Tanja Fajon**

**Proposal for a regulation**  
**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

*(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.*

Or. en

**Amendment 53**  
**Judith Sargentini**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

*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 it should contribute to reducing the length of the administrative procedures necessary for ensuring return and readmission of illegally staying third-country nationals.

(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 illegally staying third-country nationals.

Or. en

#### *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 54** **Marie-Christine Vergiat**

#### **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 reduction in*** the administrative and bureaucratic burden on Member States' and third countries' administrations, including consular services, ***could be taken into account, provided that the speeding-up of procedures does not serve to undermine the fundamental rights of the persons concerned.***

Or. fr

**Amendment 55**  
**Miriam Dalli, Tanja Fajon**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

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

*Amendment*

(9) This Regulation should only harmonise the format, ***and security*** and 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***.

Or. en

**Amendment 56**  
**Miriam Dalli, Tanja Fajon, Caterina Chinnici**

**Proposal for a regulation**  
**Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

***(9a) Member States should take all the necessary steps to issue the European travel document for returns to ensure the effective return of migrants staying illegally in the Union, with full respect for Union law.***

Or. en

**Amendment 57**  
**Alessandra Mussolini, Salvatore Domenico Pogliese, Barbara Matera, Monika Hohlmeier**

**Proposal for a regulation**  
**Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**(9a) Member States should systematically issue return decisions in compliance with Directive 2008/115/EC of the European Parliament and of the Council with the support provided by the Union in terms of adequate resources, including funding and staff.**

Or. en

**Amendment 58**

**Alessandra Mussolini, Salvatore Domenico Pogliese, Barbara Matera, Monika Hohlmeier**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

*Amendment*

(10) The circumstances in which Member States should consider issuing a European travel document for return include cases in which a document that is not valid or is no longer valid for travelling, a civil registry certificate, another official document, or a copy thereof, proves the nationality of the illegally staying third-country national subject to a return decision. Examples of such documents are expired passport, identity card or third-country laissez passer; military or maritime identity card, driving licence; nationality, birth, marriage certificates; extract from the Visa Information System. Member States could also consider issuing such document when the third-country national, whose nationality has been confirmed by the competent authorities of a third country, has not received a valid travel document within a reasonable deadline.

(10) The circumstances in which Member States should consider issuing a European travel document for return include cases in which a document that is not valid or is no longer valid for travelling, a civil registry certificate, another official document, or a copy thereof, proves the nationality of the illegally staying third-country national subject to a return decision. Examples of such documents are expired passport, identity card or third-country laissez passer; military or maritime identity card, driving licence; nationality, birth, marriage certificates; extract from the Visa Information System. Member States could also consider issuing such document when the third-country national, whose nationality has been confirmed by the competent authorities of a third country, has not received a valid travel document within a reasonable deadline. ***In order for***

*the European travel document for return to be effective, however, returns should be carried out rapidly, so that the persons subject to a return decision do not abscond.*

Or. en

## **Amendment 59**

**Judith Sargentini**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

#### **Recital 10**

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

(10) The circumstances in which Member States should consider issuing a European travel document for return include cases in which a document that is not valid or is no longer valid for travelling, a civil registry certificate, another official document, **or a copy thereof**, proves the nationality of the illegally staying third-country national subject to a return decision. Examples of such documents are expired passport, **identity card or third-country laissez passer**; military or maritime identity card, driving licence; nationality, birth, marriage certificates; **extract from the Visa Information System**. Member States could also consider issuing such document when the third-country national, whose nationality has been confirmed by the competent authorities of a third country, has not received a valid travel document within a reasonable deadline.

##### *Amendment*

(10) The circumstances in which Member States should consider issuing a European travel document for return include cases in which a document that is not valid or is no longer valid for travelling, a civil registry certificate, another official document proves the nationality of the illegally staying third-country national subject to a return decision. Examples of such documents are expired passport **or identity card**; military or maritime identity card, driving licence; nationality, birth, marriage certificates. Member States could also consider issuing such document when the third-country national, whose nationality has been confirmed by the competent authorities of a third country, has not received a valid travel document within a reasonable deadline.

Or. en

##### *Justification*

*Documents proving the nationality of a third-country national subject to a return decision shall be in the form of original documents. Nationality cannot be determined solely on the*

*basis of an extract from the Visa Information System, as a person might not be informed about the personal information registered in VIS, including information concerning nationality.*

**Amendment 60**

**Alessandra Mussolini, Salvatore Domenico Pogliese, Barbara Matera, Monika Hohlmeier**

**Proposal for a regulation**

**Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***(10a) The current migration crisis is characterised by the arrival of a large number of unaccompanied minors.***

Or. en

**Amendment 61**

**Judith Sargentini**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***(10a) A European travel document should only be issued with the informed consent of the returnee.***

Or. en

**Amendment 62**

**Miriam Dalli, Tanja Fajon**

**Proposal for a regulation**

**Recital 11**

*Text proposed by the Commission*

*Amendment*

(11) The content and technical specifications of the European travel

(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<sup>11</sup>, **which** should therefore be applied to the European travel document for return.

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<sup>11</sup> 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).

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<sup>11</sup>, **and these** should therefore be applied to the European travel document for return.

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<sup>11</sup> 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).

Or. en

**Amendment 63**  
**Louis Michel, Gérard Deprez**

**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 EU agencies with responsibility for migration, the Member States should systematically keep a record of the European travel documents for return which have been issued.***

Or. fr

**Amendment 64**  
**Marie-Christine Vergiat**



**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*

*deleted*

Or. fr

**Amendment 65**  
**Louis Michel, Gérard Deprez**

**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, 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 EU agencies with responsibility for migration.***

Or. fr

## Amendment 66

Miriam Dalli, Tanja Fajon, Caterina Chinnici

### 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, 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, ***and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016\* 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.***

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\* OJ XXX, XXX, p. XXX.

Or. en

## Amendment 67

Miriam Dalli, Tanja Fajon

### Proposal for a regulation

#### Recital 14

*Text proposed by the Commission*

*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 the national laws, regulations or administrative *provisions* transposing Directive 95/46/EC<sup>12</sup> .

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<sup>12</sup> *Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).*

(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/... of the European Parliament and of the Council*<sup>1a</sup> and the national laws, regulations or administrative transposing Directive (EU) 2016/...<sup>1b</sup> .

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<sup>1a</sup> *Regulation (EU) 2016/... of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L X, XX.XX.XX, p. XX).*

<sup>1b</sup> *Directive (EU) 2016/... of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by competent 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 XX, XX.XX.XX, p. XX).*

Or. en

**Amendment 68**  
**Louis Michel, Gérard Deprez**

**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.***

Or. fr

**Amendment 69**  
**Judith Sargentini**  
on behalf of the Verts/ALE Group

**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 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.***

Or. en

**Amendment 70**  
**Louis Michel, Gérard Deprez**

**Proposal for a regulation**

## Recital 23

*Text proposed by the Commission*

(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.

*Amendment*

(23) This Regulation respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, in particular ***human dignity as provided for in Article 1 and*** the protection in the event of removal, expulsion or extradition provided for in Article 19 of the Charter.

Or. fr

## Amendment 71

**Alessandra Mussolini, Salvatore Domenico Pogliese, Barbara Matera, Monika Hohlmeier**

### Proposal for a regulation Article 1 – paragraph 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 format and the technical specifications of a European travel document for the return of third-country nationals ***whose stay on the territory of the Union is illegal.***

Or. en

## Amendment 72

**Miriam Dalli, Tanja Fajon, Caterina Chinnici**

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

*Amendment*

This Regulation establishes the format, and the technical ***and security*** specifications of a ***harmonised*** European travel document for the ***safe*** return of third-country

country nationals.

nationals.

Or. en

*Justification*

*Acceptance rate of the Standard Travel Document by third countries has so far been very low, due to its unsatisfactory security features as well. Hence, this regulation needs to ensure that this challenge is tackled, while also ensuring that the document is harmonised throughout the EU Member States.*

**Amendment 73**

**Louis Michel, Gérard Deprez**

**Proposal for a regulation**

**Article 1 – paragraph 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 format and the technical specifications of a European travel document for the return of ***illegally staying*** third-country nationals.

Or. fr

**Amendment 74**

**Alessandra Mussolini, Salvatore Domenico Pogliese, Barbara Matera, Monika Hohlmeier**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(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.***

Or. en

## Amendment 75

Alessandra Mussolini, Salvatore Domenico Pogliese, Barbara Matera, Monika Hohlmeier

### Proposal for a regulation

#### Article 3 – paragraph 1 – introductory part

*Text proposed by the Commission*

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:

*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 *illegally staying on the territory of the Union*:

Or. en

## Amendment 76

Monika Hohlmeier

### Proposal for a regulation

#### Article 3 – paragraph 1 – point a

*Text proposed by the Commission*

(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*;

*Amendment*

(a) the name, surname, date of birth, sex, nationality, distinguishing marks;

Or. de

## Amendment 77

Marie-Christine Vergiat

### Proposal for a regulation

#### Article 3 – paragraph 1 – point a

*Text proposed by the Commission*

(a) the name, surname, date of birth, sex, nationality, *distinguishing marks* and,

*Amendment*

(a) the name, surname, date of birth, sex, nationality and, if known, the address

if known, the address in the third country of return of the third-country national;

in the third country of return of the third-country national;

Or. fr

**Amendment 78**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) a photograph;*

*deleted*

Or. fr

**Amendment 79**  
**Traian Ungureanu, Csaba Sógor**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

*(d) information about departure and arrival.*

Or. en

**Amendment 80**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 3 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

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 shall be***



appropriate, it shall be translated into English and French.

*translated into the language of the third country to which the person who is the subject of the return decision is being returned or into the languages which the person who is the subject of the return decision understands* and, where appropriate, it shall be translated into English and French.

Or. fr

**Amendment 81**  
**Miriam Dalli, Tanja Fajon**

**Proposal for a regulation**  
**Article 3 – paragraph 2**

*Text proposed by the Commission*

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.

*Amendment*

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 it shall be translated into English and French *and into an official language of the third country of return.*

Or. en

*Justification*

*The communication needs of third countries must also be accounted for in order to ensure the minimum amount of time possible is spent during the processing of one's return.*

**Amendment 82**  
**Judith Sargentini**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 3 – paragraph 2**

*Text proposed by the Commission*

2. The European travel document for return shall be established in the official

*Amendment*

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.

language or languages of the Member State that issues the return decision and, where appropriate, it shall be translated into English and French ***and into an official language of the third country of return.***

Or. en

**Amendment 83**  
**Louis Michel, Gérard Deprez**

**Proposal for a regulation**  
**Article 3 – paragraph 2**

*Text proposed by the Commission*

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.

*Amendment*

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 it shall be translated into English and French.

Or. fr

**Amendment 84**  
**Miriam Dalli, Tanja Fajon, Caterina Chinnici**

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

*Text proposed by the Commission*

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

*Amendment*

3. The document shall be valid ***until the returnee arrives at*** the third country of return.

Or. en

*Justification*

*For legal clarity, the document should be valid until the returnee arrives in the third country. In case where the journey back to the third country is not one single journey it is important that this document would be valid for passage through more than one state.*

**Amendment 85**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 3 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

*deleted*

Or. fr

**Amendment 86**  
**Miriam Dalli, Tanja Fajon**

**Proposal for a regulation**  
**Article 3 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

4. Where necessary, *and for the sole purpose of ensuring the safe readmission of the* third-country nationals, *additional documents* may be attached to the European travel document for return, *provided that they do not endanger the private life, liberty or property of the returnee and respect the data protection safeguards provided for in Regulation 2016/... of the European Parliament and of the Council and the national laws, regulations or administrative provisions transposing Directive 2016/... of the European Parliament and of the Council.*

Or. en

### *Justification*

*Additional documents may only be presented when they are absolutely necessary and only when the sharing of such information would not jeopardise the life, liberty or property of the returnee. Caution must be taken to ensure that this data does not end up being used to the detriment of the returnee.*

#### **Amendment 87**

**Judith Sargentini**

on behalf of the Verts/ALE Group

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

##### **Article 3 – paragraph 4**

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

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

###### *Amendment*

4. Where necessary, additional documents necessary for the return of third-country nationals may be attached to the European travel document for return.  
***In the case of forced returns, a declaration of fitness to travel, following a medical examination carried out prior to removal, shall be attached to the European travel document for return.***

Or. en

### *Justification*

*Guideline 16(1) of the Council of Europe "Twenty Guidelines on Forced Return", establishes that persons "shall not be removed as long as they are medically unfit to travel" and encourages member states to perform a medical examination prior to removal. Frontex Code of Conduct for Joint Return Operations (Article 7(1)) stresses that "returnees are to be removed only as long as they are "fit-to-travel" at the time of the JRO".*

#### **Amendment 88**

**József Nagy**

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

##### **Article 3 – paragraph 4 a (new)**

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

###### *Amendment*

***4a. The documents of minors shall be***

*linked to those of family members so that return operations can be carried out jointly. Unaccompanied minors shall only be issued a European travel document for return where family members have been successfully identified in their country of return, while ensuring the admissibility of such minors and thorough assistance for their reunification with family members.*

Or. en

### **Amendment 89**

**Miriam Dalli, Tanja Fajon**

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

##### **Article 3 – paragraph 5**

*Text proposed by the Commission*

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*

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 6 in order to amend *non-essential elements found in Article 3(1) of* the format of the European travel document for return.

Or. en

### **Amendment 90**

**Miriam Dalli, Tanja Fajon**

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

##### **Article 4 – paragraph 1**

*Text proposed by the Commission*

1. The security features and technical specifications of the European travel document for return shall *be* those set in application of Article 2 of Council Regulation (EC) No 333/2002.

*Amendment*

1. The security features and technical specifications of the European travel document for return shall *updated* 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.*

Or. en

**Amendment 91**  
**Monika Hohlmeier**

**Proposal for a regulation**  
**Article 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 4a**

***Eurodac and Schengen Information  
System***

***The Member State which issues the  
European travel document for return  
shall enter details of the document in the  
Eurodac database and the Schengen  
Information System.***

Or. de

**Amendment 92**  
**Louis Michel, Gérard Deprez**

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. fr

**Amendment 93**  
**Alessandra Mussolini, Salvatore Domenico Pogliese, Barbara Matera, Monika Hohlmeier**

**Proposal for a regulation**  
**Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5 a**

***Best interests of the child***

***In accordance with the 1989 United Nations Convention on the Rights of the Child and Article 10 of Directive 2008/115 EC of the European Parliament and of the Council, the 'best interests of the child' shall be a primary consideration of Members States when implementing this Regulation.***

Or. en

**Amendment 94**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 6 – paragraph 2**

*Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Article 3(5) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [insert date entry into force].

*Amendment*

2. The power to adopt delegated acts referred to in Article 3(5) shall be conferred on the Commission for ***a*** period of ***two years*** from [insert date entry into force ***of this Regulation***].

Or. fr

**Amendment 95**  
**Louis Michel, Gérard Deprez**

**Proposal for a regulation**  
**Article 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 6a**

***Review***

***The Commission shall review this Regulation at the latest 18 months after its entry into force in order to assess its***

*impact on the implementation of return decisions.*

*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.*

*For the purposes of that assessment, the Member States shall provide the Commission with all relevant information concerning the issuing of European travel documents for return and the implementation of return decisions.*

*The Commission shall present the results of its assessment to Parliament and the Council and, if appropriate, propose modifications to this Regulation.*

Or. fr