European Parliament
2024-2029

Committee on Civil Liberties, Justice and Home Affairs

2025/0059(COD)

1.12.2025

AMENDMENTS
481 - 825

Draft report
Malik Azmani
(PE779.352v01-00)

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

Proposal for a regulation
(COM(2025)0101 – 2025/0059(COD))

AM_Com_LegReport

Amendment 481
Jan-Christoph Oetjen, Irena Joveva, Abir Al-Sahlani

Proposal for a regulation
Recital 39 a (new)

Text proposed by the Commission	*Amendment*
	(39a) Personal data regarding third country nationals should be transferred to a country of origin only after a thorough assessment finding that the transfer will not endanger his or her well-being.

Or. en

Amendment 482
Estrella Galán

Proposal for a regulation
Recital 40 a (new)

Text proposed by the Commission	*Amendment*
	(40a) Victims of trafficking in human beings who are in the process of being granted a residence permit pursuant to Council Directive 2004/81/EC should not be regarded as staying irregularly on the territory of the Member State until a final decision on the issuance of the residence permit is taken by the competent authority.

Or. en

Amendment 483
Maciej Wąsik, Mariusz Kamiński, Jacek Ozdoba, Jadwiga Wiśniewska

Proposal for a regulation
Recital 41

Text proposed by the Commission	*Amendment*

(41) Regulation (EU) 2016/679 of the European Parliament and of the Council[14] applies to the processing of personal data for the purposes of this Regulation. Regulation (EU) 2018/1725 of the European Parliament and of the Council applies to the processing of personal data by the Union institutions and bodies for the purposes of this Regulation. In view of the important reasons of public interest behind readmission, the transfer of personal data of third country nationals subject to a return decision, including data relating to their identity, travel documents, other relevant data as well as, in duly justified cases, data concerning their criminal convictions and health, could be necessary for the purposes of readmission and reintegration. Such transfers must be carried out in accordance with Chapter V of Regulation (EU) 2016/679 and Chapter V of Regulation (EU) 2018/1725[15] , as applicable, as well as with the principles of non-refoulement, proportionality and necessity and the Charter of Fundamental Rights of the European Union.	***deleted***

[14] Regulation (EU) 2016/679 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 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).

[15] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC

(OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).

Or. en

Amendment 484
Mélissa Camara

Proposal for a regulation
Recital 41

Text proposed by the Commission	*Amendment*
(41) Regulation (EU) 2016/679 of the European Parliament and of the Council[14] applies to the processing of personal data for the purposes of this Regulation. Regulation (EU) 2018/1725 of the European Parliament and of the Council applies to the processing of personal data by the Union institutions and bodies for the purposes of this Regulation. In view of the important reasons of public interest behind readmission, the transfer of personal data of third country nationals subject to a return decision, including data relating to their identity, travel documents, other relevant data as well as, in duly justified cases, data concerning their criminal convictions and health, could be necessary for the purposes of readmission and reintegration. Such transfers must be carried out in accordance with Chapter V of Regulation (EU) 2016/679 and Chapter V of Regulation (EU) 2018/1725[15] , as applicable, as well as with the principles of non-refoulement, proportionality and necessity and the Charter of Fundamental Rights of the European Union.	***deleted***

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[14] Regulation (EU) 2016/679 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 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).

[15] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).

Or. en

Amendment 485
Estrella Galán

Proposal for a regulation
Recital 41

Text proposed by the Commission	*Amendment*
(41) Regulation (EU) 2016/679 of the European Parliament and of the Council[14] ***applies to the processing of personal data for the purposes of this Regulation.*** Regulation (EU) ***2018/1725 of the European Parliament and of the Council applies to the processing of personal data*** by the Union ***institutions and bodies for the purposes of this Regulation. In view of the important reasons of public interest behind readmission,*** the transfer of ***personal data of*** third ***country nationals subject to a return decision, including data relating to their identity, travel documents, other relevant data as well as, in duly justified cases, data concerning their criminal convictions and health,***	(41) ***Member States' return authorities processing of personal data to ensure the proper implementation of return procedures should be in line with Article 8 of the Charter of fundamental rights and the Regulation (EU) 2016/679, in particular Article 9 (2)(g). Particular attention should be paid to ensuring the proportionality and the existence of suitable and specific measures to safeguard the fundamental rights and the interests of the data subject. Member States should avoid any contact with an asylum applicant's country of origin as long as the final decision of the application for international protection has not been taken. The third countries of***

could be necessary for the purposes of readmission and reintegration. Such transfers must be carried out in accordance with Chapter V of Regulation (EU) 2016/679 ***and Chapter V of Regulation (EU) 2018/1725[15] , as applicable, as well as with the principles of non-refoulement, proportionality and necessity and the Charter of Fundamental Rights of the European Union***.

return are often not the subject of adequacy decisions adopted by the Commission under Article 45 of Regulation (EU) 2016/679 of the European Parliament and of the Council***, and have often not concluded a readmission agreement with the Union or otherwise provide for appropriate safeguards within the meaning of Article 46 of*** Regulation (EU) ***2016/679. Readmission agreements, concluded or being negotiated*** by the Union ***or the Member States and providing for appropriate safeguards for*** the transfer of ***data to*** third ***countries pursuant to Article 46*** of Regulation (EU) 2016/679***, should include binding and enforceable data protection assurances by those third countries. In the situation where such agreements do not exist, personal data should not be transferred by Member States' competent authorities to authorities of third countries***.

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[14] Regulation (EU) 2016/679 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 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).

[15] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).

Or. en

Amendment 486
Murielle Laurent
on behalf of the S&D Group

Proposal for a regulation
Recital 41

Text proposed by the Commission	*Amendment*
(41) Regulation (EU) 2016/679 of the European Parliament and of the Council[14] applies to the processing of personal data for the purposes of this Regulation. Regulation (EU) 2018/1725 of the European Parliament and of the Council applies to the processing of personal data by the Union institutions and bodies for the purposes of this Regulation. In view of the important reasons of public interest behind readmission, the transfer of personal data of third country nationals subject to a return decision, including data relating to their identity, travel documents, ***other relevant data as well as, in duly justified cases, data concerning their criminal convictions*** and health, could be necessary for the purposes of readmission and reintegration. Such transfers must be carried out in accordance with Chapter V of Regulation (EU) 2016/679 and Chapter V of Regulation (EU) 2018/1725[15] ***, as applicable, as well as with*** the principles of non-refoulement, proportionality and necessity and the Charter of Fundamental Rights of the European Union.	(41) Regulation (EU) 2016/679 of the European Parliament and of the Council[14] applies to the processing of personal data for the purposes of this Regulation. Regulation (EU) 2018/1725 of the European Parliament and of the Council applies to the processing of personal data by the Union institutions and bodies for the purposes of this Regulation. In view of the important reasons of public interest behind readmission, the transfer of personal data of third country nationals subject to a return decision, including data relating to their identity, travel documents, and health, could be necessary for the purposes of readmission and reintegration. Such transfers must be carried out in accordance with Chapter V of Regulation (EU) 2016/679 and Chapter V of Regulation (EU) 2018/1725[15]***, provided that the third-country national subject to the return decision has consented to that transfer. Moreover, the transfer of personal data of third country nationals subject to a return decision concerning their criminal convictions could, in duly justified cases, be necessary for the purposes of readmission and reintegration. All transfers of personal data of third country nationals must respect*** the principles of non-refoulement, proportionality and necessity and the Charter of Fundamental Rights of the European Union.
[14] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural	[14] Regulation (EU) 2016/679 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 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).

[15] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).

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 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).

[15] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).

Or. en

Justification

In line with amendments tabled to Articles 39, 40 and 41.

Amendment 487
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Recital 41

Text proposed by the Commission	*Amendment*
(41) Regulation (EU) 2016/679 of the European Parliament and of the Council[14] applies to the processing of personal data for the purposes of this Regulation. Regulation (EU) 2018/1725 of the European Parliament and of the Council applies to the processing of personal data by the Union institutions and bodies for the purposes of this Regulation. In view of the important reasons of public interest behind readmission, the transfer of personal data of third country nationals subject to a return decision, including data relating to their identity, travel documents, other relevant data as well as, in duly justified	(41) Regulation (EU) 2016/679 of the European Parliament and of the Council[14] applies to the processing of personal data for the purposes of this Regulation. Regulation (EU) 2018/1725 of the European Parliament and of the Council applies to the processing of personal data by the Union institutions and bodies for the purposes of this Regulation. In view of the important reasons of public interest behind readmission ***effective return***, the transfer of personal data of third country nationals subject to a return decision, including data relating to their identity, travel documents, other relevant data as well as, in duly

cases, data concerning their criminal convictions and health, could be necessary for the purposes of readmission and reintegration. Such transfers must be carried out in accordance with Chapter V of Regulation (EU) 2016/679 and Chapter V of Regulation (EU) 2018/1725[15] ***, as applicable, as well as with the principles of non-refoulement, proportionality and necessity and the Charter of Fundamental Rights of the European Union.***

justified cases, data concerning their criminal convictions and health, could be necessary for the purposes of readmission and reintegration. Such transfers must be carried out in accordance with Chapter V of Regulation (EU) 2016/679 and Chapter V of Regulation (EU) 2018/1725[15] **.**

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[14] Regulation (EU) 2016/679 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 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).

[15] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).

[14] Regulation (EU) 2016/679 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 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).

[15] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).

Or. en

Amendment 488
Estrella Galán

Proposal for a regulation
Recital 42

Text proposed by the Commission	*Amendment*
(42) Obstacles to cooperation and communication among Member State authorities responsible for the asylum and	***deleted***

the return procedures represent a key structural challenge for a more efficient return process. Competent authorities involved in the different phases of the return process should work and coordinate closely. Where Member States designate law enforcement authorities as competent authorities under this Regulation, it should be understood that this designation is limited to such authorities when acting in their capacity of enforcing return decisions. Law enforcement authorities acting in their capacity as investigative authorities in criminal proceedings should not be covered by such a designation.

Or. en

Amendment 489
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Recital 42

Text proposed by the Commission	*Amendment*
(42) ***Obstacles to cooperation and communication among Member State*** authorities responsible for the asylum and the ***return procedures represent a key structural challenge for a more efficient return process.*** Competent authorities involved in the different phases of the return process should work and coordinate closely***. Where Member States designate law enforcement authorities as competent authorities under this Regulation, it should be understood that this designation is limited to such authorities when acting in their capacity of enforcing return decisions***. ***Law enforcement authorities acting in their capacity as investigative authorities in criminal proceedings should not be covered by such a designation.***	(42) ***Competent*** authorities responsible for the asylum and the competent authorities involved in the different phases of the return process should work and coordinate closely ***to ensure effective returns***.

Or. en

Amendment 490
Ana Miguel Pedro

Proposal for a regulation
Recital 42

Text proposed by the Commission	*Amendment*
(42) ***Obstacles to cooperation and communication among Member State*** authorities responsible for the asylum and the ***return procedures represent a key structural challenge for a more efficient return process.*** Competent authorities involved in the different phases of the return process should work and coordinate closely***. Where Member States designate law enforcement authorities as competent authorities under this Regulation, it should be understood that this designation is limited to such authorities when acting in their capacity of enforcing return decisions***. ***Law enforcement authorities acting in their capacity as investigative authorities in criminal proceedings should not be covered by such a designation.***	(42) ***Competent*** authorities responsible for the asylum and the competent authorities involved in the different phases of the return process should work and coordinate closely ***to ensure effective returns***.

Or. en

Amendment 491
Mélissa Camara

Proposal for a regulation
Recital 42

Text proposed by the Commission	*Amendment*
(42) Obstacles to cooperation and communication among Member State authorities responsible for the asylum and the return procedures represent a key structural challenge for a more efficient	(42) Obstacles to cooperation and communication among Member State authorities responsible for the asylum and the return procedures represent a key structural challenge for a more efficient

return process. Competent authorities involved in the different phases of the return process should work and coordinate closely. ***Where Member States designate law enforcement authorities as competent authorities under this Regulation, it should be understood that this designation is limited to such authorities when acting in their capacity of enforcing return decisions. Law enforcement authorities acting in their capacity as investigative authorities in criminal proceedings should not be covered by such a designation.***	return process. Competent authorities involved in the different phases of the return process should work and coordinate closely.

Or. en

Amendment 492
Mélissa Camara

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.	***deleted***

Or. en

Amendment 493
Murielle Laurent
on behalf of the S&D Group

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.	***deleted***

Or. en

Justification

The proposal on digitalisation of case-management systems for return will be a separate legislative proposal. We believe that the decision on the digitalisation aspects should be taken in that file.

Amendment 494
Estrella Galán

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.	***deleted***

Or. en

Amendment 495
Tomáš Zdechovský

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 496
Irena Joveva

Proposal for a regulation
Recital 44

Text proposed by the Commission	*Amendment*
(44) The Union provides financial and operational support in order to achieve an effective implementation of this Regulation. To the extent that activities should be financed by the Asylum and Migration Fund thematic facility, these may be implemented under the direct, indirect or shared management. Member States should make best use of the available Union financial instruments, programmes and projects in the field of return, in particular under Regulation (EU) 2021/1147 of the European Parliament and of the Council[16] , as well as of the operational assistance by the European Border and Coast Guard Agency according to Regulation (EU) 2019/1896 of the European Parliament and of the Council[17] . Such support should be used in particular for establishing return management systems and programmes for providing logistical, financial and other material or	(44) The Union provides financial and operational support in order to achieve an effective implementation of this Regulation. To the extent that activities should be financed by the Asylum and Migration Fund thematic facility, these may be implemented under the direct, indirect or shared management. Member States should make best use of the available Union financial instruments, programmes and projects in the field of return, in particular under Regulation (EU) 2021/1147 of the European Parliament and of the Council[16] , as well as of the operational assistance by the European Border and Coast Guard Agency according to Regulation (EU) 2019/1896 of the European Parliament and of the Council[17] . ***To ensure a harmonized approach, prevent unauthorized secondary movements within the Union, and avoid administrative duplication by establishing***

in-kind assistance to support the return of illegally staying third-country nationals.

parallel structures on a national level, the Union should ensure the availability of reintegration support financed through the Union programs, such as those coordinated by Frontex. Such support ***by the Union*** should be used in particular for establishing return management systems and programmes for providing logistical, financial and other material or in-kind assistance to support the return of illegally staying third-country nationals.

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[16] Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.7.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/1147/oj).

[17] Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1896/oj).

[16] Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.7.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/1147/oj).

[17] Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1896/oj).

Or. en

Amendment 497
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Recital 44

Text proposed by the Commission

(44) The Union provides financial and operational support in order to achieve an effective implementation of this Regulation. To the extent that activities should be financed by the Asylum and Migration Fund thematic facility, these may be implemented under the direct, indirect or shared management. Member States should make best use of the

Amendment

(44) The Union provides financial and operational support in order to achieve an effective implementation of this Regulation. To the extent that activities should be financed by the Asylum and Migration Fund thematic facility, these may be implemented under the direct, indirect or shared management. Member States should make best use of the

available Union financial instruments, programmes and projects in the field of return, in particular under Regulation (EU) 2021/1147 of the European Parliament and of the Council[16] , as well as of the operational assistance by the European Border and Coast Guard Agency according to Regulation (EU) 2019/1896 of the European Parliament and of the Council[17] . ***Such support should be used in particular for establishing return management systems and programmes for providing logistical, financial and other material or in-kind assistance to support the return of illegally staying third-country nationals.***

[16] Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.7.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/1147/oj).

[17] Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1896/oj).

available Union financial instruments, programmes and projects in the field of return, in particular under Regulation (EU) 2021/1147 of the European Parliament and of the Council[16] , as well as of the operational assistance by the European Border and Coast Guard Agency according to Regulation (EU) 2019/1896 of the European Parliament and of the Council[17] .

[16] Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.7.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/1147/oj).

[17] Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1896/oj).

Or. en

Amendment 498
Estrella Galán

Proposal for a regulation
Recital 44

Text proposed by the Commission	*Amendment*
(44) The Union provides financial and operational support in order to achieve an effective implementation of this ***Regulation***. To the extent that activities should be financed by the Asylum and	(44) The Union provides financial and operational support in order to achieve an effective implementation of this ***Directive in compliance with fundamental rights***. To the extent that activities should be

Migration Fund thematic facility, these may be implemented under the direct, indirect or shared management. ***Member States should make best use of the available Union financial instruments, programmes and projects in the field of return, in particular under Regulation (EU) 2021/1147 of the European Parliament and of the Council[16] , as well as of the operational assistance by the European Border and Coast Guard Agency according to Regulation (EU) 2019/1896 of the European Parliament and of the Council[17] .*** Such support should be ***used in particular for establishing*** return ***management systems and programmes for providing logistical***, financial and ***other material or in-kind assistance to*** support ***the return of illegally staying third-country nationals***.

[16] Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.7.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/1147/oj).

[17] Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1896/oj).

financed by the Asylum and Migration Fund thematic facility, these may be implemented under the direct, indirect or shared management. Such support should be ***limited to financing voluntary*** return ***and reintegration and be conditional on the Member States full compliance with fundamental rights in the return procedure***, ***but also in the asylum procedure. If the independent monitoring mechanism detects violation of fundamental rights, the Commission should suspend its*** financial and ***operational*** support ***to the Member State concerned***.

Or. en

Amendment 499
Murielle Laurent
on behalf of the S&D Group

Proposal for a regulation

Recital 44

Text proposed by the Commission	*Amendment*
(44) The Union provides financial and operational support in order to achieve an effective implementation of this Regulation. To the extent that activities ***should*** be financed by the Asylum and Migration Fund thematic facility, these may be implemented under the direct, indirect or shared management. Member States should make best use of the available Union financial instruments, programmes and projects in the field of return, in particular under Regulation (EU) 2021/1147 of the European Parliament and of the Council[16] , as well as of the operational assistance by the European Border and Coast Guard Agency according to Regulation (EU) 2019/1896 of the European Parliament and of the Council[17] . Such support should be used in particular for establishing return management systems and programmes for providing logistical, financial and other material or in-kind assistance to support the return of ***illegally staying*** third-country nationals.	(44) The Union provides financial and operational support in order to achieve an effective implementation of this Regulation. To the extent that activities ***may*** be financed by the Asylum and Migration Fund thematic facility, these may be implemented under the direct, indirect or shared management. Member States should make best use of the available Union financial instruments, programmes and projects in the field of return, in particular under Regulation (EU) 2021/1147 of the European Parliament and of the Council[16] , as well as of the operational assistance by the European Border and Coast Guard Agency according to Regulation (EU) 2019/1896 of the European Parliament and of the Council[17] . Such support should be used in particular for establishing return management systems and programmes for providing logistical, financial and other material or in-kind assistance to support the return of third-country nationals ***who are subject to a return decision***.
[16] Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.7.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/1147/oj).	[16] Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.7.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/1147/oj).
[17] Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1896/oj).	[17] Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1896/oj).

Or. en

Justification

Slight adaptation to reflect the different objectives of AMIF.

Amendment 500
Mélissa Camara

Proposal for a regulation
Recital 44

Text proposed by the Commission	*Amendment*
(44) The Union provides financial and operational support in order to achieve an effective implementation of this Regulation. To the extent that activities should be financed by the Asylum and Migration Fund thematic facility, these may be implemented under the direct, indirect or shared management. Member States should make best use of the available Union financial instruments, programmes and projects in the field of return, in particular under Regulation (EU) 2021/1147 of the European Parliament and of the Council[16] , as well as of the operational assistance by the European Border and Coast Guard Agency according to Regulation (EU) 2019/1896 of the European Parliament and of the Council[17] . Such support should be used in particular for establishing return management systems ***and programmes for providing logistical, financial and other material or in-kind assistance*** to support the return of ***illegally*** staying third-country nationals.	(44) The Union provides financial and operational support in order to achieve an effective implementation of this Regulation. To the extent that activities should be financed by the Asylum and Migration Fund thematic facility, these may be implemented under the direct, indirect or shared management. Member States should make best use of the available Union financial instruments, programmes and projects in the field of return, in particular under Regulation (EU) 2021/1147 of the European Parliament and of the Council[16] , as well as of the operational assistance by the European Border and Coast Guard Agency according to Regulation (EU) 2019/1896 of the European Parliament and of the Council[17] . Such support should be used in particular for establishing return management systems ***including comprehensive case management*** to support the return of ***irregularly*** staying third-country nationals.
[16] Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.7.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/1147/oj).	[16] Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.7.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/1147/oj).
[17] Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European	[17] Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European

Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1896/oj).	Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1896/oj).

Or. en

Amendment 501
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Recital 44 a (new)

Text proposed by the Commission	*Amendment*
	(44a) The credibility of the Union's asylum and migration management system is fundamentally undermined by the persistently low rate of effective returns. To move beyond a mere obligation of means and to ensure that the common procedures established by this Regulation translate into tangible results, it is necessary to introduce an obligation of result for Member States. Therefore, a clear and ambitious target should be established, requiring Member States to take all necessary measures to effectively return at least 80 % of persons subject to an enforceable return decision. Where a Member State fails to meet this target, a structured accountability and support mechanism should be activated, allowing the Commission to identify the root causes and provide targeted assistance or take Union-level action to address insufficient cooperation from third countries.

Or. en

Amendment 502
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Recital 44 b (new)

Text proposed by the Commission	*Amendment*
	(44b) The obligation of any State to readmit its own nationals represents a fundamental principle of state sovereignty and international cooperation. The duty of States to readmit their own nationals is considered a principle of customary international law. The existence of such a duty is further evidenced by the consistent practice of States in implementing readmission agreements and arrangements, combined with their recognition of this principle as a necessary aspect of international cooperation in managing migration. However, many countries fail to comply with this obligation. Therefore, the Union's return policy should be reinforced by a structured framework to incentivise cooperation by third countries. Such a framework should be based on a transparent, objective, and data-driven annual assessment of each third country's cooperation on readmission. To ensure legal certainty and predictability, that assessment should result in a classification that automatically triggers the application of a pre-defined set of proportionate measures.

Or. en

Amendment 503
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Recital 44 c (new)

Text proposed by the Commission	*Amendment*
	(44c) The measures should leverage key

policy areas of the Union's external action, including development assistance, trade preferences, and visa policy, to provide a clear and consistent signal to third countries. In cases of severe non-cooperation additional measures pursuant to Article 215 of the Treaty on the Functioning of the European Union should be imposed.

Or. en

Amendment 504
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Recital 44 d (new)

Text proposed by the Commission	*Amendment*
	(44d) To create a self-reinforcing system of incentives, financial resources from the Union and Member States' budgets that are suspended as a result of non-cooperation should be repurposed. These funds should serve the dual objective of rewarding the most cooperative countries with additional support, while also strengthening the Union's own capacity to manage its external borders, including through the European Border and Coast Guard Agency (Frontex).

Or. en

Amendment 505
Estrella Galán

Proposal for a regulation
Recital 45

Text proposed by the Commission	*Amendment*
(45) The collection and analysis of	(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.

reliable and comparable statistics on return and reintegration are essential for monitoring the ***implementation*** of this ***Directive*** 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 ***Directive*** and to contribute to making informed decisions on future policy developments.

Or. en

Amendment 506
Mélissa Camara

Proposal for a regulation
Recital 45

Text proposed by the Commission

(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.

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 ***and Member States should regularly transmit up-to-date, comparable data to the Commission*** 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 507
Charlie Weimers, Alessandro Ciriani, Assita Kanko

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 ***reporting on*** the effectiveness of this Regulation and ***the identification of*** areas for improvement ***should be based on the collection and analysis of existing, reliable and comparable statistics regarding*** the efficiency of return procedures, cooperation of third countries, and reintegration efforts***. The standards in Regulation (EU) 862/2007, Regulation (EU) 2019/1896, and national law should be considered and where necessary reviewed to ensure the relevance of the statistics***. Common standards and definitions for the collection and reporting of relevant data should be established to enable the ***assessment of*** the impact of this Regulation and to contribute to making informed decisions on future policy developments.

Or. en

Amendment 508
Marieke Ehlers
on behalf of the PfE Group

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	(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.	Regulation***, in particular the Return Cooperation Mechanism,*** 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.

Or. en

Amendment 509
Murielle Laurent
on behalf of the S&D Group

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 reintegration are essential for monitoring the effectiveness of this Regulation and for identifying areas for improvement, as ***may*** they provide valuable insights into the efficiency of return procedures***, the effectiveness of detention***, 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.

Or. en

Justification

Aligned with amendments tabled to Article 48.

Amendment 510
Estrella Galán

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[18] .	***deleted***

[18] 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 511
Mélissa Camara

Proposal for a regulation
Recital 46

Text proposed by the Commission	*Amendment*
(46) In order to ensure uniform conditions for the implementation of this	(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[18] .	Regulation, implementing powers should be conferred on the Commission to establish 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[18] .
[18] 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).	[18] 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 512
Estrella Galán

Proposal for a regulation
Recital 48

Text proposed by the Commission	*Amendment*
(48) Since the objectives of the Regulation to improve the efficiency of return to safeguard the area without internal borders, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of the action to ensure a common and coherent approach among Member States, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those	***deleted***

objectives.

Or. en

Amendment 513
Mélissa Camara

Proposal for a regulation
Recital 48

Text proposed by the Commission	*Amendment*
(48) Since the objectives of the Regulation to improve the efficiency of return to safeguard the area without internal borders, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of the action to ensure a common and coherent approach among Member States, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	(48) Since the objectives of the Regulation to improve the ***safety, sustainability and*** efficiency of return to safeguard the area without internal borders, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of the action to ensure a common and coherent approach among Member States, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Or. en

Amendment 514
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Recital 48

Text proposed by the Commission	*Amendment*
(48) Since the objectives of the Regulation to improve the efficiency of return ***to safeguard the area without internal borders***, cannot be sufficiently achieved by the Member States but can	(48) Since the objectives of the Regulation to improve the efficiency of return, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of the action

rather, by reason of the scale or effects of the action to ensure a common and coherent approach among Member States, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	to ensure a common and coherent approach among Member States, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Or. en

Amendment 515
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Recital 55 a (new)

Text proposed by the Commission	*Amendment*
	(55a) This Regulation represents a decisive effort to establish a functioning common European return system. Its application should initially be limited to a fixed, probationary period to verify whether a unified approach yields the expected results in practice. The continuation of this Regulation beyond that period should be conditional upon a positive evaluation demonstrating its effectiveness and added value. If such effectiveness is not demonstrated and the Regulation is consequently not extended, the management of returns will revert to the competence of Member States. To safeguard legal certainty in such an event, Member States should ensure they have in place the necessary national legal frameworks to seamlessly resume the management of return procedures and prevent a legal vacuum.

Or. en

Amendment 516
Mary Khan

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission	*Amendment*
1. This Regulation establishes a common system for the return of third-country nationals staying illegally in the Union***, in accordance with fundamental rights recognised in particular by the Charter of Fundamental Rights of the European Union (the 'Charter') as well as applicable obligations under international law, including on refugee protection and human rights***.	1. This Regulation establishes a common system for the return of third-country nationals staying illegally in the Union.

Or. en

Amendment 517
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission	*Amendment*
1. ***This*** Regulation establishes a common system for the return of third-country nationals staying illegally in the Union***, in accordance with fundamental rights recognised in particular by the Charter of Fundamental Rights of the European Union (the 'Charter') as well as applicable obligations under international law, including on refugee protection and human rights***.	1. ***This*** Regulation establishes a ***comprehensive*** common system for the return of third-country nationals staying illegally in the Union.

Or. en

Amendment 518
Estrella Galán

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission	*Amendment*
1. This ***Regulation establishes a common system*** for the return of third-country nationals staying ***illegally*** in the Union, in ***accordance*** with fundamental rights recognised in particular by the Charter of Fundamental Rights of the European Union (the 'Charter') as well as applicable obligations under international law, including on refugee protection ***and*** human rights.	1. This ***Directive sets out standards and procedures to be applied in Member States which choose to implement a policy*** for the return of third-country nationals staying ***irregularly*** in the Union, in ***order to ensure its compliance*** with fundamental rights recognised in particular by the Charter of Fundamental Rights of the European Union (the 'Charter') as well as applicable obligations under international law, including on refugee protection***, access to protection for asylum-seekers and stateless persons, as well as the respect for*** human rights.

Or. en

Amendment 519
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission	*Amendment*
1. This Regulation ***establishes a*** common ***system*** for the return of third-country nationals ***staying*** illegally ***in the Union***, in accordance with fundamental rights recognised ***in particular*** by the Charter of Fundamental Rights of ***the*** European Union (the ***'***Charter') as well as applicable ***obligations under*** international ***law***, including on ***refugee protection and*** human rights.	1. ***In order to ensure effective return of third country nationals illegally staying in the territory of the Member States,*** this Regulation ***sets out*** common ***standards and procedures to be applied in Member States*** for the return of third-country nationals illegally ***staying on the territory of the Member States***, in accordance with fundamental rights recognised by the Charter of Fundamental Rights of European Union (***'***the Charter') ***and as general principles of Union law,*** as well as applicable international ***obligations***, including on human rights.

Or. en

Amendment 520
Maciej Wąsik, Mariusz Kamiński, Jacek Ozdoba, Jadwiga Wiśniewska

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission	*Amendment*
1. This Regulation establishes a common system for the return of third-country nationals staying illegally in the Union, in ***accordance with fundamental rights recognised in particular by the Charter of Fundamental Rights of the European Union (the 'Charter') as well as applicable obligations under international law, including on refugee protection and human rights***.	1. This Regulation establishes a common system for the return of third-country nationals staying illegally in the Union, in ***order to support Member States in dealing with illegal migration***.

Or. en

Amendment 521
Nadine Morano

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission	*Amendment*
1. This Regulation establishes a common system for the return of third-country nationals staying illegally in the Union, in accordance with fundamental rights recognised in particular by the Charter of Fundamental Rights of the European Union (the 'Charter') as well as applicable obligations under international law***, including on refugee protection and human rights***.	1. This Regulation establishes a common system for the return of third-country nationals staying illegally in the Union, in accordance with fundamental rights recognised in particular by the Charter of Fundamental Rights of the European Union (the 'Charter') as well as applicable obligations under international law.

Or. fr

Amendment 522
Mélissa Camara

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission	*Amendment*
1. This Regulation establishes a common system for the return of third-country nationals staying ***illegally*** in the Union, in accordance with fundamental rights recognised in particular by the Charter of Fundamental Rights of the European Union (the 'Charter') as well as applicable obligations under international law, including on refugee protection and human rights.	1. This Regulation establishes a common system for the return of third-country nationals staying ***irregularly*** in the Union, in accordance with fundamental rights recognised in particular by the Charter of Fundamental Rights of the European Union (the 'Charter') as well as applicable obligations under international law, including on refugee protection and human rights.

Or. en

Amendment 523
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission	*Amendment*
1. This Regulation establishes a common system for the return of third-country nationals ***staying illegally*** in the Union, in accordance with fundamental rights recognised in particular by the Charter of Fundamental Rights of the European Union (the 'Charter') as well as applicable obligations under international law, including on refugee protection and human rights.	1. This Regulation establishes a common system for the return of third-country nationals ***irregularly present*** in the Union, in accordance with fundamental rights recognised in particular by the Charter of Fundamental Rights of the European Union (the 'Charter') as well as applicable obligations under international law, including on refugee protection and human rights.

Or. en

Amendment 524
Estrella Galán

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The objective of this Regulation is to ensure the effective return and readmission of illegally staying third-country nationals in line with the comprehensive approach as set out in Articles 3, Article 4, point (h), and Article 5, point (e), of Regulation (EU) 2024/1351.	***deleted***

Or. en

Amendment 525
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The objective of this Regulation is to ensure ***the*** effective ***return and readmission of illegally staying third-country nationals in line with the comprehensive approach as set out in Articles 3, Article 4, point (h), and Article 5, point (e), of Regulation (EU) 2024/1351***.	2. The objective of this Regulation is to ***enable Member States to take all necessary measures to*** ensure effective ***returns***.

Or. en

Amendment 526
Maciej Wąsik, Mariusz Kamiński, Jacek Ozdoba, Jadwiga Wiśniewska

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The objective of this Regulation is	2. The objective of this Regulation is

to ensure ***the*** effective ***return and readmission of illegally staying third-country nationals in line with the comprehensive approach as set out in Articles 3, Article 4, point (h), and Article 5, point (e), of Regulation (EU) 2024/1351***.	to ***enable Member States to take all necessary measures to*** ensure effective ***returns***.

Or. en

Amendment 527
Mary Khan

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The objective of this Regulation is to ensure the effective return and readmission of illegally staying third-country nationals ***in line with the comprehensive approach as set out in Articles 3, Article 4, point (h), and Article 5, point (e), of Regulation (EU) 2024/1351***.	2. The objective of this Regulation is to ensure the effective return and readmission of illegally staying third-country nationals.

Or. en

Amendment 528
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Lena Düpont, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers, Karlo Ressler

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The objective of this Regulation is to ensure the effective return and readmission of illegally staying third-country nationals in line with the comprehensive approach as set out in Articles 3, Article 4, point (h), and Article 5, point (e), of Regulation (EU) 2024/1351.	2. The objective of this Regulation is to ensure ***the compliance with the obligation to leave the territory of the European Union and*** the effective return and readmission of illegally staying third-country nationals in line with the comprehensive approach as set out in

Articles 3, Article 4, point (h), and Article 5, point (e), of Regulation (EU) 2024/1351.

Or. en

Amendment 529
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission	*Amendment*
2. ***The objective of*** this Regulation ***is to ensure the*** effective ***return and readmission of illegally staying third-country nationals in line with the comprehensive approach as set out in Articles 3, Article 4, point (h), and Article 5, point (e), of Regulation (EU) 2024/1351.***	2. This Regulation ***establishes the legal framework for a common and*** effective ***system for returns at Union level. That system shall comprise the following components:***

Or. en

Amendment 530
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The objective of this Regulation is to ensure the effective return ***and readmission of illegally staying*** third-country nationals in line with the comprehensive approach as set out in Articles 3, Article 4, point (h)***, and Article 5, point (e),*** of Regulation (EU) 2024/1351.	2. The objective of this Regulation is to ensure the effective***, dignified and sustainable*** return ***of*** third-country nationals ***irregularly present on the territory of a Member State*** in line with the comprehensive approach as set out in Articles 3, ***and*** Article 4, point (h) of Regulation (EU) 2024/1351.

Or. en

Justification

For a return to be effective, it is clear that the person will have to be readmitted. Readmission is part of the return procedure. Article 5(e) addresses return through the EU's external policy. The legal basis of this proposal does not govern external policy.

Amendment 531
Mélissa Camara

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The objective of this Regulation is to ensure the ***effective*** return and readmission of ***illegally*** staying third-country nationals in ***line with the comprehensive approach as set out in Articles 3, Article 4, point (h), and Article 5, point (e), of Regulation (EU) 2024/1351***.	2. The objective of this Regulation is to ensure the ***dignified, safe and sustainable*** return and readmission of ***irregularly*** staying third-country nationals ***following a full and fair procedure to determine their right to stay*** in ***the EU***.

Or. en

Amendment 532
Marieke Ehlers
on behalf of the PfE Group

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

Text proposed by the Commission	*Amendment*
	(a) a common procedure for the return of third-country nationals with no right to stay in the Union;

Or. en

Amendment 533
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 1 – paragraph 2 – point b (new)

Text proposed by the Commission	*Amendment*
	(b) a system for the mutual recognition and enforcement of return decisions among Member States;

Or. en

Amendment 534
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 1 – paragraph 2 – point c (new)

Text proposed by the Commission	*Amendment*
	(c) a Return Cooperation Mechanism to systematically assess and ensure the cooperation of third countries on the readmission of their own nationals;

Or. en

Amendment 535
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 1 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. The objective of this Regulation is to ensure the swift and effective return and readmission of illegally staying third-country nationals, thereby contributing to the comprehensive management of migration as set out in Articles 3, Article 4, point (h), and Article 5, point (e), of Regulation (EU) 2024/1351.

Or. en

Amendment 536
Mary Khan

Proposal for a regulation
Article 1 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. This Regulation shall not prevent Member States from adopting or retaining provisions that are more favourable to protect public order and public safety or to further improve the speed and efficiency of the return and removal process.

Or. en

Amendment 537
Karlo Ressler

Proposal for a regulation
Article 1 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. 3. Member States shall apply uniform and binding minimum standards of procedure at all stages of the return procedure in order to prevent differences in national procedures that undermine the coherence of the common system for returns.

Or. hr

Amendment 538
Marieke Ehlers

Proposal for a regulation
Article 1 – paragraph 2 b (new)

Text proposed by the Commission	*Amendment*
	2b. Nothing in this Regulation shall prevent Member States from adopting or retaining provisions that are more favourable to protect public order and public safety or to further improve the swiftness and efficiency of the return and removal process.
	Where a Member State determines that the application of specific provisions of this Regulation constitutes a genuine, present, and sufficiently serious threat to its national security or the maintenance of public order, it may adopt measures to restrict the scope of those provisions. The Member State shall notify the Commission, and the Council, of the measures taken, providing an overview of the actions and a justification for those actions

Or. en

Amendment 539
Mélissa Camara

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission	*Amendment*
1. This Regulation applies to third-country nationals staying ***illegally*** on the territory of the Member States.	1. This Regulation applies to third-country nationals staying ***irregularly*** on the territory of the Member States.

Or. en

Amendment 540
Estrella Galán

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission	*Amendment*
1. This Regulation applies to third-country nationals staying ***illegally*** on the territory of the Member States.	1. This Regulation applies to third-country nationals staying ***irregularly*** on the territory of the Member States.

Or. en

Amendment 541
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission	*Amendment*
1. This Regulation applies to third-country nationals ***staying illegally*** on the territory of the Member States.	1. This Regulation applies to third-country nationals ***irregularly present*** on the territory of the Member States.

Or. en

Amendment 542
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission	*Amendment*
1. This Regulation applies to third-country nationals ***staying*** illegally on the territory of the Member States.	1. This Regulation applies to third-country nationals illegally ***staying*** on the territory of the Member States.

Or. en

Amendment 543
Charlie Weimers, Alessandro Ciriani, Assita Kanko

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

Text proposed by the Commission	*Amendment*
	2a. Without prejudice to paragraph 2b of this Article, this Regulation shall not apply to third-country nationals who:
	a. are subject to a refusal of entry at external borders in accordance with Article 14 of Regulation (EU) 2016/399;
	b. are apprehended or intercepted by the competent authorities in connection with the illegal border crossing by land, sea or air of the external border of a Member State and who have not subsequently obtained an authorisation or a right to stay in that Member State
	c. are subject to return as a criminal law sanction or as a consequence of a criminal law sanction, according to national law
	d. are the subject of an extradition procedure.
	e. pose a threat to national security

Or. en

Amendment 544
Ana Miguel Pedro

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

Text proposed by the Commission	*Amendment*
	2a. Without prejudice to paragraph 5 of this Article, this Regulation shall not apply to third-country nationals who:
	a) are subject to a refusal of entry at external borders in accordance with

Article 14 of Regulation (EU) 2016/399;

b) are apprehended or intercepted by the competent authorities in connection with the illegal border crossing by land, sea or air of the external border of a Member State and who have not subsequently obtained an authorisation or a right to stay in that Member State;

c) are subject to return as a criminal law sanction or as a consequence of a criminal law sanction, according to national law;

d) are the subject of an extradition procedure;

e) pose a threat to national security.

Or. en

Amendment 545
Marieke Ehlers
on behalf of the PfE Group

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

Text proposed by the Commission	*Amendment*
	2a. This Regulation is without prejudice to Regulation (EU) 2024/1351.

Or. en

Amendment 546
Ana Miguel Pedro

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

Text proposed by the Commission	*Amendment*
	2b. A Member State may decide to apply this Regulation to one or more of the categories of third country nationals

referred to in paragraph 4, points a, b, c and e. In such cases, this Regulation shall apply to those categories of third-country nationals as from the date when the Member State notifies its decision to the other Member States and the Commission.

Or. en

Amendment 547
Charlie Weimers, Alessandro Ciriani, Assita Kanko

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

Text proposed by the Commission	*Amendment*
	2b. A Member State may decide to apply this Regulation to one or more of the categories of third country nationals referred to in paragraph 4, points a, b, c and e. In such cases, this Regulation shall apply to those categories of third-country nationals as from the date when the Member State notifies its decision to the other Member States and the Commission.

Or. en

Amendment 548
Marieke Ehlers
on behalf of the PfE Group

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

Text proposed by the Commission	*Amendment*
	2b. This Regulation shall be without prejudice to the competence of Member States to provide that the fact of illegal stay in itself constitutes a criminal offence under their national law.

Or. en

Amendment 549
Ana Miguel Pedro

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

Text proposed by the Commission	*Amendment*
	2c. When a Member State decides to apply this Regulation to third country nationals which are subject to return as a criminal law sanction, Articles 7, 9 and 10 shall not apply.

Or. en

Amendment 550
Charlie Weimers, Alessandro Ciriani, Assita Kanko

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

Text proposed by the Commission	*Amendment*
	2c. When a Member State decides to apply this Regulation to third country nationals which are subject to return as a criminal law sanction, Articles 7, 9 and 10 shall not apply.

Or. en

Amendment 551
Ana Miguel Pedro

Proposal for a regulation
Article 2 – paragraph 2 d (new)

Text proposed by the Commission	*Amendment*
	2d. With regard to third-country nationals that are excluded from the

scope of this Regulation in accordance with paragraph 4, point a and b, Member States shall ensure that their treatment and level of protection are no less favourable than as set out in Article 12(4) and (5), Article 14(2), Article 14(6), points (c)and (e), Article 34 (1) to (6) and Article 35.

Or. en

Amendment 552
Mélissa Camara

Proposal for a regulation
Article 3

Text proposed by the Commission	*Amendment*
Article 3	***deleted***
Derogations	
1. Member States may derogate from the provisions of this Regulation for the following third-country nationals:	
a. those subject to a refusal of entry at external borders in accordance with Article 14 of Regulation (EU) 2016/399;	
b. those who are apprehended or intercepted by the competent authorities in connection with the illegal border crossing by land, sea or air of the external border of a Member State and who have not subsequently obtained an authorisation or a right to stay in that Member State.	
2. When Member States apply derogations pursuant to paragraph 1 of this Article, they shall rely on national law for the purpose of ensuring the return of these categories of third-country nationals and respect the principle of non-refoulement. The following Articles shall apply: Article 12(4) and Article 12(5), Article 14(2), Article 14(6), point (c), Article 14(6), point	

(e), Article 34 and Article 35.

Or. en

Amendment 553
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 3

Text proposed by the Commission	*Amendment*
Article 3	***deleted***
Derogations	
1. Member States may derogate from the provisions of this Regulation for the following third-country nationals:	
a. those subject to a refusal of entry at external borders in accordance with Article 14 of Regulation (EU) 2016/399;	
b. those who are apprehended or intercepted by the competent authorities in connection with the illegal border crossing by land, sea or air of the external border of a Member State and who have not subsequently obtained an authorisation or a right to stay in that Member State.	
2. When Member States apply derogations pursuant to paragraph 1 of this Article, they shall rely on national law for the purpose of ensuring the return of these categories of third-country nationals and respect the principle of non-refoulement. The following Articles shall apply: Article 12(4) and Article 12(5), Article 14(2), Article 14(6), point (c), Article 14(6), point (e), Article 34 and Article 35.	

Or. en

Amendment 554
Estrella Galán

Proposal for a regulation
Article 3

Text proposed by the Commission	*Amendment*
Article 3	***deleted***
Derogations	
1. Member States may derogate from the provisions of this Regulation for the following third-country nationals:	
a. those subject to a refusal of entry at external borders in accordance with Article 14 of Regulation (EU) 2016/399;	
b. those who are apprehended or intercepted by the competent authorities in connection with the illegal border crossing by land, sea or air of the external border of a Member State and who have not subsequently obtained an authorisation or a right to stay in that Member State.	
2. When Member States apply derogations pursuant to paragraph 1 of this Article, they shall rely on national law for the purpose of ensuring the return of these categories of third-country nationals and respect the principle of non-refoulement. The following Articles shall apply: Article 12(4) and Article 12(5), Article 14(2), Article 14(6), point (c), Article 14(6), point (e), Article 34 and Article 35.	

Or. en

Amendment 555
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States may derogate from the provisions of this Regulation for the	***deleted***

following third-country nationals:

a. those subject to a refusal of entry at external borders in accordance with Article 14 of Regulation (EU) 2016/399;

b. those who are apprehended or intercepted by the competent authorities in connection with the illegal border crossing by land, sea or air of the external border of a Member State and who have not subsequently obtained an authorisation or a right to stay in that Member State.

Or. en

Amendment 556
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

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

Text proposed by the Commission	*Amendment*
a. those subject to a refusal of entry at external borders in accordance with Article 14 of Regulation (EU) 2016/399***;***	a. those subject to a refusal of entry at external borders in accordance with Article 14 of Regulation (EU) 2016/399***.***

Or. en

Amendment 557
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

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

Text proposed by the Commission	*Amendment*
b. those who are apprehended or intercepted by the competent authorities in connection with the illegal border crossing by land, sea or air of the external border of a Member State and who have	***deleted***

not subsequently obtained an authorisation or a right to stay in that Member State.

Or. en

Justification

The persons covered by this category are also covered by the Screening Regulation. That regulation foresees, inter alia, their identification and onward referral either to asylum or return procedures. There is absolutely no reason why they should not fall under the current Regulation, if they are not channelled to the asylum procedure.

Amendment 558
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 3 – paragraph 1 – point b a (new)

Text proposed by the Commission	*Amendment*
	ba. third-country nationals who are subject to return as a criminal law sanction or as a consequence of a criminal law sanction, as defined in national law, or who are the subject of an extradition procedure.

Or. en

Amendment 559
Mary Khan

Proposal for a regulation
Article 3 – paragraph 1 – point b a (new)

Text proposed by the Commission	*Amendment*
	ba. third-country nationals who pose a threat to national security.

Or. en

Amendment 560
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 3 – paragraph 1 – point b b (new)

Text proposed by the Commission	*Amendment*
	bb. third-country nationals who pose a threat to national security.

Or. en

Amendment 561
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Lena Düpont, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers

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

Text proposed by the Commission	*Amendment*
	1a. those subject to a refusal of entry at the internal borders in accordance with Article 14 of Regulation (EU) 2016/399, in the event of a temporary reintroduction of internal border controls under the conditions laid down in Chapter II of Title III of that Regulation.

Or. en

Amendment 562
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission	*Amendment*
2. When Member States apply ***derogations*** pursuant to paragraph 1 of this Article, they shall rely on national law for	2. When Member States apply ***a derogation*** pursuant to paragraph 1 of this Article, they shall rely on national law for

the purpose of ensuring the return of these ***categories of*** third-country nationals and respect the principle of non-refoulement. The following Articles shall apply: Article ***12(4)*** and Article 12(5), Article 14(2), Article 14(6), point (c), Article 14(6), point (e), Article 34 and Article 35.	the purpose of ensuring the return of these third-country nationals and respect the principle of non-refoulement. The following Articles shall apply: Article ***12(3) [assessing compliance with the principle of non-refoulement], Article 12(4) [coercive measures]*** and Article 12(5) ***[common guidelines on security provisions for joint removals by air]***, ***Article 14(1) [principle of non-refoulement]*** Article 14(2) ***[postponement of removal], Article 14(6)(a) [basic needs]***, Article 14(6), point (c) ***[emergency health care]***, Article 14(6), point (e) ***[special needs of vulnerable persons]***, Article 34 ***[detention conditions]*** and Article 35 ***[detention conditions for families and minors]***.

Or. en

Justification

The Commission proposes certain provisions should apply even for exempted categories of persons dealt with under national law. Those provisions need to be expanded to ensure the coherence of Member States' approaches to return and a level-playing field for all returnees and all Member States.

Amendment 563
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission	*Amendment*
2. When Member States apply derogations pursuant to paragraph 1 of this Article**,** they shall ***rely on*** national law ***for the purpose of ensuring the return of these categories of third-country nationals and respect the principle of non-refoulement. The following Articles shall apply: Article 12(4) and Article 12(5), Article 14(2), Article 14(6), point (c), Article 14(6), point (e), Article 34 and***	2. When Member States apply derogations pursuant to paragraph 1 of this Article they shall ***define in*** national law ***the applicable procedures.***

Article 35.

Or. en

Amendment 564
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission	*Amendment*
2. When Member States apply derogations pursuant to paragraph 1 of this Article, they shall rely on national law for the purpose of ensuring the return of these categories of third-country nationals ***and respect the principle of non-refoulement***. ***The following Articles shall apply: Article 12(4) and Article 12(5), Article 14(2), Article 14(6), point (c), Article 14(6), point (e), Article 34 and Article 35.***	2. When Member States apply derogations pursuant to paragraph 1 of this Article, they shall rely on national law for the purpose of ensuring the return of these categories of third-country nationals.

Or. en

Amendment 565
Mary Khan

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission	*Amendment*
2. When Member States apply derogations pursuant to paragraph 1 of this Article, they shall rely on national law for the purpose of ensuring the return of these categories of third-country nationals ***and respect the principle of non-refoulement***. ***The following Articles shall apply: Article 12(4) and Article 12(5), Article 14(2), Article 14(6), point (c), Article 14(6), point (e), Article 34 and Article 35.***	2. When Member States apply derogations pursuant to paragraph 1 of this Article, they shall rely on national law for the purpose of ensuring the return of these categories of third-country nationals.

Or. en

Amendment 566
Maciej Wąsik, Mariusz Kamiński, Jacek Ozdoba, Jadwiga Wiśniewska

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission	*Amendment*
2. When Member States apply derogations pursuant to paragraph 1 of this Article, they shall rely on national law for the purpose of ensuring the return of these categories of third-country nationals ***and respect the principle of non-refoulement***. ***The following Articles shall apply: Article 12(4) and Article 12(5), Article 14(2), Article 14(6), point (c), Article 14(6), point (e), Article 34 and Article 35.***	2. When Member States apply derogations pursuant to paragraph 1 of this Article, they shall rely on national law for the purpose of ensuring the return of these categories of third-country nationals.

Or. en

Amendment 567
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 4 – paragraph 1 – point 2

Text proposed by the Commission	*Amendment*
(2) '***illegal stay***' means the presence, on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils, the conditions of entry, as set out in Article 6 of Regulation (EU) 2016/399 or other conditions for entry, stay or residence in that Member State;	(2) '***irregular presence***' means the presence, on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils, the conditions of entry, as set out in Article 6 of Regulation (EU) 2016/399 or other conditions for entry, stay or residence in that Member State;

Or. en

Justification

It is important to emphasize that many persons subject to a return decision have previously sought international protection. Their presence on the territory of a MS may have been

irregular but it was not illegal. We must resist attempts to present irregular migrants seeking protection as criminals.

Amendment 568
Mélissa Camara

Proposal for a regulation
Article 4 – paragraph 1 – point 2

Text proposed by the Commission	*Amendment*
(2) '***illegal*** stay' means the presence, on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils, the conditions of entry, as set out in Article 6 of Regulation (EU) 2016/399 or other conditions for entry, stay or residence in that Member State;	(2) '***irregular*** stay' means the presence, on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils, the conditions of entry, as set out in Article 6 of Regulation (EU) 2016/399 or other conditions for entry, stay or residence in that Member State;

Or. en

Amendment 569
Estrella Galán

Proposal for a regulation
Article 4 – paragraph 1 – point 2

Text proposed by the Commission	*Amendment*
(2) '***illegal*** stay' means the presence, on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils, the conditions of entry, as set out in Article 6 of Regulation (EU) 2016/399 or other conditions for entry, stay or residence in that Member State;	(2) '***irregular*** stay' means the presence, on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils, the conditions of entry, as set out in Article 6 of Regulation (EU) 2016/399 or other conditions for entry, stay or residence in that Member State;

Or. en

Amendment 570

Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 4 – paragraph 1 – point 2 – point a (new)

Text proposed by the Commission	*Amendment*
	a) 'returnee' means a third-country national who is irregularly present on the territory of a Member State and who is the subject of an enforceable return decision;

Or. en

Justification

See Regulation (EU) 2019/1896 (Frontex) Art 2(26) adapted slightly.

Amendment 571
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 4 – paragraph 1 – point 2 – point b (new)

Text proposed by the Commission	*Amendment*
	b) 'minor' means a third-country national or stateless person below the age of 18 years;

Or. en

Amendment 572
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 4 – paragraph 1 – point 2 – point c (new)

Text proposed by the Commission	*Amendment*
	c) ' stateless person' means a person who is not considered to be a national by

any State under the operation of its law .

Or. en

Justification

Definition of stateless person as defined in Article 3(15) of Regulation (EU) 2024/1348 (APR) and in Article 2(5) of Regulation (EU) 2024/1356 (Screening).

Amendment 573
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Lena Düpont, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers, Karlo Ressler

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

Text proposed by the Commission	*Amendment*
(3) 'country of return' means one of the following:	(3) 'country of return' means***, without prejudice to the order in which they may apply,*** one of the following:

Or. en

Amendment 574
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

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

Text proposed by the Commission	*Amendment*
(3) 'country of ***return***' means one of the following:	(3) 'country of ***transfer***' means one of the following:

Or. en

Justification

As the country to which the person is being sent is unknown, it may not be a return but rather a transfer.

Amendment 575

Estrella Galán

Proposal for a regulation
Article 4 – paragraph 1 – point 3 – point b

Text proposed by the Commission	*Amendment*
(b) a third country that is the country of ***formal*** habitual residence of the third-country national;	(b) a third country that is the country of ***former*** habitual residence of the third-country national;

Or. en

Amendment 576
Estrella Galán

Proposal for a regulation
Article 4 – paragraph 1 – point 3 – point c

Text proposed by the Commission	*Amendment*
(c) a third country of transit on the way to the Union in accordance with Union or Member States' readmission agreements or arrangements;	***deleted***

Or. en

Amendment 577
Mélissa Camara

Proposal for a regulation
Article 4 – paragraph 1 – point 3 – point c

Text proposed by the Commission	*Amendment*
(c) a third country of transit on the way to the Union in accordance with Union or Member States' readmission agreements or arrangements;	***deleted***

Or. en

Amendment 578
Jan-Christoph Oetjen, Irena Joveva

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;	***deleted***

Or. en

Amendment 579
Estrella Galán

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;	***deleted***

Or. en

Amendment 580
Mélissa Camara

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 the one referred to in points (a) ***and (b)***, where the third-country national has a right to enter and reside ***and where the third country national voluntarily requests to return to*** ;

Or. en

Amendment 581
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

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

Or. en

Justification

For consistency as (g) is deleted

Amendment 582
Charlie Weimers, Alessandro Ciriani, Assita Kanko

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

Or. en

Amendment 583
Estrella Galán

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 584
Mélissa Camara

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 585
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

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

Justification

Article 59 APR lays down the conditions under which a third country may be considered as a safe third country for the purposes of an asylum application. The conditions for the application of the concept to a return decision must continue to apply. In particular, to ensure an effective, sustainable and dignified return, the third-country national must enjoy a connection with that safe third country which would make it reasonable for him or her to go to that country. Absent such a connection the return will likely be ineffective, not sustainable and undignified.

Amendment 586
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 4 – paragraph 1 – point 3 – point f

Text proposed by the Commission	*Amendment*
(f) the first country of asylum in relation to which the application for international protection of a third-country national has been rejected as inadmissible, pursuant to Article 58(4) of Regulation (EU) 2024/1348;	***deleted***

Or. en

Justification

Article 58 APR lays down the conditions under which a third country may be considered as a first country of asylum. The conditions for the application of the concept to a return decision must continue to apply. In particular, to ensure an effective, sustainable and dignified return, it must be clear to the authorities carrying out the return that the third-country nationals concerned will still be able to avail themselves of the protection that was afforded them before they travelled to the Union.

Amendment 587
Estrella Galán

Proposal for a regulation
Article 4 – paragraph 1 – point 3 – point f

Text proposed by the Commission	*Amendment*

(f) the first country of asylum in relation to which the application for international protection of a third-country national has been rejected as inadmissible, pursuant to Article 58(4) of Regulation (EU) 2024/1348;	***deleted***

Or. en

Amendment 588
Mélissa Camara

Proposal for a regulation
Article 4 – paragraph 1 – point 3 – point f

Text proposed by the Commission	*Amendment*
(f) the first country of asylum in relation to which the application for international protection of a third-country national has been rejected as inadmissible, pursuant to Article 58(4) of Regulation (EU) 2024/1348;	***deleted***

Or. en

Amendment 589
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

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.	***deleted***

Or. en

Justification

The trade in migrants that is proposed by this addition will not lead to any geopolitical advantage for the EU. No third country has been identified that will agree to take the returnees. No guarantees regarding the fate of the persons to be sent to these third countries is ensured and the sustainability of such returns is highly dubious.

Amendment 590
Estrella Galán

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.	***deleted***

Or. en

Amendment 591
Mélissa Camara

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.	***deleted***

Or. en

Amendment 592
Charlie Weimers, Alessandro Ciriani, Assita Kanko

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***, other than the one referred to in points (a), (b) and (d),*** 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.

Or. en

Amendment 593
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 4 – paragraph 1 – point 4

Text proposed by the Commission	*Amendment*
(4) 'return decision' means an administrative or judicial decision, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to leave the ***European Union***;	(4) 'return decision' means an administrative or judicial ***act or*** decision, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to leave the ***territory of the Member States***;

Or. en

Amendment 594
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 4 – paragraph 1 – point 4

Text proposed by the Commission	*Amendment*
(4) 'return decision' means an administrative or judicial decision, stating or declaring the stay of a third-country national to be ***illegal*** and imposing or stating an obligation to leave the European Union;	(4) 'return decision' means an administrative or judicial decision, stating or declaring the stay of a third-country national to be ***irregular*** and imposing or stating an obligation to leave the European Union;

Or. en

Amendment 595
Mélissa Camara

Proposal for a regulation
Article 4 – paragraph 1 – point 4

Text proposed by the Commission	*Amendment*
(4) 'return decision' means an administrative or judicial decision, stating or declaring the stay of a third-country national to be ***illegal*** and imposing or stating an obligation to leave the European Union;	(4) 'return decision' means an administrative or judicial decision, stating or declaring the stay of a third-country national to be ***irregular*** and imposing or stating an obligation to leave the European Union;

Or. en

Amendment 596
Estrella Galán

Proposal for a regulation
Article 4 – paragraph 1 – point 4

Text proposed by the Commission	*Amendment*
(4) 'return decision' means an administrative or judicial decision, stating or declaring the stay of a third-country national to be ***illegal*** and imposing or stating an obligation to leave the European Union;	(4) 'return decision' means an administrative or judicial decision, stating or declaring the stay of a third-country national to be ***irregular*** and imposing or stating an obligation to leave the European Union;

Or. en

Amendment 597
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 4 – paragraph 1 – point 4 a (new)

Text proposed by the Commission	*Amendment*

(4a) 'return' means an illegally staying third country national:

a. voluntarily returning, as referred to in point 6; or

b. being removed by the competent authorities from the territory of the Member States and to a country of return as referred to in first paragraph, point 3;

Or. en

Amendment 598
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 4 – paragraph 1 – point 4 b (new)

Text proposed by the Commission	*Amendment*
	(4b) 'decision ordering the removal' means an administrative or judicial decision stating or act stating or declaring that the third-country national can be removed to one or more countries of return as referred to in point 3;

Or. en

Amendment 599
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Lena Düpont, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers, Karlo Ressler

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;	(5) 'removal' means the enforcement of the return decision ***or a removal order*** by the competent authorities through the physical transportation out of the territory of the Member State;

Or. en

Amendment 600
Charlie Weimers, Alessandro Ciriani, Assita Kanko

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***;	(5) 'removal' means the enforcement of the return decision by the competent authorities through the physical transportation out of the territory of the Member ***States***;

Or. en

Amendment 601
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 4 – paragraph 1 – point 6

Text proposed by the Commission	*Amendment*
(6) 'voluntary return' means ***compliance by the*** illegally staying third-country national with the obligation to leave ***the territory*** of the ***Member States within the date*** set out in the ***return*** decision ***in accordance with Article 13 of this Regulation***;	(6) 'voluntary return' means ***departure of the territory of the Member States on his or her own, with or without assistance, and without resorting to removal, by:*** ***- an*** illegally staying third-country national ***against whom a formal return decision has not yet been issued; or*** ***- an illegally staying third-country national complying*** with the obligation to leave ***within or after expiration*** of the ***voluntary departure period*** set out in the decision;

Or. en

Amendment 602
Estrella Galán

Proposal for a regulation
Article 4 – paragraph 1 – point 6

Text proposed by the Commission	*Amendment*
(6) 'voluntary ***return***' means ***compliance*** by the ***illegally*** staying third-country national ***with the obligation*** to leave the territory of the Member States ***within the date set out in*** the return decision ***in accordance with Article 13 of this Regulation***;	(6) 'voluntary ***departure***' means ***the acceptance*** by the ***irregularly*** staying third-country national to leave the territory of the Member States ***at any stage of*** the return ***procedure, as a consequence of an informed*** decision***, taken freely by the person concerned in the absence of any physical, psychological, or material pressure***;

Or. en

Amendment 603
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Lena Düpont, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers

Proposal for a regulation
Article 4 – paragraph 1 – point 6

Text proposed by the Commission	*Amendment*
(6) 'voluntary return' means compliance by the illegally staying third-country national with the obligation to leave the territory of the Member States within the date set out ***in the return decision in accordance with Article 13 of this Regulation;***	(6) 'voluntary return' means compliance by the illegally staying third-country national with the obligation to leave the territory of the Member States within the date set out ***by the competent authorities.***

Or. en

Amendment 604
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 4 – paragraph 1 – point 6

Text proposed by the Commission	*Amendment*
(6) '***voluntary*** return' means compliance by the ***illegally staying*** third-country national with the obligation to leave the territory of the Member States within the date set out in the return decision in accordance with Article 13 of this Regulation;	(6) '***accepted*** return' means compliance by the third-country national ***who is irregularly present*** with the obligation to leave the territory of the Member States within the date set out in the return decision in accordance with Article 13 of this Regulation;

Or. en

Justification

As the return will made in compliance with a legal obligation, it cannot be described as voluntary. It is an acceptance of the obligation and the definition should reflect this.

Amendment 605
Mélissa Camara

Proposal for a regulation
Article 4 – paragraph 1 – point 6

Text proposed by the Commission	*Amendment*
(6) 'voluntary ***return***' means compliance by the ***illegally staying*** third-country national with the obligation to leave the territory of the Member States within the date set out in the return decision in accordance with Article 13 of this Regulation;	(6) 'voluntary ***departure***' means compliance by the third-country national ***concerned*** with the obligation to leave the territory of the Member States within the date set out in the return decision in accordance with Article 13 of this Regulation;

Or. en

Amendment 606
Mélissa Camara

Proposal for a regulation
Article 4 – paragraph 1 – point 6 a (new)

Text proposed by the Commission	*Amendment*
	(6a) 'unaccompanied minor' means a minor who arrives on the territory of the Member State unaccompanied by an adult

responsible for him or her, whether by law or practice of the Member State concerned, and for as long as that minor is not effectively taken into the care of such an adult, including a minor who is left unaccompanied after he or she has entered the territory of the Member State;

Or. en

Amendment 607
Mélissa Camara

Proposal for a regulation
Article 4 – paragraph 1 – point 6 b (new)

Text proposed by the Commission	*Amendment*
	(6b) 'family member' means the parent, sibling, adult spouse, uncle, aunt or grandparent of an unaccompanied minor ;

Or. en

Amendment 608
Estrella Galán

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 ***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.	(7) '***risk of*** absconding' means the ***proven existence of reasons in an individual case*** which ***are based on specific and objective criteria strictly defined by law to believe that a*** third-country national ***who is the subject of return procedures may*** not remain available to the competent 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.

Or. en

Amendment 609
Charlie Weimers, Alessandro Ciriani, Assita Kanko

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 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.***	(7) 'absconding' means the action by which the third-country national does not remain available to the competent administrative or judicial authorities***;***

Or. en

Amendment 610
Mary Khan

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 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***.	(7) 'absconding' means the action by which the third-country national does not remain available to the competent administrative or judicial authorities.

Or. en

Amendment 611
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Lena Düpont, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers

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 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***.	(7) 'absconding' means the action by which the third-country national does not remain available to the competent administrative or judicial authorities.

Or. en

Amendment 612
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

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 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***.	(7) 'absconding' means the action by which the third-country national does not remain available to the competent administrative or judicial authorities.

Or. en

Justification

Examples belong in recitals and not in definitions.

Amendment 613
Mélissa Camara

Proposal for a regulation
Article 4 – paragraph 1 – point 8

Text proposed by the Commission	*Amendment*
(8) 'entry ban' means an administrative or judicial decision or act prohibiting entry into and stay on the territory of the Member States for a specified period;	(8) 'entry ban' means an administrative or judicial decision or act ***accompanying a return decision and*** prohibiting entry into and stay on the territory of the Member States for a specified period;

Or. en

Amendment 614
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 4 – paragraph 1 – point 8

Text proposed by the Commission	*Amendment*
(8) 'entry ban' means an administrative or judicial decision or act prohibiting entry into and stay on the territory of the Member States for a specified period;	(8) 'entry ban' means an administrative or judicial decision or act prohibiting entry into and stay on the territory of the Member States for a specified period ***accompanying a return decision***;

Or. en

Justification

As per the current Return Directive, Article 3(6). The issuance of an entry ban should accompany a return decision. Individual entry bans following voluntary departure only serve to add bureaucracy at the borders and discourage voluntary departures.

Amendment 615
Mary Khan

Proposal for a regulation
Article 4 – paragraph 1 – point 8

Text proposed by the Commission	*Amendment*
(8) 'entry ban' means an administrative or judicial decision or act prohibiting entry into and stay on the territory of the Member States for a specified period;	(8) 'entry ban' means an administrative or judicial decision or act prohibiting entry into and stay on the territory of the Member States for a specified ***or lifetime*** period;

Or. en

Amendment 616
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 4 – paragraph 1 – point 8

Text proposed by the Commission	*Amendment*
(8) **'**entry ban' means an administrative or judicial decision or act prohibiting entry into and stay on the territory of the Member States ***for a specified period;***	(8) entry ban' means an administrative or judicial decision or act prohibiting entry into and stay on the territory of the Member States

Or. en

Amendment 617
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Lena Düpont, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers, Karlo Ressler

Proposal for a regulation
Article 4 – paragraph 1 – point 8

Text proposed by the Commission	*Amendment*
(8) 'entry ban' means an administrative or judicial decision or act prohibiting entry into and stay on the territory of the Member States ***for a specified period***;	(8) 'entry ban' means an administrative or judicial decision or act prohibiting entry into and stay on the territory of the Member States;

Or. en

Amendment 618
Estrella Galán

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 619
Mélissa Camara

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***;	(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;

Or. en

Amendment 620
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Lena Düpont, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers, Karlo Ressler

Proposal for a regulation
Article 4 – paragraph 1 – point 10

Text proposed by the Commission	*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 consisting of a request for confirmation of nationality and a request for issuance of a travel document, as relevant;	(10) 'readmission application' means a request for the purpose of readmission submitted by a competent authority ***or, where relevant, by the European Border and Coast Guard Agency ('Frontex'),*** 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;

Or. en

Amendment 621
Mélissa Camara

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 622
Charlie Weimers, Alessandro Ciriani, Assita Kanko

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;	(11) 'return operation' means an operation that is organised or coordinated by a competent authority ***or supported by the European Border and Coast Guard Agency ('Frontex')*** by which ***third-country*** nationals from one or more

Member States are returned;

Or. en

Amendment 623
Ana Miguel Pedro

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;	(11) 'return operation' means an operation that is organised or coordinated by a competent authority ***or supported by the European Border and Coast Guard Agency ('Frontex')*** by which third-country nationals from one or more Member States are returned;

Or. en

Amendment 624
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

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;	(11) 'return operation' means an operation that is organised or coordinated by a competent authority ***under*** which ***returnees*** from one or more Member States are returned***, either on a forced or voluntary basis, irrespective of the means of transport***;

Or. en

Justification

More closely aligned with the definition of return operation in Regulation (EU) 2019/1896 Art 2(27)

Amendment 625
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 4 – paragraph 1 – point 12

Text proposed by the Commission	*Amendment*
(12) 'readmission instrument' means a legally binding or non-binding instrument, containing provisions on the cooperation between a Member State or the Union and a third country on the readmission procedure, such as readmission or other international agreements and arrangements;	***deleted***

Or. en

Justification

The term 'readmission instrument' is used only once in the operative part of the text. In such circumstances, no definition is required.

Amendment 626
Estrella Galán

Proposal for a regulation
Article 4 – paragraph 1 – point 12

Text proposed by the Commission	*Amendment*
(12) 'readmission instrument' means a legally binding ***or non-binding*** instrument, containing provisions on the cooperation between a Member State or the Union and a third country on the readmission procedure, such as readmission or other international agreements ***and arrangements***;	(12) 'readmission instrument' means a legally binding instrument, containing provisions on the cooperation between a Member State or the Union and a third country on the readmission procedure, ***including provisions guaranteeing the fundamental rights of third-country nationals subject to them*** such as readmission or other international agreements;

Or. en

Amendment 627
Mélissa Camara

Proposal for a regulation
Article 4 – paragraph 1 – point 12

Text proposed by the Commission	*Amendment*
(12) 'readmission instrument' means a legally binding ***or non-binding*** instrument, containing provisions on the cooperation between a Member State or the Union and a third country on the readmission procedure, such as readmission or other international agreements ***and arrangements***;	(12) 'readmission instrument' means a legally binding instrument, containing provisions on the cooperation between a Member State or the Union and a third country on the readmission procedure, ***including provisions guaranteeing the fundamental rights of third country nationals subject to them,*** such as readmission or other international agreements;

Or. en

Amendment 628
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 4 – paragraph 1 – point 13

Text proposed by the Commission	*Amendment*
(13) 'other authorisation offering a right to stay' means any document issued by a Member State to a third-country national authorising the stay on its territory, which is not a residence permit within the meaning of Article 2, point 16, of Regulation (EU) 2016/399 or a long-stay visa within the meaning of Article 2, point 14, of Regulation (EU) 2018/1860 ***and with the exception of the document referred to in Article 6 of Directive (EU) 2024/1346 of the European Parliament and of the Council***[25] .	(13) 'other authorisation offering a right to stay' means any document issued by a Member State to a third-country national authorising the stay on its territory, which is not a residence permit within the meaning of Article 2, point 16, of Regulation (EU) 2016/399 or a long-stay visa within the meaning of Article 2, point 14, of Regulation (EU) 2018/1860.

[25] Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection (OJ L, 2024/1346, 22.5.2024, ELI: http://data.europa.eu/eli/dir/2024/1346/oj)
.

Or. en

Justification

It is not clear why an authorisation offering a right to stay issued pursuant to Article 29 APR in the context of an asylum application should not be included under this definition.

Amendment 629
Estrella Galán

Proposal for a regulation
Article 4 – paragraph 1 – point 13 a (new)

Text proposed by the Commission	*Amendment*
	(13a) 'persons in a vulnerable situation' means persons facing a diminished capacity to resist, cope with, or recover from violence, exploitation, abuse or violations of their rights due to the presence of factors and circumstances at the individual, community, household, structural and/or situational level that increase the risk of, and exposure to, such violence, exploitation, abuse, or rights violation or due to the absence of factors that protect against such violence, exploitation, abuse and rights violations.

Or. en

Amendment 630
Mélissa Camara

Proposal for a regulation
Article 4 – paragraph 1 – point 13 a (new)

Text proposed by the Commission	*Amendment*
	(13a) 'persons in a vulnerable situation' means persons having a diminished capacity to resist, cope with, or recover from violence, exploitation, abuse or violations of their rights due to the presence of factors and circumstances at an individual, community, household, structural or situational level that increase the risk of, and exposure to, such violence, exploitation, abuse, or rights violations, or due to the absence of factors that protect against such violence, exploitation, abuse and rights violations.

Or. en

Amendment 631
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 4 – paragraph 1 – point 13 a (new)

Text proposed by the Commission	*Amendment*
	(13a) 'internal return hub' means a designated, closed and secure facility for housing third-country nationals. An internal return hub shall provide for accommodation, food, and amenities, which shall include recreational areas, and adequate healthcare services, with the aim of ensuring dignified living conditions while managing risks to public order and preventing absconding.

Or. en

Amendment 632
Cecilia Strada, Marco Tarquinio, Alessandro Zan

Proposal for a regulation

Article 4 – paragraph 1 – point 13 a (new)

Text proposed by the Commission	*Amendment*
	(13a) 'vulnerable persons' means minors, including unaccompanied minors, disabled people, elderly people, pregnant women, families with minor children, homeless and persons who have been subjected to torture, inhuman or degrading treatment or punishment as well as rape or other forms of psychological, physical or sexual violence

Or. en

Amendment 633
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 4 – paragraph 1 – point 13 a (new)

Text proposed by the Commission	*Amendment*
	(13a) 'biometric data' means 'biometric data' as defined in Article 4, point (11), of Regulation (EU) 2019/817;

Or. en

Justification

Recommended by the EDPS.

Amendment 634
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 4 – paragraph 1 – point 13 b (new)

Text proposed by the Commission	*Amendment*
	(13b) 'facial image' means 'facial image' as defined in Article 2, paragraph

1, point (r) of Regulation (EU) 2024/1358;

Or. en

Justification

Recommended by the EDPS.

Amendment 635
Estrella Galán

Proposal for a regulation
Article 4 – paragraph 1 – point 13 b (new)

Text proposed by the Commission	*Amendment*
	(13b) 'minor' means a third-country national or stateless person below the age of 18 years.

Or. en

Amendment 636
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 4 – paragraph 1 – point 13 b (new)

Text proposed by the Commission	*Amendment*
	(13b) 'minor' means any third-country national below the age of 18 years;

Or. en

Amendment 637
Estrella Galán

Proposal for a regulation
Article 4 – paragraph 1 – point 13 c (new)

Text proposed by the Commission	*Amendment*

(13c) 'unaccompanied minor' means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her, whether by law or practice of the Member State concerned, and for as long as that minor is not effectively taken into the care of such an adult, including a minor who is left unaccompanied after he or she has entered the territory of the Member States.

Or. en

Amendment 638
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 4 – paragraph 1 – point 13 c (new)

Text proposed by the Commission	*Amendment*
	(13c) 'fingerprint data' means 'fingerprint data' as defined in Article 2, paragraph 1, point (q) of Regulation (EU) 2024/1358.

Or. en

Justification

Recommended by the EDPS. Eurodac does not refer to dactyloscopic data but to fingerprint data.

Amendment 639
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 4 – paragraph 1 – point 13 c (new)

Text proposed by the Commission	*Amendment*
	(13c) 'child' means any third-country national below the age of 16 years.

Or. en

Amendment 640
Estrella Galán

Proposal for a regulation
Article 4 – paragraph 1 – point 13 d (new)

Text proposed by the Commission	*Amendment*
	(13d) 'protective family link' means proven family links in respect of unaccompanied minors, where it is assessed the capacity of a relative to take care of an unaccompanied minor, including where family members, siblings or relatives of the unaccompanied minor legally reside in a third country and where the child can also legally reside.

Or. en

Amendment 641
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 4 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	'vulnerable persons' means minors, including unaccompanied minors, disabled people, elderly people, pregnant women, families with minor children, homeless and persons who have been subjected to torture, inhuman or degrading treatment or punishment as well as rape or other forms of psychological, physical or sexual violence.

Or. en

Justification

See Article 3, paragraph 9 Directive 2008/115/EC.

Amendment 642
Abir Al-Sahlani, Irena Joveva, Jan-Christoph Oetjen

Proposal for a regulation
Article 4 a (new)

Text proposed by the Commission	*Amendment*
	Article4a
	Vulnerable groups
	1. Where relevant and throughout the return procedure, an assessment of a third-country national's specific needs shall be made in cases of vulnerabilities, pursuant to Chapter IV of Directive (EU) 2024/1346 and in line with Regulation (EU) 2024/1348. Such vulnerabilities may cover but shall not be limited to:
	a) Unaccompanied minors;
	b) Families with children;
	c) Persons suffering from serious health conditions or persons with disabilities, where return to the third country would entail a significant risk to their health or a lack of access to necessary medical treatment;
	d) Victims of trauma, torture, or human trafficking, unless adequate protection and support structures demonstrably exist in the third country to address their specific needs and prevent re-traumatization or further exploitation;
	e) Elderly persons with specific care needs that cannot be adequately met in the third country;
	f) LGBTIQ+ persons if there are credible grounds for believing that they would face a real risk of persecution, discrimination, or violence in the third country due to their sexual orientation or gender

identity;

2. If indications of vulnerability, special needs, or the need for procedural guarantees are identified, the third-country national concerned shall receive timely and appropriate support, taking into account their physical and mental health. In the case of minors, such support shall be provided by personnel trained and qualified to work with children, in cooperation with the competent child protection authorities.

Or. en

Amendment 643
Cecilia Strada, Marco Tarquinio, Alessandro Zan

Proposal for a regulation
Article 4 a (new)

Text proposed by the Commission	*Amendment*
	Article4a
	Non-refoulement, best interests of the child, family life, state of health and vulnerable persons
	When implementing this Regulation, Member States shall take due account of the following elements:
	(a) the best interests of the child;
	(b) the private and family life of the third-country national concerned;
	(c) the state of health of the third-country national concerned;
	(d) the vulnerabilities of the persons referred to in art. 4a
	and respect the principle of non-refoulement.

Or. en

Amendment 644
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Rasa Juknevičienė

Proposal for a regulation
Article 5

Text proposed by the Commission	*Amendment*
Article 5	***deleted***
Fundamental rights	
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.	

Or. en

Amendment 645
Mary Khan

Proposal for a regulation
Article 5

Text proposed by the Commission	*Amendment*
Article 5	***deleted***
Fundamental rights	
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.	

Or. en

Amendment 646
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 5

Text proposed by the Commission	*Amendment*
Article 5	***deleted***
Fundamental rights	
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.	

Or. en

Amendment 647
Charlie Weimers, Mariusz Kamiński, Nicolas Bay, Jadwiga Wiśniewska, Maciej Wąsik, Sebastian Tynkkynen, Geadis Geadi, Assita Kanko

Proposal for a regulation
Article 5

Text proposed by the Commission	*Amendment*
Article 5	***deleted***
Fundamental rights	
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.	

Or. en

Amendment 648
Estrella Galán

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, the Convention on the Status of Stateless Persons 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 ***and with the best interest of the child***.

Or. en

Amendment 649
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

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, with the obligations related to access to international protection, in particular the principle of non-refoulement, and with fundamental rights. ***In that context, no one may be removed, expelled or extradited to a third country where there is a serious risk that they would be subjected to the death penalty, torture or other inhumane or degrading treatment or punishment.***

Or. en

Justification

See Article 19 of the Charter and Recital 11. In light of the risks arising from this proposal, the prohibition on refoulement must be restated in the Articles.

Amendment 650
Mélissa Camara

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, with fundamental rights ***and with the principle of the best interest of the child***.

Or. en

Amendment 651
Estrella Galán

Proposal for a regulation
Article 5 a (new)

Text proposed by the Commission	*Amendment*
	Article 5a
	Vulnerabilities
	1. Where relevant, Member States shall assess whether a third-country national in a return procedure is in a vulnerable situation, a victim of

torture or has special needs or needs special procedural guarantees as within the meaning of the Reception Conditions Directive and the Asylum Procedures Regulation.

2. Where there are indications of vulnerability, special needs or procedural guarantees, the third-country national concerned shall receive timely and adequate support in view of their physical and mental health. In the case of minors, support shall be given by personnel trained and qualified to deal with minors, and in cooperation with child protection authorities.

Or. en

Amendment 652
Estrella Galán

Proposal for a regulation
Chapter II – Section 1

Text proposed by the Commission	*Amendment*
1 Start of the return procedure	***deleted***
6 Detection and initial checks	
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.	
2. For the purpose of paragraph 1, competent authorities shall rely upon previous checks carried out in relation to third-country nationals, including screening pursuant to Regulation (EU) 2024/1356 or equivalent checks under national law.	
3. Where needed, additional security verifications for the purpose of carrying	

out the return procedure under this Regulation may be carried out based on a risk assessment and objective criteria set out in national law.

Or. en

Amendment 653
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 6

Text proposed by the Commission	*Amendment*
Article 6	***deleted***
Detection and initial checks	
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.	
2. For the purpose of paragraph 1, competent authorities shall rely upon previous checks carried out in relation to third-country nationals, including screening pursuant to Regulation (EU) 2024/1356 or equivalent checks under national law.	
3. Where needed, additional security verifications for the purpose of carrying out the return procedure under this Regulation may be carried out based on a risk assessment and objective criteria set out in national law.	

Or. en

Amendment 654
Mélissa Camara

Proposal for a regulation
Article 6 – title

Text proposed by the Commission	*Amendment*
Detection and initial checks	***Identification of persons in a vulnerable situation***

Or. en

Amendment 655
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Birgit Sippel, Cecilia Strada

Proposal for a regulation
Article 6 – title

Text proposed by the Commission	*Amendment*
Detection and initial checks	Initial checks

Or. en

Amendment 656
Mélissa Camara

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 security verifications.	***deleted***

Or. en

Amendment 657
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

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 security verifications.	***deleted***

Or. en

Justification

Given the provisions of the Screening Regulation, in particular Articles 5 and 7, there is no necessity or proportionality in requiring Member States to hunt down third-country nationals irregularly staying on their territory. This would simply amount to discriminatory policing.

Amendment 658
Charlie Weimers, Alessandro Ciriani, Assita Kanko

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 security verifications***.	1. ***When apprehending an illegally-staying third country national,*** Member States shall ***ensure that checks are made in relevant national systems and the Schengen Information System***.

Or. en

Amendment 659
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers

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 security verifications.	1. Member States shall put in place efficient and proportionate measures to detect ***and apprehend*** 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 ***identity*** and security verifications.

Or. en

Amendment 660
Mary Khan

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 security verifications.	1. Member States shall put in place efficient and ***proactive*** 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.

Or. en

Amendment 661
Mélissa Camara

Proposal for a regulation
Article 6 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Member States shall assess whether a third-country national in a return procedure is in a vulnerable situation, a victim of torture or has special needs or needs special procedural guarantees as within the meaning of the Reception Conditions Directive and Asylum Procedures Regulation.

Or. en

Amendment 662
Mary Khan

Proposal for a regulation
Article 6 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. For the purpose of implementing paragraph 1, Member States may, in accordance with national law, establish dedicated task forces to assist in the detection of third-country nationals staying illegally on their territory.

Or. en

Justification

Member States should proactively detect illegal third-country nationals on their territory. This addition adds the flexibility for Member States to dedicate a specific task force (police, army, private investigators - for example) to help them with detecting illegal migrants.

Amendment 663
Mélissa Camara

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission	*Amendment*
2. For the purpose of paragraph 1, competent authorities shall rely upon	***deleted***

previous checks carried out in relation to third-country nationals, including screening pursuant to Regulation (EU) 2024/1356 or equivalent checks under national law.

Or. en

Amendment 664
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Birgit Sippel, Cecilia Strada

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission	*Amendment*
2. ***For the purpose of paragraph 1***, competent authorities shall rely upon previous checks carried out in relation to third-country ***nationals, including*** screening pursuant to Regulation (EU) 2024/1356 ***or equivalent checks under national law***.	2. ***When determining whether a return procedure should be carried out in respect of a third country national who is irregularly present on the territory of a Member State***, competent authorities shall rely upon previous checks carried out in relation to ***that*** third-country ***national, in particular the checks carried out under*** screening pursuant to Regulation (EU) 2024/1356.

Or. en

Justification

In line with the deletion of paragraph 1.

Amendment 665
Mélissa Camara

Proposal for a regulation
Article 6 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Where there are indications of vulnerabilities, special needs or procedural guarantees, the third-country

national concerned shall receive timely and adequate support in view of their physical and mental health. In the case of minors, support shall be given by personnel trained and qualified to deal with minors, and in cooperation with child protection authorities.

Or. en

Amendment 666
Mélissa Camara

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Where needed, additional security verifications for the purpose of carrying out the return procedure under this Regulation may be carried out based on a risk assessment and objective criteria set out in national law.	***deleted***

Or. en

Amendment 667
Mary Khan

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Where needed, additional security verifications for the purpose of carrying out the return procedure under this Regulation may be carried out ***based on a risk assessment and objective criteria set out*** in national law.	3. Where needed, additional security verifications for the purpose of carrying out the return procedure under this Regulation may be carried out in ***accordance with*** national law.

Or. en

Amendment 668
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Ana Miguel Pedro, Loránt Vincze, Lena Düpont, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers, Karlo Ressler

Proposal for a regulation
Article 6 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. For the purpose of paragraphs 1 to 3, competent authorities shall carry out the necessary checks in the relevant Union and national and databases, in accordance with Union and national law.

Or. en

Amendment 669
Abir Al-Sahlani, Irena Joveva, Jan-Christoph Oetjen

Proposal for a regulation
Article 6 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. The application of this Article shall be without prejudice to Regulation (EU) 2016/679 and Article 5 of Regulation (EU) 2024/1689.

Or. en

Amendment 670
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Lena Düpont, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers, Karlo Ressler

Proposal for a regulation
Article 6 – paragraph 3 b (new)

Text proposed by the Commission	*Amendment*
	3b. The absence of information or cooperation from another Member State or a third country shall not delay the

detection measures referred to in paragraph 1 nor the initiation of the return procedure.

Or. en

Amendment 671
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 6 a (new)

Text proposed by the Commission	*Amendment*
	Article6a
	Vulnerabilities
	Where the preliminary vulnerability check carried out pursuant to Article 12, paragraph 3 of Regulation (EU) 2024/1356 has identified indications of vulnerabilities or special reception or procedural needs in respect of a returnee, the return authorities shall ensure that the returnee concerned receives timely and adequate support in adequate facilities in view of their physical and mental health. In the case of minors, support shall be given in a child-friendly and age-appropriate manner by personnel trained and qualified to deal with minors. For these purposes the return authorities may be assisted by other relevant authorities, such as national child protection authorities, of the Member State in question.

Or. en

Amendment 672
Estrella Galán

Proposal for a regulation
Chapter II – Section 2 – title

Text proposed by the Commission	*Amendment*
2 Procedure ***ordering return***	2 ***Start of the return*** procedure

Or. en

Amendment 673
Estrella Galán

Proposal for a regulation
Article 7 – title

Text proposed by the Commission	*Amendment*
Issuance of a return decision	***Pre-conditions for the*** issuance of a return decision

Or. en

Amendment 674
Estrella Galán

Proposal for a regulation
Article 7 – paragraph -1 (new)

Text proposed by the Commission	*Amendment*
	-1. Prior to issuing a return decision, Member States shall, with due diligence and in good faith, carry out a reasonable and objective individual assessment of the specific circumstances of each third-country national, considering the full range of factors that may weigh against return, including the principle of non-refoulement, the right to family life, the best interests of the child, the person's health, any situation of vulnerability or any risk of violation of their fundamental rights. If this assessment indicates that return would violate fundamental rights under Union or international human rights law, the return decision shall not be issued.

Or. en

Amendment 675
Mélissa Camara

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission	*Amendment*
1. A return decision shall ***be issued*** to any third-country national staying ***illegally*** on their territory ***by competent authorities of the Member States, without prejudice to the exceptions referred to in Article 8***.	1. ***Prior to issuing*** a return decision***, Member States*** shall ***carry out an assessment of individual human rights grounds that may affect the suitability of return. If return is considered suitable, Member States' competent authorities may issue a return decision*** to any third-country national staying ***irregularly*** on their territory***, provided that all other options for granting a right to remain have been duly examined in accordance with paragraph 9 and that return is considered feasible***.

Or. en

Amendment 676
Estrella Galán

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission	*Amendment*
1. A return decision ***shall*** be issued to any third-country national staying ***illegally*** on their territory by competent authorities of the Member States, ***without prejudice to the exceptions referred to in*** Article ***8***.	1. A return decision ***may*** be issued to any third-country national staying ***irregularly*** on their territory by competent authorities of the Member States, ***provided that the assessment of paragraph 1 has been carried out and that all other options for granting a right to remain have been duly examined in accordance with paragraph 9 of this*** article.

Or. en

Amendment 677
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission	*Amendment*
1. A return decision shall be issued to any third-country national ***staying illegally*** on their territory by competent authorities of the Member States, without prejudice to the exceptions referred to in Article 8.	1. A return decision shall be issued to any third-country national ***irregularly present*** on their territory by ***the*** competent authorities of the Member States, without prejudice to the ***Member States' competence in accordance with paragraph 8 of this Article, to the*** exceptions referred to in Article 8 ***and to Article 18***.

Or. en

Justification

Whether a MS issues a return decision depends on other competences of the MS. In particular, the MS has the right to grant an autonomous permit at any time to a third-country national. In addition, the MS are obliged to consider the best interest of the child which - particularly in the case of unaccompanied minors - might lead to no return decision being issued.

Amendment 678
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission	*Amendment*
1. A return decision shall be issued to any third-country national staying illegally on their territory by competent authorities of the Member States***, without prejudice to the exceptions referred to in Article 8***.	1. A return decision shall be issued to any third-country national staying illegally on their territory by competent authorities of the Member States.

Or. en

Amendment 679
Mary Khan

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission	*Amendment*
1. A return decision shall be issued to any third-country national staying illegally on their territory by competent authorities of the Member States***, without prejudice to the exceptions referred to in Article 8***.	1. A return decision shall be issued to any third-country national staying illegally on their territory by competent authorities of the Member States ***imposing the obligation to leave the territory of the Member States***.

Or. en

Amendment 680
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. The return decisions shall:
	a) state a departure period, which shall not exceed 30 days, by the end of which the third-country national shall at the latest leave the territory of the Member States; or
	b) state that the third-country national shall leave the territory of the Member States immediately
	The departure period referred to in subparagraph (a) may be further specified in national law. Member States may lay down in their national law when a third-country national is granted a voluntary departure period or is ordered to leave immediately.

Or. en

Amendment 681
Mélissa Camara

Proposal for a regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Where return is currently not feasible or possible, Member States shall not issue a return decision and shall review the options available in national law and where relevant issue a status allowing the third-country national to reside lawfully on the territory of the Member State. Member States shall issue written documentation setting out the relevant legal status, rights and obligations to the third-country national concerned, in a language they understand.

Or. en

Amendment 682
Estrella Galán

Proposal for a regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Where a return decision cannot be issued, including because return is currently not feasible or possible, the Member State shall review the options available in national law and where relevant a temporary status shall be issued allowing the third country national to reside lawfully on the territory of the Member State. Their legal status, rights and obligations shall be provided to them in writing in a language they understand.

Or. en

Amendment 683
Mary Khan

Proposal for a regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Where a third-country national is subject to an enforceable return decision issued by another Member State, the competent authorities may either issue a new return decision pursuant to this Article or recognise and enforce the existing return decision in accordance with Article 9.

Or. en

Amendment 684
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. By way of derogation from paragraph 1, where a third-country national is subject to an enforceable return decision issued by another Member State, the competent authorities may nevertheless issue their own return decision if doing so would lead to a speedier return.

Or. en

Amendment 685
Mary Khan

Proposal for a regulation

Article 7 – paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	1b. The return decisions shall:
	(a) state a departure period, which shall not exceed 14 days, by the end of which the third-country national shall at the latest leave the territory of the Member States; or
	b) state that the third-country national shall leave the territory of the Member States immediately.
	The departure period referred to in subparagraph (a) may be shortened in accordance with national law.

Or. en

Amendment 686
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 7 – paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	1b. The return decisions shall:
	(a) specify a departure period, not to exceed 30 days, within which the third-country national must leave the territory of the Member States; or
	(b) require the third-country national to leave the territory of the Member States immediately.

Or. en

Amendment 687
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation

Article 7 – paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	1b. Member States may provide for a departure period pursuant to paragraph 1a that exceeds 30 days with due regard to the specific circumstances of the individual case.

Or. en

Amendment 688
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 7 – paragraph 1 c (new)

Text proposed by the Commission	*Amendment*
	1c. Member States may extend the departure period pursuant to paragraph 1a with due regard to the specific circumstances of the individual case, in particular 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.
	Member states may shorten the departure period pursuant to paragraph 1a in case of noncompliance with the obligation to cooperate as set out in Article 21.

Or. en

Amendment 689
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 7 – paragraph 1 c (new)

Text proposed by the Commission	*Amendment*
	1c. Member States may put in place national law that allows the departure period to be extended beyond 30 days, where an extension is in the interest of an effective return.

Or. en

Amendment 690
Mary Khan

Proposal for a regulation
Article 7 – paragraph 1 c (new)

Text proposed by the Commission	*Amendment*
	1 c. The departure period shall be counted from the date of notification of the decision.

Or. en

Amendment 691
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 7 – paragraph 1 d (new)

Text proposed by the Commission	*Amendment*
	1d. Member States shall put in place national law that defines the event from which the departure period shall be counted.

Or. en

Amendment 692
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 7 – paragraph 1 d (new)

Text proposed by the Commission	*Amendment*
	1d. The departure period shall be counted from a date as defined under national law.

Or. en

Amendment 693
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission	*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 ***without undue delay***.	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 in accordance with the national law of the Member State concerned***. ***Where the third country national is not assisted by a legal adviser, that information shall be provided in a language that the third country national understands or is reasonably supposed to understand.***

Or. en

Justification

The return decision needs to be notified to the returnee as soon as possible and should be in the appropriate languages. See APR Article 36(1) and Article 36(3).

Amendment 694
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Lena Düpont, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission	*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 without undue delay.	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***, in accordance with the national law of the Member State concerned***.

Or. en

Amendment 695
Ana Miguel Pedro

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission	*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 ***without undue delay***.	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 in accordance with national law of the Member State concerned***.

Or. en

Amendment 696
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission	*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 ***without undue delay***.	2. ***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 possible in accordance with national law of the Member State concerned***.

Or. en

Amendment 697
Mary Khan

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission	*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 without undue delay.	2. The return decision shall be issued in writing and give reasons in fact and in law***. The third-country national shall, upon request, be informed*** 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.

Or. en

Amendment 698
Estrella Galán

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission	*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	2. The return decision shall ***indicate the country of return and*** be issued in writing and give reasons in fact and in law as well as information about

those remedies. The return decision shall be notified to the third-country national without undue delay.	available legal remedies and time-limits to seek those remedies. The return decision shall be notified to the third-country national without undue delay.

Or. en

Amendment 699
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission	*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 ***without undue delay***.	2. The return decision shall be issued in writing and give reasons in fact and in law . The return decision shall be notified to the third-country national ***as soon as possible in accordance with national law of the Member State concerned***.

Or. en

Amendment 700
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Ana Miguel Pedro, Loránt Vincze, Lena Düpont, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers, Karlo Ressler

Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Where the whereabouts of the third-country national are unknown, the return decision shall be considered duly notified when delivered or made public in accordance with national law, ensuring that reasonable efforts are made to bring it to the attention of the person concerned.

Or. en

Amendment 701
Mélissa Camara

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Competent authorities may decide not to provide or may decide to limit the information on reasons in fact, where national law provides for the right to information to be restricted or where it is necessary to safeguard public order, public security or national security and for the prevention, investigation, detection and prosecution of criminal offences. In such cases, the third-country national shall be informed of the essence of the grounds on which a return decision is taken for the purpose of access to an effective remedy.	***deleted***

Or. en

Amendment 702
Estrella Galán

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Competent authorities may decide not to provide or may decide to limit the information on reasons in fact, where national law provides for the right to information to be restricted or where it is necessary to safeguard public order, public security or national security and for the prevention, investigation, detection and prosecution of criminal offences. In such cases, the third-country national shall be informed of the essence of the grounds on which a return decision is	***deleted***

taken for the purpose of access to an effective remedy.

Or. en

Amendment 703
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Competent authorities may decide not to provide or may decide to limit the information on reasons in fact, where national law provides for the right to information to be restricted or where it is necessary to safeguard public order, public security or national security and for the prevention, investigation, detection and prosecution of criminal offences. In such cases, the third-country national shall be informed of the essence of the grounds on which a return decision is taken for the purpose of access to an effective remedy.	3. Competent authorities may decide not to provide or may decide to limit the information on reasons in fact, where national law provides for the right to information to be restricted or where it is necessary to safeguard public order, public security or national security and for the prevention, investigation, detection and prosecution of criminal offences. In such cases, the third-country national shall be informed of the essence of the grounds on which a return decision is taken for the purpose of access to an effective remedy. ***The obligation to inform the third country national of the essence of the grounds does not include an obligation to disclose any classified information.***

Or. en

Amendment 704
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Competent authorities ***may decide not to provide or*** may decide to limit the information on reasons in fact***, where***	3. ***In exceptional circumstances,*** competent authorities may decide to limit the information on reasons in fact ***in***

national law ***provides for the right to information to be restricted or*** where ***it is*** necessary to safeguard public ***order, public*** security or ***national security*** and for the prevention, investigation, detection and prosecution of criminal offences. In such cases, the ***third-country national*** shall be informed of the essence of the grounds on which ***a*** return decision ***is*** taken ***for the purpose of access*** to an effective remedy.

accordance with national law***,*** where ***this is strictly*** necessary ***and proportionate*** to safeguard public ***policy, internal*** security or ***international relations*** and for the prevention, investigation, detection and prosecution of criminal offences. In such cases, the ***returnee*** shall be informed of the essence of the grounds on which ***the*** return decision ***was*** taken ***and in such detail as is necessary to safeguard the fairness of the procedure and the effective exercise of the right*** to an effective remedy.

Or. en

Justification

This information cannot be withheld simply because national law allows it. It is also not possible that the decision provides no information, as is already made clear in the final sentence of this paragraph. See for comparison Article 6(1) of Directive 2012/13/EU on the right to information in criminal proceedings. Wording aligned with grounds for refusal of entry in the Schengen Borders Code. See Article 16.

Amendment 705
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Lena Düpont, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers, Karlo Ressler

Proposal for a regulation
Article 7 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. The country of return may be determined either in the return decision or after the issuance of the return decision, in the removal order referred to in Article 12(2).

Or. en

Amendment 706
Cecilia Strada, Marco Tarquinio, Alessandro Zan

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission	*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 may indicate provisionally one or more countries of return.	***deleted***

Or. en

Justification

If a Member State cannot determine the country of return or deportation, then a return decision should not be issued. The jurisprudence of the ECtHR supports this position. In Auad v. Bulgaria, the Court held that the failure to specify the country of destination in an expulsion order may violate the principle of legal certainty, especially in the context of detention. The Court noted that 'In cases of aliens detained with a view to deportation, lack of clarity as to the destination country could hamper effective control of the authorities' diligence in handling the deportation. Similarly, in Asalya v. Turkey, the ECtHR found a violation of Article 13 of the Convention where the deportation order did not indicate the destination country.

Amendment 707
Mélissa Camara

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission	*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 may indicate provisionally one or more countries of return.	***deleted***

Or. en

Amendment 708
Estrella Galán

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission	*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 may indicate provisionally one or more countries of return.	***deleted***

Or. en

Amendment 709
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission	*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 may ***indicate provisionally one or more countries of*** return.	4. When a country of ***transfer*** 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 ***give a provisional indication of the country of transfer. The competent authorities shall prioritise*** return ***to the country of origin of the returnee***. ***The returnee remains entitled to leave to a country different to the country named in the return decision, provided that that different third country admits the returnee.***

Or. en

Justification

The MS competent authorities must seek to return a person to her country of origin as a priority. To allow a return decision to be issued, a provisional country of return may be indicated, but this should be a single country to ensure the right to an effective remedy. Nothing should preclude the returnee leaving the EU for a different third country.

Amendment 710
Nadine Morano

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission	*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 ***may*** indicate ***provisionally*** one or more countries of return.	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 not be required to*** indicate one or more countries of return***, but may provisionally not mention any country pending the results of the investigation***. ***The decision may also mention transit countries in which the individual stayed before entering the territory of the European Union.***

Or. fr

Justification

This will make it possible to increase the speed with which administrative procedures and appeals are carried out.

Amendment 711
Elissavet Vozemberg-Vrionidi, Fredis Beleris

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission	*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 may indicate provisionally one or more countries of return.	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. ***In case the third-country national decides to return voluntarily in another country, the issuance of a new return decision is not***

required.

Or. en

Amendment 712
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission	*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 ***may indicate provisionally one or more countries*** of return.	4. ***The country or countries of return may be determined in the return decision. Where the third-country national decides to return voluntarily to another*** country of return ***other than the country or countries of return stated in*** the return decision, ***the issuance of a new*** decision ***determining the country*** of return ***is not required***.

Or. en

Amendment 713
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Lena Düpont, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers, Karlo Ressler

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission	*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 may indicate provisionally one or more countries of return.	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 ***none,*** one or more countries of return.

Or. en

Amendment 714
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 7 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4a. Competent authorities shall not be precluded from issuing a return decision where there is a hindrance of removal, including due to the risk of refoulement.
	Where the country of return has been determined in the return decision and a risk of refoulement has been identified, the return decision shall state that the removal to that country of return is postponed in accordance with Article 14, paragraph 1, point a.

Or. en

Amendment 715
Mélissa Camara

Proposal for a regulation
Article 7 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4a. A return decision shall indicate the country of return. A third-country national shall have the right to take an informed decision to return to a different country, other than the one named in the return decision, should they so wish and the third country be willing to accept them.

Or. en

Amendment 716
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 7 – paragraph 5

Text proposed by the Commission	*Amendment*
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.	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***. At the discretion of the Member State, an oral translation may be provided. The translation may be provided in a standardised format and may be machine translated, provided it is*** in a language the third-country national understands or may reasonably be presumed to understand.

Or. en

Amendment 717
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Lena Düpont, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers

Proposal for a regulation
Article 7 – paragraph 5

Text proposed by the Commission	*Amendment*
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.	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. ***For this purpose, competent authorities may rely on standardised translation templates or machine-assisted translation tools, where appropriate.***

Or. en

Amendment 718
Mary Khan

Proposal for a regulation
Article 7 – paragraph 5

Text proposed by the Commission	*Amendment*
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.	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. ***Member States may use generalised information sheets or translations, including machine-generated translations.***

Or. en

Amendment 719
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 7 – paragraph 5

Text proposed by the Commission	*Amendment*
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.	5. The third-country national shall, upon request, be provided with a written or oral translation of the main elements of the return decision, 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 720
Cecilia Strada, Marco Tarquinio, Alessandro Zan

Proposal for a regulation
Article 7 – paragraph 5

Text proposed by the Commission	*Amendment*
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***.	5. The third-country national shall 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. en

Amendment 721
Mélissa Camara

Proposal for a regulation
Article 7 – paragraph 5

Text proposed by the Commission	*Amendment*
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***.	5. The third-country national shall 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. en

Amendment 722
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 7 – paragraph 5

Text proposed by the Commission	*Amendment*

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.	5. ***Without prejudice to paragraph two, the returnee*** shall, upon request, be provided with a written ***and*** 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 ***that the returnee*** understands or ***is*** reasonably ***supposed*** to understand.

Or. en

Justification

The returnee should be entitled to either written or oral translation or both. She needs to understand the return decision.

Amendment 723
Estrella Galán

Proposal for a regulation
Article 7 – paragraph 5

Text proposed by the Commission	*Amendment*
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***.	5. ***Member States shall provide*** the third-country national 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 ***and format*** the third-country national understands.

Or. en

Amendment 724
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 7 – paragraph 6

Text proposed by the Commission	*Amendment*

6. The return decision pursuant to paragraph 2 shall be issued in the same act or at the same time and together with the decision ending a legal stay of a third-country national, without affecting the procedural safeguards provided for under Chapter IV and other relevant provisions of Union and international law.	***deleted***

Or. en

Justification

According to Article 1 read together with the definition in Article 4(2), a return decision is issued against third-country nationals who do not fulfil, or no longer fulfil, the conditions of entry, as set out in Article 6 of Regulation (EU) 2016/399. This is a pre-condition for a return decision. A return decision cannot be issued until this condition is met.

Amendment 725
Mélissa Camara

Proposal for a regulation
Article 7 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The return decision pursuant to paragraph 2 ***shall*** be issued in the same act or at the same time and together with the decision ending a legal stay of a third-country national, without affecting the procedural safeguards provided for under Chapter IV and other relevant provisions of Union and international law.	6. The return decision pursuant to paragraph 2 ***may*** be issued in the same act or at the same time and together with the ***final*** decision ending a legal stay of a third-country national, without affecting the procedural safeguards provided for under Chapter IV and other relevant provisions of Union and international law***, including the right to family reunification, the right to respect for private and family life, the right to asylum, the principle of non-refoulement and the right to an effective remedy***.

Or. en

Amendment 726
Estrella Galán

Proposal for a regulation
Article 7 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The return decision pursuant to paragraph 2 ***shall*** be issued in the same act ***or*** at the same time ***and together*** with the decision ending a legal stay of a third-country national, without affecting the procedural safeguards provided for under Chapter IV and other relevant provisions of Union and international law.	6. The return decision pursuant to paragraph 2 ***may*** be issued in the same act***,*** at the same time ***or without delay thereafter*** with the decision ending a legal stay of a third-country national, without affecting the procedural safeguards provided for under Chapter IV and other relevant provisions of Union and international law***, including the right to family life, the right to asylum, the principle of non-refoulement and the right to an effective remedy***.

Or. en

Amendment 727
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 7 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The return decision ***pursuant to paragraph 2*** shall be issued in the same act or at the same time and together with the decision ending a legal stay of a third-country national***, without affecting the procedural safeguards provided for under Chapter IV and other relevant provisions of Union and international law***.	6. The return decision shall be issued in the same act or at the same time and together with the decision ending a legal stay of a third-country national.

Or. en

Amendment 728
Mary Khan

Proposal for a regulation
Article 7 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The return decision ***pursuant to paragraph 2*** shall be issued in the same act or at the same time and together with the decision ending a legal stay of a third-country national***, without affecting the procedural safeguards provided for under Chapter IV and other relevant provisions of Union and international law***.	6. The return decision shall be issued in the same act or at the same time and together with the decision ending a legal stay of a third-country national.

Or. en

Amendment 729
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 7 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The return decision ***pursuant to paragraph 2*** shall be issued in the same act or at the same time and together with the decision ending a legal stay of a third-country national***,*** without ***affecting the procedural safeguards provided for under Chapter IV and other relevant provisions of Union and international law***.	6. The return decision shall be issued in the same act or ***in a separate act*** at the same time and together with the decision ending a legal stay of a third-country national ***or*** without ***undue delay thereafter***.

Or. en

Amendment 730
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Lena Düpont, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers, Karlo Ressler

Proposal for a regulation
Article 7 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The return decision pursuant to paragraph 2 shall be issued in the same act or at the same time and together with the	6. The return decision pursuant to paragraph 2 shall be issued in the same act or ***in a separate act*** at the same time and

decision ending a legal stay of a third-country national, without affecting the procedural safeguards provided for under Chapter IV and other relevant provisions of Union and international law.	together with the decision ending a legal stay of a third-country national, without affecting the procedural safeguards provided for under Chapter IV and other relevant provisions of Union and international law.

Or. en

Amendment 731
Estrella Galán

Proposal for a regulation
Article 7 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Upon issuance of the return decision, its main elements shall be inserted into the form ('European Return Order') established pursuant to paragraph 8 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.	***deleted***

Or. en

Amendment 732
Mélissa Camara

Proposal for a regulation
Article 7 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Upon issuance of the return decision, its main elements shall be inserted into the form ('European Return Order') established pursuant to paragraph 8 and shall be made available through the Schengen Information System in accordance with Regulation (EU) 2018/1860 or through information	***deleted***

exchange pursuant to Article 38.

Or. en

Amendment 733
Mary Khan

Proposal for a regulation
Article 7 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Upon issuance of the return decision, ***its main elements shall be inserted into*** the form ('European Return Order') established pursuant to paragraph 8 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.	7. Upon issuance of the return decision, ***Member States may use*** the form ('European Return Order') established pursuant to paragraph 8***. The form shall include the main elements of the return decision*** 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

Amendment 734
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 7 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Upon issuance of the return decision, ***its main elements shall be inserted into*** the form ('European Return Order') established pursuant to paragraph 8 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.***	7. Upon issuance of the return decision, ***Member States may make use of*** the form ('European Return Order') established pursuant to paragraph 8***. The form shall include the main elements of the return decision*** and shall be made available through the Schengen Information System in accordance with Regulation (EU) 2018/1860***.***

Or. en

Amendment 735
Mélissa Camara

Proposal for a regulation
Article 7 – paragraph 8

Text proposed by the Commission	*Amendment*
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).	***deleted***

Or. en

Amendment 736
Estrella Galán

Proposal for a regulation
Article 7 – paragraph 8

Text proposed by the Commission	*Amendment*
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).	***deleted***

Or. en

Amendment 737
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 7 – paragraph 8

Text proposed by the Commission	*Amendment*
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)***.	8. The Commission shall adopt ***a delegated*** act to establish the form of the European Return Order referred to in paragraph 7. That ***delegated*** act shall be adopted in accordance with the procedure ***laid down*** in Article ***48a***.

Or. en

Justification

A European Return Order cannot be established by implementing act. The level of detail to be included in the Order and the manner in which the information is provided requires the co-legislators' approval.

Amendment 738
Charlie Weimers, Alessandro Ciriani, Mariusz Kamiński, Nicolas Bay, Jadwiga Wiśniewska, Maciej Wąsik, Sebastian Tynkkynen, Geadis Geadi, Assita Kanko

Proposal for a regulation
Article 7 – paragraph 9

Text proposed by the Commission	*Amendment*
9. This Article shall not affect Member States' decisions to grant at any moment an autonomous residence permit, long-stay visa or other authorisation offering a right to stay for compassionate, humanitarian or other reasons to a third-country national staying illegally on their territory. In such cases, an issued return decision shall be withdrawn or suspended for the duration of the validity of the residence permit, long-stay visa or other authorisation offering a right to stay.	***deleted***

Or. en

Amendment 739
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 7 – paragraph 9

Text proposed by the Commission	*Amendment*
9. This Article shall not affect Member States' decisions to grant at any moment an autonomous residence permit, long-stay visa or other authorisation offering a right to stay for compassionate, humanitarian or other reasons to a third-country national staying illegally on their territory. In such cases, an issued return decision shall be withdrawn or suspended for the duration of the validity of the residence permit, long-stay visa or other authorisation offering a right to stay.	***deleted***

Or. en

Justification

This right of the Member States applies anyway, it is not appropriate to reiterate it here. The right of the Member States to grant an autonomous residence permit, visa, or other authorisation at any moment is not affected by the deletion of this paragraph, as this right remains at the core of EU constitutional law and is a fundamental prerogative of state sovereignty.

Amendment 740
Mary Khan

Proposal for a regulation
Article 7 – paragraph 9

Text proposed by the Commission	*Amendment*
9. This Article shall not affect Member States' decisions to grant at any moment an autonomous residence permit, long-stay visa or other authorisation offering a right to stay for compassionate, humanitarian or other reasons to a third-country national staying illegally on their territory. In such cases, an issued return decision shall be withdrawn or suspended for the duration of the validity of the	***deleted***

residence permit, long-stay visa or other authorisation offering a right to stay.

Or. en

Justification

This is already a right for Member States, it does not need to be specifically mentioned in this Regulation.

Amendment 741
Cecilia Strada, Marco Tarquinio, Alessandro Zan

Proposal for a regulation
Article 7 – paragraph 9

Text proposed by the Commission	*Amendment*
9. This Article shall not affect Member States' decisions to grant at any moment an autonomous residence permit, long-stay visa or other authorisation offering a right to stay for compassionate, humanitarian or other reasons to a third-country national staying ***illegally*** on their territory. In such cases, an issued return decision shall be withdrawn or suspended for the duration of the validity of the residence permit, long-stay visa or other authorisation offering a right to stay**.**	9. This Article shall not affect Member States' decisions to grant at any moment an autonomous residence permit, long-stay visa or other authorisation offering a right to stay for compassionate, humanitarian or other reasons to a third-country national staying ***irregularly*** on their territory. In such cases, an issued return decision shall be withdrawn or suspended ***in the following cases:***
	a) for the duration of the validity of the residence permit, long-stay visa or other authorisation offering a right to stay ***or;***
	b) where the third-country national concerned is the subject of a pending procedure for renewing the residence permit, long-stay visa or other authorisation offering a right to stay, including appeal proceedings;
	c) where the third-country national concerned is a victim pursuant to [Directive 2012/29/EU]

Or. en

Amendment 742
Mélissa Camara

Proposal for a regulation
Article 7 – paragraph 9

Text proposed by the Commission	*Amendment*
9. ***This Article shall not affect*** Member States***' decisions to grant at any moment*** an autonomous residence permit, long-stay visa or other authorisation offering a right to stay for compassionate, humanitarian or other reasons to a third-country national staying ***illegally*** on their territory. ***In such cases***, an issued return decision shall be withdrawn ***or suspended for the duration of the validity of the residence permit, long-stay visa or other authorisation offering a right to stay***.	9. ***Prior to issuing a return decision,*** Member States ***shall examine the possibility of granting*** an autonomous residence permit, long-stay visa or other authorisation offering a right to stay for compassionate, humanitarian or other reasons to a third-country national staying ***irregularly*** on their territory. ***Where such grounds become evident only after issuing a return decision***, an issued return decision shall be withdrawn.

Or. en

Amendment 743
Estrella Galán

Proposal for a regulation
Article 7 – paragraph 9

Text proposed by the Commission	*Amendment*
9. ***This Article shall not affect*** Member States' ***decisions to grant*** at any moment an autonomous residence permit, long-stay visa or other authorisation offering a right to stay for compassionate, humanitarian or other reasons to a third-country national staying ***illegally*** on their territory. In such cases, ***an*** issued return decision shall be withdrawn ***or suspended for the duration of the validity of the residence permit, long-stay visa or other authorisation offering a right to stay***.	9. ***Prior to issuing a return decision,*** Member States' ***shall examine the possibility of granting*** at any moment an autonomous residence permit, long-stay visa or other authorisation offering a right to stay for compassionate, humanitarian or other reasons to a third-country national staying ***irregularly*** on their territory. In such cases, ***a return decision shall not be issued and where the return decision has already been issued without this examination, the*** issued return decision shall be withdrawn.

Or. en

Amendment 744
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 7 – paragraph 9

Text proposed by the Commission	*Amendment*
9. ***This Article shall not affect*** Member States***' decisions to grant*** at any moment an autonomous residence permit, long-stay visa or other authorisation offering a right to stay for compassionate, humanitarian or other reasons to a third-country national ***staying illegally*** on their territory. In such cases, an issued return decision shall be withdrawn or suspended for the duration of the validity of the residence permit, long-stay visa or other authorisation offering a right to stay.	9. Member States ***may*** at any moment ***decide to grant*** an autonomous residence permit, long-stay visa or other authorisation offering a right to stay for compassionate, humanitarian or other reasons to a third-country national ***irregularly present*** on their territory. In such cases, an issued return decision shall be withdrawn or suspended for the duration of the validity of the residence permit, long-stay visa or other authorisation offering a right to stay.

Or. en

Justification

See Return Directive Article 6(4). No justification for amending this language.

Amendment 745
Karlo Ressler

Proposal for a regulation
Article 7 – paragraph 9 a (new)

Text proposed by the Commission	*Amendment*
	9a. When granting an autonomous residence permit, a long-stay visa or other authorisation granting the right of residence, the Member State shall make the main elements of its decision available to other Member States through the Schengen Information System in accordance with Regulation (EU) 2018/1860 and, where applicable, Regulation (EU) 2018/1861, or through

the exchange of information in accordance with Article 38.

Or. hr

Amendment 746
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 7 – paragraph 9 a (new)

Text proposed by the Commission	*Amendment*
	9a. When a return decision is issued to a third-country national who is a national of a country listed in Annex II to Regulation (EU) 2024/1348 or a country designated as a safe country of origin under national law, a period for voluntary departure shall, in principle, not be granted. In such cases, the third-country national shall be subject to removal in accordance with Article 12.

Or. en

Amendment 747
Estrella Galán

Proposal for a regulation
Article 7 – paragraph 9 a (new)

Text proposed by the Commission	*Amendment*
	9a. A return decision shall not be issued in cases where the third-country national is holding a valid residence permit, a long-stay visa or other authorisation offering a right to stay issued by another Member State or is the subject of a pending procedure for renewing a residence permit, long-stay visa or other authorisation offering a right to stay in another Member State

Or. en

Amendment 748
Estrella Galán

Proposal for a regulation
Article 7 – paragraph 10

Text proposed by the Commission	*Amendment*
10. The Member State that issues a return decision in accordance with this Article shall take all necessary measures in accordance with this Regulation to ensure effective return.	***deleted***

Or. en

Amendment 749
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 7 – paragraph 10

Text proposed by the Commission	*Amendment*
10. The Member State that issues a return decision in accordance with this Article shall take all necessary measures in accordance with this Regulation to ensure effective return.	***deleted***

Or. en

Amendment 750
Mélissa Camara

Proposal for a regulation
Article 7 – paragraph 10

Text proposed by the Commission	*Amendment*
10. The Member State that issues a return decision in accordance with this	***deleted***

Article shall take all necessary measures in accordance with this Regulation to ensure effective return.

Or. en

Amendment 751
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 7 – paragraph 10

Text proposed by the Commission	*Amendment*
10. The Member State that issues a return decision in accordance with this Article shall take ***all*** necessary measures in accordance with this Regulation to ensure effective return.	10. The Member State that issues a return decision in accordance with this Article shall take ***the*** necessary measures in accordance with this Regulation to ensure ***an*** effective***, sustainable and dignified*** return ***of the third-county national concerned***. ***Nevertheless, where the return of a returnee is not practically feasible or is legally impossible, the Member State that issued the return decision shall review that decision and may decide to issue a temporary autonomous residence permit or other authorisation in accordance with paragraph 8 to the returnee concerned.***

Or. en

Justification

Member States must reassess the merits of the return procedure, when there is no prospect of returning the third country national.

Amendment 752
Elissavet Vozemberg-Vrionidi, Fredis Beleris

Proposal for a regulation
Article 7 – paragraph 10

Text proposed by the Commission	*Amendment*
10. The Member State that issues a return decision ***in accordance with this Article*** shall take all necessary measures in accordance with this Regulation to ensure effective return.	10. The Member State ***on whose territory the illegally staying third-country national is detected and*** that issues ***and/or enforces*** a return decision shall take all necessary measures in accordance with this Regulation to ensure effective return.

Or. en

Amendment 753
Mary Khan

Proposal for a regulation
Article 7 – paragraph 10

Text proposed by the Commission	*Amendment*
10. The Member State that issues a return decision in accordance with this Article shall take all necessary measures in accordance with this Regulation to ensure effective return.	10. The Member State that issues a return decision in accordance with this Article shall take all necessary measures in accordance with this Regulation to ensure effective return ***of the illegally present third country national without undue delay***.

Or. en

Amendment 754
Mélissa Camara

Proposal for a regulation
Article 7 – paragraph 10 a (new)

Text proposed by the Commission	*Amendment*
	10a. A return decision shall not be issued in cases where the third-country national is holding a valid residence permit, a long-stay visa or other authorisation offering a right to stay issued by another Member State or is the subject of a pending procedure for renewing a residence permit, long-stay

visa or other authorisation offering a right to stay in another Member State.

Or. en

Amendment 755
Cecilia Strada, Marco Tarquinio, Alessandro Zan

Proposal for a regulation
Article 7 – paragraph 10 a (new)

Text proposed by the Commission	*Amendment*
	10a. If a return decision cannot be issued, the competent authorities should consider the options available under national law and, where appropriate, grant a temporary status allowing the person to stay regularly on the territory of the Member State.

Or. en

Amendment 756
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 7 – paragraph 10 a (new)

Text proposed by the Commission	*Amendment*
	10a. For the purpose of ensuring effective return and preventing absconding, the measures referred to in paragraph 10 may include the application of one or more of the measures provided for in Article 31.

Or. en

Amendment 757
Mélissa Camara

Proposal for a regulation
Article 7 – paragraph 10 b (new)

Text proposed by the Commission	*Amendment*
	10b. In cases referred to in paragraph 10a, the Member State shall require the third-country national to go to the territory of that other Member State immediately. Where the third-country national does not comply, or where the third-country national's immediate departure is required for reasons of internal security, Member States may issue a return decision in accordance with this Article.

Or. en

Amendment 758
Mélissa Camara

Proposal for a regulation
Article 7 – paragraph 10 c (new)

Text proposed by the Commission	*Amendment*
	10c. A return decision shall not be issued in cases where the third-country national is the subject of an enforceable return decision issued by another Member State.

Or. en

Amendment 759
Mélissa Camara

Proposal for a regulation
Article 8

Text proposed by the Commission	*Amendment*
Article 8	***deleted***

Exceptions from the obligation to issue a return decision

1. Competent Member States authorities may decide not to issue a return decision in one of the following cases where the third-country national is:

a. transferred to another Member State in accordance with the procedure provided for in Article 23a of Regulation (EU) 2016/399;

b. transferred to another Member State pursuant to bilateral agreements or arrangements or based on cooperation between Member States in accordance with Article 44;

c. a person whose illegal stay is detected in connection with border checks carried out at exit at the external border in accordance with Article 8 of Regulation (EU) 2016/399 or equivalent checks pursuant to national law, 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.

2. A return decision shall not be issued in cases where the third-country national is holding a valid residence permit, a long-stay visa or other authorisation offering a right to stay issued by another Member State or is the subject of a pending procedure for renewing a residence permit, long-stay visa or other authorisation offering a right to stay in another Member State.

3. In cases referred to in paragraph 2, the Member State shall require the third-country national to go to the territory of that other Member State immediately. Where the third-country national does not comply, or where the third-country national's immediate departure is required for reasons of public policy,

public security or national security, Member States may request cooperation from the other Member States pursuant to Article 44 or issue a return decision in accordance with Article 7.

4. A return decision shall not be issued in cases where the third-country national is the subject of an enforceable return decision issued by another Member State. In this case, the procedure described in Article 9 shall apply.

Or. en

Amendment 760
Estrella Galán

Proposal for a regulation
Article 8

Text proposed by the Commission	*Amendment*
Article 8	***deleted***
Exceptions from the obligation to issue a return decision	
1. Competent Member States authorities may decide not to issue a return decision in one of the following cases where the third-country national is:	
a. transferred to another Member State in accordance with the procedure provided for in Article 23a of Regulation (EU) 2016/399;	
b. transferred to another Member State pursuant to bilateral agreements or arrangements or based on cooperation between Member States in accordance with Article 44;	
c. a person whose illegal stay is detected in connection with border checks carried out at exit at the external border in accordance with Article 8 of Regulation (EU) 2016/399 or equivalent checks pursuant to national law, 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.

2. A return decision shall not be issued in cases where the third-country national is holding a valid residence permit, a long-stay visa or other authorisation offering a right to stay issued by another Member State or is the subject of a pending procedure for renewing a residence permit, long-stay visa or other authorisation offering a right to stay in another Member State.

3. In cases referred to in paragraph 2, the Member State shall require the third-country national to go to the territory of that other Member State immediately. Where the third-country national does not comply, or where the third-country national's immediate departure is required for reasons of public policy, public security or national security, Member States may request cooperation from the other Member States pursuant to Article 44 or issue a return decision in accordance with Article 7.

4. A return decision shall not be issued in cases where the third-country national is the subject of an enforceable return decision issued by another Member State. In this case, the procedure described in Article 9 shall apply.

Or. en

Amendment 761
Elissavet Vozemberg-Vrionidi, Fredis Beleris

Proposal for a regulation
Article 8 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
b. transferred to another Member State pursuant to bilateral agreements or arrangements ***or based on cooperation between Member States in accordance with Article 44***;	b. transferred to another Member State pursuant to ***pre-existing*** bilateral agreements or arrangements;

Or. en

Amendment 762
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Lena Düpont, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers, Karlo Ressler

Proposal for a regulation
Article 8 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
c. a person whose illegal stay is detected in connection with border checks carried out at exit at the external border in accordance with Article 8 of Regulation (EU) 2016/399 or equivalent checks pursuant to national law, ***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.	c. a person whose illegal stay is detected in connection with border checks carried out at exit at the external border in accordance with Article 8 of Regulation (EU) 2016/399 or equivalent checks pursuant to national law, and avoiding as much as possible to postpone the departure of the third-country national concerned.

Or. en

Amendment 763
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 8 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
c. a person whose illegal stay is detected in connection with border checks carried out at exit at the external border in	c. a person whose illegal stay is detected in connection with border checks carried out at exit at the external border in

accordance with Article 8 of Regulation (EU) 2016/399 or equivalent checks pursuant to national law***, 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.	accordance with Article 8 of Regulation (EU) 2016/399 or equivalent checks pursuant to national law avoiding as much as possible to postpone the departure of the ***third country*** national concerned.

Or. en

Amendment 764
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 8 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
c. a person whose ***illegal stay*** is detected in connection with border checks carried out ***at*** exit at the external border in accordance with Article 8 of Regulation (EU) 2016/399 or equivalent checks pursuant to national law, 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.	c. a person whose ***irregular presence*** is detected ***as a result of or*** in connection with border checks carried out ***upon*** exit at the external border in accordance with Article 8 of Regulation (EU) 2016/399 or equivalent checks pursuant to national law, 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, ***taking particular account of the need to avoid delaying*** the departure of the third-country national concerned. **.**

Or. en

Justification

TCNs who are in the process of voluntarily leaving the EU should not be prevented from doing so, in order to execute a return decision that would delay their departure from the EU.

Amendment 765
Cecilia Strada, Marco Tarquinio, Alessandro Zan

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. A return decision shall not be issued in cases where the competent authorities have assessed that one or more of the elements as set out in Article 4a and Article 7, paragraph 9 apply to the third-country national concerned.

Or. en

Amendment 766
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission	*Amendment*
2. A return decision shall not be issued in cases where the third-country national is holding a valid residence permit, a long-stay visa or other authorisation offering a right to stay issued by another Member State or is the subject of a pending procedure for renewing a residence permit, long-stay visa or other authorisation offering a right to stay in another Member State.	***deleted***

Or. en

Justification

Being in the process of getting a permit is no ground to be in a Member State in the present. Persons with a valid permit do not fall in the scope of this Regulation. The right of the Member States to grant an autonomous residence permit, visa, or other authorisation at any moment is not affected by the deletion of this paragraph, as this right remains at the core of EU constitutional law and is a fundamental prerogative of state sovereignty.

Amendment 767

Mary Khan

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission	*Amendment*
2. A return decision shall not be issued in cases where the third-country national is holding a valid residence permit, a long-stay visa or other authorisation offering a right to stay issued by another Member State ***or is the subject of a pending procedure for renewing a residence permit, long-stay visa or other authorisation offering a right to stay in another Member State***.	2. A return decision shall not be issued in cases where the third-country national is holding a valid residence permit, a long-stay visa or other authorisation offering a right to stay issued by another Member State.

Or. en

Justification

If a third-country national is in the process of applying for legal right to stay, they should not automatically be excluded from being issued a return decision.

Amendment 768
Charlie Weimers, Alessandro Ciriani, Mariusz Kamiński, Nicolas Bay, Jadwiga Wiśniewska, Maciej Wąsik, Sebastian Tynkkynen, Geadis Geadi, Assita Kanko

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission	*Amendment*
2. A return decision shall not be issued in cases where the third-country national is holding a valid residence permit, a long-stay visa or other authorisation offering a right to stay issued by another Member State ***or is the subject of a pending procedure for renewing a residence permit, long-stay visa or other authorisation offering a right to stay in another Member State***.	2. A return decision shall not be issued in cases where the third-country national is holding a valid residence permit, a long-stay visa or other authorisation offering a right to stay issued by another Member State.

Or. en

Amendment 769
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Rasa Juknevičienė, Karlo Ressler

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission	*Amendment*
2. A return decision shall not be issued in cases where the third-country national is holding a valid residence permit, a long-stay visa or other authorisation offering a right to stay issued by another Member State ***or is the subject of a pending procedure for renewing a residence permit, long-stay visa or other authorisation offering a right to stay in another Member State.***	2. A return decision shall not be issued in cases where the third-country national is holding a valid residence permit, a long-stay visa or other authorisation offering a right to stay issued by another Member State**.**

Or. en

Amendment 770
Ana Miguel Pedro

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission	*Amendment*
2. A return decision shall not be issued in cases where the third-country national is holding a valid residence permit, a long-stay visa or other authorisation offering a right to stay issued by another Member State ***or is the subject of a pending procedure for renewing a residence permit, long-stay visa or other authorisation offering a right to stay in another Member State.***	2. A return decision shall not be issued in cases where the third-country national is holding a valid residence permit, a long-stay visa or other authorisation offering a right to stay issued by another Member State**.**

Or. en

Amendment 771
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 8 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. A return decision shall not be issued in cases where the third-country national may be subject to a transfer on the basis of Article 36(1) of Regulation (EU) 2024/1351.

Or. en

Justification

Third-country nationals who should be transferred in accordance with the rules of the Asylum and Migration Management Regulation should not be issued with a return decision.

Amendment 772
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission	*Amendment*
3. In cases referred to in paragraph 2, the Member State shall require the third-country national to go to the territory of that other Member State immediately. Where the third-country national does not comply, or where the third-country national's immediate departure is required for reasons of public policy, public security or national security, Member States may request cooperation from the other Member States pursuant to Article 44 or issue a return decision in accordance with Article 7.	***deleted***

Or. en

Amendment 773
Mary Khan

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission	*Amendment*
3. ***In cases referred to in paragraph 2***, the Member State shall require the third-country national to go to the territory of that other Member State immediately. Where the third-country national does not comply, or where the third-country national's immediate departure is required for reasons of public policy, public security or national security, Member States ***may request cooperation from the*** other Member ***States pursuant to Article 44*** or issue a return decision in accordance with Article 7.	3. ***Where the third-country national is the subject of a pending procedure for renewing a residence permit, long-stay visa or other authorisation offering a right to stay in another Member State***, the Member State shall require the third-country national to go to the territory of that other Member State immediately. Where the third-country national does not comply, or where the third-country national's immediate departure is required for reasons of public policy, public security or national security, Member States ***shall detain the third-country national in accordance with Article 29 and either return the third-country national to the territory of that*** other Member ***State*** or issue a return decision in accordance with Article 7.

Or. en

Amendment 774
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission	*Amendment*
3. In cases referred to in paragraph 2, the Member State shall require the third-country national to go to the territory of that other Member State ***immediately***. Where the third-country national does not comply***, or*** where the third-country	3. In cases referred to in paragraph 2, the Member State shall require the third-country national to go to the territory of that other Member State ***as soon as possible***. Where the third-country national does not comply ***with this requirement,***

national's immediate departure is required for reasons of public policy, ***public*** security or ***national security,*** Member States may request cooperation from the other Member States pursuant to Article 44 ***or issue a return decision in accordance with Article 7.***

that Member State may issue a return decision in accordance with Article 7. Where the third-country national's immediate departure is required for reasons of public policy, ***internal*** security or ***international relations*** Member States may request cooperation from the other Member States pursuant to Article 44.

Or. en

Justification

The circumstances of a particular case might make it very difficult/impossible for a TCN to leave the MS immediately (which suggests no margin of time in which the TCN can arrange his/her affairs). A distinction needs to be drawn between (1) the situation where a TCN chooses not to comply with a request to return to the MS in which she has an authorisation to stay, and (2) a situation in which the MS in which the TCN is irregularly present wishes to ensure her immediate departure (irrespective of her intention to comply with the request).

Amendment 775
Mary Khan

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission	*Amendment*
4. A return decision shall not be issued in cases where the third-country national is the subject of an enforceable return decision issued by another Member State. In this case, the procedure described in Article 9 shall apply.	***deleted***

Or. en

Amendment 776
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission	*Amendment*
4. A return decision shall not be issued in cases where the third-country national is the subject of an enforceable return decision issued by another Member State. In this case, the procedure described in Article 9 shall apply.	***deleted***

Or. en

Amendment 777
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission	*Amendment*
4. A return decision shall not be issued in cases where the ***third-country national is the subject of an enforceable return decision issued by another Member State. In this case, the*** procedure ***described*** in Article 9 ***shall apply***.	4. A return decision shall not be issued in cases where the procedure in Article 9 ***is applied***.

Or. en

Amendment 778
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission	*Amendment*
4. A return decision ***shall not be issued*** in cases where the ***third-country national*** is the subject of an enforceable return decision issued by another Member State. In this case, the procedure described in Article 9 shall apply.	4. ***Member States may decide not to issue*** a return decision in cases where the ***returnee*** is the subject of an enforceable return decision issued by another Member State. In this case, the procedure described in Article 9 shall apply.

Or. en

Justification

No mandatory application of mutual recognition.

Amendment 779
Estrella Galán

Proposal for a regulation
Article 9

Text proposed by the Commission	*Amendment*
[...]	deleted

Or. en

Amendment 780
Mélissa Camara

Proposal for a regulation
Article 9

Text proposed by the Commission	*Amendment*
[...]	***deleted***

Or. en

Amendment 781
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission	*Amendment*
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	1. The Member State where the third-country national is illegally staying ('enforcing Member State') may recognise ***and enforce a*** return decision***, and where relevant a decision ordering the removal,*** issued to that ***third country*** national by another Member State ('issuing Member State') pursuant to Article 7(1) ***and 12(2).***

Article 7(7), ***and it shall on this basis order*** the removal pursuant to Article 12.	***The enforcement shall be*** based on ***the information available in*** the European Return Order referred to in Article 7(7) ***or in the Schengen Information System***, ***or on the issuing Member State's return decision and where relevant the decision ordering*** the removal***, and shall be carried out in accordance with national rules and procedures*** pursuant to Article 12.

Or. en

Amendment 782
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission	*Amendment*
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.	1. The Member State where the third-country national is illegally staying ('enforcing Member State') may recognise an enforceable return decision ***and, where relevant, a removal order,*** issued to that third-country national by another Member State ('issuing Member State') pursuant to Article 7(1) ***and 12(2). The recognition shall be*** based on the European Return Order referred to in Article 7(7) ***or on the issuing Member State's return decision and, where relevant, removal order***, and it shall***, where relevant,*** on this basis order the removal pursuant to Article 12.

Or. en

Amendment 783
Mary Khan

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission	*Amendment*
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.	1. The Member State where the third-country national is illegally staying (‘enforcing Member State’) ***shall*** recognise ***a*** return decision ***or removal order*** 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) ***or on the issuing Member State's return decision or removal order***, and it shall on this basis order the removal pursuant to Article 12.

Or. en

Amendment 784
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Lena Düpont, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers, Karlo Ressler

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission	*Amendment*
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.	1. The Member State where the third-country national is illegally staying (‘enforcing Member State’) may recognise an enforceable return decision ***and, where relevant, a removal order,*** issued to that third-country national by another Member State (‘issuing Member State’) pursuant to Article 7(1) ***and Article 12(2)***, 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.

Or. en

Amendment 785
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission	*Amendment*
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***.	1. The Member State where the ***returnee is present*** ('enforcing Member State') may recognise an enforceable return decision issued to that ***returnee*** 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 ***may*** on this basis ***proceed with the enforcement of that return decision in accordance with Section 4***.

Or. en

Justification

If the aim is to ensure sustainable returns, then it is important to maintain accepted returns as the preferential form of return. This should include for persons found in a MS other than the one that issued the Return Decision.

Amendment 786
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 9 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Where an enforcing Member State decides to recognise an enforceable return decision in accordance with the first subparagraph, it shall cooperate with the issuing Member State to ensure that the returnee is able to exercise his or her right to an effective remedy in the issuing Member State in accordance with Article 26. In such cases, Article 25 shall apply in both Member States.

Or. en

Justification

If a Member State wishes to enforce a return decision issued by another Member State, cooperation will be required to ensure the right to an effective remedy is upheld in both Member States.

Amendment 787
Ana Miguel Pedro

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission	*Amendment*
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).	2. By ***[three years after the application of the Pact on Migration and Asylum], the Council*** shall adopt an implementing decision for the application of paragraph 3***. This implementing decision shall be*** based on an assessment ***by the Commission. The assessment shall include whether the enforcement of return decisions and decisions ordering the removal are effective, whether the relevant information available in the Schengen Information System is updated in compliance with Regulation 2018/1860, and*** 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 ***in place***. 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).

Or. en

Amendment 788
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission	*Amendment*
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).	2. By ***six years after the application of the Pact on Migration and Asylum], the Council may*** adopt an implementing decision for the application of paragraph 3***. This implementing decision shall be*** based on an assessment ***by the Commission. The assessment shall include whether the enforcement of return decisions and decisions ordering the removal are effective, whether the relevant information available in the Schengen Information System is updated in compliance with Regulation 2018/1860, and*** 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 ***in place***. 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).

Or. en

Amendment 789
Marieke Ehlers
on behalf of the PfE Group

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission	*Amendment*
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	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).	Schengen Information System referred to in Article 7(7) ***and enforcement of return decisions and removal orders as referred in paragraph 1*** 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).

Or. en

Amendment 790
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission	*Amendment*
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).***	2. By 1 July ***2028***, the Commission shall ***conduct*** 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 ***and to assess the implications of mutual recognition on the returnee's right to an effective remedy***. ***Based on that assessment,*** the Commission ***may make the appropriate legislative proposal***.

Or. en

Justification

The decision to render the mutual recognition of return decisions obligatory is a choice for the co-legislator and not one for the Commission on its own. As it is clear that the legal and technical arrangements do not currently exist or are not currently in place to allow for such a legislative decision now, the Commission will need to first assess the feasibility, legally and technically, of such mutual recognition in practice, including with regard to the right to an effective remedy and then decide whether to present a legislative proposal .

Amendment 791
Ana Miguel Pedro

Proposal for a regulation
Article 9 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Member States shall, at the request of the Commission, provide the necessary information for completing the assessment pursuant to paragraph 2 of this Article, in particular statistics on the number of third-country nationals removed or returned on the basis of recognised return decisions and, where relevant, decisions ordering the removal issued by another Member State within a specified period of time. The Commission shall, where possible, make use of the information made available under Regulation (EC) 862/2007 of the European Parliament and of the Council.

Or. en

Amendment 792
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 9 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Member States shall, at the request of the Commission, provide the necessary information for completing the assessment pursuant to paragraph 2 of this Article, in particular statistics on the number of third-country nationals removed or returned on the basis of recognised return decisions and, where relevant, decisions ordering the removal issued by another Member State within a specified period of time. The Commission

shall, where possible, make use of the information made available under Regulation (EC) 862/2007 of the European Parliament and of the Council.

Or. en

Amendment 793
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

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

Justification

The decision to render the mutual recognition of return decisions obligatory is a choice for the co-legislator and not one for the Commission on its own. As it is clear that the legal and technical arrangements do not currently exist or are not currently in place to allow for such a legislative decision now, the Commission will need to first assess the feasibility, legally and technically, of such mutual recognition in practice and then decide whether to present a legislative proposal .

Amendment 794
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Lena Düpont, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers

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.	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) ***and where relevant a removal order issued by another Member State pursuant to Article 12(2b)*** 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.

Or. en

Amendment 795
Irena Joveva

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.	3. As of the publication of the implementing decision taken in accordance with paragraph 2, Member States ***may*** 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 ***may*** order their removal in accordance with Article 12***, following a thorough assessment for any vulnerabilities of a third-country national***.

Or. en

Amendment 796
Marieke Ehlers
on behalf of the PfE Group

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.	3. As of the publication of the implementing decision taken in accordance with paragraph 2, Member States shall recognise enforceable return decisions ***and, where relevant, a removal order,*** 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.

Or. en

Amendment 797
Charlie Weimers, Alessandro Ciriani, Assita Kanko

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***.	3. As of the publication of the implementing decision taken in accordance with paragraph 2, Member States ***may*** recognise ***and enforce a*** return ***decision*** issued by other Member States pursuant to Article 7(1) ***and, where relevant, a decision ordering the removal issued by another Member State pursuant to Article 12(2)*** to third-country nationals illegally present on their territory.

Or. en

Amendment 798
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation

Article 9 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Member States shall not recognise or enforce a return decision or a decision ordering the removal of the issuing Member State where the return decision or decision ordering the removal, issued by another Member State, has been suspended.

Or. en

Amendment 799
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 9 – paragraph 3 b (new)

Text proposed by the Commission	*Amendment*
	3b. Member States shall not be required to take administrative decisions or acts for the purpose of recognition or non-recognition.
	The recognition or non-recognition need not take the form of an administrative procedure.
	Nor shall the enforcing Member States be obliged to motivate the reasons why a return decision and where relevant a decision ordering the removal by the issuing Member State is recognized or not recognized.

Or. en

Amendment 800
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Lena Düpont, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission	*Amendment*
4. For the purposes of applying paragraph 3, a Member State may decide not to recognise or enforce a return decision of the issuing Member State where the enforcement is manifestly contrary to public policy in the enforcing Member State, ***or*** where the third-country national is to be removed to a different third country than indicated in the return decision of the issuing Member State.	4. For the purposes of applying paragraph 3, a Member State may decide not to recognise or enforce a return decision of the issuing Member State where the enforcement is manifestly contrary to public policy***, public security or national security*** in the enforcing Member State, where the third-country national is to be removed to a different third country than indicated in the return decision of the issuing Member State***, or where exceptional and sudden circumstances make the immediate recognition or enforcement of the return decision temporarily impossible*** .

Or. en

Amendment 801
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission	*Amendment*
4. For the purposes of applying paragraph 3, ***a*** Member State may decide not to recognise or enforce a return decision of the issuing Member State where ***the enforcement is manifestly contrary to public policy in the enforcing Member State, or where the third-country national is to be removed to a different third country than indicated in the return decision of the issuing Member State.***	4. For the purposes of applying paragraph 3, ***the enforcing*** Member State may decide not to recognise or enforce a return decision ***or the decision ordering the removal*** of the issuing Member State where***:***

Or. en

Amendment 802
Mary Khan

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission	*Amendment*
4. ***For the purposes of applying paragraph 3,*** a Member State may decide not to recognise or enforce a return decision of the issuing Member State where the enforcement is manifestly contrary to public policy in the enforcing Member State***, or where the third-country national is to be removed to a different third country than indicated in the return decision of the issuing Member State***.	4. A Member State may decide not to recognise or enforce a return decision of the issuing Member State where the enforcement is manifestly contrary to public policy in the enforcing Member State.

Or. en

Amendment 803
Nadine Morano

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission	*Amendment*
4. For the purposes of applying paragraph 3, a Member State may decide not to recognise or enforce a return decision of the issuing Member State where ***the enforcement is manifestly contrary to public policy in the enforcing Member State, or where*** the third-country national is to be removed to a different third country than indicated in the return decision of the issuing Member State.	4. For the purposes of applying paragraph 3, a Member State may decide not to recognise or enforce a return decision of the issuing Member State where the third-country national is to be removed to a different third country than indicated in the return decision of the issuing Member State.

Or. fr

Amendment 804
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission	*Amendment*
4. ***For the purposes of applying paragraph 3,*** a Member State may decide not to recognise or enforce a return decision of the issuing Member State where the enforcement is manifestly contrary to public policy in the enforcing Member State, or where the ***third-country national*** is to be removed to a ***different third*** country ***than indicated in the return decision of the issuing Member State***.	4. A Member State may decide not to recognise or enforce a return decision of the issuing Member State where the enforcement is manifestly contrary to public policy in the enforcing Member State, or where the ***returnee*** is to be removed to a ***country other than the returnee's*** country ***of origin***.

Or. en

Amendment 805
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 9 – paragraph 4 – point a (new)

Text proposed by the Commission	*Amendment*
	(a) the enforcement is contrary to public policy in the fundamental and constitutional principles of law of the enforcing Member State or its public policy;

Or. en

Amendment 806
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 9 – paragraph 4 – point b (new)

Text proposed by the Commission	*Amendment*
	(b) issuing a return decision pursuant to Article 7(1) is faster, including in case of a return to a third country with which the enforcing Member State has in place

cooperation modalities, which allow for faster and more effective return or removal, or where issuing a return decision requires less resources than applying paragraph 1 and 3;

Or. en

Amendment 807
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 9 – paragraph 4 – point c (new)

Text proposed by the Commission	*Amendment*
	(c) the third-country national is transferred to another Member State in accordance with the procedure provided for in Article 23a of Regulation (EU) 2016/399;

Or. en

Amendment 808
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 9 – paragraph 4 – point d (new)

Text proposed by the Commission	*Amendment*
	(d) the third-country national is transferred to another Member State pursuant to bilateral agreements or arrangements existing on the date of application of this Regulation or based on cooperation between Member States in accordance with Article 44;

Or. en

Amendment 809

Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 9 – paragraph 4 – point e (new)

Text proposed by the Commission	*Amendment*
	(e) the third-country national is to be removed to a different third country than stated in the return decision or decision ordering the removal of the issuing Member State, or there is no country of return stated in the return decision.

Or. en

Amendment 810
Mary Khan

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 ***or shall transfer the illegally present third-country national to the issuing Member State***. ***For the purpose of returning the illegally present third-country national from the enforcing Member State to the issuing Member State, the enforcing Member State may detain the illegally present third-country national in accordance with Article 29.***

Or. en

Justification

Returning the third country national to the issuing Member State may be the most practical option to ensure a swift return, so this option should be provided to Member States in situations where they do not recognise of enforce a return decision.

Amendment 811
Ana Miguel Pedro

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 ***or decision ordering the removal*** pursuant to paragraph 1***, 3 or 3a***, that Member State shall issue a return decision ***subject to the conditions of*** Article 7 ***or decision ordering the removal pursuant to Article 12(2)***.

Or. en

Amendment 812
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

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 1, that Member State shall issue a return decision in accordance with Article ***7(1) or issue a residence permit, long stay visa or other authorisation in accordance with Article 7(9)***.

Or. en

Justification

For legal clarity, Member States should be provided with the options available to them in accordance with Article 7.

Amendment 813

Charlie Weimers, Alessandro Ciriani, Assita Kanko

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 ***or decision ordering the removal*** pursuant to paragraph 1***, 3 or 3a***, that Member State ***may*** issue a return decision ***subject to the conditions of*** Article 7 ***or decision ordering the removal pursuant to Article 12(2)***.

Or. en

Amendment 814
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Lena Düpont, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers

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 ***or removal order*** pursuant to paragraph 1 or 3, that Member State shall issue a return decision in accordance with Article 7 ***or a removal order in accordance with article 12(2)***.

Or. en

Amendment 815
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 9 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The enforcing Member State shall suspend the enforcement of return where the effects of the return decision in the issuing Member State are suspended.	6. The enforcing Member State ***shall not proceed with the enforcement of a return decision pursuant to paragraph 1, and*** shall suspend the enforcement of ***any*** return ***decision issued by that enforcing Member State,*** where the effects of the return decision in the issuing Member State are suspended. ***The enforcing Member State shall take no further action in respect of the return decision in the issuing Member State, nor in respect of any return decision issued by that enforcing Member State, unless and until the issuing Member State notifies the enforcing Member State that the suspension of the return decision has been lifted.***

Or. en

Justification

There are two elements that should be made clear at the start : (i) the enforcement of the return decision should not proceed; (ii) if the enforcing MS itself has issued a return decision then that decision should also be suspended. It is also important to be clear about the follow-up.

Amendment 816
François-Xavier Bellamy, Lukas Mandl, Alice Teodorescu Måwe, Sander Smit, Loránt Vincze, Lena Düpont, Tomas Tobé, Rasa Juknevičienė, Jeroen Lenaers

Proposal for a regulation
Article 9 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The enforcing Member State shall suspend the enforcement of return where the effects of the return decision in the issuing Member State are suspended.	6. The enforcing Member State shall suspend the enforcement of return where the effects of the return decision ***or the removal*** in the issuing Member State are suspended. ***Where appropriate, the enforcing Member State may issue a new return decision.***

Or. en

Amendment 817
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 9 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The enforcing Member State shall suspend the ***enforcement of return*** where the effects of the return decision in the issuing Member State are suspended.	6. The enforcing Member State shall suspend the ***removal*** where the effects of the return decision ***or decision ordering the removal*** in the issuing Member State are suspended ***and may issue a return decision subject to the conditions of Article 7***.

Or. en

Amendment 818
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 9 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Where the issuing Member State withdraws the return decision or when the return decision is annulled by a judicial authority, the enforcing Member State shall issue a return decision ***subject to the conditions of*** Article *7*.	7. Where the issuing Member State withdraws the return decision or when the return decision is annulled by a judicial authority, ***and where the third-country national concerned does not fulfil, or no longer fulfils, the conditions of entry, as set out in Article 6 of Regulation (EU) 2016/399 or other conditions for entry, stay or residence in the enforcing Member State,*** the enforcing Member State shall issue a return decision ***in accordance with*** Article ***7(1) or issue a residence permit, long stay visa or other authorisation in accordance with Article 7(9)***.

Or. en

Justification

Before issuing a fresh return decision, the enforcing MS must satisfy itself that the TCN concerned does not fulfil the conditions of entry, residence or stay. For legal clarity, Member States should be provided with the options available to them in accordance with Article 7.

Amendment 819
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 9 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Where the issuing Member State withdraws the return decision or when the return decision is annulled by ***a*** judicial authority, the enforcing Member State ***shall*** issue a return decision subject to the conditions of Article 7.	7. Where the issuing Member State ***suspends or*** withdraws the return decision or when the return decision is annulled by ***an administrative or*** judicial authority, the enforcing Member State ***may*** issue a return decision subject to the conditions of Article 7.

Or. en

Amendment 820
Mary Khan

Proposal for a regulation
Article 9 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Where the issuing Member State withdraws the return decision or when the return decision is annulled ***by a judicial authority,*** the enforcing Member State shall issue a return decision subject to the conditions of Article 7.	7. Where the issuing Member State ***suspends or*** withdraws the return decision or when the return decision is annulled the enforcing Member State shall issue a return decision subject to the conditions of Article 7.

Or. en

Amendment 821
Marieke Ehlers

Proposal for a regulation
Article 9 – paragraph 8

Text proposed by the Commission	*Amendment*
8. The issuing Member State shall provide the enforcing Member State with all available data and documents necessary for the purpose of enforcing the return decision, in accordance with Regulation (EU) 2018/1860 or based on exchange of information between Member States pursuant to Article 38.	8. The issuing Member State shall provide the enforcing Member State with all available data and documents necessary for the purpose of enforcing the return decision ***and, where relevant, a removal order***, in accordance with Regulation (EU) 2018/1860 or based on exchange of information between Member States pursuant to Article 38.

Or. en

Amendment 822
Mary Khan

Proposal for a regulation
Article 9 – paragraph 8

Text proposed by the Commission	*Amendment*
8. The issuing Member State shall provide the enforcing Member State with all available data and documents necessary for the purpose of enforcing the return decision, in accordance with Regulation (EU) 2018/1860 or based on exchange of information between Member States pursuant to Article 38.	8. The issuing Member State shall provide the enforcing Member State with all available data and documents necessary for the purpose of enforcing the return decision ***or removal order***, in accordance with Regulation (EU) 2018/1860 or based on exchange of information between Member States pursuant to Article 38.

Or. en

Amendment 823
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 9 – paragraph 8

Text proposed by the Commission	*Amendment*

8. The issuing Member State shall provide the enforcing Member State with all available data and documents necessary for the purpose of enforcing the return decision, in accordance with Regulation (EU) 2018/1860 or based on exchange of information between Member States pursuant to Article 38.	8. ***Upon request,*** the issuing Member State shall provide the enforcing Member State with all available data and documents necessary for the purpose of enforcing the return decision, in accordance with Regulation (EU) 2018/1860 or based on exchange of information between Member States pursuant to Article 38.

Or. en

Justification

As mutual recognition should not be mandatory, the enforcing Member State will need to make a request for the data and documents from the issuing Member State.

Amendment 824
Charlie Weimers, Alessandro Ciriani, Assita Kanko

Proposal for a regulation
Article 9 – paragraph 8

Text proposed by the Commission	*Amendment*
8. The issuing Member State shall provide the enforcing Member State with all available data and documents necessary for the purpose of ***enforcing the*** return ***decision***, in accordance with Regulation (EU) 2018/1860 or based on exchange of information between Member States pursuant to Article 38.	8. The issuing Member State shall ***upon request*** provide the enforcing Member State with all available data and documents necessary for the purpose of return ***or removal***, in accordance with Regulation (EU) 2018/1860 or based on exchange of information between Member States pursuant to Article 38.

Or. en

Amendment 825
Murielle Laurent, Ana Catarina Mendes, Emma Rafowicz, Matjaž Nemec, Marco Tarquinio, Francisco Assis, Cecilia Strada

Proposal for a regulation
Article 9 – paragraph 9

Text proposed by the Commission	*Amendment*
9. The enforcing Member State may	9. The enforcing Member State may

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).***	ask Frontex to support the enforcement of the return decision in accordance with Chapter II, Section 8, of Regulation (EU) 2019/1896.

Or. en

Justification

Member States exercising the right to mutual recognition cannot then reclaim the costs for returning the person. This undermines the principle of sincere cooperation between Member States on which mutual recognition is ultimately based. It also places a disproportionate burden on the MS issuing the return decision, and would have the effect of discouraging certain MS from issuing return decisions in the first place.