

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

2015/0306(COD) - 06/06/2016 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Jussi HALLA-AHO (ECR, FI) on the proposal for a regulation of the European Parliament and of the Council on a European travel document for the return of illegally staying third-country nationals.

The committee recommended that the European Parliaments position at first reading adopted at first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Scope: Members clarified that this Regulation shall establish the common format and the technical and security specifications of a harmonised European travel document for the return of third country nationals staying irregularly on the territory of the Union.

The content and technical specifications of the European travel document for return should be harmonised in order to ensure high technical and security standards, in particular as regards safeguards against counterfeiting and falsification.

This Regulation shall respect the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, in particular human dignity and the protection in the event of removal, expulsion or extradition. It should apply without prejudice to the right to an effective remedy and to a fair trial and to the right to asylum as provided for the Charter.

Union readmission agreements: Members introduced a definition stipulating that it shall mean agreements which are based on reciprocal obligations and are concluded between the Union and third countries to facilitate the return of persons residing irregularly on the territory of the Union, in accordance with Article 79 (3) TFEU. The negotiation of new Union readmission agreements, which should take precedence over bilateral agreements between Member States and third countries, would guarantee a more effective implementation of this Regulation, within the framework of a more coherent return policy. If third countries entering into readmission agreements, either with the Union or the Member States, refuse to legally recognise the European travel document for return, a formal explanation for such refusal should be provided.

European travel document for return: the document shall contain a passport photograph. It shall be established in an official language or the languages of the Member State that issues the return decision and it shall be translated into English and French and, where possible, into an official language of the third country of return. The document shall be valid for a single journey which ends in the returnee arrival in the third country of return.

Additional documents: where necessary, available, relevant, and for the purpose of facilitating the readmission of a third country national staying irregularly on the territory of the Union, additional documents may be attached to the European travel document for return, provided that they do not endanger the private life, liberty or property of the returnee and respect the data protection safeguards provided for in [Regulation \(EU\) 2016/679 of the European Parliament and of the Council](#).

In the case of forced returns, a declaration of fitness to travel, following a medical examination carried out prior to removal, shall be attached to the European travel document for return.

Technical specifications: an amendment stipulated that the security features and technical specifications of the European travel document for return shall update those already set in application of [Council Regulation \(EC\) No 333/2002](#) in order to include digital elements which can ensure the security and safety of the document issued.

Delegated acts: the Commission shall adopted delegated acts in order to amend or supplement certain non-essential elements of the model for a European travel document for return, and to facilitate cooperation between agencies of the Union in the field of migration for the purpose of providing Union travel documents, issuing documents and enhancing consular cooperation with third countries.

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

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

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