Basic information

2015/0306(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
European travel document for the return of illegally staying third-country nationals **Subject** 7.10.04 External borders crossing and controls, visas 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	HALLA-AHO Jussi (ECR)	15/02/2016
	Shadow rapporteur MUSSOLINI Alessandra (PPE) DALLI Miriam (S&D) MICHEL Louis (ALDE) VERGIAT Marie-Christine (GUE/NGL) SARGENTINI Judith (Verts/ALE) WINBERG Kristina (EFDD)	

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	
DEVE Development	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	3490	2016-10-14

European

Commission DG	Commissioner

Commission	Migration and Home Affairs	AVRAMOPOULOS Dimitris

Key events

Date	Event	Reference	Summary
15/12/2015	Legislative proposal published	COM(2015)0668	Summary
01/02/2016	Committee referral announced in Parliament, 1st reading		
30/05/2016	Vote in committee, 1st reading		
30/05/2016	Committee decision to open interinstitutional negotiations with report adopted in committee		
06/06/2016	Committee report tabled for plenary, 1st reading	A8-0201/2016	Summary
14/09/2016	Debate in Parliament		
15/09/2016	Decision by Parliament, 1st reading	T8-0352/2016	Summary
15/09/2016	Results of vote in Parliament		
14/10/2016	Act adopted by Council after Parliament's 1st reading		
26/10/2016	Final act signed		
26/10/2016	End of procedure in Parliament		
17/11/2016	Final act published in Official Journal		

Technical information

Procedure reference	2015/0306(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the European Union TFEU 079-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/05339

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE578.713	04/04/2016	
Amendments tabled in committee		PE582.194	09/05/2016	
Committee report tabled for plenary, 1st reading/single reading		A8-0201/2016	06/06/2016	Summary

Text adopted by Parliament, 1st reading/single reading		T8-0352/2016	15/09/2016	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00030/2016/LEX	26/10/2016	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2015)0668	15/12/2015	Summary
Commission response to text adopted in plenary	SP(2016)737	26/11/2016	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	CZ_CHAMBER	COM(2015)0668	16/02/2016	
Contribution	IT_SENATE	COM(2015)0668	30/03/2016	
Contribution	PT_PARLIAMENT	COM(2015)0668	30/03/2016	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2016/1953
OJ L 311 17.11.2016, p. 0013 Summary

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

2015/0306(COD) - 15/12/2015 - Legislative proposal

PURPOSE: to establish the format and the technical specifications of a European travel document for the return of third-country nationals subject to a return decision.

PROPOSED ACT: Regulation of the European Parliament and of the council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the effective return of third country nationals who do not fulfil or no longer fulfil the conditions for entry, stay or residence in the Member State of the Union is an essential part of a comprehensive approach to ensure the proper functioning of the EU migration policies and for maintaining public trust in the Union migration system. However, the EU system to return irregular migrants is not sufficiently effective.

The **lack of valid travel documents** issued by the country of destination of the returnee is one of the main obstacles to successful return. At present, Member States may issue a substitute document for those illegally staying third-country nationals who do not possess a valid travel document. However, its recognition by third countries is low, including because of its unsatisfactory security features and standards.

CONTENT: the objective of this proposal is to establish a dedicated European travel document for the return of third-country nationals subject to a return decision.

It aims to:

- **harmonise the format and technical specifications** of the European travel document for the return of illegally staying third-country nationals in order to ensure higher technical and security standards, in particular as regards safeguards against counterfeiting and falsification;
- facilitate **recognition** of this document by third countries for the purpose of return and readmission;
- increase flexibility for the authorities of third countries in terms of managing documents in order for them to accelerate the administrative procedures for return and **reduce the administrative burden** on competent consular authorities;
- set the rules relating to the fees for issuing the European travel document for return, which shall be **free of charge** for the third-country national given that it shall only be valid for a single journey;
- contribute to reducing the period during which returnees awaiting removal are kept in administrative detention.

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

2015/0306(COD) - 15/09/2016 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 494 votes to 112 with 50 abstentions, a legislative resolution 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.

Parliament’s position, adopted at first reading following the ordinary legislative procedure, amended the Commission proposal as follows:

European travel document for return: it is recalled that the readmission of own nationals is an obligation under international customary law, with which all States are required to comply. In this context, the identification of illegally staying third-country nationals and the issuance of documents including the European travel document for return should, where appropriate, be subject to cooperation with diplomatic representations and negotiations with third countries entering into readmission agreements, either with the Union or with the Member States.

Enhanced security features and technical specifications of the European travel document for return: it is stipulated that the future Regulation should establish a uniform European travel document for the return of illegally staying third-country nationals, in particular its format, **security features** and technical specifications.

Format and content of the European travel document for return: the format of the European travel document for return shall correspond to the model set out in the Annex.

It shall contain the following information:

- the name, surname, date of birth, sex, nationality, distinguishing marks and, if known, the address in the third country of return of the third-country national;
- a photograph of the third-country national;
- the issuing authority, date and place of issue and period of validity;
- information about the departure and arrival of the third-country national.

It should be noted that the European travel document for return shall be **valid for a single journey** up until the time of arrival in the third country of return of the third-country national subject to a return decision issued by a Member State.

Delegated acts: in order to amend **certain non-essential elements of the model for the European travel document for return**, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council **receive all documents at the same time** as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts, in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Review and reporting: by 2 years after the date of entry into force of this Regulation, the Commission shall review and report on the effective implementation of this Regulation.

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 Parliament's 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.

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

2015/0306(COD) - 26/10/2016 - Final act

PURPOSE: to establish the format and the technical specifications of a European travel document for the return of third-country nationals subject to a return decision.

LEGISLATIVE ACT: Regulation (EU) 2016/1953 of the European Parliament and of the Council on the establishment of a European travel document for the return of illegally staying third-country nationals, and repealing the Council Recommendation of 30 November 1994.

CONTENT: this Regulation establishes a **uniform European travel document for the return of illegally staying third-country nationals**. It sets out in particular its format, security features and technical specifications. These may be found in the annex to the Regulation.

The European travel document for return shall contain the following information:

- the name, surname, date of birth, sex, nationality, distinguishing marks and, if known, the address in the third country of return of the third-country national;
- a photograph of the third-country national;
- the issuing authority, date and place of issue and period of validity;
- information about the departure and arrival of the third-country national.

It shall be **valid for a single journey** up until the time of arrival in the third country of return of the third-country national subject to a return decision issued by a Member State.

The Commission is empowered to adopt delegated acts in order to amend the format of the European travel document for return.

Technical specifications: the security features and technical specifications of the European travel document for return shall be those set out in Regulation (EC) No 333/2002.

Review and reporting: by 8 December 2018, the Commission shall review and report on the effective implementation of this Regulation.

ENTRY INTO FORCE: 7.12.2016.

APPLICATION: 8.4.2017.

DELEGATED ACTS: the power to adopt acts intended to amend certain non-essential elements of the format of the travel document for return shall be conferred on the Commission for an indefinite period from 7.12.2016. A delegated act shall enter into force only if the European Parliament or the Council has not raised objections.