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From: To:	Presidency Working Party on Integration, Migration and Expulsion (IMEX Expulsion)
N° prev. doc.:	6917/1/25 REV1 + ADD 1-2
Subject:	Proposal for a Regulation of the European Parliament and of the Council 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 of the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC – Presidency compromise proposal

Delegations will find in the annex a Presidency compromise proposal regarding the draft Return Regulation for the discussion at the forthcoming Integration, Migration and Expulsion (IMEX Expulsion) working party meeting on 25 September 2025.

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL 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 of the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC

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	Commission Proposal	PCY Compromise proposal 1
Formula		
1	2025/0059 (COD)	
Document Stage		
2	**Proposal for a**	
Document Type		
3	**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**	
Document Purpose		
4	**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 of the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC**	
Formula		
70	HAVE ADOPTED THIS REGULATION:	
Chapter I		
71	**Chapter I GENERAL PROVISIONS**	**Chapter I GENERAL PROVISIONS**
Article 1		
72	**Article 1 Subject matter**	**Article 1 Subject matter**
Article 1(1)		

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73	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 ~~*establishes a*~~***sets out*** common ~~*system*~~***standards and procedures to be applied in Member States*** for the return of third-country nationals ~~*staying*~~ illegally ***staying*** in the Union, in accordance with fundamental rights ~~*recognised in particular by the Charter of Fundamental Rights of the European*~~***as general principles of*** Union ~~*(the 'Charter')*~~***law,*** as well as applicable ~~*obligations under*~~ international ~~*law*~~***obligations***, including on ~~*refugee protection and*~~ human rights.
Article 1(2)		
74	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*~~***Member States shall take all necessary measures in accordance with*** 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*~~***or removal***.
Article 2		
75	**Article 2** **Scope**	**Article 2** **Scope**
Article 2(1)		
76	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*~~ illegally ***staying*** on the territory of the Member States.
Article 2(2)		
77	2.This Regulation shall not apply to persons enjoying the right of free movement under Union law, as defined in Article 2, point (5), of Regulation (EU) 2016/399.	2.This Regulation shall not apply to persons enjoying the right of free movement under Union law, as defined in Article 2, point (5), of Regulation (EU) 2016/399.
Article 2(3)		
77a		***3.This regulation shall not apply in cases where the third-country national is taken back by the responsible Member State in application of Article 36(1)(b) of Regulation (EU) 2024/1351.***
Article 3		
78	**Article 3**	**Article 3**

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	Derogations	**Derogations**
Article 3(1)		
79	1.Member States may derogate from the provisions of this Regulation for the following third-country nationals:	1.Member States may derogate from the provisions of this Regulation for the following third-country nationals:
Article 3(1), point a		
80	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;
Article 3(1), point b		
81	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.	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.
Article 3(1), point c		
81a		***c.third-country nationals who are subject to return as a criminal law sanction or as a consequence of a criminal law sanction, according to national law, or who are the subject of an extradition procedure.***
Article 3(1), point d		
81b		***d.third-country nationals who pose a threat to national security.***
Article 3(2)		
82	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 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~~***34(2) to (6)*** and Article 35. ***Article 34(1) shall also apply to derogations pursuant to paragraph 1(a) and (b) of this Article.***
Article 4		
83	**Article 4**	**Article 4**

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	Definitions	**Definitions**
Article 4, first paragraph		
84	For the purpose of this Regulation the following definitions shall apply:	For the purpose of this Regulation the following definitions shall apply:
Article 4, first paragraph, 1 point		
85	(1) 'third-country national' means any person who is not a citizen of the Union within the meaning of Article 20 of the Treaty on the Functioning of the European Union and who is not a person enjoying the right of free movement under Union law, as defined in Article 2, point 5, of Regulation (EU) 2016/399;	(1) 'third-country national' means any person who is not a citizen of the Union within the meaning of Article 20 of the Treaty on the Functioning of the European Union and who is not a person enjoying the right of free movement under Union law, as defined in Article 2, point 5, of Regulation (EU) 2016/399;
Article 4, first paragraph, 2 point		
86	(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) '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;
Article 4, first paragraph, 3 point		
87	(3) 'country of return' means one of the following:	(3) ~~'~~'country of ~~return~~***destination***' means one of the following ***to which the third-country national is returned or removed***:
Article 4, first paragraph, 3 point (a)		
88	(a) a third country that is the country of origin of the third-country national;	(a) a third country that is the country of origin of the third-country national;
Article 4, first paragraph, 3 point (b)		
89	(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 formal habitual residence of the third-country national;
Article 4, first paragraph, 3 point (c)		
90	(c) a third country of transit on the way to the Union in accordance with Union or Member States' readmission agreements or arrangements;	(c) a third country of transit on the way to the Union in accordance with Union or Member States' readmission agreements or arrangements;
Article 4, first paragraph, 3 point (d)		
91	(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)~~, (b) and (g)~~ ***and (b)***, where the third-country national has a right to enter and reside;

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Article 4, first paragraph, 3 point (e)		
92	(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;	(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;
Article 4, first paragraph, 3 point (f)		
93	(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;	(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;
Article 4, first paragraph, 3 point (g)		
94	(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.
Article 4, first paragraph, 4 point		
95	(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 illegal and imposing or stating an obligation to leave the ~~*European Union*~~***territory of the Member States***;
Article 4, first paragraph, 4a point		
95a		***4a. 'removal order' means an administrative or judicial decision stating or declaring that the third-country national can be removed to one or more countries of destination as referred to in subparagraph 3;***
Article 4, first paragraph, 7 point		
96	(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 State;
Article 4, first paragraph, 8 point		
97	(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 in the return decision in accordance with*~~

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		~~*Article 13 of this Regulation*~~ ***whether on his or her own or with the assistance of the Member States, and without resorting to removal***;
Article 4, first paragraph, 9 point		
98	(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~~, *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*~~.
Article 4, first paragraph, 10 point		
99	(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*~~;
Article 4, first paragraph, 11 point		
100	(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 operation;*~~
Article 4, first paragraph, 10 point		
101	(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 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;*~~
Article 4, first paragraph, 12 point		
102	(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 removed***;
Article 4, first paragraph, 12 point		
103	(12) 'readmission instrument' means a legally binding or non-binding instrument, containing provisions on the cooperation between a Member	(12) ~~*'readmission instrument' means a legally binding or non-binding instrument, containing provisions on the cooperation between a Member*~~

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	State or the Union and a third country on the readmission procedure, such as readmission or other international agreements and arrangements;	~~State or the Union and a third country on the readmission procedure, such as readmission or other international agreements and arrangements;~~
Article 4, first paragraph, 13 point		
104	(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[1]. _____ 1. 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).	(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[1].~~ _____ ~~1. 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).~~
Article 5		
105	**Article 5** **Fundamental rights**	**Article 5** **Fundamental rights**
Article 5, first paragraph		
106	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.~~
Chapter II		
107	**Chapter II** **RETURN PROCEDURE**	**Chapter II** **RETURN PROCEDURE**
	Section 1	
108	**Section 1** **Start of the return procedure**	**Section 1** **Start of the return procedure**
	Article 6	
109	**Article 6** **Detection and initial checks**	**Article 6** ~~***Detection and***~~ **Initial checks**

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Article 6, first paragraph		
109a		***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.***
Article 6(1)		
110	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 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.*~~
Article 6(2)		
111	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.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.*~~
Article 6(3)		
112	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 based on a risk assessment and objective criteria set out in national law*~~.
Section 2		
113	Section 2 Procedure ordering return	Section 2 Procedure ordering return
Article 7		
114	**Article 7** **Issuance of a return decision**	**Article 7** ~~***Issuance of a***~~ **Return decision**
Article 7(1)		
115	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~~,~~ ~~*without prejudice to the exceptions referred to in Article 8*~~ ***stating or imposing the obligation to leave the territory of the Member States***.
Article 7(1a), first subparagraph		
115a		***1a. The return decisions shall:***

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Article 7(1a), first subparagraph, point (a)		
115b		***(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***
Article 7(1a), first subparagraph, point (b)		
115c		***(b) b. state that the third-country national shall leave the territory of the Member States immediately.***
Article 7(1a), second subparagraph		
115d		***The departure period referred to in subparagraph (a) may be further specified in national law.***
Article 7(1b)		
115e		***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.***
Article 7(1c)		
115f		***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.***
Article 7(1d)		
115g		***1d. The departure period shall be counted from the date of notification of the decision. The Member States may determine in national law from when the departure period shall be counted.***
Article 7(2)		
116	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*~~***. The third-country national shall 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*~~***as soon as possible in accordance with national law of the Member State concerned***.

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Article 7(3)		
117	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.
Article 7(4)		
118	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.*~~
Article 7(5)		
119	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.***
Article 7(6)		
120	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*~~ 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 without undue delay thereafter***, ***and*** without affecting the procedural safeguards provided for under Chapter IV and other relevant provisions of Union and international law.
Article 7(7)		
121	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, ~~*its main elements shall be inserted into*~~ ***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

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		Schengen Information System in accordance with Regulation (EU) 2018/1860 or through information exchange pursuant to Article 38.
Article 7(8)		
122	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 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).
Article 7(9)		
123	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 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.*~~
Article 7(10)		
124	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.*~~
Article 8		
125	**Article 8** **Exceptions from the obligation to issue a return decision**	**Article 8** **Exceptions from the obligation to issue a return decision**
Article 8(1)		
126	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:	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:
Article 8(1), point (a)		
127	a. transferred to another Member State in accordance with the procedure provided for in Article 23a of Regulation (EU) 2016/399;	a. transferred to another Member State in accordance with the procedure provided for in Article 23a of Regulation (EU) 2016/399;
Article 8(1), point (b)		

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128	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 bilateral agreements or arrangements ***existing on the date of entry into force of this Regulation*** or based on cooperation between Member States in accordance with Article 44;
Article 8(1), point (c)		
129	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, 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.
Article 8(2)		
130	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 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.*~~
Article 8(3)		
131	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.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.
Article 8(4)		
132	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 ~~*third-country national is the subject of an enforceable return decision issued by another*~~ Member State~~*. In this case,*~~ ***applies*** the procedure described in Article 9 ~~*shall apply*~~.
Article 8(4a)		

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132a		***4a. A return decision shall not be issued in cases where the third-country national is taken back by the responsible Member State in application of Article 36(1)(b) of Regulation (EU) 2024/1351.***
Article 8a		
132b		***Article 8a*** ***Hindrance to return***
Article 8a, first paragraph		
132c		***Where the third country national, who is not excluded from international protection, cannot return for reasons which are beyond their control, and where the third-country national complies with the obligations set out in Article 21(2), the third-country national shall not be subject to:***
Article 8a, first paragraph, point (a)		
132d		***(a) measures in accordance with Article 23;***
Article 8a, first paragraph, point (b)		
132e		***(b) detention in accordance with article 29;***
Article 8a, first paragraph, point (c)		
132f		***(c) alternatives to detention in accordance with article 31.***
Article 8a, second paragraph		
132g		***When circumstances change, and the third-country national can return, the measures in (a) to (c) may be applied.***
Article 9		
133	**Article 9** **Recognition and enforcement of return decisions issued by another Member State**	**Article 9** **Recognition and enforcement of return decisions issued by another Member State**
Article 9(1)		
134	1.The Member State where the third-country national is illegally staying (‘enforcing Member State’) may recognise an enforceable return decision	1.The Member State where the third-country national is illegally staying (‘enforcing Member State’) may recognise ~~*an enforceable*~~***a*** return decision**,**

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	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.	***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.
Article 9(2)		
135	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 2027~~***[three years after the application of the Pact on Migration and Asylum]***, the Commission shall adopt an implementing decision for the application of paragraph 3~~.~~***. This implementing decision shall be*** 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) ***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).
Article 9(3)		
136	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~~***a*** return ~~decisions~~***decision*** 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(2)*** 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~~.
Article 9(3a)		
136a		***3a. Member State shall not recognise or enforce a return decision or removal order of the issuing Member State where the return decision or removal order, issued by another Member State, has been suspended.***
Article 9(4)		
137	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	4.For the purposes of applying paragraph 3, a Member State may decide not to recognise or enforce a return decision ***or removal order*** of the

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	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.	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.*~~ ***:***
Article 9(4), point (a)		
137a		***(a) the enforcement is manifestly contrary to public policy in the enforcing Member State;***
Article 9(4), point (b)		
137b		***(b) issuing a return decision pursuant to Article 7(1) is considered as leading to a faster and more effective return or removal;***
Article 9(4), point (c)		
137c		***(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;***
Article 9(4), point (d)		
137d		***(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;***
Article 9(4), point (e)		
137e		***(e) the third-country national is to be removed to a different third country than stated in the removal order of the issuing Member State.***
Article 9(5)		
138	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***, 3 or 3a*** ~~*or 3*~~, that Member State shall issue a return decision in accordance with Article 7.
Article 9(6)		
139	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*~~***removal*** where the effects of the return decision ***or removal order*** in the issuing Member State are suspended.

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Article 9(7)		
140	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 ~~a~~***an administrative or*** judicial authority, the enforcing Member State shall issue a return decision subject to the conditions of Article 7.
Article 9(8)		
141	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 ~~*enforcing the*~~ return ~~*decision*~~***or removal***, in accordance with Regulation (EU) 2018/1860 or based on exchange of information between Member States pursuant to Article 38.
Article 9(9)		
142	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).	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*~~***In addition, financial support may be provided through Union funds to*** the enforcing Member ~~*State*~~***States***, ~~*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).*~~***legal acts governing such funds.***
Article 9(9a)		
142a		***9a. Two years after the publication pursuant to paragraph 3, the Commission shall review the effectiveness of this Article and shall, where appropriate, propose any targeted amendments.***
Article 9(10)		
143	10. The Commission decision referred to in paragraph 2 shall be published in the Official Journal of the European Union.	10. The Commission decision referred to in paragraph 2 shall be published in the Official Journal of the European Union.
Section 3		

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144	Section 3 Entry ban	Section 3 Entry ban
Article 10		
145	**Article 10** **Issuance of an entry ban**	**Article 10** **Issuance of an entry ban**
Article 10(1)		
146	1. Return decisions shall be accompanied by an entry ban when:	1. Return decisions shall be accompanied by an entry ban when:
Article 10(1), point (a)		
147	a. the third-country national is subject to removal in accordance with Article 12;	a. the third-country national is subject to removal in accordance with Article 12;
Article 10(1), point (b)		
148	b. the obligation to return has not been complied with within the time limits set in accordance with Article 13;	b. the obligation to ~~return~~***leave*** has not been complied with within the time limits set in accordance with Article ~~13~~***7(1a)-(1c)***;
Article 10(1), point (c)		
149	c. the third-country national poses a security risk in accordance with Article 16.	c. the third-country national poses a security risk in accordance with Article 16.
Article 10(2)		
150	2. In cases other than those listed in paragraph 1, competent authorities shall determine whether or not a return decision shall be accompanied by an entry ban taking into account relevant circumstances, in particular the level of cooperation of the third-country national.	2. In cases other than those listed in paragraph 1, competent authorities ~~shall determine whether or not~~ ***may accompany*** a return decision ~~shall be accompanied by~~***or removal order with*** an entry ban taking into account relevant circumstances, in particular the level of cooperation of the third-country national.
Article 10(3)		
151	3. The entry ban shall be issued as part of the return decision or separately in writing. It shall be notified to the third-country national in a language that the third-country national understands or may reasonably be presumed to understand.	3. The entry ban shall be issued as part of the return decision or ***as part of the removal order or*** separately in writing. ~~It~~***The entry ban*** shall be notified to the third-country national in a language that the third-country national understands or may reasonably be presumed to understand. ***Information of the effects of an entry ban may be notified in a generalised information sheet.***
Article 10(4)		

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152	4.Competent authorities may impose an entry ban without issuing a return decision to a third-country national who has been illegally staying on the territory of the Member States and whose illegal stay is detected in connection with border checks carried out at exit in accordance with Article 8 of Regulation (EU) 2016/399, 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.	4.Competent authorities may impose an entry ban without issuing a return decision to a third-country national who has been illegally staying on the territory of the Member States and whose illegal stay is detected in connection with border checks carried out at exit in accordance with Article 8 of Regulation (EU) 2016/399~~, 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~~. ***The entry ban in these cases may be imposed and notified after the third-country national has departed from the territory*** avoiding as much as possible to postpone the departure of the third-country national concerned.
Article 10(5)		
153	5.Competent authorities may refrain from issuing an entry ban in individual cases for humanitarian reasons or if the third-country national duly cooperates with the competent authorities, included by enrolling in a return and reintegration programme.	5.Competent authorities may refrain from issuing an entry ban in individual cases for humanitarian reasons or if the third-country national duly cooperates with the competent authorities, included by enrolling in a return and reintegration programme.
Article 10(6)		
154	6.The length of the entry ban shall be determined with due regard to all relevant circumstances of the individual case for a maximum of 10 years.	6.The length of the entry ban shall be determined with due regard to all relevant circumstances of the individual case for a maximum of 10 years. ***Without prejudice to Article 16(3)(a), an entry ban may be issued for a maximum of 20 years with due regard to all relevant circumstances and in particular any duly substantiated reasons of competent authorities why it is necessary to further prevent the third-country national from entering the territory of the Member States.***
Article 10(7)		
155	7.The duration of the entry ban pursuant to paragraph 6 may be extended by successive periods of a maximum of 5 years. Such extension shall be based on an individual assessment with due regard to all relevant circumstances and in particular any duly substantiated reasons of competent authorities why it is necessary to further prevent the third-country national from entering the territory of the Member States.	7.~~*The duration of the entry ban pursuant to paragraph 6 may be extended by successive periods of a maximum of 5 years. Such extension shall be based on an individual assessment with due regard to all relevant circumstances and in particular any duly substantiated reasons of competent authorities why it is necessary to further prevent the third-country national from entering the territory of the Member States.*~~
Article 10(8)		
156	8.The period of the entry ban shall start from the date on which the third-country national left the territory of the Member States.	8.The period of the entry ban shall start from the date on which the third-country national left the territory of the Member States.

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Article 11		
157	**Article 11** **Withdrawal, suspension or shortening of the duration of an entry ban**	**Article 11** **Withdrawal, suspension or shortening of the duration of an entry ban**
Article 11(1)		
158	1.An entry ban may be withdrawn, suspended or its duration shortened where the third-country national:	1.An entry ban may be withdrawn, suspended or its duration shortened ***by the issuing Member State*** where the third-country national~~:~~ ***demonstrates that he or she has returned voluntarily in compliance with a return decision.***
Article 11(1), a.		
159	a.demonstrates that he or she has returned voluntarily in compliance with a return decision;	~~*a.demonstrates that he or she has returned voluntarily in compliance with a return decision;*~~
Article 11(1), b.		
160	b.has not already been the subject of a return decision or removal order in the past;	~~*b.has not already been the subject of a return decision or removal order in the past;*~~
Article 11(1), c.		
161	c.has not entered the territory of a Member State while an entry ban was still in force.	~~*c.has not entered the territory of a Member State while an entry ban was still in force.*~~
Article 11(2)		
162	2.An entry ban may also be withdrawn, suspended or its duration shortened in justified individual cases, including for humanitarian reasons, taking into account all relevant circumstances.	2.An entry ban may also be withdrawn, suspended or its duration shortened in justified individual cases, including for humanitarian reasons, taking into account all relevant circumstances.
Article 11(3)		
163	3.The third-country national shall be afforded the possibility to request such withdrawal, suspension or shortening of the duration of an entry ban.	3.The third-country national ~~*shall be afforded the possibility to*~~ ***may submit a well-grounded*** request ~~*such*~~***for*** withdrawal, suspension or shortening of the duration of an entry ban***, provided that the third-country national has complied with the return decision***.
Article 11(4)		
163a		***4.A third-country national, who has been issued an entry ban that exceeds 10 years in accordance with Article 10(6) or in accordance with Article 16(3)(a) may 10 years after departure from the Member States***

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		request the issuing Member State to review whether, having regard to all relevant circumstances, it remains necessary to further prevent that third-country national from entering the territory of the Member States. The request for review shall be well-grounded.
Section 4		
164	Section 4 Enforcement of return	Section 4 Enforcement of return
Article 12		
165	**Article 12** **Removal**	**Article 12** **Removal**
Article 12(1)		
166	1. The third-country national subject to a return decision shall be removed when:	1. The third-country national ***shall be*** subject to ~~*a return decision shall be removed*~~***removal*** when:
Article 12(1), point (-a)		
166a		***-a. the third-country national has not complied with the obligation to leave the territory in accordance with Article 7;***
Article 12(1), point (a)		
167	a. the third-country national is refusing to cooperate with the authorities during the return process;	a. the third-country national ~~*is refusing to*~~ ***does not*** cooperate with the authorities ~~*during the return process*~~;
Article 12(1), point (b).		
168	b. the third-country national moves to another Member State without authorisation, including during the period set in accordance with Article 13;	~~*b. the third-country national moves to another Member State without authorisation, including during the period set in accordance with Article 13;*~~
Article 12(1), point (c)		
169	c. the third-country national falls within the scope of Article 16;	~~*c.*~~***(c)*** the third-country national falls within the scope of Article 16;
Article 12(1), point (d)		
170	d. the third-country national has not left the territory of Member States by the date set in accordance with Article 13.	d. the third-country national ~~*has not left the territory of*~~***moves to another*** Member ~~*States by the date*~~***State without authorisation, including during the period*** set in accordance with Article ~~*13.*~~***7;***
Article 12(1), point (e)		

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170a		***e.the enforcing Member State has recognized an issuing Member State's return decision and, where relevant, removal order referred to in Article 9;***
Article 12(1), point (f)		
170b		***f. the Member State finds it necessary and proportionate, as provided for in national law, to remove the third-country national for other reasons than subparagraph (-a) to (e).***
Article 12 (1a)		
170c		***1a. Nothing in this regulation shall prevent Member States from permitting or facilitating voluntary return of a third country national, who is otherwise subject to removal pursuant to paragraph 1.***
Article 12(2)		
171	2.Member States' competent authorities may issue a separate administrative or judicial decision in writing ordering the removal.	2.~~*Member States'*~~***A removal order shall be issued by*** competent authorities ~~*may issue*~~***to any third-country national who is subject to removal. The removal order shall be issued in writing in the same decision as the return decision or as*** a separate administrative or judicial decision ~~*in writing ordering the removal*~~.
Article 12(2a)		
171a		***2a. The removal order shall state one or more country of destination as referred to in Article 4(3).***
Article 12(2b)		
171b		***2b. The removal order shall give reasons in fact and in law. The third-country national shall be informed about available legal remedies and time-limits to seek those remedies.The removal order shall be notified to the third-country national as soon as possible in accordance with national law of the Member State concerned.***
Article 12(2c)		
171c		***2c. The third-country national shall, upon request, be provided with a written or oral translation of the main elements of the removal order, including information on the available legal remedies in a language the third-country national understands or may reasonably be presumed to***

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		understand. Member States may use generalised information sheets or translations, including machine-generated translations.
Article 12(3)		
172	3.The competent authorities shall assess compliance with the principle of non-refoulement by reference to the country of return. They may rely on an existing thorough assessment of all relevant circumstances in previous stages of the procedure. Changes in circumstances and new elements evidencing a risk shall be duly examined. The third-country national concerned shall bring forward as soon as possible any relevant elements concerning his or her own personal circumstances.	3.***When the third country national indicates, or the*** ~~*The competent*~~ authorities ***of the Member State become aware of, relevant indications that the removal would breach the principle of non-refoulement, the Member State*** shall ***refer the third-country national to the appropriate procedure or otherwise*** assess ***whether the removal is in*** compliance with the principle of non-refoulement ~~*by reference to the country of return. They may rely on an existing thorough assessment of all relevant circumstances in previous stages of the procedure. Changes in circumstances and new elements evidencing a risk shall be duly examined*~~. The third-country national concerned shall bring forward as soon as possible any relevant ~~*elements*~~***information*** concerning ~~*his or her*~~***their*** own personal circumstances ***in order to substantiate their claim that the removal would breach the principle of non-refoulement. Member States may take into consideration any previous assessment of the risk of non-refoulement.***
Article 12(4)		
173	4.Coercive measures taken to ensure removal shall be necessary and proportionate and shall, in any case, not exceed the threshold of reasonable force. They shall be implemented in accordance with national law respecting fundamental rights and with due respect for the dignity and physical integrity of the third-country national concerned.	4.Coercive measures taken to ensure removal shall be necessary and proportionate and shall, in any case, not exceed the threshold of reasonable force. They shall be implemented in accordance with national law respecting fundamental rights and with due respect for the dignity and physical integrity of the third-country national concerned.
Article 12(5)		
174	5.In carrying out removals by air, Member States shall take into account the common guidelines on security provisions for joint removals by air set out in the Annex to Council Decision 2004/573/EC[1]. _____ 1. Council Decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders (OJ L 261, 6.8.2004, p. 28, ELI: http://data.europa.eu/eli/dec/2004/573/oj).	5.In carrying out removals by air, Member States shall take into account the common guidelines on security provisions for joint removals by air set out in the Annex to Council Decision 2004/573/EC.[1]. _____ 1. Council Decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders (OJ L 261, 6.8.2004, p. 28, ELI: http://data.europa.eu/eli/dec/2004/573/oj).
Article 12(6)		

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175	6.In duly justified cases and when the third-country national is clearly cooperating, competent authorities may decide to indicate a date by which the third-country national shall leave the territory of the Member States in accordance with Article 13. In such cases, competent authorities shall closely monitor the compliance of the third-country national, including by organising transport assistance to the relevant point of departure from the Union.	6.~~*In duly justified cases and when the third-country national is clearly cooperating, competent authorities may decide to indicate a date by which the third-country national shall leave the territory of the Member States in accordance with Article 13. In such cases, competent authorities shall closely monitor the compliance of the third-country national, including by organising transport assistance to the relevant point of departure from the Union.*~~
Article 13		
176	**Article 13** **Voluntary return**	**Article 13** ~~***Voluntary return***~~
Article 13(1)		
177	1.When the third-country national is not subject to removal in accordance with Article 12, the return decision shall indicate a date by which the third-country national shall leave the territory of the Member States and shall state the possibility for the third-country national to leave earlier.	1.~~*When the third-country national is not subject to removal in accordance with Article 12, the return decision shall indicate a date by which the third-country national shall leave the territory of the Member States and shall state the possibility for the third-country national to leave earlier.*~~
Article 13(2)		
178	2.The date referred to in paragraph 1 shall be determined with due regard to the specific circumstances of the individual case. The date by which the third-country national shall leave shall not exceed 30 days from the date of notification of the return decision.	2.~~*The date referred to in paragraph 1 shall be determined with due regard to the specific circumstances of the individual case. The date by which the third-country national shall leave shall not exceed 30 days from the date of notification of the return decision.*~~
Article 13(3)		
179	3.Member States may provide for a longer period or extend the period to leave their territory in accordance with paragraph 1 taking into account the specific circumstances of the individual case, such as family links, the existence of children attending school, 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. Any extension of the period to leave shall be provided in writing to the third-country national.	3.~~*Member States may provide for a longer period or extend the period to leave their territory in accordance with paragraph 1 taking into account the specific circumstances of the individual case, such as family links, the existence of children attending school, 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. Any extension of the period to leave shall be provided in writing to the third-country national.*~~
Article 13(4)		

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180	4.The third-country national shall leave the territory of the Member States by the date determined pursuant to paragraph 1. If not, the third-country national shall be subject of removal in accordance with Article 12.	4.~~*The third-country national shall leave the territory of the Member States by the date determined pursuant to paragraph 1. If not, the third-country national shall be subject of removal in accordance with Article 12.*~~
Article 14		
181	**Article 14** **Conditions for postponing removal**	**Article 14** **Conditions for postponing removal**
Article 14(1)		
182	1.Removal pursuant to Article 12 shall be postponed in the following circumstances:	1.Removal pursuant to Article 12 shall be postponed in the following circumstances:
Article 14(1), point (a)		
183	a.when it would violate the principle of non-refoulement; or	a.when it would violate the principle of non-refoulement; or
Article 14(1), point (b)		
184	b.when and for as long as suspension of the return decision in accordance with Article 28 is in place.	b.when and for as long as suspension of the return decision in accordance with Article 28 is in place.
Article 14(2)		
185	2.Removal pursuant to Article 12 may be postponed for an appropriate period, taking into account the specific circumstances of the individual case.	2.Removal pursuant to Article 12 may be postponed ~~*for an appropriate period*~~, taking into account the specific circumstances of the individual case.
Article 14(3)		
186	3.If the third-country national requests postponement of removal, the request shall be duly substantiated.	3.If the third-country national requests postponement of removal, the request shall be duly substantiated.
Article 14(4)		
187	4.When taking a decision in accordance with paragraph 1 or paragraph 2, Member States shall provide the third-country national concerned with a written confirmation setting out the period of postponement and their rights during that period.	4.~~*When taking a decision in accordance with paragraph 1 or paragraph 2,*~~ Member States shall provide the third-country national concerned with a written confirmation ~~*setting out the period of*~~ ***of the*** postponement ~~*and their rights during that period*~~***in accordance with paragraph 1 . The confirmation may be notified orally to the third-country national in a language they understand or are reasonably presumed to understand, including with the use of interpretation.***
Article 14(5)		

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188	5.The decision to postpone removal in accordance with paragraph 1 or paragraph 2 shall be regularly reviewed, and at least every 6 months.	5.The ~~*decision to postpone*~~ ***postponement of the*** removal in accordance with paragraph 1 or paragraph 2 shall be regularly reviewed~~*, and at least every 6 months*~~ ***in case of change of relevant circumstances***.
Article 14 (6)		
189	6.The following shall be taken into account concerning the situation of the third-country national during periods for which the removal has been postponed:	6.The following shall be taken into account concerning the situation of the third-country national during periods for which the removal has been postponed:
Article 14 (6), point (a)		
190	a.basic needs;	a.basic needs;
14 (6), point (b)		
191	b.family unity with family members present in the Member State's territory;	b.family unity with family members present in the Member State's territory;
14 (6), point (c)		
192	c.emergency health care and essential treatment of illness;	c.emergency health care and essential treatment of illness;
14 (6), point (d)		
193	d.access of minors to the basic education system subject to the length of their stay;	d.access of minors to the basic education system subject to the length of their stay;
14 (6), point (e)		
194	e.special needs of vulnerable persons.	e.special needs of vulnerable persons.
Article 14(7)		
195	7.If the removal is postponed, the measures set out in Article 31 may be applied when the conditions are fulfilled.	7.If the removal is postponed, the measures set out in ~~*Article*~~***Articles 23, 29 and*** 31 may be applied when the conditions are fulfilled.
Article 15		
196	**Article 15** **Monitoring of removal**	**Article 15** **Monitoring of removal**
Article 15(1)		
197	1.Member States shall provide for an independent mechanism to monitor the respect of fundamental rights during removal operations. Member	1.Member States shall provide for an independent mechanism to monitor the respect of fundamental rights during removal operations. Member

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	States shall equip the independent monitoring mechanism with appropriate means.	States shall ~~equip~~***ensure that*** the independent monitoring mechanism ***has access to*** ~~with~~ appropriate means.
Article 15(2)		
198	2.The independent monitoring mechanism shall select the removal operations to monitor based on a risk assessment and conduct its activities on the basis of desk review and on-the-spot checks which may be unannounced. Member States shall inform the monitoring body in advance about upcoming removal operations and ensure access to relevant locations.	2.The independent monitoring mechanism shall select the removal operations to monitor based on a risk assessment and conduct its activities on the basis of desk review and on-the-spot checks ~~which may be unannounced~~. Member States shall inform the monitoring body in advance about upcoming removal operations and ensure access to relevant locations.
Article 15(2a)		
198a		***2a. The Member State may require that persons acting on behalf of the monitoring mechanism have received an appropriate security clearance issued by a competent authority in accordance with national law.***
Article 15(3)		
199	3.Substantiated allegations of failure to respect fundamental rights during removal operations shall be communicated to the competent national authority by the monitoring mechanism. The competent authorities shall deal with such allegations effectively and without undue delay.	3.Substantiated allegations of failure to respect fundamental rights during removal operations shall be communicated to the competent national authority by the monitoring mechanism. The competent authorities shall deal with such allegations effectively and without undue delay.
Article 16		
200	**Article 16** **Return of third-country nationals posing security risks**	**Article 16** **Return of third-country nationals posing security risks**
Article 16(1)		
201	1.This Article shall apply to third-country nationals where:	1.This Article shall apply to third-country nationals where:
Article 16(1), point (a)		
202	a.they pose a threat to public policy, to public security or to national security;	a.they pose a threat to public policy, to public security or to national security;
Article 16(1), point (b)		
203	b.there are serious grounds for believing that they have committed a serious criminal offence as referred to in Article 2(2) of Council Framework Decision 2002/584/JHA[1];	b.there are ~~serious grounds for believing~~***clear indications*** that they have committed a serious criminal offence as referred to in Article 2(2) of Council Framework Decision 2002/584/JHA[1] ***or have committed an***

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	_____ 1. Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States - Statements made by certain Member States on the adoption of the Framework Decision (OJ L 190, 18.7.2002, p. 1, ELI: http://data.europa.eu/eli/dec_framw/2002/584/oj).	***offence carrying a penalty involving the deprivation of liberty of at least 3 years under national law***; _____ 1. Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States - Statements made by certain Member States on the adoption of the Framework Decision (OJ L 190, 18.7.2002, p. 1, ELI: http://data.europa.eu/eli/dec_framw/2002/584/oj).
Article 16(1), point (ba)		
203a		***(ba) there are indications that the person is involved in any of the offences referred to in Directive (EU) 2017/541 of the European Parliament and of the Council;***
Article 16(1), point (c)		
204	c. there are clear indications of his or her intention to commit an offence pursuant to point (b) of this paragraph in the territory of a Member State.	c. there are clear indications of ~~*his or her*~~ ***their*** intention to commit an offence pursuant to point (b) of this paragraph in the territory of a Member State.
Article 16(1), point (ca)		
204a		***(ca) there are clear indications that they pose other security threat as identified under national law.***
Article 16(2)		
205	2. Third-country nationals falling within the scope of this Article shall be subject to removal in accordance with Article 12.	2. Third-country nationals falling within the scope of this Article shall be subject to ***return or*** removal ~~*in accordance with Article 12*~~.
Article 16(3)		
206	3. By way of derogation from the relevant provisions of this Regulation, third-country nationals falling within the scope of this Article may be:	3. By way of derogation from the relevant provisions of this Regulation, third-country nationals falling within the scope of this Article may be:
Article 16(3), point (a)		
207	a. subject to an entry ban issued in accordance with Article 10 that exceeds the maximum duration referred to in Article 10(6) by an additional maximum period of 10 years;	a. subject to an entry ban issued in accordance with Article 10 that exceeds the maximum duration referred to in Article 10(6) ~~*by an additional maximum period of 10 years*~~***or an entry ban for an indefinite duration where justified and proportionate to the security risk posed by the third-country national***;
Article 16(3), point (b)		

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208	b.detained in accordance with Article 29(3), point (c);	b.detained in accordance with Article 29(3), point (c);
Article 16(3), point (c)		
209	c.detained in prisons and be kept separated from ordinary prisoners;	c.detained in prisons ~~*and be kept separated from ordinary prisoners*~~;
Article 16(3), point (d)		
210	d.subject to detention for a period that exceeds the maximum duration referred to in Article 32(3) and that is determined by a judicial authority taking into account the circumstances of the individual case, and that is subject to a review by a judicial authority at least every three months.	d.subject to detention for ~~*a period*~~ ***additional periods*** that exceeds the maximum duration referred to in Article 32(3) and that is determined by a ~~*judicial*~~ ***competent*** authority taking into account the circumstances of the individual case, and that is subject to a review by a judicial authority at least every three months.
Article 16(3a)		
210a		***3a. A third-country national, who have been issued an entry ban in accordance with paragraph 3(a), may request the issuing Member State to withdraw, suspend or shorten the entry ban in accordance with Article 11(4).***
Article 16(5)		
211	4.By way of derogation from the provisions of Article 28(2) and (3), the enforcement of a return decision issued to a third-country national falling within the scope of this Article shall not be suspended unless there is a risk to breach the principle of non-refoulement.	~~*4*~~***5***. By way of derogation from the provisions of Article ~~*28(2) and (3)*~~***28***, the enforcement of a return decision issued to a third-country national falling within the scope of this Article shall not be suspended unless there is a risk to breach the principle of non-refoulement.
Article 17		
212	**Article 17** **Return to a third country with which there is an agreement or arrangement**	**Article 17** **Return to a third country with which there is an agreement or arrangement**
Article 17(1)		
213	1.Return within the meaning of Article 4, first paragraph, point (3)(g) of illegally staying third-country nationals requires an agreement or arrangement to be concluded with a third country. Such an agreement or arrangement may only be concluded with a third country where international human rights standards and principles in accordance with international law, including the principle of non-refoulement, are respected.	1.Return within the meaning of Article 4, first paragraph, point (3)(g) of illegally staying third-country nationals requires an agreement or arrangement to be concluded ***by the Union or one or more Member States*** with a third country. Such an agreement or arrangement may only be concluded with a third country where international human rights standards and principles in accordance with international law, including the principle of non-refoulement, are respected.

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Article 17(2)		
214	2.An agreement or arrangement pursuant to paragraph 1 shall set out the following:	2.An agreement or arrangement pursuant to paragraph 1 shall set out the following:
Article 17(2), point (a)		
215	a.the procedures applicable to the transfer of illegally staying third-country nationals from the territory of the Member States to the third country referred to in paragraph 1;	a.the procedures applicable to the ~~*transfer*~~ ***return*** of illegally staying third-country nationals from the territory of the Member States to the third country referred to in paragraph 1;
Article 17(2), point (b)		
216	b.the conditions for the stay of the third-country national in the third country referred to in paragraph 1, including the respective obligations and responsibilities of the Member State and of that third country;	b.the conditions for the stay of the third-country national in the third country referred to in paragraph 1~~*, including the respective obligations and responsibilities of the Member State and of that third country*~~;
Article 17(2), point (c)		
217	c.where applicable, the modalities of onward return to the country of origin or to another country where the third-country national voluntarily decides to return, and the consequences in the case where this is not possible;	~~*c.where applicable, the modalities of onward return to the country of origin or to another country where the third-country national voluntarily decides to return, and the consequences in the case where this is not possible;*~~
Article 17(2), point (d)		
218	d.the obligations of the third country referred to in the second sentence of paragraph 1;	d.the obligations of the third country referred to in the second sentence of paragraph 1;
Article 17(2), point (e)		
219	e.an independent body or mechanism to monitor the effective application of the agreement or arrangement;	e.~~*an independent body or mechanism to monitor the effective application of the agreement or arrangement;*~~
Article 17(2), point (f)		
220	f. the consequences to be drawn in case of violations of the agreement or arrangement or significant change adversely impacting the situation of the third country.	f. the consequences to be drawn in case of violations of the agreement or arrangement ~~*or significant change adversely impacting the situation of the third country*~~.
Article 17(2a), first subparagraph		
220a		***2a. Where an agreement or arrangement pursuant to paragraph 1 sets out the modalities of onward return to a country of destination referred to***

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		in Article 4(3)(a)-(f), the agreement or arrangement shall in addition to paragraph 2 set out the following:
Article 17(2a), first subparagraph, point (a)		
220b		***(a) the consequences in case onward return is not possible;***
Article 17(2a), first subparagraph, point (b)		
220c		***(b) the respective obligations and responsibilities of the Member State or the Union and of that third country;***
Article 17(2a), first subparagraph, point (c)		
220d		***(c) the consequences to be drawn in case of significant change adversely impacting the situation of the third country;***
Article 17(2a), first subparagraph, point (d)		
220e		***(d) an independent body or mechanism to monitor the effective application of the agreement or arrangement.***
Article 17(2a), second subparagraph		
220f		***The agreement or arrangement pursuant to the first subparagraph may include the conditions for detention in the third country.***
Article 17(3)		
221	3.Prior to concluding an agreement or arrangement pursuant to paragraph 1, Member States shall inform the Commission and the other Member States.	3.~~*Prior to concluding an agreement or arrangement pursuant to paragraph 1,*~~ Member States shall ~~*inform*~~***provide information to*** the Commission and the other Member States ***on agreements or arrangements under paragraph 1***.
Article 17(4)		
222	4.Unaccompanied minors and families with minors shall not be returned to a third country referred to in paragraph 1.	4.Unaccompanied ~~*minors and families with*~~ minors shall not be returned to a third country referred to in paragraph 1.
Section 5		
223	Section 5 Return of minors	Section 5 Return of minors
Article 18		
224	**Article 18**	**Article 18**

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	Best interests of the child	**Best interests of the child**
Article 18, first paragraph		
225	The best interests of the child shall be a primary consideration when applying the provisions in accordance with this Regulation.	The best interests of the child shall be a primary consideration when applying the provisions in accordance with this Regulation.
Article 19		
226	**Article 19** **Age assessment of minors**	**Article 19** **Age assessment of minors**
Article 19(1)		
227	Where, as a result of statements by the third-country national, available documentary evidence or other relevant indications, there are doubts as to whether or not he or she is a minor, the competent authority may undertake a multi-disciplinary assessment, including a psychosocial assessment, which shall be carried out by qualified professionals, to determine the third-country national's age. Article 25 of Regulation (EU) 2024/1348 shall apply by analogy to such assessment.	***1.***Where, as a result of statements by the third-country national, available documentary evidence or other relevant indications, there are doubts as to whether or not he or she is a minor, the competent authority may undertake ~~*a multi-disciplinary assessment, including a psychosocial assessment, which shall be carried out by qualified professionals, to determine the third-country*~~***an age-assessment in accordance with*** national~~*'s age*~~ ***law***. Article 25 of Regulation (EU) 2024/1348~~*shall*~~ ***may*** apply by analogy to such assessment.
Article 19(2)		
227a		***2.The competent authority may rely on an existing age-assesment conducted in previous stages of the return procedure or in other relevant procedures.***
Article 19(3)		
227b		***3.A Member State may recognise age-assessment decisions taken by other Member States where the age assessments were carried out in compliance with Union law.***
Article 20		
228	**Article 20** **Return of unaccompanied minors**	**Article 20** **Return of unaccompanied minors**
Article 20(1)		

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229	1.Before deciding to issue a return decision in respect of an unaccompanied minor, assistance by appropriate bodies other than the authorities enforcing return shall be provided in accordance with the best interests of the child.	1.~~*Before deciding to issue a return decision in respect of an unaccompanied minor, assistance by appropriate bodies other than the authorities enforcing return shall be provided in accordance with the best interests of the child.*~~
Article 20(2)		
230	2.A representative or a person trained to safeguard the best interest of the child shall be appointed to represent, assist and act, as applicable, on behalf of an unaccompanied minor in the return process. It shall be ensured that the appointed representative is appropriately trained in child-friendly and age-appropriate communication and that they speak a language that the minor understands. That person shall be the person designated to act as a representative under Directive (EU) 2024/1346 where the person has been designated in accordance with Article 27 of that Directive.	2.A representative or a person ~~*trained*~~ ***designated*** to safeguard the best interest of the child shall be appointed to represent, assist and act, as applicable, on behalf of an unaccompanied minor in the return process. It shall be ensured that the appointed representative is appropriately trained in child-friendly and age-appropriate communication and that they ~~*speak*~~***can communicate in*** a language that the minor understands. That person ~~*shall*~~ ***may*** be the person designated to act as a representative under Directive (EU) 2024/1346 where the person has been designated in accordance with Article 27 of that Directive. ***Communication may be provided for with the use of an interpreter.***
Article 20(3)		
231	3.The unaccompanied minor shall be heard, either directly or through the representative or trained person referred to in paragraph 2, including in the context of the determination of the best interests of the child. Before removing an unaccompanied minor from the territory of a Member State, the authorities of that Member State shall be satisfied that he or she will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the country of return.	3.The unaccompanied minor shall be heard, either directly or through the representative or ~~*trained*~~***designated*** person referred to in paragraph 2, including in the context of the determination of the best interests of the child. Before removing an unaccompanied minor from the territory of a Member State, the authorities of that Member State shall be satisfied that he or she will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the country of ~~*return*~~***destination***.
Chapter III		
232	**Chapter III** **OBLIGATIONS OF THE THIRD-COUNTRY NATIONAL**	**Chapter III** **OBLIGATIONS OF THE THIRD-COUNTRY NATIONAL**
Article 21		
233	**Article 21** **Obligation to cooperate**	**Article 21** **Obligation to cooperate**
Article 21(1)		

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234	1.Third-country nationals shall have the obligation to cooperate with the competent authorities of the Member States at all stages of the return and readmission procedures and comply with the obligation to leave the territory of the Member States. Third-country nationals shall provide competent authorities with information on any relevant changes in his or her individual situation relevant for the purpose of Article 5, without undue delay.	1.Third-country nationals shall ***comply with the obligation to leave the territory of the Member States as referred to in Article 7 and*** have the obligation to cooperate with the competent authorities of the Member States ~~*at all stages of the*~~***on their*** return ~~*and readmission procedures and comply with the obligation to leave the territory of the Member States*~~. Third-country nationals shall provide competent authorities with information on any relevant changes in his or her individual situation relevant for the purpose of ~~*Article 5*~~***this regulation***, without undue delay.
Article 21(2)		
235	2.Third-country nationals shall:	2.***Without prejudice to the obligation to leave the territory of the Member States,*** third-country nationals shall:
Article 21(2), point (a)		
236	a.remain on the territory of the Member State competent for the return procedure of which the third-country national is the subject and not abscond to another Member State;	a.remain on the territory of the Member State competent for the return procedure of which the third-country national is the subject and not abscond***, including*** to another Member State;
Article 21(2), point (b)		
237	b.provide, where requested by competent authorities and without undue delay, all information and physical documentation necessary for establishing or verifying identity or otherwise relevant within the return and readmission procedure that they possess;	b.provide~~*, where requested by competent authorities and*~~ without undue delay, all information and ~~*physical*~~ documentation necessary for establishing or verifying identity or ***nationality or*** otherwise relevant within the return ~~*and readmission*~~ procedure that they possess ***or may reasonably be presumed to obtain***;
Article 21(2), point (ba)		
237a		***ba. provide the competent authorities with a travel document or, cooperate on obtaining a travel document;***
Article 21(2), point (c)		
238	c.not destroy or otherwise dispose of such documents, use aliases with fraudulent intent, provide other false information in an oral or written form, or otherwise fraudulently oppose the return or readmission procedure;	c.not destroy or otherwise dispose of ~~*such*~~ documents***, information and documentation, referenced in (b) and (ba) of this paragraph***, use aliases with fraudulent intent, provide other false information in an oral or written form, or otherwise fraudulently oppose the return ~~*or readmission*~~ procedure;
Article 21(2), point (d)		

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239	d.provide an explanation in case they are not in possession of an identity or travel document;	d.provide an explanation in case they are not in possession of an identity or travel document;
Article 21(2), point (e)		
240	e.provide information on the third countries transited;	e.provide information on the third countries transited ***and travel route***;
Article 21(2), point (f)		
241	f. provide biometric data as defined in Article 2(1), point (s), of Regulation (EU) 2024/1358 of the European Parliament and of the Council[1]; _____ 1. Regulation (EU) 2024/1358 of the European Parliament and of the Council of 14 May 2024 on the establishment of 'Eurodac' for the comparison of biometric data in order to effectively apply Regulations (EU) 2024/1351 and (EU) 2024/1350 of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council (OJ L, 2024/1358, 22.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1358/oj).	f. provide biometric data as defined in ***national and Union law, including*** Article 2(1), point (s), of Regulation (EU) 2024/1358 of the European Parliament and of the Council[1]; _____ 1. Regulation (EU) 2024/1358 of the European Parliament and of the Council of 14 May 2024 on the establishment of 'Eurodac' for the comparison of biometric data in order to effectively apply Regulations (EU) 2024/1351 and (EU) 2024/1350 of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council (OJ L, 2024/1358, 22.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1358/oj).
Article 21(2), point (fa)		
241a		***fa. comply with the travel requirements of carriers or third country authorities when such requirements are in general imposed on international travelers;***
Article 21(2), point (g)		
242	g.provide precise contact details, including current place of residence, address, telephone number where they may be reached and, where available, an electronic mail address;	g.provide***, when requested,*** precise contact details, including current place of residence, address, telephone number where they may be reached and~~,~~ ~~*where available,*~~ an electronic mail address;
Article 21(2), point (h)		
243	h.provide, without undue delay, information on any changes to the contact details referred to in point (g);	h.provide, without undue delay, information on any changes to the contact details referred to in point (g);
Article 21(2), point (i)		

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244	i. remain available in accordance with Article 23 throughout the return and readmission procedures, and in particular appear for the departure for the transportation for return;	i. remain available in accordance with Article 23 throughout the return ~~*and readmission procedures*~~ ***procedure***, and in particular appear for the departure for the transportation for return ***as determined by the competent authority***;
Article 21(2), point (j)		
245	j. provide all required information and statements in the context of requests lodged with the competent authorities of relevant third countries for the purpose of obtaining travel documents and cooperate with these authorities of third countries, as necessary;	j. provide all required information and statements in the context of requests lodged with the competent authorities of relevant third countries for the purpose of obtaining travel documents and cooperate with these authorities of third countries, as necessary;
Article 21(2), point (k)		
246	k.when necessary, appear in person or when difficult by means of videoconference, before the competent national and third-country authorities at the location indicated by such authorities where necessary to establish his or her nationality;	k.~~*when necessary*~~***where required by competent authorities***, appear in person or ~~*when difficult*~~ by means of videoconference***, as required by the authorities***, before the competent national ~~*and*~~ ***or*** third-country authorities at the location indicated by such authorities ~~*where necessary to establish his or her*~~***for the purpose of acquiring travel documents and establishing their identity or*** nationality;
Article 21(2), point (ka)		
246a		***ka. not physically oppose the return or removal;***
Article 21(2), point (l)		
247	l. where required by competent authorities, participate in return and reintegration counselling.	l. where required by competent authorities, participate in return and reintegration counselling.
Article 21(2), point (m)		
247a		***m. comply with other relevant additional measures in relation to return under national law;***
Article 21(3)		
248	3.The information and physical documentation or, where not available, copies thereof, referred to in paragraph 2, point (b), shall include in particular the third-country nationals' statements and any documentation in their possession regarding:	3.The information and ~~*physical*~~ documentation or, where not available, copies thereof, referred to in paragraph 2, point (b) ***and (ba)***, shall include in particular the third-country nationals' statements and any documentation in their possession regarding:
Article 21(3), point (a)		

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249	a. their name, date and place of birth, gender and nationality or nationalities or the fact that the third-country national is stateless;	a. their name, date and place of birth, gender and nationality or nationalities or the fact that the third-country national is stateless;
Article 21(3), point (b)		
250	b. their family members and other personal details of the third-country national if relevant for carrying out the return or readmission procedure or for the determination of the country of return;	b. their family members and other personal details of the third-country national if relevant for carrying out the return ~~*or readmission*~~ procedure or for the determination of the country of ~~*return*~~***destination***;
Article 21(3), point (c)		
251	c. the type, number, period of validity and issuing country of any identity or travel document of the third-country nationals and other documents provided by them which the competent authority deems relevant for the purposes of identifying them, for carrying out the return or readmission procedure and for the determination of the country of return;	c. the type, number, period of validity and issuing country of any identity or travel document of the third-country nationals and other documents provided by them which the competent authority deems relevant for the purposes of identifying them, for carrying out the return ~~*or readmission*~~ procedure and for the determination of the country of ~~*return*~~***destination***;
Article 21(3), point (d)		
252	d. any residence permits or other authorisation offering the third-country nationals a right to stay issued by another Member State or by a third country;	d. any residence permits or other authorisation offering the third-country nationals a right to stay issued by another Member State or by a third country;
Article 21(3), point (e)		
253	e. any return decision issued by another Member State;	e. any return decision***, removal order or entry ban*** issued by another Member State;
Article 21(3), point (f)		
254	f. country or countries and place or places of previous residence, travel routes and travel documentation.	f. country or countries and place or places of previous residence, travel routes and travel documentation.
Article 21(4)		
255	4. Where the competent authorities decide to retain any document necessary for the purpose of preparing return as referred to in paragraph 2, point (b), they shall ensure that the third-country national immediately receives photocopies or, at the person's choice, electronic records of the originals. In the context of return pursuant to Article 13, the competent authorities shall either hand back such documents to the third-country national at the time of departure or upon arrival in the third country.	4. Where the competent authorities decide to retain any document necessary for the purpose of ~~*preparing*~~ return as referred to in paragraph 2, point (b), they shall ensure that the third-country national ~~*immediately*~~ receives photocopies ~~*or, at the person's choice*~~, electronic records of the originals ***or a confirmation of retention of the document***. In the context of return pursuant to Article 13, the competent authorities shall either hand back such documents to the third-country national at the time of departure or upon arrival in the third country.

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Article 21(5)		
256	5.The third-country national shall accept any communication from the competent authorities, be it by telephone, electronic mail or mail, using the most recent contact details indicated by himself or herself to the competent authorities in accordance with paragraph 2, points (g) and (h). Member States shall either establish in national law the method of communication and the point in time at which the communication is considered received by and notified to the third-country national or make use of digital systems developed and/or supported by the Union for the purpose of such communication.	5.The third-country national shall ~~accept any~~***be reachable by any means of*** communication ~~*from the competent authorities, be it by telephone, electronic mail or mail, using the most recent contact details indicated by himself or herself to the competent authorities*~~***as defined by the Member State*** in accordance with ~~*paragraph 2, points (g) and (h)*~~***national law***. Member States shall either establish in national law the method of communication and the point in time at which the communication is considered received by and notified to the third-country national or make use of digital systems developed and/or supported by the ***Member States or*** Union for the purpose of such communication~~.~~
Article 21(6)		
257	6.A third-country national may be searched or his or her personal belongings may be searched, where it is necessary and duly justified for the purpose of the return or readmission procedure and without affecting any search carried out for security reasons. Any search of the third-country national under this Regulation shall respect fundamental rights, in particular the principles of human dignity and of physical and psychological integrity and be subject to the safeguards and remedies provided for in national law.	6.~~*A third-country national may be searched or his or her personal belongings may be searched, where it is necessary and duly justified for the purpose of the return or readmission procedure and without affecting any search carried out for security reasons. Any search of the third-country national under this Regulation shall respect fundamental rights, in particular the principles of human dignity and of physical and psychological integrity and be subject to the safeguards and remedies provided for in national law.*~~
Article 22		
258	**Article 22** **Consequences in case of non-compliance with the obligation to cooperate**	**Article 22** **Consequences in case of non-compliance with the obligation to cooperate**
Article 22, first paragraph		
259	In case of non-compliance with the obligations set out in Article 21(2), points (a) to (k), Member States shall provide for a possibility to impose, following an individual assessment, effective, proportionate and dissuasive measures on the third-country national, out of the following:	In case of non-compliance with the obligations set out in Article ~~*21(2), points (a) to (k)*~~***21 (1) and (2)***~~,~~ Member States shall ~~*provide for a possibility to impose*~~, following an individual assessment, ***impose one or more*** effective, proportionate ***consequences*** and dissuasive measures on the third-country national~~,~~ out of the following:
Article 22, first paragraph, point (1)		

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260	(1) refusal or reduction of certain benefits and allowances granted under Member State law to the third-country nationals concerned unless this would lead to the persons' inability to make provision of their basic needs;	(1) refusal or reduction of certain benefits and allowances ~~*granted under Member State law to the third-country nationals concerned*~~ ***where provided for by national law*** unless this would lead to the persons' inability to make provision of their basic needs;
Article 22, first paragraph, point (2)		
261	(2) refusal or reduction of incentives granted to promote voluntary return in accordance with Article 13 or reduced assistance in return and reintegration programmes pursuant to Article 46(3);	(2) refusal or reduction of incentives granted to promote voluntary return in accordance with Article 13 or reduced assistance in return and reintegration programmes pursuant to Article 46(3);
Article 22, first paragraph, point (3)		
262	(3) seizure of identity or travel documents provided that the third-country national receives a copy;	~~*(3) seizure of identity or travel documents provided that the third-country national receives a copy;*~~
Article 22, first paragraph, point (4)		
263	(4) refusal or withdrawal of work permit, pursuant to national law;	(4) refusal or withdrawal of work permit, ~~*pursuant to*~~***where provided for in*** national law;
Article 22, first paragraph, point (5)		
264	(5) extension of the duration of an entry ban in line with Article 10(7);	(5) extension of the duration of an entry ban ***up to the maximum duration*** in ~~*line with*~~ Article ~~*10(7)*~~***10(6)*** ;
Article 22, first paragraph, point (5a)		
264a		***(5a) measures in accordance with Article 31(2)(a) and (c);***
Article 22, first paragraph, point (5b)		
264b		***(5b) detention in accordance with Article 29(3)(e);***
Article 22, first paragraph, point (6)		
265	(6) financial penalties.	(6) ~~*financial penalties*~~ ***criminal sanctions, where provided for in national law;***
Article 22, first paragraph, point (7)		
265a		***(7) other measures or consequences than the above-mentioned, where provided for in national law***
Article 23		

	Commission Proposal	PCY Compromise proposal 1
266	**Article 23** **Availability for the return process**	**Article 23** ~~***Availability for the***~~***Measures to promote*** **return** ~~***process***~~***and removal***
Article 23(1)		
267	1.To ensure a swift, efficient and effective return, third-country nationals shall, for the duration of the return procedure, be subject to one or more of the following measures:	1.To ensure ~~*a swift, efficient and*~~ ***an*** effective return ***or to further incentivise compliance with the obligations to leave***, third-country nationals ~~*shall, for the duration of the return procedure,*~~ ***may*** be subject to one or more of the following measures:
Article 23(1), point (a)		
268	a.allocation to a geographical area within the Member State's territory in which they are able to move freely;	a.~~*allocation to*~~ ***the obligation to remain within*** a geographical area within the Member State's territory in which they are able to move freely;
Article 23(1), point (b)		
269	b.residence at a specific address;	b.~~*residence*~~ ***the obligation to reside*** at a specific address ***or a designated place***;
Article 23(1), point (c)		
270	c.reporting to the competent authorities at a specified time or at reasonable intervals.	c.~~*reporting*~~***the obligation to report*** to the competent authorities ~~*at a specified time*~~***in person or otherwise atspecified times*** or at~~*reasonable*~~ ***regular*** intervals~~.~~ ***in accordance with national law;***
Article 23(1), point (d)		
270a		***d.other measures than those referred to in (a) to (c), where provided for in national law.***
Article 23(2)		
271	2.Paragraph 1 shall only be applied to the extent that it is compatible with the special needs of vulnerable persons and the best interests of the child.	2.Paragraph 1 shall only be applied to the extent that it is compatible with the special needs of vulnerable persons and the best interests of the child.
Article 23(2a)		
271a		***2a. The measures set out in paragraph 1 may also be imposed on third-country nationals who, due to their lack of cooperation with the competent authorities, cannot be removed for the purpose of incentivising compliance with their return decision.***
Article 23(3)		

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272	3.Upon request, competent authorities may grant the third-country national permission to:	3.Upon request, competent authorities may grant the third-country national permission to~~:~~ ***temporarily not comply with a measure as referred to in paragraph 1.***
Article 23(3), point (a)		
273	a.temporarily leave the geographical area for duly justified urgent and serious family reasons or necessary medical treatment which is not available within the geographical area;	~~*a.temporarily leave the geographical area for duly justified urgent and serious family reasons or necessary medical treatment which is not available within the geographical area;*~~
Article 23(3), point (b)		
274	b.reside temporarily outside the place designated in accordance with paragraph 1, point (b);	~~*b.reside temporarily outside the place designated in accordance with paragraph 1, point (b);*~~
Article 23(3), point (c)		
275	c.temporarily not comply with the reporting obligation.	~~*c.temporarily not comply with the reporting obligation.*~~
Article 23(3a)		
275a		***3a. When a third-country national does not comply with the obligations set out in Article 21(1) and (2), the Member State shall impose one or more of the measures in accordance with paragraph 1 of this Article, unless there are substantial reasons not to do so.***
Article 23(4)		
276	4.Decisions regarding the permissions listed in paragraph 3, first subparagraph, shall be taken objectively and impartially on the merits of the individual case and reasons shall be given if such permission is not granted.	4.~~*Decisions regarding the permissions listed in*~~ ***The third-country national shall be informed whether or not the permission in accordance with*** paragraph 3~~*, first subparagraph, shall be taken objectively and impartially on the merits of the individual case and reasons shall be given if such permission is not*~~ ***is*** granted.
Article 23(5)		
277	5.The third-country national shall not be required to request permission to attend appointments with authorities and courts if the attendance of that third-country national is necessary. The third-country national shall notify the competent authorities of such appointments.	5.The third-country national shall not be required to request permission ***pursuant to paragraph 3*** to attend appointments with authorities and courts ***that would otherwise violate the obligations of paragraph 1,*** if the attendance of that third-country national is necessary. The third-country national shall notify the competent authorities of such appointments ***in advance***.
Article 23(6)		

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278	6.The decisions taken in accordance with paragraph 1, points (b) and (c), shall be made in writing, be proportionate and take into account specific circumstances of the third-country national concerned.	6.The decisions taken in accordance with paragraph 1, points (b) and (c), shall be made in writing, be proportionate and take into account specific circumstances of the third-country national concerned.
Article 23(7)		
278a		***7.Where a third-country national does not provide biometric data in compliance with Article 21(2)(f), including fingerprints, the Member State may where necessary record such biometric data using means of coercion.***
Article 23(8)		
278b		***8.Competent authorities may search third-country nationals and their place of residence where it is necessary and duly justified for the purpose of return and removal of the third-country national.***
Article 23(9)		
278c		***9.Personal belongings, electronic devices, and other items of relevance, may be searched and seized where it is necessary, proportionate and duly justified for the purpose of return or removal of the third-country national.***
Article 23(10)		
278d		***10. Any search and seizure in accordance with paragraph 7 to 9 may be carried out without the consent of third-country national concerned.***
Article 23(11)		
278e		***11. Any search and seizure in accordance with paragraph 7 to 9 shall respect fundamental rights and be subject to the safeguards and remedies provided for in Union and national law.***
Article 23(12)		
278f		***12. Member States may provide for other investigative measures in national law where it is necessary, proportionate and duly justified for the purpose of return or removal.***
Chapter IV		
279	**Chapter IV**	**Chapter IV**

	Commission Proposal	PCY Compromise proposal 1
	SAFEGUARDS AND REMEDIES	**SAFEGUARDS AND REMEDIES**
Section 1		
280	**Section 1** **Procedural safeguards**	**Section 1** **Procedural safeguards**
Article 24		
281	**Article 24** **Right to information**	**Article 24** **Right to information**
Article 24(1)		
282	1.Third-country nationals subject to the return procedure shall be informed without undue delay about the following:	1.Third-country nationals subject to ~~the~~ return ***or removal*** ~~procedure~~ shall be informed without undue delay about the following:
Article 24(1), point (a)		
283	a.the purpose, duration and steps of the return procedure as well as information on the available legal remedies and the time-limits to seek those remedies;	a.the purpose~~, duration and steps~~ of the ~~return~~ procedure ~~as well as information on the available legal remedies and the time-limits to seek those remedies~~;
Article 24(1), point (b)		
284	b.the rights and obligations of third-country nationals during the return procedure as set out in Article 21 and Article 23, the consequences of non-compliance pursuant to Article 22, the existence of an alert on return on the person in the Schengen Information System and the recognition and enforcement of a return decision issued by another Member State in accordance with Article 9;	b.the ~~rights and~~ obligations of third-country nationals ~~during the return procedure~~ as set out in Article 21 and Article 23, the consequences of non-compliance pursuant to Article 22, the existence of an alert on return on the person in the Schengen Information System and the recognition and enforcement of a return decision ***or removal order*** issued by another Member State in accordance with Article 9;
Article 24(1), point (c)		
285	c.return and reintegration counselling and programmes pursuant to Article 46;	c.return and reintegration counselling and programmes pursuant to Article 46;
Article 24(1), point (d)		
286	d.their procedural rights and obligations throughout the return procedure in accordance with this Regulation and national law, in particular the right to legal assistance and representation pursuant Article 25.	d.their procedural rights ~~and obligations throughout the return procedure~~ in accordance with this Regulation and national law, in particular the right to legal assistance and representation pursuant Article 25.
Article 24(2)		

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287	2.The information provided shall be given without undue delay in simple and accessible language and in a language which the third-country national understands or is reasonably supposed to understand, including through written or oral translation and interpretation as necessary. That information shall be provided by means of standard information sheets, either in paper or in electronic form. In the case of minors, the information shall be provided in a child-friendly and age-appropriate manner with the involvement of the holder of parental responsibility or the representative referred to in Article 20(2). The third-country national shall be given the opportunity to confirm that he or she has received the information.	2.The information provided shall be given without undue delay ~~*in simple and accessible language and*~~ in a language which the third-country national understands or is reasonably supposed to understand, including through written or oral translation and interpretation as necessary. ~~*That*~~***The*** information ~~*shall*~~***may*** be provided by means of standard information sheets, either in paper or in electronic form. In the case of ***unaccompanied*** minors, the information shall be provided in ~~*a child-friendly and*~~***an*** age-appropriate manner with the involvement of the ~~*holder of parental responsibility or the*~~ representative referred to in Article 20(2). ~~*The third-country national shall be given the opportunity to confirm that he or she has received the information.*~~
Article 25		
288	**Article 25** **Legal assistance and representation**	**Article 25** **Legal assistance and representation**
Article 25(1)		
289	1.In the case of an appeal or a review before a judicial authority in accordance with Article 27, Member States shall, at the request of the third-country national, ensure that free legal assistance and representation is made available as necessary to ensure the right to an effective remedy and fair trial.	1.In the case of an appeal or a review before a judicial authority in accordance with Article 27, Member States shall, at the request of the third-country national, ensure that ***they are provided with necessary*** free legal assistance and representation ~~*is made available as necessary to ensure the right to an effective remedy and fair trial*~~.
Article 25(2)		
290	2.Unaccompanied minors shall automatically be provided with free legal assistance and representation.	2.***The competent authorities shall ensure that*** unaccompanied minors ~~*shall automatically be provided with free legal assistance and representation*~~***are represented and assisted in such a way so as to enable them to benefit from the rights and comply with the obligations under this Regulation***.
Article 25(3)		
291	3.The legal assistance and representation shall consist of the preparation of the appeal or request for review, including, at least, the preparation of the procedural documents required under national law and, in the event of a hearing, participation in that hearing before a judicial authority to ensure the effective exercise of the right of defence. Such assistance shall not affect any assistance provided for under Regulation (EU) 2024/1348.	~~*3.The legal assistance and representation shall consist of the preparation of the appeal or request for review, including, at least, the preparation of the procedural documents required under national law and, in the event of a hearing, participation in that hearing before a judicial authority to ensure the effective exercise of the right of defence. Such assistance shall not affect any assistance provided for under Regulation (EU) 2024/1348.*~~

	Commission Proposal	PCY Compromise proposal 1
Article 25(4)		
292	4.Free legal assistance and representation shall be provided by legal advisers or other suitably qualified persons, as admitted or permitted under national law, whose interests do not conflict or could not potentially conflict with those of the third-country national.	4.Free legal assistance and representation shall be provided by legal advisers or other suitably qualified persons, ~~as~~ admitted or permitted under national law~~, whose interests do not conflict or could not potentially conflict with those of~~ ***to assist or represent*** the third-country national ***or by non-governmental organisations accredited under national law to provide legal services or representation to third-country nationals***.
Article 25(5)		
293	5.The provision of free legal assistance and representation in the appeal procedure may be excluded by the Member States where:	5.The provision of free legal assistance and representation in the appeal procedure may be excluded by the Member States where:
Article 25(5), point (a)		
294	a.the third-country national is considered to have sufficient resources to afford legal assistance and representation at his or her own cost;	a.the third-country national is considered to have sufficient resources to afford legal assistance and representation at his or her own cost;
Article 25(5), point (b)		
295	b.it is considered that the appeal has no tangible prospect of success or is abusive;	b.it is considered that the appeal has no tangible prospect of success or is abusive;
Article 25(5), point (c)		
296	c.the appeal or review is at a second level of appeal or higher, as provided for under national law, including re-hearings or reviews of appeal;	c.the appeal or review is at a second level of appeal or higher, as provided for under national law, including re-hearings or reviews of appeal;
Article 25(5), point (d)		
297	d.the third-country national is already assisted or represented by a legal adviser.	d.the third-country national is already assisted or represented by a legal adviser.
Article 25(6)		
298	6.The third-country national requesting free legal assistance and representation shall disclose his or her financial situation.	6.The third-country national requesting free legal assistance and representation ~~shall~~ ***may be required to*** disclose ~~his or her~~ ***their*** financial situation.
Article 25, (7)		
299	7.With the exception of any assistance provided to unaccompanied minors, and in line with the respect of the essence of the right to an effective remedy, Member States may:	7.~~With the exception of any assistance provided to unaccompanied minors, and in line with the respect of the essence of the right to an effective remedy,~~ Member States may:

	Commission Proposal	PCY Compromise proposal 1
Article 25(7), point (a)		
300	a. impose monetary or time limits on the provision of free legal assistance and representation, provided that such limits are not arbitrary and do not unduly restrict access to free legal assistance and representation nor undermine the exercise of the right of defence;	a. impose monetary or time limits on the provision of free legal assistance and representation, provided that such limits are not arbitrary and do not unduly restrict access to free legal assistance and representation ~~*nor undermine the exercise of the right of defence*~~;
Article 25(7), point (b)		
301	b. request total or partial reimbursement of any costs incurred where the third-country national's financial situation has improved during the return procedure or where the decision to provide free legal assistance and representation was taken on the basis of false information supplied by the third-country national;	b. request total or partial reimbursement of any costs incurred where the third-country national's financial situation has improved during the return procedure or where the decision to provide free legal assistance and representation was taken on the basis of false information supplied by the third-country national;
Article 25(7), point (c)		
302	c. provide that, as regards fees and other costs and reimbursements, the treatment of third-country nationals shall be equal to, but not more favourable than, the treatment generally given to their nationals in matters pertaining to legal assistance.	c. provide that, as regards fees and other costs and reimbursements, the treatment of third-country nationals shall be equal to, but not more favourable than, the treatment generally given to their nationals in matters pertaining to legal assistance.
Article 25(8)		
303	8. Member States shall lay down specific procedural rules governing the manner in which requests for free legal assistance and representation are filed and processed, or apply existing rules for domestic claims of a similar nature, provided that those rules do not render access to free legal assistance and representation excessively difficult or impossible.	8. Member States shall lay down specific procedural rules governing the manner in which requests for free legal assistance and representation ***in relation to an appeal or a review before a judicial authority in accordance with Article 27*** are filed and processed, or apply existing rules for domestic claims of a similar nature, provided that those rules do not render access to free legal assistance and representation excessively difficult or impossible.
Article 25(9)		
304	9. Where a decision not to grant free legal assistance and representation is taken by an authority which is not a judicial authority on the grounds that the appeal is considered to have no tangible prospect of success or to be abusive, the applicant shall have the right to an effective remedy before a judicial authority against that decision. For that purpose, the applicant shall be entitled to request free legal assistance and representation.	9. Where a decision not to grant free legal assistance and representation is taken by an authority which is not a judicial authority on the grounds that the appeal is considered to have no tangible prospect of success or to be abusive, the applicant shall have the right to an effective remedy before a judicial authority against that decision. ~~*For that purpose, the applicant shall be entitled to request free legal assistance and representation.*~~
Article 25(10)		

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	Commission Proposal	PCY Compromise proposal 1
305	10. Member States may provide for free legal assistance and representation in the administrative procedure in accordance with national law.	10. Member States may provide for free legal assistance and representation in the administrative procedure in accordance with national law.
Section 2		
306	**Section 2** **Remedies**	**Section 2** **Remedies**
Article 26		
307	**Article 26** **The right to an effective remedy**	**Article 26** **The right to an effective remedy**
Article 26(1)		
308	1.The third-country national concerned shall be afforded an effective remedy to challenge the decisions referred to in Article 7, Article 10 and Article 12(2) before a competent judicial authority.	1.The third-country national concerned shall be afforded an effective remedy to challenge the decisions referred to in Article 7, Article 10 and Article 12(2) before a competent judicial authority.
Article 26(2)		
309	2.The effective remedy shall provide for a full and ex nunc examination of both points of facts and points of law.	2.The effective remedy shall provide for a full ~~*and ex nunc*~~ examination of both points of facts and points of law.
Article 26(3)		
310	3.Member States shall ensure that compliance with the requirements arising from the principle of non-refoulement is verified by the competent judicial authority, at the request of the third-country national or ex officio.	~~*3.Member States shall ensure that compliance with the requirements arising from the principle of non-refoulement is verified by the competent judicial authority, at the request of the third-country national or ex officio.*~~
Article 27		
311	**Article 27** **Appeal before a competent judicial authority**	**Article 27** **Appeal before a competent judicial authority**
Article 27(1)		
312	1.For the purpose of ensuring the right to an effective remedy in accordance with Article 26, Member States shall lay down in their national law reasonable time limits for the competent judicial authority of first instance to examine the decisions referred to in Article 7, Article 10 and Article 12(2), providing for an adequate and complete examination of the appeal. The period for lodging an appeal before a judicial authority of first instance shall not exceed 14 days.	1.~~*For the purpose of ensuring the right to an effective remedy in accordance with Article 26, Member States shall lay down in their national law reasonable time limits for the competent judicial authority of first instance to examine the decisions referred to in Article 7, Article 10 and Article 12(2), providing for an adequate and complete examination of the appeal.*~~ The period for lodging an appeal before a judicial authority of first instance shall not exceed 14 days.

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Article 27(2)		
313	2.Time limits referred to in paragraph 1 shall start to run from the date when any of the decisions referred to in Article 7, Article 10 and Article 12(2) are notified to the third-country national, or from another date to be determined by national law, notably when the third-country national concerned has absconded.	2.***The time limit***~~*Time limits*~~ referred to in paragraph 1 shall start to run from the date when any of the decisions referred to in Article 7, Article 10 and Article 12(2) are notified to the third-country national, or ~~*from another date to be determined by*~~ ***considered notified under*** national law~~*, notably when the third-country national concerned has absconded*~~.
Article 27(3)		
314	3.Where a return decision is based on, or issued in, the same act as a decision refusing or ending the legal stay, the time limits to appeal the return decision may be those laid down in national law for appealing a decision ending or refusing legal stay.	3.Where a return decision is based on, or issued in, the same act as a decision refusing or ending the legal stay, the time limits to appeal the return decision may be those laid down in national law for appealing a decision ending or refusing legal stay.
Article 27(4)		
315	4.Where an entry ban is issued together with a return decision as referred to in Article 7, it shall be appealed against jointly with that return decision, before the same judicial authority and within the same judicial proceedings and the same time limits. Where an entry ban is issued separately from the return decision or is the only decision to be challenged, it may be appealed against separately. The time limits to bring such separate judicial proceedings shall be the same as those laid down in case where the entry ban is jointly appealed against with the return decision.	4.Where an entry ban ***and/or a removal order*** is issued together with a return decision as referred to in Article 7, ~~*it*~~***they*** shall be appealed against jointly with that return decision, before the same judicial authority and within the same ~~*judicial*~~ proceedings and the same time limits. Where an entry ban ***and/or removal order*** is issued separately from the return decision or is the only decision to be challenged, it may be appealed against separately. ~~*The time limits to bring such separate judicial proceedings shall be the same as those laid down in case where the entry ban is jointly appealed against with the return decision.*~~
Article 27(5)		
316	5.Where the documents are not submitted in due time, as determined by the competent judicial authority, in the event that the translation is to be provided by the applicant, or where documents are not submitted in time for the judicial authority to ensure that they are translated in the event that the translation is ensured by the competent judicial authority, the judicial authority may refuse to take those documents into account.	~~*5.Where the documents are not submitted in due time, as determined by the competent judicial authority, in the event that the translation is to be provided by the applicant, or where documents are not submitted in time for the judicial authority to ensure that they are translated in the event that the translation is ensured by the competent judicial authority, the judicial authority may refuse to take those documents into account.*~~
Article 28		
317	**Article 28** **Suspensive effect**	**Article 28** **Suspensive effect**
Article 28(1)		

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318	1.The enforcement of the decisions issued pursuant to Article 7, Article 10 and Article 12(2) shall be suspended until the time limit within which they can exercise their right to an effective remedy before a judicial authority of first instance referred to in Article 27 has expired.	1.The enforcement of the decisions issued pursuant to Article 7, Article 10 and Article 12(2) ***may upon request or ex officio*** ~~*shall*~~ be suspended ~~*until the time limit within which they can exercise their right to an effective remedy before a*~~ ***by the*** judicial authority of first instance referred to in Article 27 ~~*has expired*~~.
Article 28(2)		
319	2.Third-country nationals shall be granted the right to submit an application to suspend the enforcement of a return decision before the time limit within which they can exercise their right to an effective remedy before a judicial authority of first instance referred to in Article 27 has expired. A judicial authority shall have the power to decide, following an examination of both facts and points of law, whether or not the enforcement of the return decision should be suspended pending the outcome of the remedy. The enforcement of the return decision shall be suspended where there is a risk to breach the principle of non-refoulement.	2.Third-country nationals shall be granted the right to submit an application to suspend the ~~*enforcement of a return decision before the time limit within which they can*~~***removal in order to*** exercise their right to an effective remedy before a judicial authority of first instance referred to in Article 27 ~~*has expired*~~. A judicial authority shall have the power to decide, following an examination of both facts and points of law, whether or not the ~~*enforcement of the return decision*~~ ***removal*** should be suspended pending the outcome of the remedy. The ~~*enforcement of the return decision*~~ ***removal*** shall be suspended where there is a risk ~~*to breach the principle of non-refoulement*~~***refoulement***.
Article 28(3)		
320	3.Where a further appeal against a first or subsequent appeal decision is lodged,the enforcement of a return decision shall not be suspended unless the third-country national requests suspension and a competent judicial authority decides to grant it, taking due account of the specific circumstances of the individual case.	3.Where a further appeal against a first or subsequent appeal decision is lodged, the enforcement of a return decision shall not be suspended unless the third-country national requests suspension and a competent judicial authority decides to grant it, taking due account of the specific circumstances of the individual case.
Article 28(4)		
321	4.A decision on the application for suspension of the enforcement of a return decision shall be taken within 48 hours. In cases involving complex issues of fact or law, that time-limit may be exceeded.	~~*4.A decision on the application for suspension of the enforcement of a return decision shall be taken within 48 hours. In cases involving complex issues of fact or law, that time-limit may be exceeded.*~~
Chapter V		
322	**Chapter V** **PREVENTION OF ABSCONDING AND DETENTION**	**Chapter V** **PREVENTION OF ABSCONDING AND DETENTION**
Article 29		
323	**Article 29** **Grounds for detention**	**Article 29** **Grounds for detention**

	Commission Proposal	PCY Compromise proposal 1
Article 29(1)		
324	1.Member States may detain a third-country national pursuant to this Regulation on the basis of an individual assessment of each case and only in so far as detention is proportionate.	1.Member States may detain a third-country national pursuant to this Regulation on the basis of an individual assessment of each case and only in so far as detention is proportionate.
Article 29(2)		
325	2.Member States may only keep in detention a third-country national for the purpose of preparing the return or carrying out the removal.	2.Member States may only keep in detention a third-country national for the purpose of ~~*preparing the*~~ return or ~~*carrying out the*~~ removal.
Article 29(3)		
326	3.A third-country national may only be detained based on one or more of the following grounds for detention:	3.A third-country national may only be detained based on one or more of the following grounds for detention:
Article 29(3), point (a)		
327	a.risk of absconding determined in accordance with Article 30;	a.risk of absconding determined in accordance with Article 30;
Article 29(3), point (b)		
328	b.the third-country national avoids or hampers the preparation of the return or the removal process;	b.the third-country national avoids or hampers the preparation of the return or the removal ~~*process*~~;
Article 29(3), point (c)		
329	c.the third-country national poses security risks in accordance with Article 16;	c.the third-country national poses security risks in accordance with Article 16;
Article 29(3), point (d)		
330	d.to determine or verify his or her identity or nationality;	d.to determine or verify his or her identity or nationality;
Article 29(3), point (da)		
330a		***da. lack of cooperating in obtaining travel documents;***
Article 29(3), point (e)		
331	e.non-compliance with the measures ordered pursuant to Article 31.	e.non-compliance with the measures ordered pursuant to ***Articles 21(2)(a)-(c), (e), (fa) and (i)-(ka), and*** Article 31~~.~~
Article 29(3), point (f)		

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331a		***f. other relevant grounds related to return, provided for in national law, to ensure effective return procedures, that are necessary and proportionate.***
Article 29(4)		
332	4.Those detention grounds shall be laid down in national law.	~~*4.Those detention grounds shall be laid down in national law.*~~
Article 29(5)		
333	5.Detention shall be ordered by administrative or judicial authorities. Detention shall be ordered by a written decision giving the reasons in fact and in law on which it is based as well as information about available legal remedies. The decision shall be notified to the third-country national in a language that the third-country national understands or may reasonably be presumed to understand.	5.Detention shall be ordered by administrative or judicial authorities. Detention shall be ordered by a written decision giving the reasons in fact and in law on which it is based as well as information about available legal remedies. The decision shall be notified ***orally or in writing*** to the third-country national in a language that the third-country national understands or may reasonably be presumed to understand***, including with the use of interpretation or translation***.
Article 29(6)		
334	6.When detaining a third-country national pursuant to paragraph 2, Member States shall take into account any visible signs, statements or behaviour related to, or made or shown by, the third-country national indicating that he or she is a vulnerable person.	6.When detaining a third-country national pursuant to paragraph 2, Member States shall take into account ~~*any visible signs, statements or behaviour related to, or made or shown by,*~~***whether*** the third-country national ~~*indicating that he or she*~~ is a vulnerable person.
Article 30		
335	**Article 30** **Risk of absconding**	**Article 30** **Risk of absconding**
Article 30(1)		
336	1.There is a risk of absconding in an individual case, unless proven otherwise, when one of the following criteria is fulfilled:	1.There is a risk of absconding in an individual case, unless proven otherwise, when one of the following criteria ***regarding the third-country national concerned*** is fulfilled:
Article 30(1), point (a)		
337	a.the third-country national has moved without authorisation to the territory of another Member State or other Member States, including following a transit through a third country, or attempts to do so;	a.the third-country national has ***entered or*** moved without authorisation to the territory of another Member State ~~*or other Member States*~~, including following a transit through a third country, or attempts to do so;
Article 30(1), point (b)		

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338	b.the third-country national is subject to a return decision or enforcing decision issued by a Member State other than the one on the territory of which the person is currently staying illegally, including as detected through the alerts entered in the Schengen Information System pursuant to Regulation (EU) 2018/1860;	b.the third-country national is subject to a return decision or ~~*enforcing decision*~~ ***removal order*** issued by a Member State other than the one on the territory of which the person is currently staying illegally, including as detected through the alerts entered in the Schengen Information System pursuant to Regulation (EU) 2018/1860;
Article 30(1), point (c)		
339	c.non-compliance with the measures pursuant to Article 23.	c.non-compliance with ***one or more of*** the measures pursuant to Article 23.
Article 30(1), point (d)		
339a		***d.re-entering the territory of the Member States in violation of a valid entry ban.***
Article 30(1), point (e)		
339b		***e.explicit expression of intent of non-compliance with return-related measures applied by virtue of this Regulation, or actions clearly demonstrating intention not to comply with such measures;***
Article 30(2)		
340	2.In cases not covered by paragraph 1, the risk of absconding shall be determined on the basis of an overall assessment of the specific circumstances of the individual case and where one of the following criteria regarding the third-country national concerned is met:	2.In cases not covered by paragraph 1, the risk of absconding shall be determined on the basis of an ~~*overall*~~ assessment of the ~~*specific*~~ circumstances of the individual case ~~*and where one*~~***. The assessment shall include one or more*** of the following criteria regarding the third-country national concerned ~~*is met*~~:
Article 30(2), point (a)		
341	a.lack of residence, fixed abode or reliable address;	a.lack of residence, fixed abode or reliable address;
Article 30(2), point (b)		
342	b.explicit expression of intent of non-compliance with return-related measures applied by virtue of this Regulation, or actions clearly demonstrating intention not to comply with such measures;	b.~~*explicit*~~ expression of intent of non-compliance with return-related measures applied by virtue of this Regulation, or actions ~~*clearly*~~ demonstrating intention not to comply with such measures;
Article 30(2), point (c)		
343	c.non-compliance with the obligations of a return decision until the date by which the third-country national is to leave the territory of the Member States as set out in Article 13;	c.non-compliance with the obligations of a return decision until the date by which the third-country national is to leave the territory of the Member States as set out in Article 13;

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Article 30(2), point (d)		
344	d.non-compliance with the obligation to cooperate with the competent authorities of the Member States at all stages of the procedures pursuant to this Regulation, as referred to in Article 21(2), points (a) to (k);	d.non-compliance with the obligation to cooperate with the competent authorities of the Member States at all stages of the procedures pursuant to this Regulation, as referred to in Article 21(2)~~, points (a) to (k)~~;
Article 30(2), point (e)		
345	e.when departure is imminent and there are serious reasons to believe third-country national intends to violate the obligation to cooperate as set out in Article 21(2), point (l);	e.when departure is imminent and there are serious reasons to believe third-country national intends to violate the obligation to cooperate as set out in Article 21(2), point (l);
Article 30(2), point (f)		
346	f. using false or forged identity or travel documents, residence permits or visas, or documents justifying conditions of entry, destroying or otherwise disposing of such documents, using aliases with fraudulent intent, providing other false information in an oral or written form, or otherwise fraudulently opposing the return or readmission procedure;	f. using false or forged identity or travel documents, residence permits or visas, or documents justifying conditions of entry, destroying or otherwise disposing of such documents, using aliases with fraudulent intent, providing other false information in an oral or written form, or otherwise fraudulently opposing the return or readmission procedure;
Article 30(2), point (g)		
347	g.opposing the return procedure violently;	g.opposing the return procedure ~~violently~~***physically***;
Article 30(2), point (h)		
348	h.re-entering the Union in violation of a valid entry ban.	h.~~re-entering the Union in violation of a valid entry ban~~***other criteria than (a) to (g) where provided for in national law***.
Article 31		
349	**Article 31** **Alternatives to detention**	**Article 31** **Alternatives to detention**
Article 31(1)		
350	1.Member States shall provide for alternative measures to detention in national law. Such measures shall be ordered taking into account the individual circumstances of the third-country national concerned, including any vulnerabilities, and be proportionate to the level of the risk of absconding assessed in accordance with Article 30.	1.***Without prejudice to the measures imposed pursuant to article 23,*** Member States ~~*shall provide for*~~ ***may impose one or more of the following*** alternative measures to detention ***on third-country nationals, who otherwise fulfill one or more of the criteria in Article 29(3),*** ~~*in national law. Such measures shall be ordered*~~ taking into account the individual circumstances of the third-country national concerned~~, including any vulnerabilities, and be proportionate to the level of the risk of absconding assessed in accordance with Article 30.~~***:***

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Article 31, 2.		
351	2.For that purpose, Member States shall provide for any of the following measures:	~~2.For that purpose, Member States shall provide for any of the following measures:~~
Article 31, 2., point (a)		
352	a. the obligation to regularly report to competent authorities with a frequency of up to 3 days, based on the individual circumstances;	a. the obligation to regularly report to competent authorities ~~with a frequency of up to~~ ***at least every*** 3 days, ~~based on the individual circumstances~~;
Article 31, , point (b)		
353	b. the obligation to surrender identity or travel documents to the competent authorities;	~~b.the obligation to surrender identity or travel documents to the competent authorities;~~***t***
Article 31, point (c)		
354	c. the obligation to reside in a place designated by competent authorities;	c. the obligation to reside in a place designated by competent authorities;
Article 31, point (d)		
355	d. deposit of an adequate financial guarantee;	d. deposit of an adequate financial guarantee;
Article 31, point (e)		
356	e. the use of electronic monitoring, including guarantees and procedures provided for under national law.	e. the use of electronic monitoring, including guarantees and procedures provided for under national law~~.~~**;**
Article 31(2), point (f)		
356a		***f. other alternatives to detention than (a) to (e) where provided for in national law.***
Article 31(3)		
357	3.A decision to apply measures referred to in paragraph 2 shall state the relevant reasons in fact and in law.	3.A decision to apply measures referred to in paragraph ~~2~~***1*** shall state the relevant reasons in fact and in law.
Article 31(4)		
358	4.Third-country nationals shall be notified of any decision to apply measures referred to in paragraph 2 of this Article and shall be informed about the consequence of non-compliance with that decision, including pursuant to Article 29(3), point (e), and the legal remedies referred to in paragraph 5 of this Article.	4.Third-country nationals shall be notified of any decision to apply measures referred to in paragraph ~~2~~***1*** of this Article and shall be informed about the consequence of non-compliance with that decision, including pursuant to Article 29(3), point (e)~~, and the legal remedies referred to in paragraph 5 of this Article.~~**.**

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Article 31(5)		
359	5.Member States shall ensure that the decisions taken in accordance with paragraph 2 of this Article are reviewed speedily by a judicial authority on application by the person concerned or ex officio, and at the latest within two months.	5.Member States shall ensure that the decisions taken in accordance with paragraph 2 of this Article are reviewed ~~*speedily*~~ by a judicial authority on application by the person concerned ~~*or ex officio, and at the latest within two months*~~.
Article 32		
360	**Article 32** **Detention period**	**Article 32** **Detention period**
Article 32(1)		
361	1.Detention shall be maintained for as short a period as possible and for as long as the conditions laid down in Article 29 are fulfilled and it is necessary to ensure successful return.	1.Detention shall be maintained for as short a period as possible and for as long as the ~~*conditions*~~ ***grounds*** laid down in Article 29 are fulfilled and it is necessary to ensure successful return ***or removal***.
Article 32(2)		
362	2.When it appears that the conditions laid down in Article 29 are no longer fulfilled, detention shall cease to be justified and the third-country national shall be released. Such release shall not preclude the application of measures to prevent the risk of absconding in accordance with Article 31.	2.When it appears that the ~~*conditions*~~ ***grounds*** laid down in Article 29 are no longer fulfilled, ~~*detention shall cease to be justified and*~~ the third-country national shall be released ***from detention pursuant to this Regulation***. Such release shall not preclude the application of measures ~~*to prevent the risk of absconding*~~ in accordance with ~~*Article*~~ ***Articles 23 and*** 31.
Article 32(3)		
363	3.The detention shall not exceed 12 months in a given Member State. Detention may be extended for a period not exceeding a further 12 months in a given Member State where the return procedure is likely to last longer owing to a lack of cooperation by the third-country national concerned, or delays in obtaining the necessary documentation from third countries.	3.The detention shall not exceed 12 months in a given Member State. ~~*Detention may be extended for a period not exceeding a further 12 months in a given Member State*~~ Where the return procedure is likely to last longer owing to a lack of cooperation by the third-country national concerned, or delays in obtaining the necessary documentation from third countries***, detention may be applied for a longer period but shall not exceed 24 months in a given Member State***.
Article 32(3a)		
363a		***3a. Detention may, after the expiry of the maximum detention period pursuant to paragraph 3, be applied for an additional period of up to 6 months, where there is a risk of absconding and where a reasonable***

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		prospect of removal has emerged due to one or more of the following changes in circumstances:
Article 32(3a), first subparagraph, point (a)		
363b		***a.there are new significant information on the third-country national's identity;***
Article 32(3a), first subparagraph, point (b)		
363c		***b.travel document has been obtained, or may reasonably be presumed to be obtained due to a change in circumstances;***
Article 32(3a), first subparagraph, point (c)		
363d		***c.cooperation with the third country has improved significantly.***
Article 32(3a), second subparagraph		
363e		***When detaining a third-country national in accordance with this subparagraph, the Member State shall prioritise such a case in order to ensure that the detention is maintained for as short a period as possible.***
Article 32(4)		
364	4.The expiry of the maximum detention period in accordance with paragraph 3 does not preclude the application of measures in accordance with Article 31.	4.The expiry of the maximum detention period in accordance with paragraph 3 ***and 3a*** does not preclude the application of ***Article 23 and*** measures in accordance with Article 31.
Article 32(5)		
364a		***5.Where a third-country national is cooperating on their return during detention, the voluntary departure of the third-country national concerned shall be organised without undue delay. Detention may, where necessary, be maintained until departure to ensure effective return in respect of paragraph 3 and 3a.***
Article 33		
365	**Article 33** **Review of detention orders**	**Article 33** **Review of detention orders**
Article 33(1)		

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366	1.Detention shall be reviewed at regular intervals of time and at least every three months either on application by the third-country national concerned or ex officio.	1.***Member States shall ensure that*** detention ~~*shall be*~~***is*** reviewed ~~*at regular intervals of time and*~~ at least every three months either on application by the third-country national concerned or ex officio.
Article 33(2)		
367	2.Detention of unaccompanied minors shall be reviewed ex officio at regular intervals of time and at least every three months.	2.***Member States shall ensure that*** detention of unaccompanied minors ~~*shall be*~~***is*** reviewed ~~*ex officio at regular intervals of time and*~~ at least every ~~*three*~~***two*** months ***either on application by the third-country national concerned or ex officio***.
Article 33(3)		
368	3.Where detention has been ordered or extended by administrative authorities, Member States shall ensure that all relevant facts, evidence and observations submitted during the proceedings are subject to judicial review, by providing that:	3.Where detention has been ordered or extended by administrative authorities, Member States shall ~~*ensure that all relevant facts, evidence and observations submitted during the proceedings are subject to judicial review, by providing that*~~:
Article 33(3), point (a)		
369	a.any judicial review of the lawfulness of detention be concluded as speedily as possible after the beginning of the detention, and no later than 15 days thereafter; or	a.~~*any*~~***provide for a*** judicial review of the lawfulness of detention ***to be decided on*** ~~*be concluded*~~ as speedily as possible after the beginning of the detention~~*, and no later than 15 days thereafter*~~; or
Article 33(3), point (b)		
370	b.the third-country national concerned be granted the right to initiate proceedings by means of which the lawfulness of detention is subject to judicial review, to be concluded as speedily as possible after the launch of the relevant proceedings, and no later than 15 days thereafter. In such cases Member States shall immediately upon detention inform the third-country national concerned about the possibility of initiating such proceedings.	b.***grant*** the third-country national concerned ~~*be granted*~~ the right to initiate proceedings by means of which the lawfulness of detention ~~*is*~~ ***shall be*** subject to judicial review~~,~~ to be ~~*concluded*~~ ***decided on*** as speedily as possible after the launch of the relevant proceedings~~*, and no later than 15 days thereafter*~~. In such cases Member States shall immediately upon detention inform the third-country national concerned about the possibility of initiating such proceedings.
Article 34		
371	**Article 34** **Detention conditions**	**Article 34** **Detention conditions**
Article 34(1)		
372	1.Detention shall take place, as a rule, in specialised facilities, including those in dedicated branches of other facilities. Where a Member State	1.Detention shall take place, as a ***general*** rule, in specialised facilities, including those in dedicated branches of other facilities. Where a Member

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	cannot provide for detention in such facilities and is obliged to resort to prison accommodation, the third-country nationals shall be kept separated from ordinary prisoners.	State cannot provide for detention in such facilities and is obliged to resort to prison accommodation, the third-country nationals shall***, when possible,*** be kept separated from ordinary prisoners.
Article 34(2)		
373	2.Detained third-country nationals shall have access to open-air space.	2.Detained third-country nationals shall have access to open-air space. ***Access to open-air space may be restricted as necessary to ensure a well-functioning detention facility.***
Article 34(3)		
374	3.Third-country nationals in detention shall be allowed, on request, to establish in due time contact with legal representatives, family members and competent consular authorities.	3.Third-country nationals in detention shall be allowed, on request, to establish in due time contact with legal representatives, family members and competent consular authorities.
Article 34(4)		
375	4.Particular attention shall be paid to, and special accommodation provided for, the special needs of detained vulnerable persons. Emergency health care and essential treatment of illness shall be provided to detained third-country nationals.	4.Particular attention shall be paid to~~, and special accommodation provided for,~~ the special needs of detained vulnerable persons. Emergency health care and essential treatment of illness shall be provided to detained third-country nationals.
Article 34(5)		
376	5.Legal representatives, family members, competent consular authorities and relevant and competent national, international and non-governmental organisations and bodies shall have the possibility to visit any detention facility and communicate with the third-country nationals and visit them in conditions that respect privacy. Such visits may be subject to authorisation.	5.Legal representatives, family members, competent consular authorities and relevant and competent national, international and non-governmental organisations and bodies shall***, at the request of the third-country national,*** have the possibility to visit any detention facility and communicate with the third-country nationals and visit them in conditions that respect privacy. Such visits may be subject to authorisation ***and other appropriate conditions, including prior issuance of an appropriate security clearance issued by a competent authority in accordance with national law. Member States may impose limits to such access by virtue of national law where such limits are objectively necessary for the security, public order or administrative management of the facility.***
Article 34(6)		
377	6.Third-country nationals kept in detention shall be provided in writing with information which explains the rules applied in the facility and sets out their rights and obligations in plain intelligible language and in a	6.Third-country nationals kept in detention shall be provided ~~*in writing*~~ with information which explains the rules applied in the facility and sets out their rights and obligations ~~*in plain intelligible language and*~~ in a

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	language they understand. Such information shall include information on their entitlement under national law to contact the persons or bodies referred to in paragraphs 3 and 5.	language they ***understand or may reasonably be presumed to*** understand. Such information shall include information on their entitlement under national law to contact the persons or bodies referred to in paragraphs 3 and 5.
Article 35		
378	**Article 35** **Conditions for detention of minors and families**	**Article 35** **Conditions for detention of *unaccompanied* minors and families *with minors***
Article 35(1)		
379	1.Unaccompanied minors and families with minors shall only be detained as a measure of last resort and for the shortest appropriate period of time and taking into account the best interests of the child.	1.Unaccompanied minors and families with minors shall only be detained as a measure of last resort and for the shortest appropriate period of time and taking into account the best interests of the child.
Article 35(2)		
380	2.Families and unaccompanied minors detained in preparation for return shall be provided with separate accommodation guaranteeing adequate privacy. Personnel shall be adequately trained, and facilities adapted to take into account the needs of persons of their age and of their gender, including appropriate hygiene, food, health services and other infrastructure.	2.~~*Families and*~~ Unaccompanied ***minors and families with*** minors detained in preparation for return shall be provided with separate accommodation guaranteeing adequate privacy. Personnel shall be adequately trained, and facilities adapted to take into account the needs of ~~*persons*~~***minors and*** of their age ~~*and of their gender, including appropriate hygiene, food, health services and other infrastructure*~~.
Article 35(3)		
381	3.Minors in detention shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age, and shall have access to education in the format most appropriate to the length of their detention.	3.Minors in detention shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age, and shall have access to education in the format most appropriate to the length of their detention.
Chapter VI		
382	**Chapter VI** **READMISSION**	**Chapter VI** **READMISSION**
Article 36		
383	**Article 36** **Readmission procedure**	**Article 36** **Readmission ~~*procedure*~~**
Article 36(1)		

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384	1.Upon issuance of an enforceable return decision and notwithstanding Article 28, competent authorities, with the support of Frontex where applicable, shall systematically and without undue delay initiate the readmission procedure.	1.~~*Upon issuance of an enforceable*~~***After issuing a*** return decision~~*and notwithstanding Article 28*~~, competent authorities, with the support of Frontex where ~~*applicable*~~***relevant***, shall~~*systematically and without undue delay:*~~ initiate the readmission procedure***, in particular where it is necessary to establish or verify the identity or nationality of the person concerned or obtain travel documents enabling him or her to return***.
Article 36(2)		
385	2.When a travel document needs to be obtained from the third country authorities, the competent authorities shall submit a readmission application. Such readmission application shall include, as relevant, a request for confirmation of nationality and a request for issuance of travel document. Readmission applications shall be submitted without delay and where possible using a standard form pursuant to paragraph 6.	~~*2.When a travel document needs to be obtained from the third country authorities, the competent authorities shall submit a readmission application. Such readmission application shall include, as relevant, a request for confirmation of nationality and a request for issuance of travel document. Readmission applications shall be submitted without delay and where possible using a standard form pursuant to paragraph 6.*~~
Article 36(3)		
386	3.The competent authorities may submit the request for travel document separately where it is preferable for legal or operational reasons, including due to the duration of the validity of the travel document to be issued and the non-availability of the third-country national to receive the travel document immediately after the confirmation of nationality. Where applicable, the European travel document for return shall be used in compliance with the applicable readmission instrument and Regulation (EU) 2016/1953[1]. _____ 1. Regulation (EU) 2016/1953 of the European Parliament and of the Council of 26 October 2016 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 (OJ L 311, 17.11.2016, p. 13, ELI: http://data.europa.eu/eli/reg/2016/1953/oj).	3.~~*The competent authorities may submit the request for travel document separately where it is preferable for legal or operational reasons, including due to the duration of the validity of the travel document to be issued and the non-availability of the third-country national to receive the travel document immediately after the confirmation of nationality.*~~ Where applicable, the European travel document for return shall be used in compliance with the applicable readmission instrument and Regulation (EU) 2016/1953[1]. _____ 1. Regulation (EU) 2016/1953 of the European Parliament and of the Council of 26 October 2016 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 (OJ L 311, 17.11.2016, p. 13, ELI: http://data.europa.eu/eli/reg/2016/1953/oj).
Article 36(4)		
387	4.Information about the outcome of the request for confirmation of nationality and the travel document obtained shall be uploaded in the Schengen Information System by the competent authority concerned. Such information and travel document shall be made available to the competent authorities of other Member States upon request.	~~*4.Information about the outcome of the request for confirmation of nationality and the travel document obtained shall be uploaded in the Schengen Information System by the competent authority concerned. Such information and travel document shall be made available to the competent authorities of other Member States upon request.*~~
Article 36(5)		

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388	5.Member States may enter into appropriate arrangements for the purpose of facilitating the organisation of identification interviews in another Member State, including for the purpose of implementing Article 44.	~~5.Member States may enter into appropriate arrangements for the purpose of facilitating the organisation of identification interviews in another Member State, including for the purpose of implementing Article 44.~~
Article 36(6)		
389	6.The Commission shall be empowered to adopt an implementing act in accordance with Article 49(2) for the purpose of determining the standard form to be used to submit readmission applications referred to in paragraph 2. Such standard form shall set out:	~~6.The Commission shall be empowered to adopt an implementing act in accordance with Article 49(2) for the purpose of determining the standard form to be used to submit readmission applications referred to in paragraph 2. Such standard form shall set out:~~
Article 36(6), point (a)		
390	a.the format for readmission applications;	~~a.the format for readmission applications;~~
Article 36(6), point (b)		
391	b.the elements of a readmission application including the request for confirmation of nationality and the request for issuance of travel document.	~~b.the elements of a readmission application including the request for confirmation of nationality and the request for issuance of travel document.~~
Article 36(7)		
392	7.The readmission procedure in third countries shall be supported by dedicated Union return liaison officers financed by the Union. Such liaison officers shall be part of the structure of the Union Delegations and shall closely coordinate with the Commission in achieving the relevant Union policy priorities.	~~7.The readmission procedure in third countries shall be supported by dedicated Union return liaison officers financed by the Union. Such liaison officers shall be part of the structure of the Union Delegations and shall closely coordinate with the Commission in achieving the relevant Union policy priorities.~~
Article 37		
393	Article 37 Communication with non-recognised third-country entities	Article 37 ~~Communication with non-recognised third-country entities~~
Article 37(1)		
394	1.The competent authorities may communicate, as necessary, with non-recognised third country entities responsible for one or more of the steps of the readmission procedure.	~~1.The competent authorities may communicate, as necessary, with non-recognised third country entities responsible for one or more of the steps of the readmission procedure.~~
Article 37(2)		
395	2.Such communication shall be limited to what is necessary for carrying out the readmission procedure and shall not amount to diplomatic recognition of the entities concerned.	~~2.Such communication shall be limited to what is necessary for carrying out the readmission procedure and shall not amount to diplomatic recognition of the entities concerned.~~

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Chapter VII		
396	**Chapter VII** **SHARING AND TRANSFER OF PERSONAL DATA**	**Chapter VII** **SHARING AND TRANSFER OF PERSONAL DATA**
Article 38		
397	**Article 38** **Information sharing between Member States**	**Article 38** **Information sharing between Member States**
Article 38(1)		
398	1.Member States shall make use of all appropriate means of cooperation and of exchanging information to implement this Regulation.	1.Member States shall make use of all appropriate means of cooperation and of exchanging information to implement this Regulation.
Article 38(2)		
399	2.The exchange of information shall be carried out at the request of a Member State and may only take place between Member States' competent authorities.	2.The exchange of information shall be carried out at the request of a Member State and may only take place between Member States' competent authorities.
Article 38(3)		
400	3.Member States shall communicate to each other, on request, information concerning a person within the scope of this Regulation for the purpose of carrying out the return procedure, the readmission procedure and providing reintegration assistance.	3.Member States shall***, upon request,*** communicate to each other~~, on request,~~ ***available*** information concerning a person within the scope of this Regulation for the purpose of carrying out the return procedure~~, the readmission procedure~~ and providing reintegration assistance.
Article 38(4)		
401	4.Where the information referred to in paragraph 3 can be exchanged through the EU Information Systems referred to in point 15 of Article 4 of Regulation (EU) 2019/818 of the European Parliament and of the Council[1] or through supplementary information in compliance with Regulation (EU) 2018/1860, such information shall be exchanged only through those means. _____ 1. Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, ELI: http://data.europa.eu/eli/reg/2019/818/oj).	4.Where the information referred to in paragraph 3 can be exchanged through the EU Information Systems referred to in point 15 of Article 4 of Regulation (EU) 2019/818 of the European Parliament and of the Council[1] or through supplementary information in compliance with Regulation (EU) 2018/1860, such information shall***, as a general rule,*** be exchanged only through those means. _____ 1. Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, ELI: http://data.europa.eu/eli/reg/2019/818/oj).
Article 38(5)		

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402	5.The requested data shall be adequate, relevant, accurate, limited to what is necessary for the intended purpose and shall set out the grounds on which it is based.	5.The ~~requested data~~***request for information*** shall ~~be adequate, relevant, accurate, limited to what is necessary for the intended purpose and shall set out~~***include*** the grounds on which it is based.
Article 38(6)		
403	6.The information referred to in paragraph 3 shall include in particular:	6.The information referred to in paragraph 3 ~~shall~~ ***may*** include in particular:
Article 38(6), point (a)		
404	a.information necessary to establish the identity of the third-country national and, where applicable, the identity of his or her family members, relatives and any other family relations, in particular surname(s); forename(s); where appropriate, former name(s) and other name(s) (alias(es), pseudonym(s)); date, place and country of birth; sex;	a.information necessary to establish the identity of the third-country national and, where applicable, the identity of his or her family members, relatives and any other family relations~~, in particular surname(s)~~; ~~forename(s); where appropriate, former name(s) and other name(s) (alias(es), pseudonym(s)); date, place and country of birth; sex;~~
Article 38(6), point (b)		
405	b.information related to the biometric data taken of the third-country national in accordance with Regulation (EU) 2024/1358, in particular facial image(s); dactyloscopic data; the date on which the biometric data were taken; the Eurodac reference number used by the Member State of origin;	b.information related to the biometric data taken of the third-country national in accordance with Regulation (EU) 2024/1358, ~~in particular facial image(s); dactyloscopic data; the date on which the biometric data were taken; the Eurodac reference number used by the Member State of origin;~~
Article 38(6), point (c)		
406	c.information related to the nationality and the travel document(s) of the third-country national, in particular current nationality(ies) and previous nationality(ies); type, number and country of issue of the travel document(s); the date of issue and the date of expiry of the travel document(s);	c.information related to the nationality and the travel document(s) of the third-country national, ~~in particular current nationality(ies) and previous nationality(ies); type, number and country of issue of the travel document(s); the date of issue and the date of expiry of the travel document(s);~~
Article 38(6), point (d)		
407	d.information related to the third-country national's places of residence, routes travelled, languages spoken and contact details (electronic mail address(es) and phone number(s));	d.information related to the third-country national's places of residence, routes travelled, languages spoken and contact details (electronic mail address(es) and phone number(s));
Article 38(6), point (e)		

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408	e. information on residence documents or visas issued by a Member State or a third country;	e. information on ***any residence status or authorisations offering a right to stay, including*** residence documents or visas ***as well as any applications or extensions hereof,*** issued by a Member State or a third country;
Article 38(6), point (f)		
409	f. information related to the return operation of the third-country national, in particular on flight details; other travel arrangements; indication of whether the third-country national is a particularly dangerous person requiring specific arrangements during the return operation; information relating to escorting;	f. information related to the return operation of the third-country national~~, *in particular on flight details*; *other travel arrangements; indication of whether the third-country national is a particularly dangerous person requiring specific arrangements during the return operation; information relating to escorting;*~~
Article 38(6), point (g)		
410	g. information related to the reintegration of the third-country national, in particular family composition, marital status, contact information of family members in the country of return, work experience, education level, diplomas;	g. information related to the reintegration of the third-country national~~, *in particular family composition, marital status, contact information of family members in the country of return, work experience, education level, diplomas*~~;
Article 38(6), point (h)		
411	h. the grounds for any return decision taken concerning the third-country national;	h. the grounds for any return decision taken concerning the third-country national;
Article 38(6), point (ha)		
411a		***ha. information on the compliance of the third-country national with the obligations under articles 21, 23, and 31;***
Article 38(6), point (i)		
412	i. information as to whether the third-country national was detained or alternatives to detention were applied to the individual;	i. information as to whether the third-country national was detained or alternatives to detention were applied to the individual;
Article 38(6), point (j)		
413	j. information related to the criminal records or related to the threat to public policy, public security or national security posed by the third-country national;	j. information related to the criminal records or related to the threat to public policy, public security or national security posed by the third-country national;
Article 38(6), point (k)		
414	k. information on vulnerability, health and medical needs of the third-country national.	k. information on vulnerability, health and medical needs of the third-country national.

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Article 38(7)		
415	7.The requested Member State shall be obliged to reply as soon as possible and at the latest within three weeks.	7.The requested Member State shall be obliged to reply as soon as possible and at the latest within ~~*three*~~ ***two*** weeks.
Article 38(8)		
416	8.The information exchanged may be used only for the purposes set out in paragraph 3. In each Member State such information may, depending on its type and the powers of the recipient authority, only be communicated to authorities or judicial authorities entrusted with the return procedure, the readmission procedure or the provision of reintegration assistance.	8.The information exchanged may be used only for the purposes set out in paragraph 3. In each Member State such information may, depending on its type and the powers of the recipient authority, only be communicated to authorities or judicial authorities entrusted with the return procedure, the readmission procedure or the provision of reintegration assistance.
Article 38(9)		
416a		***9.Member States shall upon request transfer to each other the original travel documents of a third-country national, where the travel document is necessary to ensure return or removal.***
Article 39		
417	**Article 39** **Transfer of data to third countries relating to third-country nationals for the purposes of readmission and reintegration**	**Article 39** **Transfer of data to third countries relating to third-country nationals for the purposes of *return, removal,* readmission and reintegration**
Article 39(1)		
418	1.Without prejudice to Articles 40 and 41, data referred to in Article 38(6), points (a) to (h) may be processed and transferred by a competent authority and, where applicable, Frontex to a third country's competent authority where the third-country national whose personal data is transferred has been informed that his or her personal data may be shared with the authorities of a third country provided it is necessary for the purposes of carrying out the readmission procedure.	1.Without prejudice to Articles 40 and 41, data referred to in Article 38(6), points (a) to (h) ***and (j)*** may be processed and transferred by a competent authority and, where applicable, Frontex to a third country's competent authority ***or third parties competent for reintegration assistance or other tasks related to implementing the return or removal*** where the third-country national whose personal data is transferred has been informed that his or her personal data may be shared with ~~*the*~~***such third-country*** authorities ~~*of a*~~***or*** third ~~*country provided*~~***parties and where*** it is necessary for the purposes of ~~*carrying out the*~~***return, removal,*** readmission***, and reintegration*** ~~*procedure*~~.
Article 39(2)		
419	2.Without prejudice to Articles 40 and 41, data referred to in Article 38(6), points (a), (c), (f) and (g), may be processed and transferred by a competent authority, and, where applicable, Frontex to third parties competent for	~~*2.Without prejudice to Articles 40 and 41, data referred to in Article 38(6), points (a), (c), (f) and (g), may be processed and transferred by a competent authority, and, where applicable, Frontex to third parties*~~

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	reintegration assistance where the third-country national whose personal data is transferred has been informed that his or her personal data may be shared with third parties competent for reintegration assistance provided it is necessary for the purposes of providing reintegration assistance.	~~competent for reintegration assistance where the third-country national whose personal data is transferred has been informed that his or her personal data may be shared with third parties competent for reintegration assistance provided it is necessary for the purposes of providing reintegration assistance.~~
Article 39(3)		
420	3.Member States and Frontex transferring personal data pursuant to paragraph 1 or 2 shall ensure that such transfers comply with Chapter V of Regulation (EU) 2016/679 and Chapter V of Regulation (EU) 2018/1725, respectively.	3.Member States and Frontex transferring personal data pursuant to paragraph 1 or 2 shall ensure that such transfers comply with Chapter V of Regulation (EU) 2016/679 and Chapter V of Regulation (EU) 2018/1725, respectively.
Article 39(4)		
421	4.Where a transfer is made pursuant to paragraph 1 or 2, such a transfer shall be documented and the documentation shall, on request, be made available to the competent supervisory authority established in accordance with Article 51(1) of Regulation (EU) 2016/679 and Article 52(1) of Regulation (EU) 2018/1725, including the date and time of the transfer and information about the receiving third country's competent authority.	4.Where a transfer is made pursuant to paragraph 1 ~~or 2~~, such a transfer shall be documented and the documentation shall, on request, be made available to the competent supervisory authority established in accordance with Article 51(1) of Regulation (EU) 2016/679 and Article 52(1) of Regulation (EU) 2018/1725, including the date and time of the transfer and information about the receiving third country's competent authority.
Article 40		
422	**Article 40** **Transfer of data to third countries relating to criminal convictions of third-country nationals for the purposes of readmission and reintegration**	**Article 40** **Transfer of data to third countries relating to criminal convictions of third-country nationals for the purposes of *return, removal,* readmission and reintegration**
Article 40(1)		
423	1.Data relating to one or several criminal convictions of a third-country national may be processed and transferred in individual cases by a competent authority and, where applicable, Frontex, to a third country's competent authority where the following conditions are met:	1.Data relating to one or ~~several~~*more* criminal convictions of a third-country national may be processed and transferred in individual cases by a competent authority and, where applicable, Frontex, to a third country's competent authority *or third parties competent for reintegration assistance or other tasks related to implementing the return or removal* where the following conditions are met:
Article 40(1), point (a)		
424	a.the third-country national whose personal data is transferred has been convicted in the previous 25 years of a terrorist offence or in the previous	a.the third-country national whose personal data is transferred has been convicted in the previous 25 years of a terrorist offence or in the previous

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	15 years of any other criminal offence listed in the Annex to Regulation (EU) 2018/1240 of the European Parliament and of the Council[1] if it is punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of the convicting Member State; _____ 1. Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/1240/oj).	15 years of any other criminal offence listed in the Annex to Regulation (EU) 2018/1240 of the European Parliament and of the Council[1] ~~*if it is punishable by a custodial sentence or a detention order for a maximum period*~~***or has committed an offence carrying a penalty involving the deprivation of liberty*** of at least ~~*three years*~~***1 year*** under the national law of the convicting Member State; _____ 1. Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/1240/oj).
Article 40(1), point (b)		
425	b. the transfer of data is necessary for the purposes of carrying out the readmission procedure referred to in Article 36;	b. the transfer of data is necessary for the purposes of ~~*carrying out the*~~ ***return, removal,*** readmission ~~*procedure referred to in Article 36*~~***, and reintegration*** ;
Article 40(1), point (c)		
426	c. the third-country national whose personal data is transferred has been informed that his or her personal data may be shared with the authorities of a third country for the purpose of carrying out the readmission procedure;	c. the third-country national whose personal data is transferred has been informed that his or her personal data may be shared with the authorities of a third country ***or third parties competent for reintegration assistance or other tasks related to implementing the return or removal*** for the purpose ~~*of carrying out the*~~***return, removal,*** readmission ~~*procedure*~~***and reintegration***;
Article 40(1), point (d)		
427	d. prior to the transfer, the competent authority and, where applicable, Frontex, has satisfied itself that the transfer of data does not risk breaching the principle of non-refoulement;	d. ~~*prior to the transfer,*~~ the competent authority and, where applicable, Frontex, has satisfied itself that the transfer of data does not risk breaching the principle of non-refoulement;
Article 40(1), point (e)		
428	e. prior to the transfer, the competent authority and, where applicable, Frontex, has satisfied itself that the transfer of data does not risk breaching Article 50 of the Charter.	e. ~~*prior to the transfer,*~~ the competent authority and, where applicable, Frontex, has satisfied itself that the transfer of data does not risk breaching Article 50 of the Charter.
Article 40(2)		

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429	2.Data relating to one or several criminal convictions of a third-country national may be processed and transferred in individual cases by a competent authority and, where applicable, Frontex to a third party competent for reintegration assistance where the following conditions are met:	~~2.Data relating to one or several criminal convictions of a third-country national may be processed and transferred in individual cases by a competent authority and, where applicable, Frontex to a third party competent for reintegration assistance where the following conditions are met:~~
Article 40(2), point (a)		
430	a. the third-country national whose personal data is transferred has been convicted in the previous 25 years of a terrorist offence or in the previous 15 years of any other criminal offence listed in the Annex to Regulation (EU) 2018/1240 if it is punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of the convicting Member State;	~~a.the third-country national whose personal data is transferred has been convicted in the previous 25 years of a terrorist offence or in the previous 15 years of any other criminal offence listed in the Annex to Regulation (EU) 2018/1240 if it is punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of the convicting Member State;~~
Article 40(2), point (b)		
431	b. the transfer of data is necessary for the purposes of providing a tailor-made and non-financial reintegration assistance referred to in Article 46;	~~b.the transfer of data is necessary for the purposes of providing a tailor-made and non-financial reintegration assistance referred to in Article 46;~~
Article 40(2), point (c)		
432	c. the third-country national whose personal data is transferred has been informed that his or her personal data may be shared with a third party competent for reintegration assistance for the purposes of providing tailor-made and non-financial reintegration;	~~c.the third-country national whose personal data is transferred has been informed that his or her personal data may be shared with a third party competent for reintegration assistance for the purposes of providing tailor-made and non-financial reintegration;~~
Article 40(2), point (d)		
433	d. prior to the transfer, the competent authority and, where applicable, Frontex has satisfied itself that the transfer of data does not risk breaching the principle of non-refoulement.	~~d.prior to the transfer, the competent authority and, where applicable, Frontex has satisfied itself that the transfer of data does not risk breaching the principle of non-refoulement.~~
Article 40(3)		
434	3.Member States and Frontex transferring personal data pursuant to paragraph 1 or 2 shall ensure that such transfers comply with Chapter V of Regulation (EU) 2016/679 and Chapter V of Regulation (EU) 2018/1725, respectively.	3.Member States and Frontex transferring personal data pursuant to paragraph 1 or 2 shall ensure that such transfers comply with Chapter V of Regulation (EU) 2016/679 and Chapter V of Regulation (EU) 2018/1725, respectively.
Article 40(4)		

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435	4.Where a transfer is made pursuant to paragraph 1 or 2, such a transfer shall be documented and the documentation shall, on request, be made available to the competent supervisory authority established in accordance with Article 51(1) of Regulation (EU) 2016/679 and Article 52(1) of Regulation (EU) 2018/1725, including the date and time of the transfer, information about the receiving third country's competent authority, the justification that the transfer complies with the conditions laid down in paragraph 1 or 2 and the personal data transferred.	4.Where a transfer is made pursuant to paragraph 1 ~~*or 2*~~, such a transfer shall be documented and the documentation shall, on request, be made available to the competent supervisory authority established in accordance with Article 51(1) of Regulation (EU) 2016/679 and Article 52(1) of Regulation (EU) 2018/1725, including the date and time of the transfer, information about the receiving third country's competent authority, the justification that the transfer complies with the conditions laid down in paragraph 1 ~~*or 2*~~ and the personal data transferred.
Article 41		
436	**Article 41** **Transfer of health data of third-country nationals to third countries for the purposes of carrying out the return operation and reintegration**	**Article 41** **Transfer of health data of third-country nationals to third countries for the purposes of carrying out the return operation and reintegration**
Article 41(1)		
437	1.Data concerning the medical assistance to be provided to third-country nationals during the return operation may be processed and transferred in individual cases by a competent authority and, where applicable, Frontex, to a third country's competent authority where the following conditions are met:	1.Data concerning the medical assistance to be provided to third-country nationals during the return operation may be processed and transferred in individual cases by a competent authority and, where applicable, Frontex, to a third country's competent authority ***or third parties competent for reintegration assistance or other tasks related to implementing the return or removal*** where the following conditions are met:
Article 41(1), point (a)		
438	a.the transfer of data is necessary for the purposes of carrying out the return operation;	a.the transfer of data is necessary for the purposes of carrying out the return operation;
Article 41(1), point (b)		
439	b.the third-country national whose personal data is transferred has been informed that his or her personal data may be shared with the authorities of a third country for the purposes of carrying out the return operation;	b.the third-country national whose personal data is transferred has been informed that his or her personal data may be shared with the authorities of a third country ***or third parties competent for reintegration assistance or other tasks related to implementing the return or removal*** for the purposes of carrying out the return operation;
Article 41(1), point (c)		
440	c.prior to the transfer, the competent authority and, where applicable, Frontex has satisfied itself that the transfer of data does not risk breaching the principle of non-refoulement.	c.~~*prior to the transfer,*~~ The competent authority and, where applicable, Frontex has satisfied itself that the transfer of data does not risk breaching the principle of non-refoulement.

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Article 41(2)		
441	2.Data concerning health of third-country nationals may be processed and transferred in individual cases by a competent authority and, where applicable, Frontex to a third party competent for reintegration assistance where the following conditions are met:	2.Data concerning health ***and medical needs*** of third-country nationals may be processed and transferred in individual cases by a competent authority and, where applicable, Frontex to a third party competent for reintegration assistance ***or other tasks related to implementing the return or removal*** where the following conditions are met:
Article 41(2), point (a)		
442	a.the transfer of data is necessary for the purposes of providing reintegration assistance referred to in Article 46 that is tailored to the medical needs of the third-country national;	a.the transfer of data is necessary for the purposes of providing reintegration assistance referred to in Article 46 that is tailored to the medical needs of the third-country national;
Article 41(2), point (b)		
443	b.the third-country national whose personal data is transferred has been informed that his or her personal data may be shared with a third party competent for reintegration assistance, for such assistance to be tailored to his or her medical needs, and has consented to such transfer.	b.the third-country national whose personal data is transferred has been informed that his or her personal data may be shared with a third party competent for reintegration assistance, for such assistance to be tailored to his or her medical needs, and has consented to such transfer.
Article 41(3)		
444	3.Member States and Frontex transferring personal data pursuant to paragraph 1 or 2 shall ensure that such transfers comply with Chapter V of Regulation (EU) 2016/679 and Chapter V of Regulation (EU) 2018/1725, respectively.	3.Member States and Frontex transferring personal data pursuant to paragraph 1 or 2 shall ensure that such transfers comply with Chapter V of Regulation (EU) 2016/679 and Chapter V of Regulation (EU) 2018/1725, respectively.
Article 41(4)		
445	4.Where a transfer is made pursuant to paragraph 1 or 2, such a transfer shall be documented and the documentation shall, on request, be made available to the competent supervisory authority established in accordance with Article 51(1) of Regulation (EU) 2016/679 and Article 52(1) of Regulation (EU) 2018/1725, including the date and time of the transfer, information about the receiving third country's competent authority, the justification that the transfer complies with the conditions laid down in paragraph 1 or 2 and the personal data transferred.	4.Where a transfer is made pursuant to paragraph 1 or 2, such a transfer shall be documented and the documentation shall, on request, be made available to the competent supervisory authority established in accordance with Article 51(1) of Regulation (EU) 2016/679 and Article 52(1) of Regulation (EU) 2018/1725, including the date and time of the transfer, information about the receiving third country's competent authority, the justification that the transfer complies with the conditions laid down in paragraph 1 or 2 and the personal data transferred.
Chapter VIII		
446	**Chapter VIII COMMON SYSTEM FOR RETURNS**	**Chapter VIII COMMON SYSTEM FOR RETURNS**

	Commission Proposal	PCY Compromise proposal 1
Article 42		
447	**Article 42** **Components of a common system for returns**	**Article 42** **Components of a common system for returns**
Article 42(1)		
448	1.A common system for returns pursuant to this Regulation shall consist of:	1.A common system for returns pursuant to this Regulation shall consist of:
Article 42(1), point (a)		
449	a.a common procedure for the return of third-country nationals with no right to stay in the Union, including a common procedure for readmission as an integral part thereof;	a.a common procedure for the return of third-country nationals with no right to stay in the ~~*Union, including a common procedure for readmission as an integral part thereof*~~***Member States*** ;
Article 42(1), point (b)		
450	b.a system of recognition and enforcement of return decisions among Member States;	b.a system of recognition and enforcement of return decisions among Member States;
Article 42(1), point (c)		
451	c.the necessary resources and sufficient competent personnel in Member States for the implementation of this Regulation, including for detention;	c.the necessary resources and sufficient competent personnel in Member States for the implementation of this Regulation, including for detention;
Article 42(1), point (d)		
452	d.digital systems for managing the return, readmission and reintegration of third-country nationals;	d.digital systems for managing the return~~*, readmission*~~ and reintegration of third-country nationals;
Article 42(1), point (e)		
453	e.cooperation between Member States;	e.cooperation between Member States;
Article 42(1), point (ea)		
453a		***ea. ensure a sufficient level of detention capacity as determined by the Member State taking into account actual needs;***
Article 42(1), point (f)		
454	f. Union bodies, offices and agencies supporting pursuant to Article 43(4) and in line with their respective mandates.	f. ***financial support by the Union and operational support by the*** Union bodies, offices and agencies ~~*supporting pursuant to Article 43(4) and*~~ in line with their respective mandates.
Article 42(2)		

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	Commission Proposal	PCY Compromise proposal 1
455	2.The Union and the Member States shall identify common priorities in the field of return, readmission and reintegration and ensure the necessary follow-up, taking into account the European Asylum and Migration Management Strategy adopted pursuant to Article 8 of Regulation (EU) 2024/1351, the implementation of the return border procedure pursuant to Regulation (EU) 2024/1351, the assessment of the level of cooperation of third-countries with Member States on readmission in accordance with Article 25a of Regulation (EC) 810/2009 of the European Parliament and of the Council[1] and the Union readmission instruments and any other Union instrument relevant for the cooperation on readmission. _____ 1. Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15.9.2009, p. 1, ELI: http://data.europa.eu/eli/reg/2009/810/oj).	2.The Union and the Member States shall identify common priorities in the field of return~~, *readmission*~~ and reintegration and ensure the necessary follow-up, taking into account the European Asylum and Migration Management Strategy adopted pursuant to Article 8 of Regulation (EU) 2024/1351, the implementation of the return border procedure pursuant to Regulation (EU) ~~*2024/1351*~~***2024/1349***, the assessment of the level of cooperation of third-countries with Member States on readmission in accordance with Article 25a of Regulation (EC) 810/2009 of the European Parliament and of the Council[1] and the Union readmission instruments and any other Union instrument relevant for the cooperation on readmission. _____ 1. Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15.9.2009, p. 1, ELI: http://data.europa.eu/eli/reg/2009/810/oj).
Article 42(3)		
456	3.The Union and the Member States shall ensure loyal cooperation and close coordination between competent authorities and between the Union and the Member States, as well as synergy between internal and external components, taking into account their shared interest in the effective functioning of the Union's asylum and migration management policies.	3.The Union and the Member States shall ensure loyal cooperation and close coordination between competent authorities and between the Union and the Member States, as well as synergy between internal and external components~~, *taking into account their shared interest in the effective functioning of the Union's asylum and migration management policies*~~.
Article 43		
457	**Article 43** **Competent authorities and resources**	**Article 43** **Competent authorities** ~~***and resources***~~
Article 43(1)		
458	1.Each Member State shall designate, in accordance with national law, the competent authorities responsible for fulfilling the obligations arising under this Regulation.	1.Each Member State shall designate, in accordance with national law, the competent authorities responsible for fulfilling the obligations arising under this Regulation.
Article 43(2)		
459	2.Each Member State shall allocate the necessary resources to competent authorities, including appropriately trained staff who received guidance to fulfil their obligations set out in this Regulation.	~~*2.Each Member State shall allocate the necessary resources to competent authorities, including appropriately trained staff who received guidance to fulfil their obligations set out in this Regulation.*~~
Article 43(3)		

	Commission Proposal	PCY Compromise proposal 1
460	3.Member States shall ensure a sufficient level of detention capacity taking into account actual needs and expected returns in the next 12 months, particularly for the purpose of well-prepared systems and contingency planning pursuant to Article 7 of Regulation (EU) 2024/1351.	~~*3.Member States shall ensure a sufficient level of detention capacity taking into account actual needs and expected returns in the next 12 months, particularly for the purpose of well-prepared systems and contingency planning pursuant to Article 7 of Regulation (EU) 2024/1351.*~~
Article 43(4)		
461	4.Member States may be supported by competent authorities of another Member State in accordance with Article 44 and relevant staff of Union Agencies, including in accordance with Article 45.	~~*4.Member States may be supported by competent authorities of another Member State in accordance with Article 44 and relevant staff of Union Agencies, including in accordance with Article 45.*~~
Article 44		
462	**Article 44** **Cooperation between Member States**	**Article 44** **Cooperation between Member States**
Article 44(1)		
463	1.Cooperation and assistance between competent authorities designated in accordance with Article 43 shall take place for the purpose of:	1.Cooperation and assistance between competent authorities designated in accordance with Article 43 shall ***as a general rule*** take place for the purpose of:
Article 44(1), point (a)		
464	a.allowing transit through their territory to assist that a return decision of another Member State can be complied with or travel documents obtained;	a.allowing transit through their territory to assist that a return decision of another Member State can be complied with or travel documents obtained;
Article 44(1), point (b)		
465	b.providing logistical, financial or other material or in-kind assistance;	b.providing logistical~~*, financial*~~ or other material or in-kind assistance ***in connection with transit through their terroritory pursuant to (a)***;
Article 44(1), point (c)		
465a		***c.facilitating the transfer referred to in Article 8(1), point (b);***
Article 44(1), point (d)		
465b		***d.supporting the departure of a third-country national towards the Member State in which he or she has a right to stay in accordance with Article 8(3).***
Article 44(2)		

	Commission Proposal	PCY Compromise proposal 1
465c		***(2) Cooperation and assistance between competent authorities designated in accordance with Article 43 may take place, including for the purpose of:***
Article 44(1), point (c)		
466	c. leading or supporting the policy dialogue and exchanges with the authorities of third countries for the purpose of facilitating readmission;	~~c~~***a***. leading or supporting the policy dialogue and exchanges with the authorities of third countries for the purpose of facilitating readmission;
Article 44(1), point (d)		
467	d. contacting the competent authorities of third countries for the purpose of verifying the identity of third-country nationals and obtaining a valid travel document;	~~d~~***b***. contacting the competent authorities of third countries for the purpose of verifying the identity of third-country nationals and obtaining a valid travel document;
Article 44(2), point (e)		
468	e. organising, on behalf of the requesting Member State, the practical arrangement for the enforcement of return;	~~e~~***c***. organising, on behalf of the requesting Member State, the practical arrangement for the enforcement of return;
Article 44(2), point (d)		
469	f. facilitating the transfer referred to in Article 8(1), point (b);	~~*f. facilitating the transfer referred to in Article 8(1), point (b);*~~
Article 44(2), point (g)		
470	g. supporting the departure of a third-country national towards the Member State in which he or she has a right to stay in accordance with Article 8(1), first subparagraph.	~~*g. supporting the departure of a third-country national towards the Member State in which he or she has a right to stay in accordance with Article 8(1), first subparagraph.*~~
Article 45		
471	**Article 45** **Frontex support**	**Article 45** **Frontex support**
Article 45(1)		
472	1. Member States may request that their competent authorities be assisted by experts deployed or supported by Frontex, including return liaison officers and other liaison officers, in accordance with Regulation (EU) 2019/1896.	1. Member States may request that their competent authorities be assisted by experts deployed or supported by Frontex, including return liaison officers and other liaison officers, in accordance with Regulation (EU) 2019/1896.
Article 45(2)		

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	Commission Proposal	PCY Compromise proposal 1
473	2.Member States shall provide relevant information to Frontex with regard to planned needs for Frontex support for the purpose of the necessary planning of the Agency's support in line with the Union priorities in the area of return, readmission and reintegration, the implementation of the return border procedure pursuant to Regulation (EU) 2024/1349, the European Asylum and Migration Strategy pursuant to Article 8 of Regulation (EU) 2024/1351 and the priorities in the context of the regular assessment of readmission cooperation pursuant to Article 25a of Regulation (EC) 810/2009.	2.Member States shall provide relevant information to Frontex with regard to planned needs for Frontex support for the purpose of the necessary planning of the Agency's support in ~~*line with the Union priorities in the area of return, readmission and reintegration, the implementation of the return border procedure pursuant to*~~***accordance with*** Regulation (EU) ~~*2024/1349, the European Asylum and Migration Strategy pursuant to Article 8 of Regulation (EU) 2024/1351 and the priorities in the context of the regular assessment of readmission cooperation pursuant to Article 25a of Regulation (EC) 810/2009.*~~***2019/1896.***
Article 46		
474	**Article 46** **Support for return and reintegration**	**Article 46** **Support for return and reintegration**
Article 46(1)		
475	1.Member States shall establish return and reintegration counselling structures to provide third-country nationals with information and guidance about return and reintegration options, including programmes referred to in paragraph 3, as early in the return process as possible. Return and reintegration counselling may be combined with other counselling in the context of other migration procedures in the Member State.	1.Member States shall ~~*establish*~~***ensure availability of*** return and reintegration counselling ~~*structures*~~***procedures*** to provide***, where relevant,*** third-country nationals with information and guidance about return and reintegration options, including programmes referred to in paragraph 3, as early in the return process as possible. Return and reintegration counselling may be combined with other counselling in the context of other migration procedures in the Member State.
Article 46(2)		
476	2.Member States shall ensure that information about return and reintegration is also provided prior to issuing the return decision, in particular when Article 37 of Regulation (EU) 2024/1348 is applicable.	2.Member States ~~*shall ensure that*~~***may provide*** information about return and reintegration ~~*is also provided*~~ prior to issuing the return decision~~*, in particular when Article 37 of Regulation (EU) 2024/1348 is applicable*~~.
Article 46(3)		
477	3.Member States shall establish national programmes for supporting the return and reintegration and shall, as a general rule, make use of the programmes provided by the Union. National programmes and reintegration assistance provided by the Union shall consist of logistical, financial and other material or in-kind assistance or incentives, including reintegration assistance in the country of return, provided to a third-country national.	3.Member States shall establish national programmes for supporting the return and reintegration and ~~*shall, as a general rule,*~~***may*** make use of the programmes provided by the Union. National programmes and reintegration assistance provided by the Union shall consist of logistical, financial and other material or in-kind assistance or incentives, including reintegration assistance in the country of return, provided to a third-country national.
Article 46(4)		

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478	4.Reintegration assistance shall not be an individual right and shall not constitute a pre-requisite for the readmission procedure.	4.Reintegration assistance shall not be an individual right and shall not constitute a pre-requisite for the readmission procedure.
Article 46(5)		
479	5.The assistance provided through the programmes for return and reintegration shall reflect the level of cooperation and compliance of the third-country national and may decrease over time. The following criteria shall be taken into account when determining the kind and extent of the return and reintegration assistance where applicable:	5.The assistance provided through the programmes for return and reintegration ~~*shall*~~ ***may*** reflect the level of cooperation and compliance of the third-country national and may decrease over time. The following criteria ~~*shall*~~ ***may*** be taken into account when determining the kind and extent of the return and reintegration assistance where applicable:
Article 46(5), point (a)		
480	a.the cooperation of the third-country national concerned during the return and readmission procedure, as provided for in Article 21;	a.the cooperation of the third-country national concerned during the return and readmission procedure, as provided for in Article 21;
Article 46(5), point (b)		
481	b.whether the third country national is returning voluntarily, or is subject to removal;	b.whether the third country national is returning voluntarily, or is subject to removal;
Article 46(5), point (c)		
482	c.whether the third-country national is a national of a third country listed in Annex II to Regulation (EU) 2018/1806;	c.whether the third-country national is a national of a third country listed in Annex II to Regulation (EU) 2018/1806;
Article 46(5), point (d)		
483	d.whether the third country national has been convicted of a criminal offence;	d.whether the third country national has been convicted of a criminal offence;
Article 46(5), point (e)		
484	e.whether the third-country national has specific needs by reason of being a vulnerable person, minor, unaccompanied minor or part of a family.	e.whether the third-country national has specific needs by reason of being a vulnerable person, minor, unaccompanied minor or part of a family~~.~~ ***:***
Article 46(5), point (f)		
484a		***f. additional criteria under national law.***
Article 46(6)		
485	6.The assistance referred to in this Article shall not be granted to third-country nationals who already benefited from another or the same support provided by a Member State or the Union. The Union, Member States and	6.The assistance referred to in this Article shall not be granted to third-country nationals who already benefited from another or the same support provided by a Member State or the Union. The Union, Member States and

	Commission Proposal	PCY Compromise proposal 1
	Frontex shall ensure coherence and coordination on reintegration assistance.	Frontex shall ensure coherence and coordination on reintegration assistance.
Chapter IX		
486	**Chapter IX** **FINAL PROVISIONS**	**Chapter IX** **FINAL PROVISIONS**
Article 47		
487	**Article 47** **Emergency situations**	**Article 47** **Emergency situations**
Article 47(1)		
488	1.In situations where an exceptionally large number of third-country nationals to be returned places an unforeseen heavy burden on the capacity of the detention facilities of a Member State or on its administrative or judicial staff, such a Member State may, as long as the exceptional situation persists, decide to allow for periods for judicial review longer than those provided for in Article 33(3) and to take urgent measures in respect of the conditions of detention derogating from those set out in Articles 34(1) and 35(2).	1.In situations where an exceptionally large number of third-country nationals to be returned places an unforeseen heavy burden on the capacity of the detention facilities of a Member State or on its administrative or judicial staff, such a Member State may, as long as the exceptional situation persists, decide to allow for periods ~~*for judicial review*~~ longer than those provided for in Article ~~*33(3)*~~***38(7)*** and to take urgent measures in respect of the conditions of detention derogating from those set out in Articles 34(1) and 35(2).
Article 47(2)		
489	2.When resorting to such exceptional measures, the Member State concerned shall inform the Commission without delay. It shall also inform the Commission as soon as the reasons for applying these exceptional measures have ceased to exist.	2.When resorting to such exceptional measures, the Member State concerned shall inform the Commission without delay. It shall also inform the Commission as soon as the reasons for applying these exceptional measures have ceased to exist.
Article 47(3)		
490	3.Nothing in this Article shall be interpreted as allowing Member States to derogate from their general obligation to take all appropriate measures, whether general or particular, to ensure fulfilment of their obligations under this Regulation.	3.Nothing in this Article shall be interpreted as allowing Member States to derogate from their general obligation to take all appropriate measures, whether general or particular, to ensure fulfilment of their obligations under this Regulation.
Article 48		
491	**Article 48** **Statistics**	
Article 48(1)		

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	Commission Proposal	PCY Compromise proposal 1
492	1. Without prejudice to Regulation (EC) 862/2007 of the European Parliament and of the Council[1], Member States shall communicate to the Commission (Eurostat) on a quarterly basis the following data: _____ 1. Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199, 31.7.2007, p. 23, ELI: http://data.europa.eu/eli/reg/2007/862/oj).	
Article 48(1), point (a)		
493	a. number of third-country nationals subject to recognised return decisions issued by another Member State;	
Article 48(1), point (b)		
494	b. number of third-country nationals subject to alternative measures to detention;	
Article 48(1), point (c)		
495	c. number of third country nationals subject to detention.	
Article 48(2)		
496	2. The data communicated shall be disaggregated by age, sex and citizenship. The data shall relate to the reference period of one quarter. Member States shall supply to the Commission (Eurostat) data for three calendar months constituting one quarter within two months of the end of each quarter. The first reference period shall be [second quarter following entry into application of this Regulation].	
Article 48(3), first subparagraph		
497	3. Member States shall communicate to Frontex on a monthly basis the following data, as well as the corresponding datasets, regarding each third country:	
Article 48(3), first subparagraph, point (a)		
498	a. number of readmission applications submitted;	
Article 48(3), first subparagraph, point (b)		

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	Commission Proposal	PCY Compromise proposal 1
499	b.number of requests for confirmation of nationality and number of positive and negative replies received concerning confirmation of nationality requests;	
Article 48(3), first subparagraph, point (c)		
500	c.number of requests for issuance of travel documents, number of travel documents issued by the third-country authorities and number of negative replies concerning the request of travel documents;	
Article 48(3), first subparagraph, point (d)		
501	d.number of beneficiaries of reintegration assistance broken down by third-country.	
Article 48(3), second subparagraph		
502	Frontex shall grant the Commission access to the data referred to in this paragraph.	
Article 48(4)		
503	4.The data referred to in paragraphs 1 and 3, disaggregated by Member State, may be communicated to third countries for the purposes of monitoring the implementation of, and compliance with, the principle of readmission, including in the framework of Union readmission instruments.	
Article 49		
504	**Article 49 Committee procedure**	**Article 49 Committee procedure**
Article 49(1)		
505	1.The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1.The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
Article 49(2)		
506	2.Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act, and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.	2.Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act, and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.
Article 50		

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	Commission Proposal	PCY Compromise proposal 1
507	**Article 50** **Reporting**	**Article 50** **Reporting**
Article 50(1)		
508	1.By [date] and every five years thereafter, the Commission shall report to the European Parliament and to the Council on the application of this Regulation in the Member States and shall, where appropriate, propose amendments.	1.By [~~date~~***Three years after the entry into force of this regulation***] and every five years thereafter, the Commission shall report to the European Parliament and to the Council on the application of this Regulation in the Member States and shall, where appropriate, propose amendments.
Article 50(2)		
509	2.Member States shall, at the request of the Commission, send it the necessary information for drawing up its report no later than nine months before the time limit expires.	2.Member States shall, at the request of the Commission, send it the necessary information***, if available,*** for drawing up its report ***pursuant to paragraph 1*** no later than nine months before the time limit expires. ***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.***
Article 51		
510	**Article 51** **Repeal**	**Article 51** **Repeal**
Article 51(1)		
511	1.Directive 2008/115/EC is repealed for the Member States bound by this Regulation. Directive 2001/40/EC and Council Decision 2004/191/EC are repealed with effect from the publication of the implementing decision referred to in Article 9(2) for the Member States bound by this Regulation.	1.Directive 2008/115/EC is repealed for the Member States bound by this Regulation. Directive 2001/40/EC and Council Decision 2004/191/EC are repealed with effect from the publication of the implementing decision referred to in Article 9(2) for the Member States bound by this Regulation.
Article 51(2)		
512	2.References to the repealed Directives shall be construed as references to this Regulation and shall be read in accordance with the correlation table in the Annex.	2.References to the repealed Directives shall be construed as references to this Regulation and shall be read in accordance with the correlation table in the Annex.
Article 52		
513	**Article 52** **Entry into force**	**Article 52** **Entry into force**
Article 52, first paragraph		

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	Commission Proposal	PCY Compromise proposal 1
514	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. ***It shall apply from [two years from the date of entry into force].***
Article 52, second paragraph		
515	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.
Formula		
516	Done at Strasbourg,	Done at Strasbourg,
Formula		
517	For the European Parliament	For the European Parliament
Formula		
518	The President	The President
Formula		
519	For the Council	For the Council
Formula		
520	The President	The President
Annex		
521	Annex	
Annex, first paragraph		
522	Correlation table	
Annex, Table 1		
523	Table 1	

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Commission Proposal Table 1

Directive 2001/40/EC	Decision 2004/191/EC	Directive 2008/115/EC	This Regulation
		Article 1	Article 1
		Article 2 (1), (3)	Article 2
		Article 2 (2) (a)	Article 3 (1)
		Article 3, point 1	Article 4, point (1)
		Article 3, point 2	Article 4, point (2)
		Article 3, point 3	Article 4, point (3)
		Article 3, point 4	Article 4, point (4)
		Article 3, point 5	Article 4, point (5)
		Article 3, point 6	Article 4, point (8)
		Article 3, point 7	Article 30
		Article 3, point 8	Article 4, point (6)
		Article 3, point 9	—
		Articles 4 (1) to (3)	—
		Article 4 (4)	Article 3 (2)
		Article 5	Articles 5 and 18
		Article 6	Articles 7 and 8
		Article 7	Article 13
		Article 8 (1) to (5)	Article 12
		Article 8 (6)	Article 15
		Article 9	Article 14
		Article 10	Article 20
		Article 11	Articles 10 and 11
		Article 12	Article 7
		Article 13 (1), (2)	Articles 26, 27 and 28

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		Article 13 (3), (4)	Article 25
		Article 14	Articles 13 and 14
		Article 15	Articles 29, 32 and 33
		Article 16	Article 34
		Article 17	Article 35
		Article 18	Article 47
Articles 1 to 7		—	Article 9
	Articles 1 to 3	—	Article 9

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