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WORKING DOCUMENT

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 – Updated third Presidency compromise proposal

Delegations will find in the annex the updated third Presidency compromise proposal on the draft Return Regulation to be discussed at the next Working Party on Integration, Migration and Expulsion (IMEX Expulsion) meeting on 19 November 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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	CLEAN Commission Proposal	CLEAN Second PCY Compromise	VS.AGR UPDATED Third PCY Compromise
Formula			
1	2025/0059 (COD)	2025/0059 (COD)	2025/0059 (COD)
Document Stage			
2	**Proposal for a**	**Proposal for a**	**Proposal for a**
Document Type			
3	**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**	**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**	**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**	**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**	**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			
5	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Citation 1			
6	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 79 (2), point (c), thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 79 (2), point (c), thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 79 (2), point (c), thereof,
Citation 2			

	CLEAN Commission Proposal	CLEAN Second PCY Compromise	VS.AGR UPDATED Third PCY Compromise
7	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,
Citation 3			
8	After transmission of the draft legislative act to the national Parliaments,	After transmission of the draft legislative act to the national Parliaments,	After transmission of the draft legislative act to the national Parliaments,
Citation 4			
9	Having regard to the opinion of the European Economic and Social Committee[1], 1. OJ C [...], [...], p. [...]	Having regard to the opinion of the European Economic and Social Committee[1], 1. OJ C [...], [...], p. [...]	Having regard to the opinion of the European Economic and Social Committee[1], 1. OJ C [...], [...], p. [...]
Citation 5			
10	Having regard to the opinion of the Committee of the Regions[1], 1. OJ C [...], [...], p. [...]	Having regard to the opinion of the Committee of the Regions[1], 1. OJ C [...], [...], p. [...]	Having regard to the opinion of the Committee of the Regions[1], 1. OJ C [...], [...], p. [...]
Citation 6			
11	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,
Formula			
12	Whereas:	Whereas:	Whereas:
Recital 1			
13	(1) The Union, in constituting an area of freedom, security and justice, should have a common policy on the return of third-country nationals with no right to stay in the Union. An effective return policy is a key component of a credible migration management system.	(1) The Union, in constituting an area of freedom, security and justice, should have a common policy on the return of third-country nationals with no right to stay in the Union. An effective return policy is a key component of a credible migration management system.	(1) The Union, in constituting an area of freedom, security and justice, should have a common policy on the return of third-country nationals with no right to stay in the Union. An effective return policy is a key component of a credible migration management system.
Recital 2			

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14	(2) This Regulation establishes a common system for returning third-country nationals with no right to stay in the Union based on a common procedure for return and readmission, a system for preventing and managing the risk of absconding and cooperation based on mutual trust between Member States.	(2) This Regulation sets out common standards and procedures for returning third-country nationals illegally staying in the Member States based on a common procedure for return, obligations for the illegally staying third-country national, a set of tools for managing effective returns, including measures to incentivise return, and cooperation between Member States.	(2) This Regulation sets out common standards and procedures for returning third-country nationals illegally staying in the Member States based on a common procedure for return, obligations for the illegally staying third-country national, a set of tools for managing effective returns, including measures to incentivise return, and cooperation between Member States.
Recital 3			
15	(3) To contribute to the implementation of the comprehensive approach set out in the Regulation (EU) 2024/1351 of the European Parliament and of the Council[1], a common system for effectively managing of the return of illegally staying third-country nationals should be put in place. That system should be based on integrated policy-making to ensure coherence and effectiveness of the actions and measures taken by the Union and its Member States acting within their respective competencies. _____ 1. Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013 (OJ L 222, 22.5.2024, p. 1).	(3) To contribute to the implementation of the comprehensive approach set out in the Regulation (EU) 2024/1351 of the European Parliament and of the Council[1], common standards and procedures for effectively managing of the return of illegally staying third-country nationals should be put in place. The common standards and procedures should be based on integrated policy-making to ensure coherence and effectiveness of the actions and measures taken by the Union and its Member States acting within their respective competencies. _____ 1. Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013 (OJ L 222, 22.5.2024, p. 1).	(3) To contribute to the implementation of the comprehensive approach set out in the Regulation (EU) 2024/1351 of the European Parliament and of the Council[1], common standards and procedures for effectively managing of the return of illegally staying third-country nationals should be put in place. The common standards and procedures should be based on integrated policy-making to ensure coherence and effectiveness of the actions and measures taken by the Union and its Member States acting within their respective competencies. _____ 1. Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013 (OJ L 222, 22.5.2024, p. 1).
Recital 4			
16	(4) The European Council has consistently underlined the importance for determined action at all levels to facilitate, increase and speed up returns from the European Union. The European Council in October 2024 invited the Commission to submit a new legislative proposal, as a matter of urgency.	(4) The European Council has consistently underlined the importance for determined action at all levels to facilitate, increase and speed up returns from the European Union. The European Council in October 2024 invited the Commission to submit a new legislative proposal, as a matter of urgency.	(4) The European Council has consistently underlined the importance for determined action at all levels to facilitate, increase and speed up returns from the European Union. The European Council in October 2024 invited the Commission to submit a new legislative proposal, as a matter of urgency.

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Recital 5			
17	(5) The Strategic guidelines for legislative and operational planning within the area of freedom, security and justice adopted by the Justice and Home Affairs Council on 12 December 2024 recall that a successful return policy is a fundamental pillar of a comprehensive and credible Union asylum and migration system. To this end, the strategic guidelines call to develop and implement a more assertive and comprehensive approach to returns, by upgrading the legal framework as a matter of urgency.	(5) The Strategic guidelines for legislative and operational planning within the area of freedom, security and justice adopted by the Justice and Home Affairs Council on 12 December 2024 recall that a successful return policy is a fundamental pillar of a comprehensive and credible Union asylum and migration system. To this end, the strategic guidelines call to develop and implement a more assertive and comprehensive approach to returns, by upgrading the legal framework as a matter of urgency.	(5) The Strategic guidelines for legislative and operational planning within the area of freedom, security and justice adopted by the Justice and Home Affairs Council on 12 December 2024 recall that a successful return policy is a fundamental pillar of a comprehensive and credible Union asylum and migration system. To this end, the strategic guidelines call to develop and implement a more assertive and comprehensive approach to returns, by upgrading the legal framework as a matter of urgency.
Recital 6			
18	(6) An effective return policy should ensure coherence with and contribute to the integrity of the Pact on Migration and Asylum and contribute to managing illegal immigration to the Union and prevent unauthorised movements between Member States of illegally staying third-country nationals to safeguard the area without internal border controls while respecting fundamental rights.	(6) An effective return policy should ensure coherence with and contribute to the integrity of the Pact on Migration and Asylum and contribute to managing illegal immigration to the Union and preventing unauthorised movements between Member States of illegally staying third-country nationals while respecting fundamental rights.	(6) An effective return policy should ensure coherence with and contribute to the integrity of the Pact on Migration and Asylum and contribute to managing illegal immigration to the Union and preventing unauthorised movements between Member States of illegally staying third-country nationals while respecting fundamental rights.
Recital 7			
19	(7) The Union and its Member States have been increasing efforts to make return policies more effective. Despite these efforts, the existing legal framework which consists of Council Directive 2001/40/EC[1] and Directive 2008/115/EC[2], is no longer corresponding to the needs of the Union migration policy. Since the adoption of Directive 2008/115/EC in 2008, the area of freedom, security and justice and the Union's migration policy has considerably evolved. EU law in the area of migration has moved from legislation with	(7) The Union and its Member States have been increasing efforts to make return policies more effective. Despite these efforts, the existing legal framework which consists of Council Directive 2001/40/EC[1] and Directive 2008/115/EC[2], is no longer corresponding to the needs of the Union migration policy and the legislative and operational needs to ensure effective returns. Since the adoption of Directive 2008/115/EC in 2008, the area of freedom, security and justice and the Union's migration policy has considerably	(7) The Union and its Member States have been increasing efforts to make return policies more effective. Despite these efforts, the existing legal framework which consists of Council Directive 2001/40/EC[1] and Directive 2008/115/EC[2], is no longer corresponding to the needs of the Union migration policy and the legislative and operational needs to ensure effective returns. Since the adoption of Directive 2008/115/EC in 2008, the area of freedom, security and justice and the Union's migration policy has considerably

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	minimum standards to bringing Member States' practices closer. The Commission sought to reform the return rules in 2018 with the proposal to recast the Return Directive[3]. The Commission has also sought to support Member States in using the flexibilities of Directive 2008/115/EC through Recommendations (EU) 2017/2338[4] and (EU) 2023/682[5]. However, the limits of the current legal framework have been reached. _____ 1. Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013 (OJ L 222, 22.5.2024, p. 1). 2. Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98, ELI: http://data.europa.eu/eli/dir/2008/115/oj). 3. Proposal for a Directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals (recast). Brussels, 12.9.2018. COM(2018) 634 final, 2018/0329 (COD). 4. Commission Recommendation (EU) 2017/2338 of 16 November 2017 establishing a common 'Return Handbook' to be used by Member States' competent authorities when carrying out return-related tasks (OJ L 339, 19.12.2017, p. 83, ELI: http://data.europa.eu/eli/reco/2017/2338/oj). 5. Commission Recommendation (EU) 2023/682 of 16 March 2023 on mutual recognition of return decisions and expediting returns when implementing Directive 2008/115/EC of the European Parliament and of the Council. C/2023/1763. OJ L 86, 24.3.2023, p. 58, ELI: http://data.europa.eu/eli/reco/2023/682/oj.	evolved. EU law in the area of migration has moved from legislation with minimum standards to bringing Member States' practices closer. 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Recital 8			

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20	(8) A common procedure for return that is firm and fair should be set up to ensure that third-country nationals who do not, or no longer fulfil the conditions for entry, stay or residence on the territory of the Member States are returned in a humane manner and with full respect for fundamental rights as well as international law. Clear and transparent rules applicable in all Member States should provide certainty for the third-country national concerned and competent authorities. It is important to simplify, facilitate and speed up return procedures and ensure that return is not obstructed by unauthorised movements to other Member States.	(8) A common procedure for return that is firm should be set up to ensure that third-country nationals who do not, or no longer fulfil the conditions for entry, stay or residence on the territory of the Member States are returned in a humane manner and with full respect for fundamental rights as well as international law. Clear and transparent rules applicable in all Member States should provide certainty for the third-country national concerned and competent authorities. It is important to simplify, facilitate and speed up return procedures and ensure that return is not obstructed, including by unauthorised movements to other Member States.	(8) A common procedure for return that is firm should be set up to ensure that third-country nationals who do not, or no longer fulfil the conditions for entry, stay or residence on the territory of the Member States are returned in a humane manner and with full respect for fundamental rights as well as international law. Clear and transparent rules applicable in all Member States should provide certainty for the third-country national concerned and competent authorities. It is important to simplify, facilitate and speed up return procedures and ensure that return is not obstructed, including by unauthorised movements to other Member States.
Recital 9			
21	(9) The application of the rules pursuant to this Regulation should not affect the rules on access to international protection in accordance with Regulation (EU) 2024/1348 of the European Parliament and the Council[1]. Where relevant, the rules in this Regulation are complemented by the specific rules linking negative asylum decisions and return decisions for issuance and for remedies in Regulation (EU) 2024/1348 and the return border procedure set out in Regulation (EU) 2024/1349 of the European Parliament and the Council[2]. _____ 1. Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (OJ L 222, 22.5.2024, p. 1, ELI: http://data.europa.eu/eli/reg/2024/1348/oj). 2. Regulation (EU) 2024/1349 of the European Parliament and of the Council of 14 May 2024 establishing a return border procedure, and amending Regulation (EU) 2021/1148	(9) The application of the rules pursuant to this Regulation should not affect the rules on access to international protection in accordance with Regulation (EU) 2024/1348 of the European Parliament and the Council[1]. Where relevant, the rules in this Regulation are complemented by the specific rules linking negative asylum decisions and return decisions for issuance and for remedies in Regulation (EU) 2024/1348 and the return border procedure set out in Regulation (EU) 2024/1349 of the European Parliament and the Council[2]. _____ 1. Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (OJ L 222, 22.5.2024, p. 1, ELI: http://data.europa.eu/eli/reg/2024/1348/oj). 2. Regulation (EU) 2024/1349 of the European Parliament and of the Council of 14 May 2024 establishing a return border procedure, and amending Regulation (EU) 2021/1148	(9) The application of the rules pursuant to this Regulation should not affect the rules on access to international protection in accordance with Regulation (EU) 2024/1348 of the European Parliament and the Council[1]. Where relevant, the rules in this Regulation are complemented by the specific rules linking negative asylum decisions and return decisions for issuance and for remedies in Regulation (EU) 2024/1348 and the return border procedure set out in Regulation (EU) 2024/1349 of the European Parliament and the Council[2]. _____ 1. Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (OJ L 222, 22.5.2024, p. 1, ELI: http://data.europa.eu/eli/reg/2024/1348/oj). 2. Regulation (EU) 2024/1349 of the European Parliament and of the Council of 14 May 2024 establishing a return border procedure, and amending Regulation (EU) 2021/1148

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	(OJ L, 2024/1349, 22.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1349/oj).	(OJ L, 2024/1349, 22.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1349/oj).	(OJ L, 2024/1349, 22.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1349/oj).
Recital 9a			
21a			***(9a) The application of the rules pursuant to this Regulation should not affect the rules on asylum and migration management in accordance with Regulation (EU) 2024/1351 of the European Parliament and the Council and the rules pursuant to Article 67 and 68 of Regulation (EU) 2024/1348 of the European Parliament and the Council.***
Recital 10			
22	(10) This Regulation respects the fundamental rights of third-country nationals and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the 'Charter') as well as the Geneva Convention relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967 (the 'Geneva Convention'). It should be applied in compliance with the Charter, general principles of Union law and relevant international law.	(10) This Regulation respects the fundamental rights of third-country nationals and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the 'Charter') as well as the Geneva Convention relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967 (the 'Geneva Convention'). It should be applied in compliance with the Charter, general principles of Union law and relevant international law.	(10) This Regulation respects the fundamental rights of third-country nationals and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the 'Charter') as well as the Geneva Convention relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967 (the 'Geneva Convention'). It should be applied in compliance with the Charter, general principles of Union law and relevant international law.
Recital 11			
23	(11) The principle of non-refoulement and the prohibition of collective expulsion provided for in Article 19 of the Charter should be respected when applying this Regulation. No one may be removed, expelled or extradited to a third country where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.	(11) The principle of non-refoulement and the prohibition of collective expulsion provided for in Article 19 of the Charter should be respected. No one may be removed, expelled or extradited to a third country where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.	(11) The principle of non-refoulement and the prohibition of collective expulsion provided for in Article 19 of the Charter should be respected. No one may be removed, expelled or extradited to a third country where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.
Recital 12			

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	CLEAN Commission Proposal	CLEAN Second PCY Compromise	VS.AGR UPDATED Third PCY Compromise
24	(12) The Member State on whose territory the illegally staying third-country national is detected is responsible for ensuring his or her return. Upon detection of illegal stay, Member States should swiftly identify the third-country national and verify possible security risks by querying the relevant Union and national databases. Member States should check for any vulnerabilities and, where relevant, perform a health check.	(12) The Member State on whose territory the illegally staying third-country national is detected is in principle responsible for ensuring his or her return. Upon detection of illegal stay, Member States should, without duplicating checks undertaken in previous proceedings or processes, swiftly identify the third-country national subject to return and verify possible security risks by querying the relevant Union and national databases.	(12) The Member State on whose territory the illegally staying third-country national is detected is ~~*in principle*~~ responsible for ensuring his or her return. Upon detection of illegal stay, Member States should, without duplicating checks undertaken in previous proceedings or processes, swiftly identify the third-country national subject to return and verify possible security risks by querying the relevant Union and national databases.
Recital 13			
25	(13) Competent authorities should verify compliance with the principle of non-refoulement on the basis of an individual assessment taking into account all relevant circumstances. The third-country national concerned should submit as quickly as possible evidence relating to his or her own personal circumstances. It should be possible to rely upon an existing thorough assessment of all relevant circumstance made in previous stages of the procedure. Any change in circumstances and any new element evidencing a risk should be examined.	(13) In case of removal, competent authorities should verify compliance with the principle of non-refoulement on the basis of an individual assessment taking into account all relevant circumstances. The third-country national concerned should submit as quickly as possible evidence relating to his or her own personal circumstances. It should be possible to rely upon an existing assessment of all relevant circumstance made in previous stages of the procedure or in other previous procedures. Any relevant change in circumstances and any new element evidencing a risk should be examined.	(13) In case of removal, competent authorities should verify compliance with the principle of non-refoulement on the basis of an individual assessment taking into account all relevant circumstances. The third-country national concerned should submit as quickly as possible evidence relating to his or her own personal circumstances. It should be possible to rely upon an existing assessment of all relevant circumstance made in previous stages of the procedure or in other previous procedures. Any relevant change in circumstances and any new element evidencing a risk should be examined, ***provided that they are substantiated and not considered to have been brought forward by the third-country national merely in order to delay or frustrate the removal***. ***Member States may refer the third-country national who indicates that the removal would breach the principle of non-refoulement to the appropriate procedure, including the asylum procedure in reference to Regulation 2024/1348 of the European Parliament and of the Council establishing a common procedure for international protection***

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			in the Union and repealing Directive 2013/32/EU.
Recital 14			
26	(14) It is necessary that Member States can cooperate more flexibly, including through new bilateral agreements or arrangements, and in a more targeted manner to reduce movements of illegally staying third-country nationals across common internal borders while at the same time safeguarding the Schengen area without internal border controls.	(14) It is necessary that Member States can cooperate more flexibly, including through new bilateral agreements or arrangements, and in a more targeted manner to foster effective returns to third countries.	(14) It is necessary that Member States can cooperate more flexibly, including through new bilateral agreements or arrangements, and in a more targeted manner to foster effective returns to third countries.
Recital 15			
27	(15) Once it is established that the third-country national does not or no longer fulfil the conditions for entry, stay or residence on the territory of the Member States, a return decision should be swiftly issued based on an individual assessment taking into account all facts and circumstances.	(15) Once it is established that the third-country national does not or no longer fulfil the conditions for entry, stay or residence on the territory of the Member States, a return decision should be swiftly issued based on an individual assessment taking into account all relevant facts and circumstances. The return decision should state the obligation for the third-country national to leave the territory of the Member States. The return decision should not be required to determine where the third-country national should return to. Determining the country of return should at the latest be determined prior to removal, and may be determined in the return decision or in a decision ordering the removal separate from the return decision.	(15) Once it is established that the third-country national does not or no longer fulfil the conditions for entry, stay or residence on the territory of the Member States, a return decision should be swiftly issued based on an individual assessment taking into account all relevant facts and circumstances. The return decision should state the obligation for the third-country national to leave the territory of the Member States. The return decision should not be required to determine ~~*where the third-country national should*~~***country of*** return ~~*to. Determining*~~ The country of return should at the latest be determined prior to removal, and may be determined in ***either*** the return decision or in ~~*a*~~***any other*** decision ordering the removal separate from the return decision.
Recital 15a			
27a		(15a) The third-country national with an obligation to leave should have the primary responsibility for departing the territory of the	(15a) The third-country national with an obligation to leave should have the primary responsibility for departing the territory of the

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	CLEAN Commission Proposal	CLEAN Second PCY Compromise	VS.AGR UPDATED Third PCY Compromise
		Member States in accordance with the return decision.	Member States in accordance with the return decision.
Recital 16			
28	(16) It is necessary to ensure that the essential elements of a return decision issued by a Member State are entered in a specific form as a European Return Order and made available in the Schengen Information System together with the alert on return or through bilateral information exchange with another Member State. The European Return Order should in turn support the recognition and enforcement of return decisions issued by another Member State where the third country national moves unauthorised to another Member State.	(16) It is necessary to ensure that the essential elements of a return decision issued by a Member State are entered into the Schengen Information System and made available through the alert on return and, if necessary, through bilateral information exchange with another Member State. The information may be exchanged in the Schengen Information System using a European Return Order. Information exchange based on Schengen Information System should in turn support an effective return system, including the recognition and enforcement of return decisions issued by another Member State where the third country national moves unauthorised to another Member State.	(16) It is necessary to ensure that the essential elements of a return decision issued by a Member State are entered into the Schengen Information System and made available through the alert on return and, if necessary, through bilateral information exchange with another Member State. The information may be exchanged in the Schengen Information System using a European Return Order. Information exchange based on Schengen Information System should in turn support an effective return system, including the recognition and enforcement of return decisions issued by another Member State where the third country national moves unauthorised to another Member State.
Recital 17			
29	(17) Often, and especially in cases where there is no cooperation by the third country national, it is difficult for the competent authorities to identify the country of return at the time of issuing the return decision. In such cases, the competent authorities should determine the country of return on the basis of the information available and indicate the most likely country or countries in the return decision.	(17)	(17)
Recital 18			
30	(18) Where a third-country national present on the territory of a Member State is subject to an enforceable return decision from another Member State, that decision should be recognised and	(18) Where a third-country national present on the territory of a Member State is subject to an enforceable return decision from another Member State, that decision should be recognised and	(18) Where a third-country national present on the territory of a Member State is subject to ~~an enforceable~~ a return decision from another Member State, that decision should be recognised

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	enforced. Recognition and enforcement of return decisions should facilitate and accelerate the return process on the basis of enhanced cooperation and mutual trust between Member States. They can also contribute to deterring irregular migration and discouraging unauthorised secondary movements within the Union, as well as limiting delays in the return process. The remedy against the return decisions should be exercised in the issuing Member State.	enforced. Recognition and enforcement of return decisions should facilitate and accelerate the return process on the basis of enhanced cooperation and mutual trust between Member States. They can also contribute to deterring irregular migration and discouraging unauthorised secondary movements within the Union, as well as limiting delays in the return process. The remedy against the return decisions should be exercised in the issuing Member State.	and enforced. Recognition and enforcement of return decisions should facilitate and accelerate the return process on the basis of enhanced cooperation and mutual trust between Member States. They can also contribute to deterring irregular migration and discouraging unauthorised secondary movements within the Union, as well as limiting delays in the return process. The remedy against the return ~~*decisions*~~***decision*** should be exercised ***only*** in the issuing Member State.
Recital 18a			
30b			***(18a) Where the removal is carried out on the basis of the information available in the European Return Order referred to in Article 7(7) or in the Schengen Information System, or on the issuing Member State's return decision and where relevant the decision ordering the removal, the recognition should not constitute a decision or act.***
Recital 18b			
30c			***(18b) The enforcing Member State may decide not to recognise or enforce a return decision or the decision ordering the removal of the issuing Member State in a number of situations, for example when the enforcing Member State provides for a higher protection or if the enforcing Member State has in place cooperation modalities which allow for faster and more effective return or removal.***
Recital 19			

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31	(19) From the date of application of this Regulation, Member States should put in place legal and technical arrangements to ensure that the European Return Order can be made available through the Schengen Information System. By 1 July 2027, just over one year after the date of application of Regulation (EU) 2024/1351, the Commission should review whether Member States have established appropriate legal and technical arrangements to effectively process European Return Orders through the Schengen Information System. Based on that review, the Commission should adopt an implementing decision by which the recognition of enforceable return decisions, supported by the European Return Order, should become mandatory.	(19) From the date of application of this Regulation, Member States should put in place legal and technical arrangements to ensure that the European Return Order can be made available through the Schengen Information System. By 1 July 2027, just over one year after the date of application of Regulation (EU) 2024/1351, the Commission should review whether Member States have established appropriate legal and technical arrangements to effectively process European Return Orders through the Schengen Information System. Based on that review, the Commission should adopt an implementing decision by which the recognition of enforceable return decisions, supported by the European Return Order, should become mandatory.	(19) From the date of application of this Regulation, Member States should put in place legal and technical arrangements to ensure that the European Return Order can be made available through the Schengen Information System. ~~*By 1 July 2027, just over one year*~~***[Three years*** after ***the application of]*** the date of application of Regulation (EU) 2024/1351, the Commission should review whether ~~*Member States have established appropriate*~~***the enforcement of return decisions and decisions ordering the removal are effective, whether the relevant information available in the Schengen Information System is updated in compliance with Regulation 2018/1860, and whether the*** legal and technical arrangements ***put in place by the Member States to make available the*** ~~*to effectively process*~~ European Return ~~*Orders*~~***Order*** through the Schengen Information System ***referred to in Article 7(7) are effective***. Based on that review, the ~~*Commission*~~***Council*** should adopt an implementing decision by which the recognition of ~~*enforceable*~~***a*** return decisions ***should become mandatory.From the date of application of this Regulation, Member States should put in place legal and technical arrangements to ensure that*** ~~*supported by*~~ the European Return Order ***can be made available through the Schengen Information System. [Three years after the application of] the date of application of Regulation (EU) 2024/1351, the Commission should review whether the enforcement of return decisions and decisions ordering the removal are effective, whether the relevant information available in the Schengen Information System is updated in compliance with Regulation***

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			2018/1860, and whether the legal and technical arrangements put in place by the Member States to make available the European Return Order through the Schengen Information System referred to in Article 7(7) are effective. Based on that review, the Council should adopt an implementing decision by which the recognition of a return decisions should become mandatory.
Recital 20			
32	(20) The effects of national return measures should continue to be given a Union dimension by establishing an entry ban prohibiting entry into and stay on the territory of all Member States. The length of an entry ban should be determined with due regard to all relevant circumstances of an individual case and should in principle not exceed ten years. When an illegally staying third-country national is detected during exit checks at the external borders, it could be appropriate to impose an entry ban in order to prevent future re-entry and therefore to reduce the risks of illegal immigration.	(20) The effects of national return measures should continue to be given a Union dimension by establishing an entry ban prohibiting entry into and stay on the territory of all Member States. The length of an entry ban should be determined with due regard to all relevant circumstances of an individual case and should in principle not exceed twenty years. When an illegally staying third-country national is detected during exit checks at the external borders, it could be appropriate to impose an entry ban in order to prevent future re-entry and therefore to reduce the risks of illegal immigration while not preventing the swift departure of the third-country national.	(20) The effects of national return measures should continue to be given a Union dimension by establishing an entry ban prohibiting entry into and stay on the territory of all Member States. The length of an entry ban should be determined with due regard to all relevant circumstances of an individual case and should in principle not exceed twenty years. When an illegally staying third-country national is detected during exit checks at the external borders, it could be appropriate to impose an entry ban in order to prevent future re-entry and therefore to reduce the risks of illegal immigration while not preventing the swift departure of the third-country national.
Recital 21			
33	(21) Third-country nationals can be returned by coercive measures through removal or by voluntarily complying with the obligation to leave. The two types of return should be linked to avoid gaps in the system. Whereas cooperating third-country nationals should continue to be returned primarily through voluntary return, reinforced rules on removal seek to ensure a direct and immediate consequence in case the third-country national does not respect the date by	(21) If the third-country national, obligated to leave, does not leave the territory, they can be returned by coercive measures through removal. Reinforced rules on removal seek to ensure a direct and immediate consequence in case the third-country national does not respect the period by which they need to leave at the latest. Where there are no reasons to believe that voluntary return would undermine the purpose of a return procedure, cooperating third-country nationals	(21) ~~*If the third-country national, obligated*~~***Third country nationals who have not complied with the obligation*** to leave~~*, does not leave the territory*~~ ***or to whom a period for voluntary return has not been granted***~~*, they*~~ can be ~~*returned by*~~***removed by using*** coercive measures~~* through removal*~~. Reinforced rules on removal seek to ensure a direct and immediate consequence in case the third-country national does not respect the period by which they need to leave at the

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	which they need to leave. Coercive measures should be subject to the principles of proportionality and effectiveness with regard to the means used and objectives pursued.	may continue to be returned primarily through voluntary return. Coercive measures should be subject to the principles of proportionality and effectiveness with regard to the means used and objectives pursued.	latest ***as well as to prevent secondary movements and security risks***. Where there are no reasons to believe that voluntary return would undermine the purpose of a return procedure, cooperating third-country nationals may continue to be returned primarily through voluntary return. Coercive measures should be subject to the principles of proportionality and effectiveness with regard to the means used and objectives pursued.
Recital 22			
34	(22) Common rules are necessary to ensure that third-country nationals posing security risks and with no right to stay in the Union are efficiently identified and swiftly returned. It is necessary to ensure that relevant checks are carried out to identify and flag third-country nationals with security risks including by relying on the screening process as set out in Regulation 2024/1356 of the European Parliament and of the Council[1]. For third-country nationals posing security risks, removal should be the rule, and it should be possible to derogate from the general rules in order to provide for longer entry bans, longer detention periods and from the use of the use of specialised detention facilities so that those who threaten the security of Union are swiftly removed. _____ 1. Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817 (OJ L 2024/1356, 22.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1356/oj).	(22) Common rules are necessary to ensure that illegally staying third-country nationals posing security risks are efficiently identified and swiftly returned. It is necessary to ensure that relevant checks are carried out to identify and flag third-country nationals with security risks including by relying on the screening process as set out in Regulation 2024/1356 of the European Parliament and of the Council[1]. For third-country nationals posing security risks, removal should in general be the rule, and it should be possible to derogate from the general rules in order to provide for longer or indefinite entry bans, longer detention periods and from the use of the use of specialised detention facilities so that those who threaten the security of the Member States are swiftly removed. _____ 1. Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817 (OJ L 2024/1356, 22.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1356/oj).	(22) Common rules are necessary to ensure that illegally staying third-country nationals posing security risks are efficiently identified and swiftly returned. It is necessary to ensure that relevant checks are carried out to identify and flag third-country nationals with security risks including by relying on the screening process as set out in Regulation 2024/1356 of the European Parliament and of the Council[1]. For third-country nationals posing security risks, removal should in general be the rule, and it should be possible to derogate from the general rules in order to provide for longer or indefinite entry bans, longer detention periods and from the use of the use of specialised detention facilities so that those who threaten the security of the Member States are swiftly removed. _____ 1. Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817 (OJ L 2024/1356, 22.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1356/oj).
Recital 23			

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35	(23) New rules should extend the possibilities for Member States to ensure returns to third countries through additional tools. It should be possible to put in place specific agreements or arrangements with third countries for the purpose of providing Member States with more options for returns subject to the conditions that the international human right standards and the principle of non-refoulement are respected by the third country concerned. In particular, the agreement or arrangement should set out the modalities of transfer, the conditions for the stay in the country, the modalities in case of onward return to the country of origin, the consequences in case of violations or of significant changes adversely impacting the situation in the third country, and an independent monitoring body or mechanism to assess the implementation of the agreement or arrangement.Such agreements or arrangements will constitute an implementation of Union law for the purposes of Article 51 (1) of the Charter.	(23) New rules should extend the possibilities for Member States to ensure returns to third countries through additional tools. It should be possible to put in place specific agreements or arrangements with third countries for the purpose of providing Member States with more options for returns subject to the conditions that the international human right standards and, in case of removal, the principle of non-refoulement are respected by the third country concerned. Deficiencies in relation to specific parts of the territory of the third country or to identifiable category of persons should not prevent the conclusions of such an agreement or arrangement, provided that sufficient guarantees are in place to ensure the full respect of the rights of the third country nationals which are concerned by such agreement or arrangement. In particular, the agreement or arrangement should set out the procedures applicable to the return, the conditions for the stay in the country, the obligations of the third country and the consequences in case of violations of the agreement or arrangement. Where an agreement or an arrangement involves onward return from the third country, the agreement or arrangement should in addition set out the consequences in case onward return is not possible, the obligations and responsibilities of the Member State or the EU and the third country, the consequenses in case of significant changes adversely impacting the situation in the third country, and an independent monitoring body or mechanism to assess the implementation of the agreement or arrangement. Such agreements or arrangements will constitute an implementation of Union law for the purposes of Article 51 (1) of the Charter.	(23) New rules should extend the possibilities for Member States to ensure returns to third countries through additional tools. It should be possible to put in place specific agreements or arrangements with third countries for the purpose of providing Member States with more options for returns subject to the conditions that the international human right standards and, in case of removal, the principle of non-refoulement are respected by the third country concerned. Deficiencies in relation to specific parts of the territory of the third country or to identifiable category of persons should not prevent the conclusions of such an agreement or arrangement, provided that sufficient guarantees are in place to ensure the full respect of the rights of the third country nationals which are concerned by such agreement or arrangement. In particular, the agreement or arrangement should set out the procedures applicable to the return, the conditions for the stay in the country, the obligations of the third country and the consequences in case of violations of the agreement or arrangement. Where an agreement or an arrangement involves onward return from the third country, the agreement or arrangement should in addition set out the consequences in case onward return is not possible, the obligations and responsibilities of the Member State or the EU and the third country, the consequenses in case of significant changes adversely impacting the situation in the third country, and an independent monitoring body or mechanism to assess the implementation of the agreement or arrangement. Such agreements or arrangements will constitute an implementation of Union law for the purposes of Article 51 (1) of the Charter.

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Recital 23a						
35a			(23a) Upon concluding agreements or arrangements with third countries, Member States should be required to inform the Commission and other Member States of such agreements or arrangements before they are provisionally applied, or enter into force, whichever is the earliest. In addition, in order to avoid any non-compliance with Union law and to further enhance transparency, Member States should be able, on a voluntary basis, to keep the Commission and other Member States informed of the progress of negotiations with a third country relating to agreements or arrangements authorised by this Regulation, before final agreement has been reached by the parties, including with a view to seeking the Commission's assessment as to the compatibility of the envisaged agreement or arrangement under negotiation with Union law. A high degree of transparency with regard to agreements or arrangements between Member States and third countries would also aim to ensure compliance with the principle of sincere cooperation laid down in Article 4(3) of the Treaty on European Union and the protection of the legitimate interests of the Union and all Member States, in particular in the case of cooperation with the Union's neighbouring third countries.		(23a) Upon concluding agreements or arrangements with third countries, Member States should be required to inform the Commission and other Member States of such agreements or arrangements before they are provisionally applied, or enter into force, whichever is the earliest. ***Where a Member State negotiates an agreement or arrangement with one of the Union's neighbouring third countries, the Member States that share a common land border with that third country should also be kept informed of the negotiations, in full respect of the principle of sincere cooperation laid down in Article 4(3) of the Treaty on European Union***. In addition, in order to avoid any non-compliance with Union law and to further enhance transparency, Member States should be able, on a voluntary basis, to keep the Commission and other Member States informed of the progress of negotiations with a third country relating to agreements or arrangements authorised by this Regulation, before final agreement has been reached by the parties, including with a view to seeking the Commission's assessment as to the compatibility of the envisaged agreement or arrangement under negotiation with Union law. ~~*A high degree of transparency with regard to agreements or arrangements between Member States and third countries would also aim to ensure compliance with the principle of sincere cooperation laid down in Article 4(3) of the Treaty on European Union and the protection of the legitimate interests of the Union and all Member States, in particular in the case of*~~

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			~~*cooperation with the Union's neighbouring third countries.*~~
Recital 24			
36	(24) A well-functioning Schengen area without internal borders relies on the effective and efficient application by the Member States of the relevant acquis. Council Regulation (EU) 2022/922 establishes an evaluation and monitoring mechanism to verify the application of the Schengen acquis by means of periodic, unannounced and thematic evaluations, including in relation to the effective return of third-country nationals with no right to stay and the respect of fundamental rights. This mechanism allows to swiftly identify deficiencies that could disrupt the correct functioning of the Schengen area and ensures that those deficiencies are duly addressed.	(24) A well-functioning Schengen area without internal borders relies on the effective and efficient application by the Member States of the relevant acquis. Council Regulation (EU) 2022/922 establishes an evaluation and monitoring mechanism to verify the application of the Schengen acquis, including in relation to the effective return of third-country nationals with no right to stay.	(24) A well-functioning Schengen area without internal borders relies on the effective and efficient application by the Member States of the relevant acquis. Council Regulation (EU) 2022/922 establishes an evaluation and monitoring mechanism to verify the application of the Schengen acquis, including in relation to the effective return of third-country nationals with no right to stay.
Recital 25			
37	(25) The best interests of the child should be a primary consideration of Member States when applying return procedures, in accordance with Article 24 of the Charter and the 1989 United Nations Convention on the Rights of the Child. In assessing the individual best interests of the child, Member States should, in particular, take due account of the minor's well-being and social development in the short, medium and long term, safety and security considerations and the views of the minor in accordance with his or her age and maturity, including his or her background. The unaccompanied minor should be guided by a representative through all the steps of the return process.	(25) The best interests of the child should be a primary consideration of Member States when applying return procedures, in accordance with Article 24 of the Charter and the 1989 United Nations Convention on the Rights of the Child. In assessing the individual best interests of the child, Member States should, in particular, take due account of the minor's well-being and social development in the short, medium and long term, safety and security considerations and the views of the minor in accordance with his or her age and maturity, including his or her background. Unaccompanied minors should be guided by a representative through all the steps of the return process.	(25) The best interests of the child should be a primary consideration of Member States when applying return procedures, in accordance with Article 24 of the Charter and the 1989 United Nations Convention on the Rights of the Child. In assessing the individual best interests of the child, Member States should, in particular, take due account of the minor's well-being and social development in the short, medium and long term, safety and security considerations and the views of the minor in accordance with his or her age and maturity, including his or her background. Unaccompanied minors should be guided by a representative through all the steps of the return process.
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38	(26) Where there are grounds for doubting as to whether or not the third-country national is a minor, an age assessment should be carried out. For the purpose of ensuring coherence across migration management in the Union the same procedure as provided for in Regulation (EU) 2024/1348 of the European Parliament and of the Council[1] should be followed. When carrying out age assessments, Member States should in particular take into account relevant guidelines from the European Union Agency for Asylum. _____ 1. Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (OJ L 222, 22.5.2024, p. 1).	(26) Where there are grounds for doubting as to whether or not the third-country national is a minor, an age assessment should be carried out. Member States should rely on age assessments completed under previous procedures. For the purpose of ensuring coherence across migration management in the Union the same procedure as provided for in Regulation (EU) 2024/1348 of the European Parliament and of the Council[1] should be followed. _____ 1. Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (OJ L 222, 22.5.2024, p. 1).	(26) Where there are grounds for doubting as to whether or not the third-country national is a minor, an age assessment should be carried out. Member States should rely on age assessments completed under previous procedures. For the purpose of ensuring coherence across migration management in the Union the same procedure as provided for in Regulation (EU) 2024/1348 of the European Parliament and of the Council[1] ~~should~~***may*** be followed. _____ 1. Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (OJ L 222, 22.5.2024, p. 1).
Recital 27			
39	(27) To reinforce the effectiveness of the return procedure, clear responsibilities for third-country nationals should be established. Third country-nationals should cooperate with the authorities at all stages of the return procedure. Third-country nationals should remain available and provide the necessary information to prepare the return. In case the obligations to cooperate are not respected, effective and proportionate consequences should be imposed, including for instance reduced benefits and allowances granted in accordance with national law, seizure of travel documents or the extension of the duration of an entry ban. The competent authorities should inform the third-country national of the different steps of return procedure, their obligations and the consequences of not complying with those obligations.	(27) To reinforce the effectiveness of the return procedure, clear obligations of third-country nationals should be established. Third country-nationals should have the obligation to leave the territory of the Member States and to cooperate with the authorities throughout the return procedure. Third-country nationals should remain available to, and reachable by, the competent authorities and provide any information relevant to preparing and carrying out the return. It follows that it should primarily be the responsibility of the third-country national to establish their identity and to obtain and provide the travel documents necessary for return. In case the obligations to leave and cooperate are not respected, effective and proportionate consequences should be imposed, and competent authorities should take the relevant steps to ensure return, including	(27) To reinforce the effectiveness of the return procedure, clear obligations of third-country nationals should be established. Third country-nationals should have the obligation to leave the territory of the Member States and to cooperate with the authorities throughout the return procedure. Third-country nationals should remain available to, and reachable by, the competent authorities and provide any information relevant to preparing and carrying out the return. It follows that it should primarily be the responsibility of the third-country national to establish their identity and to obtain and provide the travel documents necessary for return. In case the obligations to leave and cooperate are not respected, effective and proportionate consequences should be imposed, and competent authorities should take the relevant steps to ensure return, including

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		through investigative measures. Third-country nationals who cannot be removed, including due to the principle of non-refoulement or due to their lack of cooperation with the competent authorities, should not be excluded from the imposition of general obligations, including the obligations to remain, reside and report. The consequences should include for instance reduced benefits and allowances granted in accordance with national law or seizure of travel documents.	through investigative measures. Third-country nationals who cannot be removed, including due to the principle of non-refoulement or due to their lack of cooperation with the competent authorities, should not be excluded from the imposition of general obligations, including the obligations to remain, reside and report. The consequences should include for instance reduced benefits and allowances granted in accordance with national law or seizure of travel documents.
Recital 27a			
39a			***(27a) Obligations and measures not related to return, do not fall within the scope of these provisions. In this regard Articles 21 et seq. do not affect the provisions governing consequences on social benefits under national law.***
Recital 28			
40	(28) This Regulation should not affect the possibility for Member States to impose, where applicable, criminal sanctions in accordance with national criminal law to third-country nationals falling within the scope of this Regulation.	(28) This Regulation should not affect the possibility for Member States to impose, where applicable, criminal sanctions in accordance with national criminal law to third-country nationals falling within the scope of this Regulation.	(28) This Regulation should not affect the possibility for Member States to impose, where applicable, criminal sanctions in accordance with national criminal law to third-country nationals falling within the scope of this Regulation.
Recital 29			
41	(29) A set of legal remedies against decisions related to return should be established to guarantee effective protection of the interests of the individuals concerned. The necessary legal aid should be made available, upon request, to those who lack sufficient resources in cases of appeal or review before a judicial authority.	(29) A set of legal remedies against decisions related to return should be established to guarantee effective protection of the rights of the individuals concerned. The necessary legal aid should be made available, upon request, in cases of appeal or review before a judicial authority without prejudice to the right to restrict access to legal assistance and representation.	(29) A set of legal remedies against decisions related to return should be established to guarantee effective protection of the rights of the individuals concerned. The necessary legal aid should be made available, upon request, in cases of appeal or review before a judicial authority without prejudice to the right to restrict access to legal assistance and representation.
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41a			***(29a) Judicial authority means an authority acting as a third party in relation to the authority which adopted the decision forming the subject matter of the proceedings. The authority should perform judicial functions and is not decisive whether that authority is recognized as a court or tribunal under national law. This regulation should not affect Member States' competence to organize their national court system and determine the number of the instances of appeal. Where national law provides for the possibility to lodge further appeals against a first appeal or subsequent appeals decision, the procedure and suspensive effect of such appeals should be regulated in national law, in accordance with Union law and international obligations.***
Recital 30			
42	(30) To improve the effectiveness of the return procedures, while ensuring the respect of the right to an effective remedy in accordance with Article 47 of the Charter, appeals against return related decisions should be challenged as far as possible before one judicial level. The rules of this Regulation related to appeals and suspensive effect should comply with the right to an effective remedy as provided for in Article 47 of the Charter of Fundamental Rights.	(30) To improve the effectiveness of the return procedures, while ensuring the respect of the right to an effective remedy in accordance with Article 47 of the Charter, appeals against return related decisions should be challenged as far as possible before one judicial level. The rules of this Regulation related to appeals and the suspension of the enforcement of decisions should comply with the right to an effective remedy as provided for in Article 47 of the Charter of Fundamental Rights.	(30) To improve the effectiveness of the return procedures, while ensuring the respect of the right to an effective remedy in accordance with Article 47 of the Charter, appeals against return related decisions should be challenged as far as possible before one judicial level. The rules of this Regulation related to appeals and the suspension of the enforcement of decisions should comply with the right to an effective remedy as provided for in Article 47 of the Charter of Fundamental Rights.
Recital 31			
43	(31) Member States should be provided with the necessary tools for assessing, managing and preventing the risk of absconding. Common rules should streamline the assessment of this risk in individual cases and seek to increase the use of	(31) Member States should be provided with the necessary tools to ensure a swift and effective return, including measures as consequences of non-compliance and incentives for compliance with the obligations to leave and cooperate, as	(31) Member States should be provided with the necessary tools to ensure a swift and effective return, – including measures as consequences of non-compliance and incentives for compliance with the obligations to leave and cooperate, – as

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	efficient alternatives to detention in Member States to effectively manage the return process.	well as measures to prevent the risk of absconding. Common rules, without restricting the right of Member States to establish additional criteria in national law, should streamline requirements under the obligation to cooperate and the criteria for determining a risk of absconding. Such rules should also ensure that detention and alternatives to detention are applied in Member States to effectively manage the return process.	well as measures to prevent the risk of absconding. Common rules, without restricting the right of Member States to establish additional ***measures and*** criteria in national law, should streamline requirements under the obligation to cooperate and the criteria for determining a risk of absconding. Such rules should also ensure that detention and alternatives to detention are applied in Member States to effectively manage the return process.
Recital 32			
44	(32) It should be possible to impose detention when proportionate and necessary, following an individual assessment of each case, including consideration of any situation of vulnerability, only for the purpose of preparing return. For this purpose, detention could be imposed when there is a risk that third-country nationals abscond, when third-country nationals hamper or avoid return, or when they pose a security risk, or do not comply with alternatives to detention, or detention is necessary to determine or verify identity or nationality. The authorities should act with due diligence and detention should be maintained only for as short a period as possible and may not exceed 24 months. Where national law provides for the detention of minors, the best interests of the child should be a primary consideration. Other less coercive alternative measures to detention should be used when they can be applied effectively to illegally staying third-country nationals.	(32) It should be possible to impose detention when proportionate and necessary, following an individual assessment of each case for the purpose of preparing or carrying out the return . The authorities should act with due diligence and detention should be maintained only for as short a period as possible and should generally not exceed 24 months. Detention periods under other regulations or directives should not be included in calculating the maximum period of detention. Special needs arising from vulnerability assessment should be addressed during detention. Where national law provides for the detention of minors, the best interests of the child should be a primary consideration. Other less coercive alternative measures to detention should be used when they can be applied effectively to illegally staying third-country nationals.	(32) It should be possible to impose detention when proportionate and necessary, following an individual assessment of each case for the purpose of preparing or carrying out the return~~.~~. The authorities should act with due diligence and detention should be maintained only for as short a period as possible and should generally not exceed 24 months ***in a given Member State. In cases of absconding to another Member State, previous periods of detention shall not be taken into account when calculating the maximum period of detention***. Detention periods under other regulations or directives should not be included in calculating the maximum period of detention. Special needs arising from vulnerability assessment should be addressed during detention. Where national law provides for the detention of minors, the best interests of the child should be a primary consideration. Other less coercive alternative measures to detention should be used when they can be applied effectively to illegally staying third-country nationals~~.~~

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Recital 32a			
44a		(32a) Where detention has been maintained for a period of 24 months and the third-country national has been released, the Member State should have the possibility to detain the third-country national for new periods not exceeding six months, where there is a risk of absconding and where a reasonable prospect of removal has emerged due to new significant information under certain circumstances. The detention should be ordered in respect of the principle of necessity and proportionality and should be maintained for as short a period as possible.	(32a) Where detention has been maintained for a period of 24 months ~~*and the third-country national has been released*~~, the Member State should have the possibility to detain the third-country national for new periods not exceeding six months, where there is a risk of absconding and where a reasonable prospect of removal has emerged due to new significant information under certain circumstances. The detention should be ordered in respect of the principle of necessity and proportionality and should be maintained for as short a period as possible.
Recital 33			
45	(33) Returning third-country nationals who pose a security risk requires specific measures aimed at protecting the rights and freedoms of others. It should therefore be possible to detain such third-country nationals for a longer period, while any such detention has to comply with the principle of proportionality.	(33) Returning third-country nationals who pose a security risk requires specific measures aimed at protecting the rights and freedoms of others. It should therefore be possible to detain such third-country nationals for a period longer than 24 months, while any such detention has to comply with the principle of proportionality.	(33) Returning third-country nationals who pose a security risk requires specific measures aimed at protecting the rights and freedoms of others. It should therefore be possible to detain such third-country nationals for a period longer than 24 months, while any such detention has to comply with the principle of proportionality.
Recital 34			
46	(34) Third-country nationals in detention should be treated in a humane and dignified manner with respect for their fundamental rights and in compliance with international and national law, taking into account the practical guidelines from the Council of Europe Committee for the prevention of torture and inhuman and degrading treatment. Detention should, as a rule, take place in specialised detention facilities or dedicated branches of other facilities. Prison accommodation may be resorted to when a Member State cannot provide for such facility	(34) Third-country nationals in detention should be treated in a humane and dignified manner with respect for their fundamental rights and in compliance with international and national law. Detention should, as a general rule, take place in specialised detention facilities or dedicated branches of other facilities. Prison accommodation may be resorted to when a Member State cannot provide for such facility, or if the person's transportation is disproportional in view of the enforcement of the return decision,	(34) Third-country nationals in detention should be treated in a humane and dignified manner with respect for their fundamental rights and in compliance with international and national law. Detention should, as a general rule, take place in specialised detention facilities or dedicated branches of other facilities. Prison accommodation may be resorted to when a Member State cannot provide for such facility, or if the person's transportation is disproportional in view of the enforcement of the return decision,

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	keeping the third-country nationals separate from ordinary prisoners.	keeping the third-country nationals separate from ordinary prisoners.	keeping the third-country nationals separate from ordinary prisoners.
Recital 35			
47	(35) The grounds for detention set out in this Regulation are without prejudice to other grounds for detention, including detention grounds within the framework of criminal proceedings, which are applicable under national law and unrelated to the third-country national's illegal stay.	(35) The grounds for detention set out in this Regulation are without prejudice to other grounds for detention, including detention grounds within the framework of criminal proceedings, which are applicable under national law.	(35) The grounds for detention set out in this Regulation are without prejudice to other grounds for detention, including detention grounds within the framework of criminal proceedings, which are applicable under national law.
Recital 36			
48	(36) The obligation of any State to readmit its own nationals represents a fundamental principle of state sovereignty and international cooperation. The duty of States to readmit their own nationals is considered a principle of customary international law. The existence of such a duty is further evidenced by the consistent practice of States in implementing readmission agreements and arrangements, combined with their recognition of this principle as a necessary aspect of international cooperation in managing migration.	(36) The obligation of any State to readmit its own nationals represents a fundamental principle of state sovereignty and international cooperation. The duty of States to readmit their own nationals is considered a principle of customary international law and as foreseen by the ICAO convention, Annex IX, Chapter 5, and set out in the Samoa Agreement. Effective returns are only possible if States comply with the obligation to readmit their own nationals. Therefore, Member States depend on the cooperation of third countries to be able to implement effective returns. Existing instruments such as Article 25a of Regulation (EU) 810/2009 and Frontex support are used by the EU and Member States to improve cooperation with third countries where necessary.	(36) The obligation of any State to readmit its own nationals represents a fundamental principle of state sovereignty and international cooperation. The duty of States to readmit their own nationals is considered a principle of customary international law and as foreseen by the ICAO convention, Annex IX, Chapter 5, and set out in the Samoa Agreement. Effective returns are only possible if States comply with the obligation to readmit their own nationals. Therefore, Member States depend on the cooperation of third countries to be able to implement effective returns. Existing instruments such as Article 25a of Regulation (EU) 810/2009 and Frontex support are used by the EU and Member States to improve cooperation with third countries where necessary.
Recital 37			
49	(37) A systematic and coordinated approach to readmission among Member States is crucial to facilitate the return of third-country nationals. Insufficient follow up to enforceable return decisions risks hampering the efficiency of the common approach to returns. Enforceable return	(37) A coordinated approach to readmission among Member States is crucial to facilitate the return of third-country nationals. Insufficient follow up to enforceable return decisions risks hampering the efficiency of the common approach to returns. Enforceable return decisions	(37) A coordinated approach to readmission among Member States is crucial to facilitate the return of third-country nationals. Insufficient follow up to enforceable return decisions risks hampering the efficiency of the common approach to returns. Enforceable return decisions

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	decisions should be systematically followed by all necessary measures to implement the return, including the submission of readmission requests to third countries' authorities, in cases where nationality is in doubt or a travel document needs to be obtained.	should be systematically followed by all necessary measures to implement the return, including, where applicable, the submission of readmission requests to third countries' authorities, in cases where nationality is in doubt or a travel document needs to be obtained.	should be systematically followed by all necessary measures to implement the return, including, where applicable, the submission of readmission requests to third countries' authorities, in cases where nationality is in doubt or a travel document needs to be obtained.
Recital 38			
50	(38) While readmission also depends on the cooperation of third countries, a coherent approach should be taken among Member States to increase the efficiency and effectiveness of readmission procedures, and to ensure unity among Member States. Transparency and coordination on engagement with third countries, including in the context of negotiating readmission instruments, should be ensured to strengthen a coherent Union approach. To ensure effective returns, communication with relevant third country entities for the purpose of the readmission procedure should not amount to diplomatic recognition of the third-country entities concerned.	(38)	(38)
Recital 39			
51	(39) Effective return procedures rely on efficient administrative cooperation and information sharing between Member States. The exchange of information including the sharing of data on the identity and nationality of the third-country nationals, their travel documents and other relevant information should be based on clear rules, including those set out in Regulation (EU) 2018/1860 of the European Parliament and of the Council[1]. These rules should respect the principles of data protection and the rights of the	(39) Effective return procedures rely on efficient administrative cooperation and information sharing between Member States. The exchange of information including the sharing of data on the identity and nationality of the third-country nationals, their travel documents and other relevant information should be based on clear rules, including those set out in Regulation (EU) 2018/1860 of the European Parliament and of the Council[1]. These rules should respect the principles of data protection and the rights of the	(39) Effective return procedures rely on efficient administrative cooperation and information sharing between Member States. The exchange of information including the sharing of data on the identity and nationality of the third-country nationals, their travel documents and other relevant information should be based on clear rules, including those set out in Regulation (EU) 2018/1860 of the European Parliament and of the Council[1]. These rules should respect the principles of data protection and the rights of the

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	individual concerned, ensuring that such information is accurate and is only used for the purposes of return, readmission, and reintegration, and is protected against unauthorised access, disclosure, or use. _____ 1. Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals (OJ L 312, 7.12.2018, ELI: http://data.europa.eu/eli/reg/2018/1860/oj).	individual concerned, ensuring that such information is accurate and is only used for the purposes of return, removal, readmission, and reintegration, and is protected against unauthorised access, disclosure, or use. _____ 1. Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals (OJ L 312, 7.12.2018, ELI: http://data.europa.eu/eli/reg/2018/1860/oj).	individual concerned, ensuring that such information is accurate and is only used for the purposes of return, removal, readmission, and reintegration, and is protected against unauthorised access, disclosure, or use. _____ 1. Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals (OJ L 312, 7.12.2018, ELI: http://data.europa.eu/eli/reg/2018/1860/oj).
Recital 40			
52	(40) Member States should take the necessary measures to ensure competent authorities respect Directive [...] amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime to encourage crime reporting and foster trust in the justice system.	(40)	(40)
Recital 41			
53	(41) Regulation (EU) 2016/679 of the European Parliament and of the Council[1] applies to the processing of personal data for the purposes of this Regulation. Regulation (EU) 2018/1725 of the European Parliament and of the Council applies to the processing of personal data by the Union institutions and bodies for the purposes of this Regulation. In view of the important reasons of public interest behind readmission, the transfer of personal data of third country nationals subject to a return decision, including data relating to their identity, travel documents, other relevant data as well as, in duly justified cases, data concerning their criminal convictions and health, could be necessary for the purposes of	(41) Regulation (EU) 2016/679 of the European Parliament and of the Council[1] applies to the processing of personal data for the purposes of this Regulation. Regulation (EU) 2018/1725 of the European Parliament and of the Council applies to the processing of personal data by the Union institutions and bodies for the purposes of this Regulation. In view of the important reasons of public interest behind readmission and effective return, the transfer of personal data of third country nationals subject to a return decision, including data relating to their identity, travel documents, other relevant data as well as, in duly justified cases, data concerning their criminal convictions and health, could be	(41) Regulation (EU) 2016/679 of the European Parliament and of the Council[1] applies to the processing of personal data for the purposes of this Regulation. Regulation (EU) 2018/1725 of the European Parliament and of the Council applies to the processing of personal data by the Union institutions and bodies for the purposes of this Regulation. In view of the important reasons of public interest behind readmission and effective return, the transfer of personal data of third country nationals subject to a return decision, including data relating to their identity, travel documents, other relevant data as well as, in duly justified cases, data concerning their criminal convictions and health, could be

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	readmission and reintegration. Such transfers must be carried out in accordance with Chapter V of Regulation (EU) 2016/679 and Chapter V of Regulation (EU) 2018/1725[2], as applicable, as well as with the principles of non-refoulement, proportionality and necessity and the Charter of Fundamental Rights of the European Union. _____ 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj). 2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).	necessary for the purposes of return, removal, readmission, and reintegration. Such transfers must be carried out in accordance with Chapter V of Regulation (EU) 2016/679 and Chapter V of Regulation (EU) 2018/1725[2]. _____ 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj). 2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).	necessary for the purposes of return, removal, readmission, and reintegration. Such transfers must be carried out in accordance with Chapter V of Regulation (EU) 2016/679 and Chapter V of Regulation (EU) 2018/1725[2]. _____ 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj). 2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).
Recital 42			
54	(42) Obstacles to cooperation and communication among Member State authorities responsible for the asylum and the return procedures represent a key structural challenge for a more efficient return process. Competent authorities involved in the different phases of the return process should work and coordinate closely. Where Member States designate law enforcement authorities as competent authorities under this Regulation, it should be understood that this designation is limited to such authorities when acting in their capacity of enforcing return decisions. Law enforcement authorities acting in	(42) Competent authorities responsible for the asylum and the competent authorities involved in the different phases of the return process should work and coordinate closely to ensure effective returns.	(42) Competent authorities responsible for the asylum and the competent authorities involved in the different phases of the return process should work and coordinate closely to ensure effective returns.

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	their capacity as investigative authorities in criminal proceedings should not be covered by such a designation.		
Recital 43			
55	(43) A common system for returns should make full use of digital systems supporting managing returns, readmission and reintegration either operationally managed on Union level or by the Member States, with an emphasis on efficient administrative procedure, cooperation, information sharing and interoperability.	(43)	(43)
Recital 44			
56	(44) The Union provides financial and operational support in order to achieve an effective implementation of this Regulation. To the extent that activities should be financed by the Asylum and Migration Fund thematic facility, these may be implemented under the direct, indirect or shared management. Member States should make best use of the available Union financial instruments, programmes and projects in the field of return, in particular under Regulation (EU) 2021/1147 of the European Parliament and of the Council[1], as well as of the operational assistance by the European Border and Coast Guard Agency according to Regulation (EU) 2019/1896 of the European Parliament and of the Council[2]. Such support should be used in particular for establishing return management systems and programmes for providing logistical, financial and other material or in-kind assistance to support the return of illegally staying third-country nationals. _____	(44) The Union provides financial and operational support in order to achieve an effective implementation of this Regulation. To the extent that activities should be financed by the Asylum and Migration Fund thematic facility, these may be implemented under the direct, indirect or shared management. Member States should make best use of the available Union financial instruments, programmes and projects in the field of return, in particular under Regulation (EU) 2021/1147 of the European Parliament and of the Council[1], as well as of the operational assistance by the European Border and Coast Guard Agency according to Regulation (EU) 2019/1896 of the European Parliament and of the Council[2]. _____ 1. Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.7.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/1147/oj). 2. Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European	(44) The Union provides financial and operational support in order to achieve an effective implementation of this Regulation. To the extent that activities should be financed by the Asylum and Migration Fund thematic facility, these may be implemented under the direct, indirect or shared management. Member States should make best use of the available Union financial instruments, programmes and projects in the field of return, in particular under Regulation (EU) 2021/1147 of the European Parliament and of the Council[1], as well as of the operational assistance by the European Border and Coast Guard Agency according to Regulation (EU) 2019/1896 of the European Parliament and of the Council[2]. _____ 1. Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.7.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/1147/oj). 2. Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European

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	CLEAN Commission Proposal	CLEAN Second PCY Compromise	VS.AGR UPDATED Third PCY Compromise
	1. Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.7.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/1147/oj). 2. Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1896/oj).	Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1896/oj).	Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1896/oj).
Recital 45			
57	(45) The collection and analysis of reliable and comparable statistics on return, readmission, and reintegration are essential for monitoring the effectiveness of this Regulation and for identifying areas for improvement, as they provide valuable insights into the efficiency of return procedures, the cooperation of third countries, and the outcomes of reintegration efforts. Common standards and definitions for the collection and reporting of relevant data should be established to enable the Commission and the Member States to assess the impact of this Regulation and to contribute to making informed decisions on future policy developments.	(45) The reporting on the effectiveness of this Regulation and the identification of areas for improvement should be based on the collection and analysis of existing, reliable and comparable statistics regarding the efficiency of return procedures, cooperation of third countries, and reintegration efforts. The standards in Regulation (EU) 862/2007, Regulation (EU) 2019/1896, and national law should be considered and where necessary reviewed to ensure the relevance of the statistics. Common standards and definitions for the collection and reporting of relevant data should be established to enable the assessment of the impact of this Regulation and to contribute to making informed decisions on future policy developments.	(45) The reporting on the effectiveness of this Regulation and the identification of areas for improvement should be based on the collection and analysis of existing, reliable and comparable statistics regarding the efficiency of return procedures, cooperation of third countries, and reintegration efforts. The standards in Regulation (EU) 862/2007, Regulation (EU) 2019/1896, and national law should be considered and where necessary reviewed to ensure the relevance of the statistics. Common standards and definitions for the collection and reporting of relevant data should be established to enable the assessment of the impact of this Regulation and to contribute to making informed decisions on future policy developments.
Recital 46			
58	(46) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to establish the European Return Order and the common form of readmission requests. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1].	(46) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to establish the European Return Order and the common form of readmission requests. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1].	(46) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to establish the European Return Order and the common form of readmission requests. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1].

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	_____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).	_____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).	_____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).
Recital 47			
59	(47) Directive 2001/40/EC, 2008/115/EC and Council Decision 2004/191/EC should be repealed.	(47) Directive 2001/40/EC, 2008/115/EC and Council Decision 2004/191/EC should be repealed.	(47) Directive 2001/40/EC, 2008/115/EC and Council Decision 2004/191/EC should be repealed.
Recital 48			
60	(48) Since the objectives of the Regulation to improve the efficiency of return to safeguard the area without internal borders, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of the action to ensure a common and coherent approach among Member States, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	(48) Since the objectives of the Regulation to improve the efficiency of return, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of the action to ensure a common and coherent approach among Member States, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	(48) Since the objectives of the Regulation to improve the efficiency of return, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of the action to ensure a common and coherent approach among Member States, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
Recital 49			
61	(49) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds —	(49) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds —	(49) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds —

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	to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399 of the European Parliament and of the Council[1] - upon the Schengen acquis, Denmark shall, in accordance with Article 4 of that Protocol, decide, within a period of six months after the Council has decided on this Regulation, whether it will implement it in its national law. _____ 1. Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code). OJ L 2016/399, 15.3.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/399/oj).	to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399 of the European Parliament and of the Council[1] - upon the Schengen acquis, Denmark shall, in accordance with Article 4 of that Protocol, decide, within a period of six months after the Council has decided on this Regulation, whether it will implement it in its national law. _____ 1. Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code). OJ L 2016/399, 15.3.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/399/oj).	to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399 of the European Parliament and of the Council[1] - upon the Schengen acquis, Denmark shall, in accordance with Article 4 of that Protocol, decide, within a period of six months after the Council has decided on this Regulation, whether it will implement it in its national law. _____ 1. Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code). OJ L 2016/399, 15.3.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/399/oj).
Recital 50, first subparagraph			
62	(50) To the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399, this Regulation constitutes a development of provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC[1]; Ireland is therefore not taking part in the adoption of this Regulation and, subject to the application of Article 4 of Protocol 19 on the Schengen acquis integrated into the framework of the European Union, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, is not bound by it or subject to its application. [Nevertheless, to the extent that this Regulation does not constitute a development of the Schengen acquis, Ireland has, in accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and	(50) To the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399, this Regulation constitutes a development of provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC[1]; Ireland is therefore not taking part in the adoption of this Regulation and, subject to the application of Article 4 of Protocol 19 on the Schengen acquis integrated into the framework of the European Union, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, is not bound by it or subject to its application. [Nevertheless, to the extent that this Regulation does not constitute a development of the Schengen acquis, Ireland has, in accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and	(50) To the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399, this Regulation constitutes a development of provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC[1]; Ireland is therefore not taking part in the adoption of this Regulation and, subject to the application of Article 4 of Protocol 19 on the Schengen acquis integrated into the framework of the European Union, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, is not bound by it or subject to its application. [Nevertheless, to the extent that this Regulation does not constitute a development of the Schengen acquis, Ireland has, in accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and

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	Ireland in respect of the area of freedom, security and justice, annexed to the TEU and the TFEU, notified [, by letter of …,] its wish to take part in the adoption and application of this Regulation.] _____ 1. Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002, p. 20, ELI: http://data.europa.eu/eli/dec/2002/192/oj).	Ireland in respect of the area of freedom, security and justice, annexed to the TEU and the TFEU, notified [, by letter of …,] its wish to take part in the adoption and application of this Regulation.] _____ 1. Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002, p. 20, ELI: http://data.europa.eu/eli/dec/2002/192/oj).	Ireland in respect of the area of freedom, security and justice, annexed to the TEU and the TFEU, notified [, by letter of …,] its wish to take part in the adoption and application of this Regulation.] _____ 1. Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002, p. 20, ELI: http://data.europa.eu/eli/dec/2002/192/oj).
Recital 50, second subparagraph			
63	[or]	[or]	[or]
Recital 50, third subparagraph			
64	[In addition, to the extent that this Regulation does not constitute a development of the Schengen acquis, in accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is therefore not bound by it or subject to its application.]	[In addition, to the extent that this Regulation does not constitute a development of the Schengen acquis, in accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is therefore not bound by it or subject to its application.]	[In addition, to the extent that this Regulation does not constitute a development of the Schengen acquis, in accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is therefore not bound by it or subject to its application.]
Recital 51			
65	(51) As regards Iceland and Norway, this Regulation constitutes — to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399 — a development of provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latters'	(51) As regards Iceland and Norway, this Regulation constitutes — to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399 — a development of provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latters'	(51) As regards Iceland and Norway, this Regulation constitutes — to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399 — a development of provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latters'

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	association with the implementation, application and development of the Schengen acquis[1], which fall within the area referred to in Article 1, point C, of Council Decision 1999/437/EC. 1. OJ L 176, 10.7.1999, p. 36, ELI: http://data.europa.eu/eli/agree_internation/1999/439(1)/oj.	association with the implementation, application and development of the Schengen acquis[1], which fall within the area referred to in Article 1, point C, of Council Decision 1999/437/EC. 1. OJ L 176, 10.7.1999, p. 36, ELI: http://data.europa.eu/eli/agree_internation/1999/439(1)/oj.	association with the implementation, application and development of the Schengen acquis[1], which fall within the area referred to in Article 1, point C, of Council Decision 1999/437/EC. 1. OJ L 176, 10.7.1999, p. 36, ELI: http://data.europa.eu/eli/agree_internation/1999/439(1)/oj.
Recital 52			
66	(52) As regards Switzerland, this Regulation constitutes — to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399— a development of provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis[1], which fall within the area referred to in Article 1, point C, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC[2]. 1. OJ L 53, 27.2.2008, p. 52. 2. Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008, p. 1, ELI: http://data.europa.eu/eli/dec/2008/146/oj).	(52) As regards Switzerland, this Regulation constitutes — to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399— a development of provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis[1], which fall within the area referred to in Article 1, point C, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC[2]. 1. OJ L 53, 27.2.2008, p. 52. 2. Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008, p. 1, ELI: http://data.europa.eu/eli/dec/2008/146/oj).	(52) As regards Switzerland, this Regulation constitutes — to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399— a development of provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis[1], which fall within the area referred to in Article 1, point C, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC[2]. 1. OJ L 53, 27.2.2008, p. 52. 2. Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008, p. 1, ELI: http://data.europa.eu/eli/dec/2008/146/oj).
Recital 53			
67	(53) As regards Liechtenstein, this Regulation constitutes — to the extent that it applies to third-country nationals who do not fulfil or who no	(53) As regards Liechtenstein, this Regulation constitutes — to the extent that it applies to third-country nationals who do not fulfil or who no	(53) As regards Liechtenstein, this Regulation constitutes — to the extent that it applies to third-country nationals who do not fulfil or who no

	CLEAN Commission Proposal	CLEAN Second PCY Compromise	VS.AGR UPDATED Third PCY Compromise
	longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399 — a development of provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, which fall within the area referred to in Article 1, point C, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU[1]. 1. Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19, ELI: http://data.europa.eu/eli/dec/2011/350/oj).	longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399 — a development of provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, which fall within the area referred to in Article 1, point C, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU[1]. 1. Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19, ELI: http://data.europa.eu/eli/dec/2011/350/oj).	longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399 — a development of provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, which fall within the area referred to in Article 1, point C, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU[1]. 1. Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19, ELI: http://data.europa.eu/eli/dec/2011/350/oj).
Recital 54			
68	(54) Where this Regulation refers to an obligation to leave the European Union, this should be understood as an obligation to leave the territory of all the Member States to which this Regulation applies, including in the light of the preceding recitals.	(54) Where this Regulation refers to an obligation to leave the European Union, this should be understood as an obligation to leave the territory of all the Member States to which this Regulation applies, including in the light of the preceding recitals.	(54) Where this Regulation refers to an obligation to leave the European Union, this should be understood as an obligation to leave the territory of all the Member States to which this Regulation applies, including in the light of the preceding recitals.
Recital 55			

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69	(55) The European Data Protection Supervisor was consulted in accordance with Article 42(2) of Regulation (EU) 2018/1725 and delivered its opinion on […].	(55) The European Data Protection Supervisor was consulted in accordance with Article 42(2) of Regulation (EU) 2018/1725 and delivered its opinion on […].	(55) The European Data Protection Supervisor was consulted in accordance with Article 42(2) of Regulation (EU) 2018/1725 and delivered its opinion on […].
Formula			
70	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:
Chapter I			
71	**Chapter I GENERAL PROVISIONS**	**Chapter I GENERAL PROVISIONS**	**Chapter I GENERAL PROVISIONS**
Article 1			
72	**Article 1 Subject matter**	**Article 1 Subject matter**	**Article 1 Subject matter**
Article 1(1)			
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 sets out common standards and procedures to be applied in Member States for the return of third-country nationals illegally staying on the territory of the Member States, in accordance with fundamental rights recognised by the Charter of Fundamental Rights of European Union ('the Charter') and as general principles of Union law, as well as applicable international obligations, including on human rights.	1.In order to ensure effective return of third-country nationals illegally staying in the territory of the Member States, this Regulation sets out common standards and procedures to be applied in Member States for the return of third-country nationals illegally staying on the territory of the Member States, in accordance with fundamental rights recognised by the Charter of Fundamental Rights of European Union ('the Charter') and as general principles of Union law, as well as applicable international obligations, including on human rights.
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,	2.The objective of this Regulation is to enable Member States to take all necessary measures to ensure effective returns.	2.The objective of this Regulation is to enable Member States to take all necessary measures to ensure effective returns.

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	Article 4, point (h), and Article 5, point (e), of Regulation (EU) 2024/1351.		
Article 2			
75	**Article 2 Scope**	**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 illegally staying on the territory of the Member States.	1.~~–~~This Regulation applies to third-country nationals 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.	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 is without prejudice to the application of Article 36(1)(b) of the Regulation (EU) 2024/1351 until the transfer of the third-country national is completed.	3.~~*This Regulation is without prejudice to the application of Article 36(1)(b) of the Regulation (EU) 2024/1351 until the transfer of the third-country national is completed.*~~
Article 2(4)			
77b		4.Without prejudice to paragraph 5 of this Article, this Regulation shall not apply to third-country nationals who:	4.Without prejudice to paragraph 5 of this Article, this Regulation shall not apply to third-country nationals who:
Article 2(2b), second subparagraph			
77c		a.are subject to a refusal of entry at external borders in accordance with Article 14 of Regulation (EU) 2016/399;	a.are subject to a refusal of entry at external borders in accordance with Article 14 of Regulation (EU) 2016/399;
Article 2(2b), third subparagraph			

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77d		b.are apprehended or intercepted by the competent authorities in connection with the illegal border crossing by land, sea or air of the external border of a Member State and who have not subsequently obtained an authorisation or a right to stay in that Member State;	b.are apprehended or intercepted by the competent authorities in connection with the illegal border crossing by land, sea or air of the external border of a Member State and who have not subsequently obtained an authorisation or a right to stay in that Member State;
Article 2(2b), fourth subparagraph			
77e		c.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;	c.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 2(2b), fifth subparagraph			
77f			***d.are the subject of an extradition procedure.***
Article 2(2b), sixth subparagraph			
77g		d.pose a threat to national security.	~~d~~***e***. pose a threat to national security.
Article 2(2c)			
77h		5.A Member State may decide to apply this Regulation to one or more of the categories of third country nationals referred to in paragraph 4. In such cases, this Regulation shall apply to those categories of third-country nationals as from the date when the Member State notifies its decision to the other Member States and the Commission.	5.A Member State may decide to apply this Regulation to one or more of the categories of third country nationals referred to in paragraph 4***, points a, b, c and e***. In such cases, this Regulation shall apply to those categories of third-country nationals as from the date when the Member State notifies its decision to the other Member States and the Commission.
Article 2(2d)			
77i			***5a. When a Member State decides to apply this Regulation to third country nationals which are subject to return as a criminal law sanction, Articles 7, 9 and 10 shall not apply.***
Article 2(2e), first subparagraph			

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77j		6.With regard to third-country nationals that are excluded from the scope of this Regulation in accordance with paragraph 4, Member States shall ensure that their treatment and level of protection are no less favourable than as set out in Article 12(4) and (5), Article 14(2), Article 14(6), points (c)and (e), Article 34 (2) to (6) and Article 35. Article 34(1) shall apply in relation to third country nationals referred to in paragraph 4 points (a) and (b) of this Article.	6.With regard to third-country nationals that are excluded from the scope of this Regulation in accordance with paragraph 4***, point a and b***, Member States shall ensure that their treatment and level of protection are no less favourable than as set out in Article 12(4) and (5), Article 14(2), Article 14(6), points (c)and (e), Article 34 ~~(2)~~***(1)*** to (6) and Article 35. ~~*Article 34(1) shall apply in relation to third country nationals referred to in paragraph 4 points (a) and (b) of this Article.*~~
Article 2(2e), second subparagraph			
77k			***7.With regard to third-country nationals that are excluded from the scope of this Regulation in accordance with paragraph 4, Member States shall respect the principle of non-refoulement.***
Article 2(2e), third subparagraph			
77l			
Article 3			
78	**Article 3 Derogations**	**Article 3 Derogations**	**Article 3 Derogations**
Article 3(1)			
79	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;		
Article 3(1), point (b)			

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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.		
Article 3(1), point c			
81a			
Article 3(1), point d			
81b			
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.		
Article 4			
83	**Article 4 Definitions**	**Article 4 Definitions**	**Article 4 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:	For the purpose of this Regulation the following definitions shall apply:
Article 4, first paragraph, point (1)			
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	(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	(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

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	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;	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;	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, point (2)			
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;	(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, point (3)			
87	(3) 'country of return' means one of the following:	(3) 'country of return' means one of the following	(3) 'country of return' means one of the following
Article 4, first paragraph, point (3)(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;	(a) a third country that is the country of origin of the third-country national;
Article 4, first paragraph, point (3)(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;	(b) a third country that is the country of formal habitual residence of the third-country national;
Article 4, first paragraph, point (3)(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;	(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, point (3)(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) and (b), where the third-country national has a right to enter and reside;	(d) a third country, other than the one referred to in points (a) and (b), where the third-country national has a right to enter and reside;
Article 4, first paragraph, point (3)(e)			

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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;	(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, point (3)(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;	(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, point (3)(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.	(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, point (4)			
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 act or decision, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to leave the territory of the Member States;	(4) 'return decision' means an administrative or judicial act or decision, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to leave the territory of the Member States;
Article 4, first paragraph, point (4a)			
95a		(4a) 'return' means an illegally staying third-country national: a. voluntarily departing the territory of the Member States, as referred to in point 6; or b. being removed by the competent authorities from the territory of the Member States and to a	(4a) 'return' means an illegally staying third-country national: a. voluntarily ~~*departing the territory of the Member States*~~***returning***, as referred to in point 6; or

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		country of return as referred to in first paragraph, point 3;	b. being removed by the competent authorities from the territory of the Member States and to a country of return as referred to in first paragraph, point 3;
Article 4, first paragraph, 4a point			
95b		4b. 'decision ordering the removal' means an administrative or judicial decision stating or declaring that the third-country national can be removed to one or more countries of return as referred to in point 3;	4b. 'decision ordering the removal' means an administrative or judicial decision stating or declaring that the third-country national can be removed to one or more countries of return as referred to in point 3;
Article 4, first paragraph, point (5)			
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 States;	(5) 'removal' means the enforcement of the return decision by the competent authorities through the physical transportation out of the territory of the Member States;
Article 4, first paragraph, point (6)			
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 departure' means compliance by the illegally staying third-country national with the obligation to leave the territory of the Member States within or after expiration of the voluntary departure period, whether on his or her own or with the assistance of the Member States, and without resorting to removal;	(6) 'voluntary ~~*departure*~~***return***' means ~~*compliance by the*~~***departure of the territory of the Member States on his or her own, with or without assistance, and without resorting to removal, by:*** ***- an illegally staying third-country national against whom a formal return decision has not yet been issued; or*** ***- an*** illegally staying third-country national ***complying*** with the obligation to leave ~~*the territory of the Member States*~~ within or after expiration of the voluntary departure period~~*, whether on his or her own or with the assistance*~~

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			~~*of the Member States, and without resorting to removal*~~ ***set out in the decision***;
Article 4, first paragraph, point (7)			
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;	(7) 'absconding' means the action by which the third-country national does not remain available to the competent administrative or judicial authorities;
Article 4, first paragraph, point (8)			
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;	(8) 'entry ban' means an administrative or judicial decision or act prohibiting entry into and stay on the territory of the Member States;
Article 4, first paragraph, point (9)			
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;		
Article 4, first paragraph, point (10)			
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;		
Article 4, first paragraph, point (11)			

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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;	(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;
Article 4, first paragraph, point (12)			
103	(12) 'readmission instrument' means a legally binding or non-binding instrument, containing provisions on the cooperation between a Member State or the Union and a third country on the readmission procedure, such as readmission or other international agreements and arrangements;		
Article 4, first paragraph, point (13)			
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).		
Article 5			
105	**Article 5 Fundamental rights**	**Article 5 Fundamental rights**	**Article 5 Fundamental rights**

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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.	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**	**Chapter II RETURN PROCEDURE**
Section 1			
108	**Section 1 Start of the return procedure**	**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 Initial checks**	**Article 6 Initial checks**
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. In case screening pursuant to Regulation (EU) 2024/1356 is not applicable, Member States shall ensure that checks under national law, including security verifications, are carried out in relation to third-country nationals detected as staying illegally on their territory.	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. ~~*In case screening pursuant to Regulation (EU) 2024/1356 is not applicable, Member States shall ensure that checks under national law, including security verifications, are carried out in relation to third-country nationals detected as staying illegally on their territory.*~~
Article 6(1)			
110	1.Member States shall put in place efficient and proportionate measures to detect third-country		

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	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.		
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.		
Section 2			
113	Section 2 Procedure ordering return		
Article 7			
114	**Article 7 Issuance of a return decision**	**Article 7 Return decision**	**Article 7 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 State stating or imposing the obligation to leave the territory of the Member States.	1.A return decision shall be issued to any third-country national staying illegally on their territory by competent authorities of the Member State stating or imposing the obligation to leave the territory of the Member States.
Article 7(1a), first subparagraph			

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115a		1a. The return decisions shall:	1a. The return decisions shall:
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	(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.	(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.	The departure period referred to in subparagraph (a) may be further specified in national law.
Article 7(1a), third subparagraph			
115e		Member States may lay down in their national law when a third-country national is granted a voluntary departure period or is ordered to leave immediately.	Member States may lay down in their national law when a third-country national is granted a voluntary departure period or is ordered to leave immediately.
Article 7(1b)			
115f		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.	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)			
115g		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	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

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		Article 46(3) and compliance with the obligation to cooperate as set out in Article 21.	Article 46(3) and compliance with the obligation to cooperate as set out in Article 21. ***Member states may shorten the departure period pursuant to paragraph 1a in case of non-compliance with the obligation to cooperate as set out in Article 21.***
Article 7(1d)			
115h		1d. The departure period shall be counted from the date of notification of the decision.	1d. The departure period shall be counted from ~~*the date of notification of the decision*~~***a date as defined under national law***.
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 . 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 as soon as possible in accordance with national law of the Member State concerned.	2.The return decision shall be issued in writing and 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 return decision shall be notified to the third-country national as soon as possible in accordance with national law of the Member State concerned.
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.	3.Competent authorities may decide not to provide or may decide to limit the information on reasons in fact, where national law provides for the right to information to be restricted or where it is necessary to safeguard public order, public security or national security and for the prevention, investigation, detection and prosecution of criminal offences. In such cases, the third-country national shall be informed of the essence of the grounds on which a return decision is taken for the purpose of access to an effective remedy. ***The obligation to inform the third-***

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			country national of the essence of the grounds does not include an obligation to disclose any classified information.
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.The country of return may be determined in the return decision. Where the third-country national decides to return voluntarily to another third country other than the country of return stated in the return decision, the issuance of a new decision determining the country of return is not required.	4.The country ***or countries*** of return may be determined in the return decision. Where the third-country national decides to return voluntarily to another ~~*third*~~ country ***of return*** other than the country ***or countries*** of return stated in the return decision, the issuance of a new decision determining the country of return is not required.
Article 7(4a)			
118a		4a. Where there is a risk of refoulement, the return decision shall state that the removal to the country of return is postponed in accordance with Article 14.	4a. ***Competent authorities shall not be precluded from issuing a return decision*** where there is ***a hindrance of removal, including due to the risk of refoulment.*** ***Where the country of return has been determined in the return decision and*** a risk of refoulement ***has been identified***, the return decision shall state that the removal to ~~*the*~~***that*** country of return is postponed in accordance with Article 14***, paragraph 1, point a***.
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, 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	5.The third-country national shall, upon request, be provided with a written or oral translation of the main elements of the return decision, including information on the available legal remedies in a language the third-country national understands or may reasonably be presumed to understand. Member States may use generalised

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		information sheets or translations, including machine-generated translations.	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 shall be issued in the same act or in a separate act at the same time and together with the decision ending a legal stay of a third-country national or without undue delay thereafter, and without affecting the procedural safeguards provided for under Chapter IV and other relevant provisions of Union and international law.	6.The return decision shall be issued in the same act or in a separate act at the same time and together with the decision ending a legal stay of a third-country national or without undue delay thereafter, 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, Member States may make use of the form ('European Return Order') established pursuant to paragraph 8. The form shall include the main elements of the return decision and shall be made available through the Schengen Information System in accordance with Regulation (EU) 2018/1860 or through information exchange pursuant to Article 38.	7.Upon issuance of the return decision, Member States may make use of– the form ('European Return Order') established pursuant to paragraph 8. The form shall include the main elements of the return decision and shall be made available through the Schengen Information System in accordance with Regulation (EU) 2018/1860~~ or 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).	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		

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	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.		
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** **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:	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;	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)			
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 or based on cooperation between Member States in accordance with Article 44;	b.transferred to another Member State pursuant to bilateral agreements or arrangements or based on cooperation between Member States in accordance with Article 44;
Article 8(1), point (c)			

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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 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 avoiding as much as possible to postpone the departure of the third-country national concerned.
Article 8(1), point (d)			
129a		(d) transferred to another Member State in accordance with Article 36(1)(b) of the Regulation (EU) 2024/1351 and until the transfer is completed.	(d) ~~*transferred to another Member State in accordance with Article 36(1)(b) of the Regulation (EU) 2024/1351 and until the transfer is completed.*~~
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.	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.
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	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	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

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	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.	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.	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 procedure in Article 9 is applied.	4.A return decision shall not be issued in cases where the procedure in Article 9 is 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** **Recognition and enforcement of return decisions issued by another Member State** **(the same text as in WK 15423 2025 issued for 14 November JHA counsellors meeting)**
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 issued to that third-country national by another Member State ('issuing Member State') pursuant to Article 7(1), based on the European Return Order referred to in Article 7(7), and it shall on this basis order the removal pursuant to Article 12.	1.The Member State where the third-country national is illegally staying ('enforcing Member State') may recognise a return decision, and where relevant a removal order, issued to that third-country national by another Member State ('issuing Member State') pursuant to Article 7(1) and 12(2). The recognition shall be based on the European Return Order referred to in Article 7(7) or on the issuing Member State's return decision and where relevant removal order, and it shall, where relevant, on this basis order the removal pursuant to Article 12.	1.The Member State where the third-country national is illegally staying ('enforcing Member State') may recognise ***and enforce*** a return decision, and where relevant a ***decision ordering the*** removal ~~*order*~~, issued to that third-country national by another Member State ('issuing Member State') pursuant to Article 7(1) and 12(2). The ~~*recognition*~~***enforcement*** shall be based on ***the information available in*** the European Return Order referred to in Article 7(7) ***or in the Schengen Information System,*** or on the issuing Member State's return decision and where relevant ~~*removal order, and it shall, where relevant, on this basis order*~~***the decision ordering*** the removal***, and shall be carried out in***

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			accordance with national rules and procedures 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 [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).	2.By [three years after the application of the Pact on Migration and Asylum], the ~~Commission~~***Council*** shall adopt an implementing decision for the application of paragraph 3. This implementing decision shall be based on an assessment ***by the Commission. The assessment shall include whether the enforcement of return decisions and decisions ordering the removal are effective, whether the relevant information available in the Schengen Information System is updated in compliance with Regulation 2018/1860, and*** ~~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~~***are in place***. The Commission shall inform the European Parliament and the Council of the results of its assessment. The implementing decision shall be adopted in accordance with the procedure referred to in Article 49(2).
Article 9(2a)			
135a			***2a. Member States shall, at the request of the Commission, provide the necessary information for completing the assessment pursuant to paragraph 2 of this Article, in particular statistics on the number of third-country nationals removed or returned on the basis of recognised return decisions and, where relevant,***

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			decisions ordering the removal issued by another Member State within a specified period of time. The Commission shall, where possible, make use of the information made available under Regulation (EC) 862/2007 of the European Parliament and of the Council.
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 a return 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.	3.As of the publication of the implementing decision taken in accordance with paragraph 2, Member States shall recognise ***and enforce*** a return decision issued by other Member States pursuant to Article 7(1) and, where relevant, a ***decision ordering the*** removal ~~*order*~~ issued by another Member State pursuant to Article 12(2) to third-country nationals illegally present on their territory.
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.	3a. Member ~~*State*~~***States*** shall not recognise or enforce a return decision or ***a decision ordering the*** removal ~~*order*~~ of the issuing Member State where the return decision or ***decision ordering the*** removal ~~*order*~~, issued by another Member State, has been suspended.
Article 9(3b)			
136b			***3b. Member States shall not be required to take administrative decisions for the purpose of recognition.*** ***The recognition need not take the form of an administrative procedure.***
Article 9(4)			

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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 where the enforcement is manifestly contrary to public policy in the enforcing Member State, or where the third-country national is to be removed to a different third country than indicated in the return decision of the issuing Member State.	4.For the purposes of applying paragraph 3, a Member State may decide not to recognise or enforce a return decision or removal order of the issuing Member State where:	4.For the purposes of applying paragraph 3, ~~a~~***the enforcing*** Member State may decide not to recognise or enforce a return decision or ***the decision ordering the*** removal ~~order~~ of the issuing Member State where:
Article 9(4), point (a)			
137a		(a) the enforcement is manifestly contrary to public policy in the enforcing Member State;	(a) the enforcement is ~~manifestly~~ contrary to ~~public policy in~~***the fundamental and constitutional principles of law of*** the enforcing Member State ***or its public policy***;
Article 9(4), point (ab)			
137b			***(ab) the enforcement is contrary to the public policy of the enforcing Member State in particular in relation to the exercise of its prerogatives in the foreign relations with third countries;***
Article 9(4), point (ab1)			
137c			***(ab1) a large number of third-country nationals to be returned places an unforeseen heavy burden on the capacity of the detention facilities of the enforcing Member State or on its administrative or judicial staff, and as long as the exceptional situation persists;***
Article 9(4), point (ac)			
137d			***(ac) the enforcement is contrary to the public policy of the enforcing Member State in relation to the return of certain categories of third-country nationals, such as unaccompanied***

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			minors and victims of human trafficking, to which national law provides for a higher level of protection;
Article 9(4), point (b)			
137e		(b) issuing a return decision pursuant to Article 7(1) is considered as leading to a faster and more effective return or removal;	(b) issuing a return decision pursuant to Article 7(1) is ~~considered as leading to a~~***faster, including in case of a return to a third country with which the enforcing Member State has in place cooperation modalities, which allow for*** faster and more effective return or removal~~;~~***, or where issuing a return decision requires less resources than applying paragraph 1 and 3;***
Article 9(4), point (ba)			
137f			***(ba) the information available in the European Return Order or in the Schengen Information System is incomplete;***
Article 9(4), point (bb)			
137g			***(bb) the third-country national has lodged an appeal against the return decision in the issuing Member State.*** ***The appeal against the return decision can only be lodged in the issuing Member State;***
Article 9(4), point (c)			
137h		(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;	(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)			
137i		(d) the third-country national is transferred to another Member State pursuant to bilateral	(d) the third-country national is transferred to another Member State pursuant to bilateral

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		agreements or arrangements existing on the date of application of this Regulation or based on cooperation between Member States in accordance with Article 44;	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)			
137j		(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.	(e) the third-country national is to be removed to a different third country than stated in the ***return decision or decision ordering the*** removal ~~*order*~~ of the issuing Member State***, or there is no country of return stated in the return decision***.
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, that Member State shall issue a return decision in accordance with Article 7.	5.Where a Member State does not recognise or enforce a return decision ***or decision ordering the removal*** pursuant to paragraph 1, 3 or 3a, that Member State shall issue a return decision ~~*in accordance with*~~***subject to the conditions of*** Article 7 ***or decision ordering the removal pursuant to Article 12(2)***.
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 removal where the effects of the return decision or removal order in the issuing Member State are suspended.	6.The enforcing Member State shall suspend the removal where the effects of the return decision or ***decision ordering the*** removal ~~*order*~~ in the issuing Member State are suspended ***and may issue a return decision subject to the conditions of Article 7***.
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 an administrative or judicial authority, the enforcing Member State shall issue a return decision subject to the conditions of Article 7.	7.Where the issuing Member State suspends or withdraws the return decision or when the return decision is annulled by an administrative or judicial authority, the enforcing Member State shall issue a return decision subject to the conditions of Article 7.

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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 return or removal, in accordance with Regulation (EU) 2018/1860 or based on exchange of information between Member States pursuant to Article 38.	8.The issuing Member State shall upon request provide the enforcing Member State with all available data and documents necessary for the purpose of return or removal, in accordance with Regulation (EU) 2018/1860 or based on exchange of information between Member States pursuant to Article 38.
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. In addition, financial support may be provided through Union funds to the enforcing Member States, in accordance with the legal acts governing such funds.	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. ~~*In addition, financial support may be provided through Union funds to*~~***When the enforcement of the return decision is not supported by Frontex, and upon request of*** the enforcing Member ~~*States*~~***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 ~~*legal acts governing such funds*~~***procedure referred to in Article 49(2)***.
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.	9a. ~~*Two*~~***Three*** 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~~*.*~~ ***to ensure effective returns***

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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.		10. The ~~*Commission*~~***Council*** decision referred to in paragraph 2 shall be published in the Official Journal of the European Union.	
Section 3						
144	**Section 3 Entry ban**		**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 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:		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;		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 leave the territory of the Member States has not been complied with within the time limits set in accordance with Article 7, paragraphs 1a-1c;		b.the obligation to leave the territory of the Member States has not been complied with within the time limits set in accordance with Article 7, paragraphs 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.		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		2.In cases other than those listed in paragraph 1, competent authorities may accompany a return decision or removal order with an entry ban taking into account relevant circumstances, in		2.In cases other than those listed in paragraph 1, competent authorities ~~*may*~~ ***may*** accompany a return decision or ***decision ordering the*** removal ~~*order*~~ with an entry ban taking into account	

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	circumstances, in particular the level of cooperation of the third-country national.	particular the level of cooperation of the third-country national.	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. 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.	3.The entry ban shall be issued as part of the return decision or as part of the ***decision ordering the*** removal ~~*order*~~ or separately in writing. 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)			
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. The entry ban in these cases may be imposed and notified after the third-country national has departed from the territory of the Member States 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. The entry ban in these cases may be imposed and notified after the third-country national has departed from the territory of the Member States avoiding as much as possible to postpone the departure of the third-country national concerned.
Article 10(4a)			
152a		4a. Where an illegally staying third-country national departs from the territory of the Member States before a return decision is issued, the competent authorities may impose an entry ban without issuing such a return decision.	4a. Where an illegally staying third-country national departs from the territory of the Member States before a return decision is issued, the competent authorities may impose an entry ban without issuing such a return decision.
Article 10(4b)			

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152b			***4b. Where the grounds for issuing an entry ban have arisen after a return decision is issued, the competent authorities may impose an entry ban without issuing a new return decision.***
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, if the third-country national is a victim of human trafficking as defined in Directive (EU) 2024/1712, or if the third-country national duly cooperates with the competent authorities, including by enrolling in a return and reintegration programme.	5.Competent authorities may refrain from issuing an entry ban in individual cases for humanitarian reasons, if the third-country national is a victim of human trafficking ~~*as defined in Directive (EU) 2024/1712*~~, or if the third-country national duly cooperates with the competent authorities, including 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 the competent authorities for why it is necessary to further prevent the third-country national from entering the territory of the Member States.	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 the competent authorities for 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		

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	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.	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.
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** **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.	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), point (a)			
159	a.demonstrates that he or she has returned voluntarily in compliance with a return decision;		
Article 11(1), point (b)			
160	b.has not already been the subject of a return decision or removal order in the past;		
Article 11(1), point (c)			
161	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	2.An entry ban may be withdrawn, suspended or its duration shortened in justified individual cases,	2.***The competent authority may at their discretion withdraw, suspend or shorten the duration of*** an entry ban ~~*may be withdrawn,*~~

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	reasons, taking into account all relevant circumstances.	including for humanitarian reasons, taking into account all relevant circumstances. The first subparagraph of this paragraph may be applied prior to the return.	~~*suspended or its duration shortened*~~ in justified individual cases, including for humanitarian reasons, taking into account all relevant circumstances. ~~*The first subparagraph of this paragraph may be applied prior to the return.*~~
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 may submit a well-grounded request for withdrawal, suspension or shortening of the duration of an entry ban, provided that the third-country national has complied with the return decision, without prejudice to paragraph 4.	3.The third-country national may submit a well-grounded request for withdrawal, suspension or shortening of the duration of an entry ban, provided that the third-country national has complied with the return decision, without prejudice to paragraph 4.
Article 11(3a)			
163a		4.A third-country national, who has been issued an entry ban that exceeds 10 years in accordance with Article 10(6) or Article 16(3)(a) may 5 years after his or her departure from the Member States request the issuing Member State to review whether the entry ban is to be withdrawn, suspended or shortened, having due regard to all relevant circumstances, including, where relevant, whether the third-country national remains a security risk under Article 16, and whether the entry ban 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.	4.A third-country national, who has been issued an entry ban that exceeds 10 years in accordance with Article 10(6) or Article 16(3)(a) may ~~5~~ ***10*** years after his or her departure from the Member States request the issuing Member State to review whether the entry ban is to be withdrawn, suspended or shortened, having due regard to all relevant circumstances, including, where relevant, whether the third-country national remains a security risk under Article 16, and whether the entry ban 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.
Article 11(5)			
163b			***5.Member States may subject the withdrawal of an entry ban to the reimbursement of the costs of the removal of the third-country national.***

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Section 4			
164	**Section 4 Enforcement of return**	**Section 4 Enforcement of return**	**Section 4 Enforcement of return**
Article 12			
165	**Article 12 Removal**	**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 removal when:	1.***The Member States shall take all necessary measures to remove*** the third-country national ~~*shall be subject to 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;	-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 does not cooperate with the authorities;	a.the third-country national does not cooperate with the authorities;
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;		
Article 12(1), point (c)			
169	c.the third-country national falls within the scope of Article 16;	c.the third-country national falls within the scope of Article 16;	c.the third-country national falls within the scope of Article 16;
Article 12(1), point (d)			

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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 moves to another Member State without authorisation, including during the period set in accordance with Article 7;	d.the third-country national moves to another Member State without authorisation, including during the period set in accordance with Article 7;
Article 12(1), point (e)			
170a			
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 (d).	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 (d).
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.	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(1b)			
170d		1b. Where a country of return has not previously been determined, the Member State shall determine one or more countries of return as referred to in Article 4, paragraph 3, prior to carrying out the removal.	1b. Where a country of return has not previously been determined, the Member State shall determine one or more countries of return as referred to in Article 4, paragraph 3, prior to carrying out the removal.
Article 12(2)			
171	2.Member States' competent authorities may issue a separate administrative or judicial decision in writing ordering the removal.	2.A decision ordering the removal may be issued by competent authorities to any third-country national who is subject to removal. Where a decision ordering the removal is issued, it shall be in writing and may be in the same decision as the return decision or as a separate administrative or judicial decision.	2.A decision ordering the removal may be issued by competent authorities to any third-country national who is subject to removal. Where a decision ordering the removal is issued, it shall be in writing and may be in the same decision as the return decision or as a separate administrative or judicial decision ***or as a part of another administrative or judicial decision***.

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Article 12(2a)			
171a		2a. Where a competent authority issues a decision ordering the removal, and where the country of return has not previously been determined, the decision ordering the removal shall state one or more countries of return as referred to in Article 4(3).	2a. Where a competent authority issues a decision ordering the removal, and where the country of return has not previously been determined, the decision ordering the removal shall state one or more countries of return as referred to in Article 4(3).
Article 12(2b)			
171b		2b. Where a decision ordering the removal is issued, it 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 decision ordering the removal shall be notified to the third-country national as soon as possible in accordance with national law of the Member State concerned.	2b. Where a decision ordering the removal is issued, it 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 decision ordering the removal 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. Where a decision ordering the removal is issued, the third-country national shall, upon request, be provided with a written or oral translation of the main elements of the decision ordering the removal, 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.	2c. Where a decision ordering the removal is issued, the third-country national shall, upon request, be provided with a written or oral translation of the main elements of the decision ordering the removal, 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 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	3.When the third country national indicates, or the authorities of the Member State become aware of, relevant indications that the removal would breach the principle of non-refoulement, the	3.When the third country national indicates, or the authorities of the Member State become aware of, relevant indications that the removal would breach the principle of non-refoulement, the

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	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.	Member State shall refer the third-country national to the appropriate procedure or otherwise consider whether the removal is in compliance with the principle of non-refoulement. The third-country national concerned shall bring forward as soon as possible any relevant information concerning their own personal circumstances in order to substantiate their claim that the removal would breach the principle of non-refoulement. Member States may rely on or take into consideration any previous assessment of the risk of non-refoulement. A new assessment of the risk of refoulement shall be made if new, relevant information has been substantiated.	~~*Member State*~~***competent authorities*** shall refer the third-country national to the appropriate procedure***, including the asylum procedure in accordance with Regulation 2024/1348, where applicable,*** or otherwise ~~*consider*~~***assess*** whether the removal is in compliance with the principle of non-refoulement. The third-country national concerned shall bring forward as soon as possible any relevant information concerning their own personal circumstances in order to substantiate their claim that the removal would breach the principle of non-refoulement. ~~*Member States*~~***The competent authorities*** may rely on or take into consideration any previous assessment of the risk of non-refoulement. ~~*A new*~~ ***An*** assessment of the risk of refoulement shall ***only*** be made if ~~*new,*~~ relevant information has been substantiated.
Article 12(3a)			
172a			***3a. Member States may decide that the principle of non-refoulement may be assessed by an authority other than the competent authority that is issuing or enforcing the return decision.***
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.	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	5.In carrying out removals by air, Member States shall take into account the common guidelines on	5.In carrying out removals by air, Member States shall take into account the common guidelines on

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	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).	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).	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)			
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.		
Article 13			
176	**Article 13 Voluntary return**	**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.		
Article 13(2)			

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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.		
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.		
Article 13(4)			
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.		
Article 14			
181	**Article 14 Conditions for postponing removal**	**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:	1.Removal pursuant to Article 12 shall be postponed in the following circumstances:
Article 14(1), point (a)			

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183	a. when it would violate the principle of non-refoulement; or	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.	b. when and for as long as suspension of the return decision in accordance with Article 28 is in place.
Article 14(1), point (ba)			
184a			
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 , taking into account the specific circumstances of the individual case.	2. Removal pursuant to Article 12 may be postponed , 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. The competent authority may grant suspensive effect of the removal.	3. If the third-country national requests postponement of removal, the request shall be duly substantiated. ~~*The competent authority may grant suspensive effect of the removal.*~~
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. Member States shall provide the third-country national concerned with a written confirmation of the postponement in accordance with paragraph 1. A translation of the confirmation may be communicated orally to the third-country national in a language they understand or are reasonably presumed to understand, including with the use of interpretation services.	4. Member States shall provide the third-country national concerned with a written confirmation of the postponement in accordance with paragraph 1. A translation of the confirmation may be communicated orally to the third-country national in a language they understand or are reasonably presumed to understand, including with the use of interpretation services.
Article 14(5)			
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 postponement of the removal in accordance with paragraph 1 or paragraph 2 shall	5. The postponement of the removal in accordance with paragraph 1 or paragraph 2 shall

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		be reviewed in case of change of relevant circumstances.	be reviewed 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:	6.The following shall be taken into account concerning the situation of the third-country national***, including the cooperation by the third-country national with the obligations in this Regulation,*** during periods for which the removal has been postponed:
Article 14(6), point (a)			
190	a.basic needs;	a.basic needs;	a.basic needs;
Article 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;	b.family unity with family members present in the Member State's territory;
Article 14(6), point (c)			
192	c.emergency health care and essential treatment of illness;	c.emergency health care and essential treatment of illness;	c.emergency health care and essential treatment of illness;
Article 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;	d.access of minors to the basic education system subject to the length of their stay;
Article 14(6), point (e)			
194	e.special needs of vulnerable persons.	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 Articles 21-23C and 29 may be applied when the conditions are fulfilled. Where a third-country national cannot be removed due to reasons beyond their control, the	7.If the removal is postponed, the measures set out in Articles 21-23C and 29 may be applied when the conditions are fulfilled. ~~*Where a third-country national cannot be removed due to reasons beyond their control, the*~~

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		first subparagraph shall be applicable only if the measures concerned are strictly necessary and proportionate.	~~first subparagraph shall be applicable only if the measures concerned are strictly necessary and proportionate.~~
Article 15			
196	**Article 15 Monitoring of removal**	**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 States shall equip the independent monitoring mechanism with appropriate means.	1.Member States shall provide for an independent mechanism to monitor the respect of fundamental rights during removal operations. Member States shall ensure that the independent monitoring mechanism has access to appropriate means.	1.Member States shall provide for an independent mechanism to monitor the respect of fundamental rights during removal operations. Member States shall ensure that the independent monitoring mechanism~~.~~ has access to 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. Member States shall inform the monitoring mechanism in advance about upcoming removal operations and ensure access to relevant locations only to persons acting on behalf of the independent monitoring mechanism.	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. Member States shall inform the monitoring mechanism in advance about upcoming removal operations and ensure access to relevant locations only to persons acting on behalf of the independent monitoring mechanism.
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.	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	3.Substantiated allegations of failure to respect fundamental rights during removal operations	3.Substantiated allegations of failure to respect fundamental rights during removal operations

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	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.	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.	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** **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:	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 health, to public security or to national security;	a.they pose a threat to public policy, to public ~~*health, 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]; _____ 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).	b.there are reasonable 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 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).	b.there are reasonable 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 offence carrying a penalty involving the deprivation of liberty of at least ~~*3 years*~~ ***1 year*** 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 reasonable indications that the person is involved in any of the offences referred	(ba) there are reasonable indications that the person is involved in any of the offences referred

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		to in Directive (EU) 2017/541 of the European Parliament and of the Council;	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 reasonable indications of their intention to commit an offence pursuant to point (b) of this paragraph in the territory of a Member State.	c. there are reasonable indications of 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 reasonable indications that they pose any other security threat as identified under national law.	(ca) there are reasonable indications that they pose any 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 removal.	2. Third-country nationals falling within the scope of this Article shall be subject to removal.
Article 16(2a)			
205a		2a. Member States may allow for voluntary departure of third-country nationals falling within the scope of this Article, where it is necessary for return, or where it is considered as leading to a faster and more effective return.	2a. Member States may allow for voluntary ~~*departure*~~***return*** of third-country nationals falling within the scope of this Article, ~~*where it is necessary for return, or*~~***in particular*** where it is considered as leading to a faster and more effective return***, and the measures for managing the risk of absconding are applied***.
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:	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)			

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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) or an entry ban for an indefinite duration where justified and proportionate to the security risk posed by the third-country national;	a. subject to an entry ban issued in accordance with Article 10 that exceeds the maximum duration referred to in Article 10(6) 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)			
208	b. detained in accordance with Article 29(3), point (c);	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;	c. detained in prisons;
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 additional periods that exceeds the maximum duration referred to in Article 32(3) and that is determined by a 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.	d. subject to detention for additional periods that exceeds the maximum duration referred to in Article 32(3) and that is determined by a 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 has been issued an entry ban in accordance with paragraph 3(a), may request the issuing Member State to review whether to withdraw, suspend or shorten the entry ban in accordance with Article 11(4).	3a. A third-country national, who has been issued an entry ban in accordance with paragraph 3(a), may request the issuing Member State to review whether to withdraw, suspend or shorten the entry ban in accordance with Article 11(4).
Article 16(4)			
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	4. By way of derogation from the provisions of Article 28, the enforcement of a return decision issued to a third-country national falling within the scope of this Article shall not be suspended	4. ~~*By way of derogation from the provisions of Article 28, the enforcement of a return decision issued to a third-country national falling within the scope of this Article shall not be suspended*~~

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	suspended unless there is a risk to breach the principle of non-refoulement.	unless there is a risk to breach the principle of non-refoulement.	~~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** **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.	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.
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:	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 return 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 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	b.the conditions for the stay of the third-country national in the third country referred to in paragraph 1;	b.the conditions for the stay of the third-country national in the third country referred to in paragraph 1;

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	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;		
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;	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;		
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.	f. the consequences to be drawn in case of violations of the agreement or arrangement.
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 return referred to in Article 4(3)(a)-(f), the agreement or arrangement shall in addition to paragraph 2 set out the following:	2a. Where an agreement or arrangement pursuant to paragraph 1 sets out the modalities of onward return to a country of return referred to 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;	(a) the consequences in case onward return is not possible;

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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;	(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;	(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.	(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.	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.Member States shall inform the Commission and the other Member States of any bilateral or multilateral agreements or arrangements concluded in accordance with paragraph 1, prior to their entry into force, or, where an agreement or arrangement is to be applied provisionally, before the beginning of its provisional application. Member States shall also inform the Commission and the other Member States of any subsequent changes to, or the termination of, such agreements or arrangements.	3.***Member States shall keep the relevant Member States informed of negotiations with a third country that shares a common land border with those Member States.*** Member States shall inform the Commission and the other Member States of any bilateral or multilateral agreements or arrangements concluded in accordance with paragraph 1, prior to their entry into force, or, where an agreement or arrangement is to be applied provisionally, before the beginning of its provisional application. Member States shall also inform the Commission and the other Member States of any subsequent changes to, or the termination of, such agreements or arrangements.
Article 17(4)			

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222	4.Unaccompanied minors and families with minors shall not be returned to a third country referred to in paragraph 1.	4.Unaccompanied minors shall not be returned to a third country referred to in paragraph 1.	4.Unaccompanied 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**	**Section 5 Return of minors**
Article 18			
224	**Article 18 Best interests of the child**	**Article 18 Best interests of the child**	**Article 18 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.	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 Age assessment of minors**
Article 19, first paragraph			
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.	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 an age-assessment in accordance with national law. Article 25 of Regulation (EU) 2024/1348 may apply by analogy to such assessment.	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 an age-assessment in accordance with national law. Article 25 of Regulation (EU) 2024/1348 may apply by analogy to such assessment.
Article 19, first paragraph a			

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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.	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, first paragraph b			
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.	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** **Return of unaccompanied minors**
Article 20(1)			
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. 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 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 can communicate in a language that the minor understands. That person 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.	2.A representative or a person 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 can communicate in a language that the minor understands. That person 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.

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		Communication may be provided with the use of interpretation services.	Communication may be provided with the use of interpretation services.
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 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.	3.The unaccompanied minor shall be heard, either directly or through the representative or designated person referred to in paragraph 2, including in the context of the determination of the best interests of the child. ***At the latest*** 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.
Chapter III			
232	**Chapter III OBLIGATIONS OF THE THIRD-COUNTRY NATIONAL**	**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 Obligation to cooperate**
Article 21(1)			
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 and they shall have the obligation to cooperate with the competent authorities of the Member States where they are subject to the application of this Regulation.	1.Third-country nationals shall comply with the obligation to leave the territory of the Member States and they shall have the obligation to cooperate with the competent authorities of the Member States where they are subject to the application of this Regulation.

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Article 21(1a)			
234a		1a. Third-country nationals shall provide competent authorities with information on any relevant changes in his or her individual situation relevant for the purpose of this regulation, without undue delay.	1a. Third-country nationals shall provide competent authorities with information on any relevant changes in his or her individual situation relevant for the purpose of 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:	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 available to the competent authorities on the territory of the Member State competent for the return procedure of which the third-country nationals are the subject, not abscond, including to another Member State, and present themselves for the departure of the transportation for return as determined by the competent authority;	a.remain available to the competent authorities on the territory of the Member State competent for the return procedure of which the third-country nationals are the subject, not abscond, including to another Member State, and present themselves for the departure of the transportation for return as determined by the competent authority;
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 without undue delay, all information and documentation, including copies and electronic records, relevant for establishing or verifying identity or nationality or otherwise relevant within the return procedure that they possess or may reasonably be presumed to be able to obtain;	b.provide without undue delay, all information and documentation, including copies and electronic records, relevant for establishing or verifying identity or nationality or otherwise relevant within the return procedure that they possess or ~~*may*~~ ***are*** reasonably ~~*be*~~ presumed to be able to obtain;
Article 21(2), point (ba)			
237a		ba. provide without undue delay the competent authorities with a travel document or cooperate on obtaining a travel document;	ba. provide without undue delay the competent authorities with ~~*a*~~ ***an identity or*** travel document or cooperate on obtaining ~~*a*~~ ***an identity or*** travel document;
Article 21(2), point (c)			

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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 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 procedure;	c. not destroy or otherwise dispose of 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 procedure;
Article 21(2), point (d)			
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;	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;	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).	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)			

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241a		fa. comply with the travel requirements of carriers and entry requirements of third-country authorities, including health requirements, when such requirements are in generally imposed on international travelers;	fa. comply with the travel requirements of carriers and entry requirements of third-country authorities, including health requirements, when such requirements are ~~*in*~~ generally 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 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 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);	h.provide without undue delay, information on any changes to the contact details referred to in point (g);
Article 21(2), point (i)			
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. comply with any measure imposed under Article 23, paragraph 1, and Article 23C, paragraph 1, throughout the return procedure;	i. comply with any measure imposed under Article 23, paragraph 1, and Article 23C, paragraph 1, throughout the return procedure;
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;	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	k.appear in person or by means of videoconference, as required by the competent authorities, before the competent national or third-country authorities at the location indicated by	k.appear in person or by means of videoconference, as required by the competent authorities, before the competent national or third-country authorities at the location indicated by

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	at the location indicated by such authorities where necessary to establish his or her nationality;	such authorities for the purpose of acquiring travel documents and establishing their identity or nationality;	such authorities 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;	ka. not physically oppose the return;
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;	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;	m. comply with other relevant additional measures in relation to return under national law;
Article 21(2), point (lb)			
247b			***(lb) Obligations imposed upon the third-country national under this Article shall be without prejudice to obligations and measures not related to return provided for 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 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:	3. The information and 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)			
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;	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)			

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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 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 procedure or for the determination of the country of return;
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 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 procedure and for the determination of the country of return;
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;	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;	e.any return decision, ***decision ordering the*** 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.	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	4.Where the competent authorities decide to retain any document necessary for the purpose of return as referred to in paragraph 2, point (b), they shall ensure that the third-country national	4.Where the competent authorities decide to retain any document necessary for the purpose of return as referred to in paragraph 2, point (b), they shall ensure that the third-country national receives

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	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.	receives photocopies, 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.	photocopies, electronic records of the originals, or a confirmation of retention of the document. In ~~*the context of*~~***case of voluntary*** 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~~.~~
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 be reachable by any means of communication as defined by the Member State in accordance with 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 the Union for the purpose of such communication.	5.The third-country national shall be reachable by any means of communication as defined by the Member State in accordance with 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 the 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.		
Article 21a			

	CLEAN Commission Proposal	CLEAN Second PCY Compromise	VS.AGR UPDATED Third PCY Compromise
257a		**Article 21a** **Risk of absconding**	**Article 21a** **Risk of absconding**
Article 21a(1)			
257b		1.There is a risk of absconding, in an individual case, unless proven otherwise, where one of the following criteria regarding the illegally staying third-country national concerned is fulfilled:	1.There is a risk of absconding, in an individual case, unless proven otherwise, where one of the following criteria regarding the illegally staying third-country national concerned is fulfilled:
Article 21a, point (a)			
257c		a.the third-country national has entered or moved without authorisation to the territory of a Member State, 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 a Member State, including following a transit through a third country, or attempts to do so;
Article 21a, point (b)			
257d		b.the third-country national is subject to a return 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 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 21a, point (c)			
257e		c.the third-country national does not comply with one or more of the measures imposed in accordance with Article 23, paragraph 1, and Article 23B, paragraph 1, or explicitly expresses or demonstrates intent to do so;	c.the third-country national does not comply with one or more of the measures imposed in accordance with Article 23, paragraph 1, and Article 23B, paragraph 1, or ~~*explicitly*~~ expresses or demonstrates intent to do so;
Article 21a, point (d)			
257f		d.the third-country national has re-entered the territory of the Member States in violation of a valid entry ban.	d.the third-country national has re-entered the territory of the Member States in violation of a valid entry ban~~.~~**;**
Article 21a, point (e)			

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	CLEAN Commission Proposal	CLEAN Second PCY Compromise	VS.AGR UPDATED Third PCY Compromise
257g			***e. the third-country national has a lack of social anchoring, in particular the absence of family ties, engagement of illegal employment and insufficient means of subsistence.***
Article 21a(2)			
257h		2. In cases not covered by paragraph 1, the risk of absconding shall be determined on the basis of an assessment of the circumstances of the individual case. The assessment shall include one or more of the following criteria regarding the illegally staying third-country national concerned:	2. In cases not covered by paragraph 1, the risk of absconding shall be determined on the basis of an assessment of the circumstances of the individual case. The assessment shall include one or more of the following criteria regarding the illegally staying third-country national concerned:
Article 21a(2), point (a)			
257i		a. lack of residence, fixed abode or reliable address;	a. lack of residence, fixed abode or reliable address;
Article 21a(2), point (b)			
257j		b. non-compliance with the obligation to leave the territory of the Member States within the departure period as set out in accordance with Article 7, paragraph 1a, point (a)	b. non-compliance with the obligation to leave the territory of the Member States within the departure period as set out in accordance with Article 7, paragraph 1a, point (a)
Article 21a(2), point (c)			
257k		c. when departure is imminent and there are serious reasons to believe that the third-country national intends to violate the obligation to cooperate as set out in Article 21, paragraph 2, point (a);	c. when departure is imminent and there are ~~*serious*~~ reasons to believe that the third-country national intends to violate the obligation to cooperate as set out in Article 21, paragraph 2, point (a);
Article 21a(2), point (d)			
257l		d. 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,	d. 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,

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		providing other false information in an oral or written form, or otherwise fraudulently opposing the return or readmission procedure;	providing other false information in an oral or written form, or otherwise fraudulently opposing the return or readmission procedure;
Article 21a(2), point (e)			
257m		e. not attending return and reintegration counselling, where required by the competent authorities;	e. not attending return and reintegration counselling, where required by the competent authorities;
Article 21a(2), point (g)			
257n			
Article 21a(2), point (f)			
257o		f. other criteria than (a) to (e) where provided for in national law.	f. other criteria than (a) to (e) where 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 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:		
Article 22, first paragraph, point (1)			
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;		
Article 22, first paragraph, point (2)			

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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);		
Article 22, first paragraph, point (3)			
262	(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;		
Article 22, first paragraph, point (5)			
264	(5) extension of the duration of an entry ban in line with Article 10(7);		
Article 22, first paragraph, point (5a)			
264a			
Article 22, first paragraph, point (5b)			
264b			
Article 22, first paragraph, point (6)			
265	(6) financial penalties.		
Article 22, first paragraph, point (7)			
265a			
Chapter IIIa			
265b		**Chapter IIIa** **ALTERNATIVES TO DETENTION AND MEASURES TO PROMOTE RETURN**	**Chapter IIIa** ~~***ALTERNATIVES TO DETENTION AND***~~ **MEASURES TO PROMOTE RETURN** ***AND ALTERNATIVES TO DETENTION***

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	CLEAN Commission Proposal	CLEAN Second PCY Compromise	VS.AGR UPDATED Third PCY Compromise
Article 23			
266	**Article 23** **Availability for the return process**	**Article 23** **General measures to promote return**	**Article 23** **General measures to promote return**
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.For the purpose of preparing and ensuring an effective return or to further incentivise compliance with the obligations to leave and cooperate, Member States may impose on the third-country national one or more of the following measures:	1.For the purpose of preparing and ensuring an effective return or to further incentivise compliance with the obligations to leave and cooperate, Member States may impose on the third-country national 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.the obligation to remain within a geographical area within the Member State's territory in which they are able to move freely;	a.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.the obligation to reside at a specific address or place designated by the competent authorities;	b.the obligation to reside at a specific address or place designated by the competent authorities;
Article 23(1), point (c)			
270	c.reporting to the competent authorities at a specified time or at reasonable intervals.	c.the obligation to report to the competent authorities at specified times in person or by other means as specified in national law;	c.the obligation to report to the competent authorities at specified times in person or by other means as specified in national law;
Article 23(1), point (ca)			
270a		d.other measures than those referred to in (a) to (c), where provided for in national law.	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.Any measures under 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.Any measures under 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)			

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271a		2a. The measures set out in paragraph 1 may also be imposed on third-country nationals who cannot be removed, due to their lack of cooperation with the competent authorities.	2a. The measures set out in paragraph 1 may also be imposed on third-country nationals who cannot be removed, due to their lack of cooperation with the competent authorities.
Article 23(3)			
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.	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;		
Article 23(3), point (b)			
274	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.		
Article 23(3a)			
275a		3a.	
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. The third-country national shall be informed whether or not the permission in accordance with paragraph 3 is granted.	4. The third-country national shall be informed whether or not the permission in accordance with paragraph 3 is granted.
Article 23(5)			

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	CLEAN Commission Proposal	CLEAN Second PCY Compromise	VS.AGR UPDATED Third PCY Compromise
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, where it would otherwise have violated the obligations of paragraph 1, and where the attendance of that third-country national is necessary. The third-country national shall notify the competent authorities of such appointments in advance.	5.The third-country national shall not be required to request permission pursuant to paragraph 3 to attend appointments with authorities and courts, where it would otherwise have violated the obligations of paragraph 1, and where 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)			
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.	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.The third-country national shall be informed of any decision to apply measures referred to in paragraph 1 of this Article and about the consequence of non-compliance with that decision, including detention under Article 29.	7.The third-country national shall be informed of any decision to apply measures referred to in paragraph 1 of this Article and about the consequence of non-compliance with that decision, including detention under Article 29.
Article 23a			
278b		**Article 23a** **Investigative measures**	**Article 23a** **Investigative measures**
Article 23a(1)			
278c		1.Where necessary, proportionate and duly justified for the purpose of preparing or ensuring an effective return, the competent authorities of the Member States may:	1.***Without prejudice to investigative measures for other reasons in accordance with national law, , the competent authorities of the Member States may,*** where necessary, proportionate and duly justified for the purpose of preparing or ensuring an effective return~~, *the competent authorities of the Member States may*~~:

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Article 23(8), point (a)			
278d		a. search the third-country national and his or her place of residence;	a. search the third-country national and his or her place of residence ***or other relevant premises***;
Article 23(8), point (b)			
278e		b. search and seize personal belongings, electronic devices, and other items of relevance;	b. search and seize personal belongings, electronic devices, and other items of relevance;
Article 23(8), point (c)			
278f		c. impose other investigative measures, where provided for in national law.	c. impose other investigative measures, where provided for in national law.
Article 23a(2)			
278g		2. Any investigative measures under paragraph 1, points (a)-(c), of this Article may be carried out without the consent of the third-country national concerned.	2. Any investigative measures under paragraph 1, points (a)-(c), of this Article may be carried out without the consent of the third-country national concerned.
Article 23a(3)			
278h		3. Any investigative measures imposed in accordance with paragraph 1, points (a)-(c), of this Article shall respect the fundamental rights and be subject to the safeguards and remedies provided for in Union and national law.	3. Any investigative measures imposed in accordance with paragraph 1, points (a)-(c), of this Article shall respect the fundamental rights and be subject to the safeguards and remedies provided for in Union and national law.
Article 23b			
278i		**Article 23b** **Consequences of non-compliance with the obligation to cooperate**	**Article 23b** **Consequences of non-compliance with the obligation to cooperate**
Article 23b			
278j		12. In case of non-compliance with the obligations as set out in Article 21, paragraph 1 and the requirements under Article 21, paragraph 2, Member States shall impose on the third-country national concerned one or more of the	~~12~~***1***. In case of non-compliance with the obligations as set out in Article 21, paragraph 1 and the requirements under Article 21, paragraph 2, Member States shall impose on the third-country national concerned one or more of the

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		measures set out in Article 23, paragraph 1, and may impose one or more of the following measures which shall be effective and proportionate:	measures set out in Article 23, paragraph 1, and may impose one or more of the following measures which shall be effective and proportionate:
Article 23b, point (a)			
278k		a. means to record biometric data, including fingerprints, which could include possibility to use coercion as a last resort where a third-country national does not provide biometric data in compliance with Article 2, paragraph 2, point (f);	a. means to record biometric data, including fingerprints, which could include possibility to use coercion as a last resort where a third-country national does not provide biometric data in compliance with Article ~~2~~21, paragraph 2, point (f);
Article 23b, point (b)			
278l		b. refusal or reduction of certain benefits and allowances, where provided for by national law, unless this would lead to the persons' inability to make provision of their basic needs;	b. refusal or reduction of certain benefits and allowances, where provided for by national law, unless this would lead to the persons' inability to make provision of their basic needs;
Article 23b, point (c)			
278m		c. refusal or reduction of incentives granted to promote voluntary return including refusal or reduction of assistance in return and reintegration programmes pursuant to Article 46(3);	c. refusal or reduction of incentives granted to promote voluntary return including refusal or reduction of assistance in return and reintegration programmes pursuant to Article 46(3);
Article 23b, point (d)			
278n		d. refusal or withdrawal of work permit, where provided for in national law;	d. refusal or withdrawal of work permit, where provided for in national law;
Article 23b, point (e)			
278o		e. extension of the duration of an entry ban up to the maximum duration in Article 10(6);	e. extension of the duration of an entry ban up to the maximum duration in Article 10(6);
Article 23b, point (f)			

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278p		f. criminal sanctions, including imprisonment, where provided for in national law;	f. criminal sanctions, including imprisonment ***and financial penalties***, where provided for in national law;
Article 23b, point (g)			
278q		g. other measures or consequences than the above-mentioned, where provided for in national law.	g. other measures or consequences than the above-mentioned, where provided for in national law.
Article 23c			
278r		**Article 23c** **Alternatives to detention for preventing absconding**	**Article 23c** **Alternatives to detention for preventing absconding**
Article 23c(1)			
278s		1. In case of a risk of absconding as set out in Article 21A, paragraphs 1 and 2, Member States may impose on the third-country national one or more of the following measures:	1. In case of a risk of absconding as set out in Article 21A, paragraphs 1 and 2, Member States may impose on the third-country national one or more of the following measures:
Article 23c(1), point (a)			
278t		a. deposit of an adequate financial guarantee;	a. deposit of an adequate financial guarantee;
Article 23c(1), point (b)			
278u		b. the use of electronic monitoring;	b. the use of electronic monitoring;
Article 23c(1), point (c)			
278v		c. other measures than (a) and (b) where provided for in national law.	c. other measures than (a) and (b) where provided for in national law.
Article 23c(2)			
278w		2. A decision to apply measures referred to in paragraphs 1 of this Article shall state the relevant reasons in fact and in law.	2. A decision to apply measures referred to in paragraphs 1 of this Article shall state the relevant reasons in fact and in law.
Article 23c(3)			

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278x		3.Third-country nationals shall be informed of any decision to apply measures referred to in paragraph 1 of this Article and the consequence of non-compliance with that decision, including detention under Article 29.	3.Third-country nationals shall be informed of any decision to apply measures referred to in paragraph 1 of this Article and the consequence of non-compliance with that decision, including detention under Article 29.
Chapter IV			
279	**Chapter IV SAFEGUARDS AND REMEDIES**	**Chapter IV SAFEGUARDS AND REMEDIES**	**Chapter IV SAFEGUARDS AND REMEDIES**
Section 1			
280	**Section 1 Procedural safeguards**	**Section 1 Procedural safeguards**	**Section 1 Procedural safeguards**
Article 24			
281	**Article 24 Right to information**	**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.Member States shall ensure that third-country nationals subject to return are informed about the following:	1.Member States shall ensure that third-country nationals subject to return are informed 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 of the procedure;	a.the purpose of the procedure;
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	b.the obligations of third-country nationals as set out in Article 21 and Article 23, the consequences of non-compliance pursuant to Articles 23B and 29, paragraph 3, point e, the existence of an alert on return on the person in the Schengen Information System and the recognition and	b.the obligations of third-country nationals as set out in Article 21 and Article 23, the consequences of non-compliance pursuant to Articles 23B and 29, paragraph 3, point e, the existence of an alert on return on the person in the Schengen Information System and the recognition and

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	and enforcement of a return decision issued by another Member State in accordance with Article 9;	enforcement of a return decision issued by another Member State in accordance with Article 9;	enforcement of a return decision 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;	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 in accordance with this Regulation and national law, in particular the right to legal assistance and representation pursuant Article 25.	d. their procedural rights in accordance with this Regulation and national law, in particular the right to legal assistance and representation pursuant Article 25.
Article 24(2)			
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 in a language which the third-country national understands or is reasonably supposed to understand. The information may be provided by means of standard information sheets, either on paper or in electronic format, and, where necessary, orally, using translation and interpretation services. In the case of unaccompanied minors, the information shall be provided in an age-appropriate manner with the involvement of the representative or the person designated to assist the minor referred to in Article 20(2).	2. The information provided shall be given in a language which the third-country national understands or is reasonably ~~supposed~~***presumed*** to understand. The information may be provided by means of standard information sheets, either on paper or in electronic format, and, where necessary, orally, using translation and interpretation services. In the case of unaccompanied minors, the information shall be provided in an age-appropriate manner with the involvement of the representative or the person designated to assist the minor referred to in Article 20(2).
Article 25			
288	**Article 25** **Legal assistance and representation**	**Article 25** **Legal assistance and representation**	**Article 25** **Legal assistance and representation**

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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.	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.
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 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.	2.The competent authorities shall ensure that unaccompanied minors 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.		
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, admitted or permitted under national law 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.	4.Free legal assistance and representation shall be provided by legal advisers or other suitably qualified persons, admitted or permitted under national law 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.

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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:	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;	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;	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;	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.	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 may be required to disclose their financial situation.	6.The third-country national requesting free legal assistance and representation may be required to disclose 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.Member States may:	7.Member States may:
Article 25(7), point (a)			

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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;	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;
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;	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.	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.	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)			

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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.	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.
Article 25(10)			
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.	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**	**Section 2 Remedies**
Article 26			
307	**Article 26 The right to an effective remedy**	**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.	1.The third-country national concerned shall be afforded an effective remedy to challenge the decisions referred to in Article ~~7~~ ***7(1)***, Article 10 and Article 12(2) before ~~*a competent*~~ ***the*** judicial authority ***competent according to national law***.
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 examination of both points of facts and points of law.	2.The effective remedy shall provide for a full examination of both points of facts and points of law.
Article 26(3)			

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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 in charge of the remedy against the return decision or the decision ordering the removal, either at the request of the third-country national or ex officio, by reference to the country of return.	3.~~*Member States shall ensure that compliance with the requirements arising from the principle of non-refoulement is verified by the competent*~~***Where material in the file brought to the attention of the*** judicial authority in charge of the remedy against the return decision or the decision ordering the removal, ~~*either at the request of the third-country national or ex officio, by reference to the country of return*~~***as supplemented or clarified following adversarial proceedings, suggests that the principle of non-refoulement might be undermined, compliance with the requirements arising from the principle of non-refoulement shall be verified***.
Article 26(4)			
310a			***4.The annulment or revocation of a non-essential element of a return decision shall not result in the annulment or revocation of the remainder of the decision concerned.***
Article 27			
311	**Article 27** **Appeal before a competent judicial authority**	**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	1.The period for lodging an appeal before a judicial authority of first instance shall not exceed 14 days.	1.***For the purpose of applying this Regulation,*** the period for lodging an appeal before a judicial authority of first instance shall not exceed 14 days.

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	for lodging an appeal before a judicial authority of first instance shall not exceed 14 days.		
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 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 considered notified under national law.	2.The time limit referred to in paragraph 1 shall start to run from the date when any of the decisions referred to in Article ~~7~~ ***7(1)***, Article 10 and Article 12(2) are notified to the third-country national, or– considered notified under national law.
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.	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 is issued together with a return decision as referred to in Article 7, they shall be appealed against jointly with that return decision, before the same judicial authority and within the same proceedings and the same time limits. Where an entry ban and/or decision ordering the removal is issued separately from the return decision or is the only decision to be challenged, it may be appealed against separately.	4.Where an entry ban ***and/or decision ordering the removal*** is issued together with a return decision as referred to in Article 7, they shall be appealed against jointly with that return decision, before the same judicial authority and within the same proceedings and the same time limits. Where an entry ban and/or decision ordering the removal is issued separately from the return decision or is the only decision to be challenged, it may be appealed against separately.
Article 27(5)			

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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.		
Article 28			
317	**Article 28** **Suspensive effect**	**Article 28** **Suspensive effect**	**Article 28** **Suspensive effect**
Article 28(1)			
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 be suspended by the judicial authority of first instance referred to in Article 27. Member States may under national law determine whether the suspension shall be granted upon request or ex officio.	1.The enforcement of the decisions issued pursuant to Article 7, Article 10 and Article 12(2) may upon request or ex officio be suspended***, for the period for lodging the appeal in accordance with Article 27, or the period pending the outcome of the appeal,*** by the ***competent*** judicial authority of first instance ~~*referred to in Article 27.*~~ ***.*** Member States may under national law determine whether the suspension shall be granted upon request or ex officio. ***This shall be without prejudice to provisions in national law according to which first instance remedies have a suspensive effect.***
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	2.Without prejudice to provisions in national law according to which first instance remedies have a suspensive effect, third-country nationals shall be granted the right to submit an application to suspend the removal in order to exercise their	2.~~*Without prejudice to provisions in national law according to which first instance remedies have a suspensive effect,*~~***Where the*** third-country ~~*nationals shall be granted the right to submit an application to suspend the removal in order to*~~

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	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.	right to an effective remedy before a judicial authority of first instance referred to in Article 27. A judicial authority shall have the power to decide, following an examination of both facts and points of law, whether or not the removal should be suspended pending the outcome of the remedy.	~~exercise~~***national has exercised*** their right to an effective remedy before a ***competent*** judicial authority of first instance referred to in Article 27~~.~~ ~~4~~***, the*** judicial authority shall have the power to decide, following an examination of both facts and points of law, whether or not the removal should be suspended pending the outcome of the remedy.
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 removal 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 removal 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. ***This shall be without prejudice to provisions in national law.***
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.		
Chapter V			
322	**Chapter V PREVENTION OF ABSCONDING AND DETENTION**	**Chapter V DETENTION**	**Chapter V DETENTION**
Article 29			
323	**Article 29 Grounds for detention**	**Article 29 Grounds for detention**	**Article 29 Grounds for detention**
Article 29(1)			

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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.	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 return, including for preparing the return, readmission, and carrying out the removal.	2.Member States may only keep in detention a third-country national for the purpose of return, including for preparing the return, readmission, and 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:	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 21A;	a.risk of absconding determined in accordance with Article 21A;
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 readmission, the preparation of the return, or the removal;	b.the third-country national avoids or hampers readmission, the preparation of the return, or the removal;
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;	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;	d.to determine or verify his or her identity or nationality;
Article 29(3), point (da)			
330a		da.	da.
Article 29(3), point (e)			

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331	e. non-compliance with the measures ordered pursuant to Article 31.	e. non-compliance with the obligations under Article 21, paragraph 2, points (a)-(c), (e), (fa) and (i)-(ka)	e. non-compliance with the obligations under Article 21, paragraph 2, points (a)-(c), (e), (fa) and (i)-(ka)***, including lack of cooperation in obtaining travel documents;***
Article 29(3), point (f)			
331a		f. other relevant grounds related to return, provided for in national law, to ensure effective return procedures, that are necessary and proportionate.	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.		
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 communicated 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 services.	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 communicated 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 services.
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 whether the third-country national is a vulnerable person.	6. When detaining a third-country national pursuant to paragraph 2, Member States shall take into account whether the third-country national is a vulnerable person.
Article 30			

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335		**Article 30** **Risk of absconding**		**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:				
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;				
Article 30(1), point (b)						
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;				
Article 30(1), point (c)						
339		c. non-compliance with the measures pursuant to Article 23.				
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:				
Article 30(2), point (a)						

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341	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;		
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;		
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);		
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);		
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		

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	written form, or otherwise fraudulently opposing the return or readmission procedure;		
Article 30(2), point (g)			
347	g.opposing the return procedure violently;		
Article 30(2), point (h)			
348	h.re-entering the Union in violation of a valid entry ban.		
Article 31			
349	**Article 31 Alternatives to detention**	**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.		
Article 31(2)			
351	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;		
Article 31(2), point (b)			
353	b.the obligation to surrender identity or travel documents to the competent authorities;		

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Article 31(2), point (c)			
354	c. the obligation to reside in a place designated by competent authorities;		
Article 31(2), point (d)			
355	d. deposit of an adequate financial guarantee;		
Article 31(2), point (e)			
356	e. the use of electronic monitoring, including guarantees and procedures provided for under 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.		
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.		
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.	
Article 32			
360	**Article 32** **Detention period**	**Article 32** **Detention period**	**Article 32** **Detention period**

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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 grounds 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 grounds laid down in Article 29 are fulfilled and it is necessary to ensure successful return.
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 grounds laid down in Article 29 are no longer fulfilled, the third-country national shall be released from detention pursuant to this Regulation . Such release shall not preclude the application of measures in accordance with Articles 23 and 31.	2.When it appears that the grounds laid down in Article 29 are no longer fulfilled, the third-country national shall be released from detention pursuant to this Regulation. Such release shall not preclude the application of measures in accordance with Articles 23 ~~and 31~~ ***23C***.
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. 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.	3.The detention shall not exceed 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. ***Where the third country national has moved to another Member State and his conduct constitutes a ground for detention as referred in Article 29(3), a new period of detention shall apply.***
Article 32(3a)			
363a		3a. Detention may, after the expiry of the maximum detention period of 24 months pursuant to paragraph 3, be applied for additional periods of up to 6 months, whenever there is a risk of absconding and where a reasonable prospect of	3a. Detention may, after the expiry of the maximum detention period of 24 months pursuant to paragraph 3, be applied for additional periods of up to 6 months, whenever there is a risk of absconding and where a reasonable prospect of

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		removal has emerged due to one or more of the following changes in circumstances:	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;	a. there ~~are~~***is*** 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;	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.	c. cooperation with the third country has improved.
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.	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 periods in accordance with paragraph 3 and 3a does not preclude the application of Article 23 and measures in accordance with Article 31.	4. The expiry of the maximum detention periods in accordance with paragraph 3 and 3a does not preclude the application of ~~*Article 23 and*~~ measures in accordance with Article ~~*31*~~***23-23C***.
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 relevant, be maintained until	5. Where a third-country national is cooperating on their return during detention, the voluntary ~~*departure*~~***return*** of the third-country national concerned shall be organised without undue delay. Detention may, where relevant, be

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		departure to ensure effective return in respect of paragraph 3 and 3a.	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** **Review of detention orders**
Article 33(1)			
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 is reviewed at least every six months either on application by the third-country national concerned or ex officio.	1.Member States shall ensure that detention is reviewed at least every six 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 is reviewed at least every three months either on application by the third-country national concerned or ex officio.	2.Member States shall ensure that detention of unaccompanied minors is reviewed at least every three 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 :	3.Where detention has been ordered or extended by administrative authorities, Member States shall :
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.provide for a judicial review of the lawfulness of detention to be decided on as speedily as possible within a period that is laid down in national law after the beginning of the detention; or	a.provide for a judicial review of the lawfulness of detention to be decided on as speedily as possible within a period that is laid down in national law after the beginning of the detention; or
Article 33(3), point (b)			
370	b.the third-country national concerned be granted the right to initiate proceedings by means of	b.grant the third-country national concerned the right to initiate proceedings by means of which	b.grant the third-country national concerned the right to initiate proceedings by means of which

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	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.	the lawfulness of detention shall be subject to judicial review to be decided on as speedily as possible within a period that is laid down in national law after the launch of the relevant proceedings. In such cases Member States shall immediately upon detention inform the third-country national concerned about the possibility of initiating such proceedings.	the lawfulness of detention shall be subject to judicial review to be decided on as speedily as possible within a period that is laid down in national law after the launch of the relevant proceedings. In such cases Member States shall immediately upon detention inform the third-country national concerned about the possibility of initiating such proceedings.
Article 33(4)			
370a		4.Member States shall ensure that compliance with the requirements arising from the principle of non-refoulement is verified by the competent judicial authority in charge of the remedy against the return decision or the decision ordering the removal, either at the request of the third-country national or ex officio.	4.~~*Member States shall ensure that compliance with the requirements arising from the principle of non-refoulement is verified by the competent judicial authority in charge of the remedy against the return decision or the decision ordering the removal, either at the request of the third-country national or ex officio.*~~
Article 34			
371	**Article 34** **Detention conditions**	**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 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.	1.Detention shall generally take place in specialised facilities, including those in dedicated branches of other facilities. Where a Member 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.	1.Detention shall generally take place in specialised facilities, including those in dedicated branches of other facilities. Where a Member 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 for a limited period of time, if	2.Detained third-country nationals shall have access to open-air space. Access to open-air space may be restricted for a limited period of time, if

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		necessary to ensure a well-functioning detention facility.	necessary ***and proportionate*** 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.	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 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 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.	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)			

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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 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.	6.Third-country nationals kept in detention shall be provided with information which explains the rules applied in the facility and sets out their rights and obligations in a 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.	6.Third-country nationals kept in detention shall be provided with information which explains the rules applied in the facility and sets out their rights and obligations in a 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 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.	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.Unaccompanied minors and families with minors shall during the detention period be provided with separate accommodation guaranteeing adequate privacy. Personnel shall be adequately trained, and facilities adapted to take into account the needs of minors and of their age.	2.Unaccompanied minors and families with minors shall during the detention period be provided with separate accommodation guaranteeing adequate privacy. Personnel shall be adequately trained, and facilities adapted to take into account the needs of minors and of their age.
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	3.Minors in detention shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age, and	3.Minors in detention shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age, and

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	shall have access to education in the format most appropriate to the length of their detention.	shall have access to educational activities in the format most appropriate to the length of their detention.	shall have access to educational activities in the format most appropriate to the length of their detention.
Chapter VI			
382	**Chapter VI READMISSION**	**Chapter VI READMISSION**	**Chapter VI READMISSION**
Article 36			
383	**Article 36 Readmission procedure**	**Article 36 Readmission**	**Article 36 Readmission**
Article 36(1)			
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.After issuing a return decision, competent authorities shall where relevant, with the support of Frontex where relevant, initiate readmission, 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.	1.After issuing a return decision, competent authorities shall where relevant, with the support of Frontex where relevant, initiate readmission, 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.		
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,	3.Where applicable, the European travel document for return shall be used in compliance	3.Where applicable, the European travel document for return shall be used in compliance

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	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).	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).	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.		
Article 36(5)			
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.		
Article 36(6)			
389	6.The Commission shall be empowered to adopt an implementing act in accordance with Article		

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	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;		
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.		
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.		
Article 36(8)			
392a		8. For monitoring of readmission cooperation with third countries, the Commission may every six months request the following data to be communicated to Frontex, regarding relevant third countries:	8. For monitoring of readmission cooperation with third countries, the Commission may every ~~six~~ **12** months request the following data to be communicated to Frontex, regarding relevant third countries:
Article 36(8), point (a)			
392b		a. number of requests for confirmation of nationality and number of positive and negative replies received concerning confirmation of nationality requests;	a. number of requests for confirmation of nationality and number of positive and negative replies received concerning confirmation of nationality requests;
Article 36(8), point (b)			

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392c		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;	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 36(9)			
392d		9.Frontex shall grant the Commission access to the data referred to in this paragraph. The data referred to in letters a) and b), disaggregated by Member State, may be communicated to third countries for the purposes of monitoring the implementation of, and compliance with, readmission obligations, including in the framework of the Union readmission instruments.	9.Frontex shall grant the Commission access to the data referred to in this paragraph. The data referred to in letters a) and b), disaggregated by Member State, may be communicated to third countries for the purposes of monitoring the implementation of, and compliance with, readmission obligations, including in the framework of the Union readmission instruments.
Article 36(10)			
392e		10. Member States are not obligated to submit the requested data, where it is not available.	10. Member States are not obligated to submit the requested data, where it is not available.
Article 37			
393	**Article 37** **Communication with non-recognised third-country entities**	**Article 37**	**Article 37** ***Communication with non-recognised third-country interlocutors***
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 return and readmission for the purpose of returning the third-country national to a country of return outside of the territory of the Member States.	1.The competent authorities may communicate, as necessary, with non-recognised third country ~~*entities*~~***interlocutors*** responsible for return and readmission for the purpose of returning the third-country national to a country of return outside of the territory of the Member States.
Article 37(2)			

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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 return and readmission and shall not amount to diplomatic recognition of the entities concerned.	2.Such communication shall be limited to what is necessary for carrying out return and readmission and shall not amount to diplomatic recognition of the ~~*entities*~~ ***interlocutors*** concerned.
Chapter VII			
396	**Chapter VII SHARING AND TRANSFER OF PERSONAL DATA**	**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 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.	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.	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 available information concerning a person within the scope of this Regulation for the purpose of carrying out the return procedure and providing return and reintegration assistance.	3.Member States shall, upon request, communicate to each other available information concerning a person within the scope of this Regulation for the purpose of carrying out the return procedure and providing return and reintegration assistance.
Article 38(4)			

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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).	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)			
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 request for information shall include the grounds on which it is based.	5. The request for information shall 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 may include in particular:	6. The information referred to in paragraph 3 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;	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;

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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,	b.information related to the biometric data taken of the third-country national in accordance with Regulation (EU) 2024/1358,
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 any travel document(s) of the third-country national,	c.information related to the nationality and any travel document(s) of the third-country national,
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));	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)			
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;	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	f. information related to the return operation of the third-country national;	f. information related to the return operation of the third-country national;

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	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 return and reintegration of the third-country national;	g.information related to the return and reintegration of the third-country national;
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;	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;	ha. information on the compliance of the third-country national with the obligations under articles 21~~, 23, and 31~~ ***and 23***;
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;	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;	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.	k.information on vulnerability, health and medical needs of the third-country national.
Article 38(7)			

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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 two weeks.	7.The requested Member State shall be obliged to reply as soon as possible and at the latest within 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.	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.	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.
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, readmission and reintegration**	**Article 39** **Transfer of data to third countries relating to third-country nationals for the purposes of return, 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	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, such as airlines or medical providers, where the third-country national whose personal	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, such as airlines or medical providers, ~~*where the third-country national whose personal*~~

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	purposes of carrying out the readmission procedure.	data is transferred has been informed that his or her personal data may be shared with such third-country authorities or third parties and where it is necessary for the purposes of return, readmission, and reintegration.	~~data is transferred has been informed that his or her personal data may be shared with such third-country authorities or third parties~~ and where it is necessary for the purposes of return, readmission, and reintegration.
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 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.	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	4.Where a transfer is made pursuant to paragraph 1, 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	4.Where a transfer is made pursuant to paragraph 1, 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

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	and time of the transfer and information about the receiving third country's competent authority.	and time of the transfer and information about the receiving third country's competent authority.	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, readmission and reintegration**	**Article 40** **Transfer of data to third countries relating to criminal convictions of third-country nationals for the purposes of return, 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 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 where the following conditions are met:	1.Data relating to one or 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 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 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	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 of the European Parliament and of the Council[1] or has committed an offence carrying a penalty involving the deprivation of liberty of at least 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	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 of the European Parliament and of the Council[1] or has committed an offence carrying a penalty involving the deprivation of liberty of at least 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

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	(EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/1240/oj).	(EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/1240/oj).	(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 return, readmission, and reintegration;	b.the transfer of data is necessary for the purposes of return, readmission, 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 for the purpose return, removal, readmission and reintegration;	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 for the purpose return, removal, readmission 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.the competent authority and, where applicable, Frontex, has verified that the transfer of data does not risk breaching the principle of non-refoulement;	d.the competent authority and, where applicable, Frontex, has verified 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.the competent authority and, where applicable, Frontex, has verified that the transfer of data does not risk breaching Article 50 of the Charter.	e.the competent authority and, where applicable, Frontex, has verified that the transfer of data does not risk breaching Article 50 of the Charter.
Article 40(2)			
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		

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	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;		
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;		
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;		
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.		
Article 40(3)			
434	3. Member States and Frontex transferring personal data pursuant to paragraph 1 or 2 shall	3. Member States and Frontex transferring personal data pursuant to paragraph 1 or 2 shall	3. Member States and Frontex transferring personal data pursuant to paragraph 1 or 2 shall

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	ensure that such transfers comply with Chapter V of Regulation (EU) 2016/679 and Chapter V of Regulation (EU) 2018/1725, respectively.	ensure that such transfers comply with Chapter V of Regulation (EU) 2016/679 and Chapter V of Regulation (EU) 2018/1725, respectively.	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)			
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 , 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 and the personal data transferred.	4.Where a transfer is made pursuant to paragraph 1 , 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 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** **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, such as medical providers, 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, such as medical providers, where the following conditions are met:

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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;	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 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 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. The competent authority and, where applicable, Frontex has verified that the transfer of data does not risk breaching the principle of non-refoulement.	c. The competent authority and, where applicable, Frontex has verified that the transfer of data does not risk breaching the principle of non-refoulement.
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 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 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;	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)			

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	CLEAN Commission Proposal	CLEAN Second PCY Compromise	VS.AGR UPDATED Third PCY Compromise
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.	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.	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.	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 SYSTEM FOR RETURNS**	**Chapter VIII SYSTEM FOR RETURNS**
Article 42			
447	**Article 42 Components of a common system for returns**	**Article 42 Components of a common system for returns**	**Article 42 Components of a ~~*common*~~ system for returns**
Article 42(1)			

	CLEAN Commission Proposal	CLEAN Second PCY Compromise	VS.AGR UPDATED Third PCY Compromise
448	1.A common system for returns pursuant to this Regulation shall consist of:	1.A system for returns pursuant to this Regulation shall consist of:	1.A 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 procedure for the return of third-country nationals with no right to stay in the territory of the Member States;	a.a procedure for the return of third-country nationals with no right to stay in the territory of the 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;	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;	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 and reintegration of third-country nationals;	d.digital systems for managing the return and reintegration of third-country nationals;
Article 42(1), point (e)			
453	e.cooperation between Member States;	e.cooperation between Member States;	e.cooperation between Member States;
Article 42(1), point (ea)			
453a		ea. a sufficient level of detention capacity as determined by the Member State taking into account actual needs;	ea. 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 in line with their respective mandates.	f. financial support by the Union and operational support by the Union bodies, offices and agencies in line with their respective mandates.

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	CLEAN	Commission Proposal	CLEAN	Second PCY Compromise	VS.AGR	UPDATED Third PCY Compromise
Article 42(2)						
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 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) 2024/1349, 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).		2.The Union and the Member States shall identify common priorities in the field of return 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) 2024/1349, 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.		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.	
Article 43						
457	**Article 43 Competent authorities and resources**		**Article 43 Competent authorities**		**Article 43 Competent authorities**	

	CLEAN Commission Proposal	CLEAN Second PCY Compromise	VS.AGR UPDATED Third PCY Compromise
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.	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.		
Article 43(3)			
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.		
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.		
Article 44			
462	**Article 44 Cooperation between Member States**	**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	1.Cooperation and assistance between competent authorities designated in accordance with Article

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	CLEAN Commission Proposal	CLEAN Second PCY Compromise	VS.AGR UPDATED Third PCY Compromise
		43 shall as a general rule take place for the purpose of:	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;	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 or other material or in-kind assistance in connection with transit through their territory pursuant to (a);	b. providing logistical or other material or in-kind assistance in connection with transit through their territory pursuant to (a);
Article 44(1), point (c)			
465a		c. facilitating the transfer referred to in Article 8(1), point (b);	c. facilitating the transfer referred to in Article 8(1), point (b);
Article 44(1), point (bb)			
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).	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)			
465c		(2) Cooperation and assistance between competent authorities designated in accordance with Article 43 may take place, including for the purpose of:	(2) Cooperation and assistance between competent authorities designated in accordance with Article 43 may take place, including for the purpose of:
Article 44(2)			
465d			
Article 44(2), point (a)			

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	CLEAN Commission Proposal	CLEAN Second PCY Compromise	VS.AGR UPDATED Third PCY Compromise
466	c. leading or supporting the policy dialogue and exchanges with the authorities of third countries for the purpose of facilitating readmission;	a. leading or supporting the policy dialogue and exchanges with the authorities of third countries for the purpose of facilitating readmission;	a. leading or supporting the policy dialogue and exchanges with the authorities of third countries for the purpose of facilitating readmission;
Article 44(2), point (b)			
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;	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;	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(1), point (c)			
468	e. organising, on behalf of the requesting Member State, the practical arrangement for the enforcement of return;	c. organising, on behalf of the requesting Member State, the practical arrangement for the enforcement of return;	c. organising, on behalf of the requesting Member State, the practical arrangement for the enforcement of return;
Article 44(1), point (f)			
469	f. facilitating the transfer referred to in Article 8(1), point (b);		
Article 44(1), 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.		
Article 45			
471	**Article 45 Frontex support**	**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.	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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	CLEAN Commission Proposal	CLEAN Second PCY Compromise	VS.AGR UPDATED Third PCY Compromise
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 accordance with Regulation (EU) 2019/1896.	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 accordance with Regulation (EU) 2019/1896.
Article 46			
474	**Article 46** **Support for return and reintegration**	**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 ensure availability of return and reintegration counselling 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.	1.Member States shall ensure availability of return and reintegration counselling 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 may provide information about return and reintegration prior to issuing the return decision.	2.Member States may provide information about return and reintegration prior to issuing the return decision.

	CLEAN Commission Proposal	CLEAN Second PCY Compromise	VS.AGR UPDATED Third PCY Compromise
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 ensure the availability of return and reintegration programmes, supported or financed at national or Union level. Such programmes shall include logistical, financial, or 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 ensure the availability of return and reintegration programmes, supported or financed at national or Union level. Such programmes shall include logistical, financial, or 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)			
478	4.Reintegration assistance shall not be an individual right and shall not constitute a pre-requisite for the readmission procedure.	4.Return and reintegration assistance shall not be an individual right and shall not constitute a pre-requisite for the readmission procedure.	4.Return and 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 may reflect the level of cooperation and compliance of the third-country national and may decrease over time. The following criteria may 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 may reflect the level of cooperation and compliance of the third-country national and may decrease over time. The following criteria 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;	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;	b.whether the third country national is returning voluntarily, or is subject to removal;
Article 46(5), point (c)			

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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;	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;	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;	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.	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 Frontex shall ensure coherence and coordination on reintegration assistance.	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 Frontex shall ensure coherence and coordination on reintegration assistance.	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 Frontex shall ensure coherence and coordination on reintegration assistance.
Chapter IX			
486	**Chapter IX FINAL PROVISIONS**	**Chapter IX FINAL PROVISIONS**	**Chapter IX FINAL PROVISIONS**
Article 47			
487	**Article 47 Emergency situations**	**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	1. In situations where an exceptionally large number of third-country nationals to be returned	1. In situations where an exceptionally large number of third-country nationals to be returned

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	CLEAN Commission Proposal	CLEAN Second PCY Compromise	VS.AGR UPDATED Third PCY Compromise
	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).	places a 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 longer than those provided for in Article 38(7) and 48(2) to take urgent measures in respect of the conditions of detention derogating from those set out in Articles 34(1) and 35(2)..	places ~~a~~***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 longer than those provided for in ~~*Article 38(7) and 48(2)*~~***Articles 27(1), 33(1) and 38(7)*** 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.	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.	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** **Statistics**	**Article 48** **Statistics**
Article 48(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	1.	

	CLEAN Commission Proposal	CLEAN Second PCY Compromise	VS.AGR UPDATED Third PCY Compromise
	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		

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	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)			
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			

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	CLEAN Commission Proposal	CLEAN Second PCY Compromise	VS.AGR UPDATED Third PCY Compromise
504	**Article 49** **Committee procedure**	**Article 49** **Committee procedure**	**Article 49** **Committee procedure** **Not complete – need a new provision for Council decision**
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.	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.	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			
507	**Article 50** **Reporting**	**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 [Five 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.	1.By [Five 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	2.Member States shall, at the request of the Commission, send it the necessary information, if available, for drawing up its report pursuant to	2.Member States shall, at the request of the Commission, send it the necessary information, if available, for drawing up its report pursuant to

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	drawing up its report no later than nine months before the time limit expires.	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.	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** **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.	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.	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** **Entry into force**
Article 52, first paragraph			
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].	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].

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	CLEAN Commission Proposal	CLEAN Second PCY Compromise	VS.AGR UPDATED Third PCY Compromise
			However, Articles 4(3), 4(8), 10, 11, 16(1) and (3), 17, 21-21A, 23-23C, 29, 32-34, 37 and 43 shall apply from the 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.	This Regulation shall be binding in its entirety and directly applicable in all Member States.
Formula			
516	Done at Strasbourg,	Done at Strasbourg,	Done at Strasbourg,
Formula			
517	For the European Parliament	For the European Parliament	For the European Parliament
Formula			
518	The President	The President	The President
Formula			
519	For the Council	For the Council	For the Council
Formula			
520	The President	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
		Article 13 (3), (4)	Article 25

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		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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