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COMMISSION RECOMMENDATION

of 27.9.2017

establishing a common "Return Handbook" to be used by Member States' competent authorities when carrying out return related tasks

The document is approved in principle. Formal adoption will follow as soon as all language versions are available.

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establishing a common "Return Handbook" to be used by Member States' competent authorities when carrying out return related tasks

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) Directive 2008/115/EC of the European Parliament and of the Council¹ lays down common standards and procedures in Member States for returning illegally staying third-country nationals.
- (2) It is necessary to ensure that those common standards and procedures are implemented in a uniform way in all Member States, therefore a common "Return Handbook" providing for common guidelines, best practices and recommendations to be used by Member States' competent authorities when carrying out return related tasks was established by Commission Recommendation C(2015) 6250 of 1 October 2015². As there are new developments in the area of return of illegally staying third-country nationals, it is necessary to update the Return Handbook.
- (3) Commission Recommendation C(2017) 1600 of 7 March 2017³ provides guidance on how the provisions of Directive 2008/115/EC should be used for achieving more effective return procedures, and calls on the Member States to take the necessary measures to remove legal and practical obstacles to return. The Return Handbook should therefore take into account that Recommendation.
- (4) The Return Handbook should reflect recent jurisprudence of the Court of Justice of the European Union related to Directive 2008/115/EC.
- (5) The Return Handbook should be addressed to all Member States bound by Directive 2008/115/EC.
- (6) To enhance the uniform implementation of common Union return standards, the Return Handbook should be used as the main tool for performing return related tasks and for training purposes,

RECOMMENDS:

- (1) The Return Handbook set out in the Annex should replace the Return Handbook set out in the Annex to the Commission Recommendation C(2015) 6250.

¹ 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.

² Commission Recommendation of 1 October 2015 establishing a common "Return Handbook" to be used by Member States' competent authorities when carrying out return related tasks.

³ Commission Recommendation of 7 March 2017 on making returns more effective when implementing the Directive 2008/115/EC of the European Parliament and of the Council.

- (2) Member States should transmit the Return Handbook to their national authorities competent for carrying out return related tasks and instruct those authorities to use it as the main tool when performing those tasks.
- (3) The Return Handbook should be used for the purpose of training the personnel involved in return related tasks as well as experts taking part in the evaluation and monitoring mechanism established by Council Regulation (EU) No 1053/2013⁴ to verify application of the Schengen *acquis* in the Member States.

Done at Brussels, 27.9.2017

For the Commission
Dimitris AVRAMOPOULOS
Member of the Commission

⁴ Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen, OJ L 295, 6.11.2013, p. 27.