

# Procedure file

Basic information		
CNS - Consultation procedure Decision	2002/0092(CNS)	Procedure completed
EC/China Hong Kong SAR agreement: readmission of persons residing without authorisation  Subject 6.40.08 Relations with Asian countries 7.10.04 External borders crossing and controls, visas 7.10.08 Migration policy  Geographical area Hong Kong China		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> Citizens' Freedoms and Rights, Justice and Home Affairs		09/07/2002
		ELDR <a href="#">WATSON Sir Graham</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
Council of the European Union	<b>AFET</b> Foreign Affairs, Human Rights, Common Security, Defense	The committee decided not to give an opinion.	
	<b>JURI</b> Legal Affairs and Internal Market	The committee decided not to give an opinion.	
European Commission	Council configuration	Meeting	Date
	<a href="#">Agriculture and Fisheries</a>	<a href="#">2555</a>	18/12/2003
European Commission	Commission DG	Commissioner	
	External Relations		

Key events			
18/04/2002	Legislative proposal published	<a href="#">SEC(2002)0412</a>	Summary
10/06/2002	Committee referral announced in Parliament		
05/11/2002	Vote in committee		Summary
05/11/2002	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A5-0381/2002</a>	
18/12/2002	Debate in Parliament		
19/12/2002	Decision by Parliament	<a href="#">T5-0627/2002</a>	Summary
17/12/2003	End of procedure in Parliament		

18/12/2003	Act adopted by Council after consultation of Parliament		
24/01/2004	Final act published in Official Journal		

### Technical information

Procedure reference	2002/0092(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 063-p3; EC Treaty (after Amsterdam) EC 300-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/16197

### Documentation gateway

Legislative proposal		<a href="#">SEC(2002)0412</a>	18/04/2002	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A5-0381/2002</a>	05/11/2002	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T5-0627/2002</a> OJ C 031 05.02.2004, p. 0186-0252 E	19/12/2002	EP	Summary

### Additional information

European Commission	<a href="#">EUR-Lex</a>
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### Final act

<a href="#">Decision 2004/80</a> <a href="#">OJ L 017 24.01.2004, p. 0023-0024</a> Summary
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## EC/China Hong Kong SAR agreement: readmission of persons residing without authorisation

PURPOSE : proposal for an Agreement between the EC and Hong Kong Special Administrative Region (SAR) on the readmission of persons residing without authorisation. CONTENT : Council Regulation 539/2001/EC exempts holders of a "Hong Kong SAR" passport from the requirement for a visa when entering the EU, for stays of no more than three months in all. In order to combat illegal immigration, and on a reciprocal basis, the Agreement sets out measures for the identification and return of those people who do not, or no longer, fulfil the conditions for entry into or presence in either Hong Kong SAR or the Member States of the EU. The provisions of the Agreement do not apply to Denmark. The Agreement provides as follows: -the Hong Kong SAR will readmit people who are not entitled to be in a requesting Member State provided that they are permanent residents of Hong Kong. The SAR will also readmit people who, at the time of entry held a visa or residence authorisation from the Hong Kong SAR or who, after having entered the territory of the Hong Kong SAR, proceed to enter unlawfully one of the Member States, coming directly from Hong Kong SAR. The Agreement therefore covers own nationals as well as persons of another jurisdiction. This term includes third-country nationals and stateless persons. Exempted from this obligation are people in airside transit and all persons to whom the requesting Party has granted visa-free access or issued a visa or residence authorization with a longer period of validity. Readmission will take place without any formalities other than those specified in the Agreement. The Member States are under a similar obligation. -under certain circumstances, the Hong Kong SAR accepts the use of the EU's standard travel documents. -the agreement contains a section on transit operations. -there are also provisions on the readmission application, means of evidence, time limits, transfer modalities and modes of transportation. Some procedural flexibility is provided by the fact that in cases where the person to be readmitted is in possession of valid travel documents and willing to return voluntarily, only on a written communication - but no formal submission of a readmission application will be needed.?

## EC/China Hong Kong SAR agreement: readmission of persons residing without authorisation

The committee adopted the report by Graham WATSON (ELDR, UK) approving the proposal without amendment under the consultation procedure.?

## EC/China Hong Kong SAR agreement: readmission of persons residing without authorisation

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The European Parliament adopted a resolution drafted by Graham WATSON (ELDR, United Kingdom) and approved the conclusion of the EC-Hong Kong agreement.?

## EC/China Hong Kong SAR agreement: readmission of persons residing without authorisation

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PURPOSE : to conclude the Agreement between the EC and Hong Kong. laying down rules on the readmission of persons residing without authorisation. LEGISLATIVE ACT : Council Decision 2004/80/EC concerning the conclusion of the Agreement between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation. CONTENT : This Decision states that the readmission Agreement between the EC and Hong Kong is concluded. The details of the Agreement are as follows: Council Regulation 539/2001/EC exempts holders of a "Hong Kong SAR" passport from the requirement for a visa when entering the EU, for stays of no more than three months in all. In order to combat illegal immigration, and on a reciprocal basis, the Agreement sets out measures for the identification and return of those people who do not, or no longer, fulfil the conditions for entry into or presence in either Hong Kong SAR or the Member States of the EU. The Agreement provides as follows: - the Hong Kong SAR will readmit people who are not entitled to be in a requesting Member State provided that they are permanent residents of Hong Kong. The SAR will also readmit people who, at the time of entry held a visa or residence authorisation from the Hong Kong SAR or who, after having entered the territory of the Hong Kong SAR, proceed to enter unlawfully one of the Member States, coming directly from Hong Kong SAR. The Agreement therefore covers own nationals as well as persons of another jurisdiction. This term includes third-country nationals and stateless persons. Exempted from this obligation are people in airside transit and all persons to whom the requesting Party has granted visa-free access or issued a visa or residence authorization with a longer period of validity. Readmission will take place without any formalities other than those specified in the Agreement. The Member States are under a similar obligation. - under certain circumstances, the Hong Kong SAR accepts the use of the EU's standard travel documents. - the agreement contains a section on transit operations. -there are also provisions on the readmission application, means of evidence, time limits, transfer modalities and modes of transportation. Some procedural flexibility is provided by the fact that in cases where the person to be readmitted is in possession of valid travel documents and willing to return voluntarily, only on a written communication - but no formal submission of a readmission application will be needed.?