

# Procedure file

Basic information		
CNS - Consultation procedure Decision	2003/0054(CNS)	Procedure completed
EC/China Macao 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 China Macao		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> Citizens' Freedoms and Rights, Justice and Home Affairs	PSE <a href="#">SOUSA PINTO Sérgio</a>	23/04/2003
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>AFET</b> Foreign Affairs, Human Rights, Common Security, Defense	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Agriculture and Fisheries</a>	<a href="#">2575</a>	21/04/2004
European Commission	Commission DG	Commissioner	
	External Relations		

Key events			
31/03/2003	Initial legislative proposal published	<a href="#">COM(2003)0151</a>	Summary
24/09/2003	Legislative proposal published	<a href="#">10667/1/2003</a>	
20/10/2003	Committee referral announced in Parliament		
19/02/2004	Vote in committee		Summary
19/02/2004	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A5-0096/2004</a>	
26/02/2004	Decision by Parliament	<a href="#">T5-0106/2004</a>	Summary
21/04/2004	Act adopted by Council after consultation of Parliament		
21/04/2004	End of procedure in Parliament		

30/04/2004	Final act published in Official Journal		
------------	---	--	--

## Technical information

Procedure reference	2003/0054(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-p2/3-a1
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/19421

## Documentation gateway

Initial legislative proposal		<a href="#">COM(2003)0151</a>	31/03/2003	EC	Summary
Legislative proposal		<a href="#">10667/1/2003</a>	24/09/2003	CSL	
Document attached to the procedure		<a href="#">10641/1/2003</a>	24/09/2003	CSL	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A5-0096/2004</a>	19/02/2004	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T5-0106/2004</a> OJ C 098 23.04.2004, p. 0018-0123 E	26/02/2004	EP	Summary

## Additional information

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

## Final act

<a href="#">Decision 2004/424</a> <a href="#">OJ L 143 30.04.2004, p. 0097-0098</a> Summary
--

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

**PURPOSE** : to conclude an Agreement between the EU and the Macao Special Administrative Region on the readmission of persons residing without authorisation. **CONTENT** : in April 2001 a new Regulation on visa admissions was adopted by the European Community, setting out which countries must be in possession of visas when crossing the EU's external borders. Within the context of this Regulation the EU agreed that holders of a 'Macao Special Administrative Region' passport would be exempted from the application of the visa Regulation. Although fully incorporated into the People's Republic of China, under its Basic Law, Macao enjoys considerable autonomy - particularly in the field of immigration controls. It was within this context that the European Commission began negotiations with Macao in 2001 to find common ground on the readmission of persons residing without authorisation. The final content of the Agreement is as follows: - the readmission obligations set out in the Agreement are drawn up in a fully reciprocal manner, concerning own nationals and permanent residents as well as persons subject to another jurisdiction. They contain formulations clarifying that readmission shall take place without any formalities other than those specified in this Agreement. Stateless persons have been included through a joint declaration; - the obligation to readmit persons subject to another jurisdiction is linked to the following prerequisites: a) the person to be readmitted held, at the time of entry, a valid residence authorisation of the requested party or b) the person to be readmitted after having entered (lawfully or unlawfully) the territory of the requested Party proceeds to enter the territory of the requesting Party unlawfully directly from the territory of the requested Party. Exempted from these obligations are persons in air transit and all persons to whom the requesting Party has issued a residence authorisation with a longer period of validity. The specific situation of persons merely transiting through Macao is also reflected in a joint declaration of the agreement; - under certain circumstances the Macao SAR accepts the use of the EU's standard travel document for expulsion purposes; - the Agreement contains a section on transit operations; - necessary technical provisions regarding: readmission procedures; costs; data protection; are outlined. The specific situation of Denmark in relation to the Schengen Agreement is also included. In light of the above the Commission asks the Council to approve, following consultation with the European Parliament, the conclusions of the Agreement.?

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

---

The committee adopted the report by Sérgio SOUSA PINTO (PES, P) approving the proposal unamended under the consultation procedure.?

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

---

The European Parliament adopted a resolution drafted by Sérgio SOUSA PINTO (PES, P) and approved the Council proposal.?

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

---

**PURPOSE** : to conclude an Agreement between the European Community and the Macao Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation. **LEGISLATIVE ACT** : Council Decision 2004/424/EC concerning the conclusion of the Agreement between the European Community and the Macao Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation. **CONTENT** : to recall, the Justice and Home Affairs (JHA) Council authorised the Commission to negotiate a readmission agreement between the European Community and the Macao Special Administrative Region (SAR) of the People's Republic of China, by its decision of 28 May 2001. The Agreement was initialled in Brussels on 18 October 2002. The final content of the Agreement can be summarised as follows: - the readmission obligations set out in the Agreement are drawn up in a fully reciprocal manner, concerning own nationals and permanent residents respectively as well as persons subject to another jurisdiction. They all contain a formulation clarifying that readmission shall take place without any formalities other than those specified in this Agreement. Although the definition of "persons subject to another jurisdiction" in Article 1(d) does not explicitly state that this term includes stateless persons, their inclusion has been ensured through a joint declaration; - the obligation to readmit persons subject to another jurisdiction is linked to the following prerequisites: (a) the person to be readmitted held, at the time of entry, a valid residence authorisation of the requested Party, or (b) the person to be readmitted after having entered (lawfully or unlawfully) the territory of the requested Party proceeds to enter the territory of the requesting Party unlawfully directly from the territory of the requested Party. Exempted from these obligations are persons in airside transit and all persons to whom the requesting Party has issued a residence authorisation with a longer period of validity. The specific situation of persons merely transiting through Macao is also reflected in a joint declaration to the agreement; - under certain circumstances, the Macao SAR accepts the use of the EU's standard travel document for expulsion purposes; - the Agreement contains a section on transit operations; - Section III of the Agreement contains the necessary technical provisions regarding the readmission procedure (readmission application, means of evidence, time limits, transfer details and modes of transport). 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, a written communication only and no formal submission of a readmission application will be needed; - the Agreement contains the necessary rules on costs, data protection and the non-affection of other International rights and obligations applicable to the Parties; - in order to execute this Agreement in practice, Article 18 empowers Member States to conclude bilateral implementing Protocols with the Macao SAR. **ENTRY INTO FORCE** : this Agreement shall remain in force indefinitely, unless terminated by one or other of the parties (or both). This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures.?