

Procedure file

Basic information	
CNS - Consultation procedure Decision	2007/0142(CNS) Procedure completed
EC/Bosnia and Herzegovina agreement: readmission agreement	
Subject 6.40.03 Relations with South-East Europe and the Balkans 7.10.04 External borders crossing and controls, visas 7.10.08 Migration policy	
Geographical area Bosnia and Herzegovina	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		03/10/2007
		PSE FAVA Claudio	
	Committee for opinion	Rapporteur for opinion	Appointed
	AFET Foreign Affairs		12/09/2007
		PPE-DE PACK Doris	
Council of the European Union	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	2827	08/11/2007
	Justice and Home Affairs (JHA)	2818	18/09/2007
European Commission	Commission DG	Commissioner	
	Justice and Consumers	FRATTINI Franco	

Key events			
17/07/2007	Legislative proposal published	COM(2007)0425	Summary
24/09/2007	Committee referral announced in Parliament		
09/10/2007	Vote in committee		Summary
12/10/2007	Committee report tabled for plenary, 1st reading/single reading	A6-0385/2007	
24/10/2007	Results of vote in Parliament		
24/10/2007	Decision by Parliament	T6-0447/2007	Summary
08/11/2007	Act adopted by Council after consultation of Parliament		

08/11/2007	End of procedure in Parliament		
19/12/2007	Final act published in Official Journal		

Technical information	
Procedure reference	2007/0142(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 300-p2/3-a1; EC Treaty (after Amsterdam) EC 063-p3b
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/52251

Documentation gateway					
Legislative proposal		COM(2007)0425	17/07/2007	EC	Summary
Committee draft report		PE394.022	20/09/2007	EP	
Committee opinion	AFET	PE394.101	04/10/2007	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0385/2007	12/10/2007	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0447/2007	24/10/2007	EP	Summary

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex

Final act
Decision 2007/820 OJ L 334 19.12.2007, p. 0065 Summary

EC/Bosnia and Herzegovina agreement: readmission agreement

PURPOSE: to sign and conclude a Readmission Agreement between Bosnia and Herzegovina and the Community.

PROPOSED ACT: Council Decision.

BACKGROUND: the 2003 Thessaloniki Summit on the Western Balkans recognised the importance of giving due recognition to matters concerning illegal immigration and the issuing of visas. The 'Thessaloniki Agenda', accordingly recognised the need for the EU to conclude Readmission Agreements with the countries of the Western Balkans, including Bosnia and Herzegovina. In November 2006 the Council formally authorised the Commission to negotiate a Readmission Agreement with Bosnia and Herzegovina to be negotiated alongside an Agreement on the issuance of short-stay visas. See [CNS/2007/0140](#). The Member States have been regularly informed and consulted throughout the negotiating process.

CONTENT: the purpose of this proposal, therefore, is to request the Council to sign and conclude an Agreement between the Community and Bosnia-Herzegovina on Readmission. The Commission is of the view that the objectives set by the Council in its negotiating Directives have been attained and that the draft Readmission Agreement is acceptable to the Community. The draft Agreement with Bosnia and Herzegovina has been, as far as possible, harmonised with the draft Readmission Agreements of the other Western Balkans countries.

The main elements of the proposal can be summarised as follows:

- the Agreement has been divided into eight sections with 23 Articles. It contains seven Annexes and four Declarations, all of which form an integral part of the overall Agreement;

- the readmission obligations are fully reciprocal and comprise of own nationals, third country nationals and stateless persons ? including those of Bosnia and Herzegovina and the former nationals of the Socialist Federal Republic of Yugoslavia who have acquired no other nationality;
- this obligation to readmit own nationals extends to former own national who have renounced, or who have been deprived of, their nationality without acquiring the nationality of another State;
- the obligation to readmit own nationals covers family members (i.e. spouses and minor unmarried children) who hold a nationality other than the person to be readmitted and who do not have an independent right of residence in the Requesting State;
- the obligation to readmit third country nationals and stateless persons is linked to a number of prerequisites, such as: the person concerned holds, or at the time of entry held, a valid visa or resident permit issued by the Requested State; or the person concerned illegally and directly entered the territory of the Requesting State after having stayed on or transited through the territory of the Requested State. Those in airside transit and all persons to whom the Requesting State has issued a visa or residence authorisation before or after entry to its territory are exempted from these obligations;
- former nationals of the Socialist Federal Republic of Yugoslavia who have acquired no other nationality will be treated as a separate category. It is proposed that their readmission will be accepted by Bosnia and Herzegovina on condition that firstly, their place of birth was on Bosnia and Herzegovina territory and secondly their place of permanent residence on the date of independence (6 April 1992) was on the territory of that State. It is worth noting that the specific conditions for the readmission of this category of person was applied horizontally in all of the Readmission Agreement with the other Western Balkan countries;
- Bosnia and Herzegovina agree to accept the use of the EU's standard travel documents for expulsion purposes ? both for own nationals as well as for third country nationals or stateless persons;
- Section III sets out the necessary technical provisions regarding the readmission procedure. The time limit for replies for all readmission applications is 10 calendar days with the right to an extension of up to 6 calendar days in duly motivated cases;
- a section on transit operations is foreseen as are sections on costs, data protection and relationship to other international obligations;
- Bosnia and Herzegovina as well as individual Member States will be allowed to conclude bilateral implementing Protocols.

The United Kingdom and Ireland have notified their wish to take part in the adoption and application of this Agreement. Denmark, however, will not.

EC/Bosnia and Herzegovina agreement: readmission agreement

The Committee on Civil Liberties, Justice and Home Affairs adopted a report drawn up by Claudio FAVA (PES, IT) approving, without amendment the proposal for a Council decision on the conclusion of the Agreement between the European Community and Bosnia and Herzegovina on readmission.

EC/Bosnia and Herzegovina agreement: readmission agreement

The European Parliament adopted a resolution drafted by Claudio FAVA (PES, IT) and approved the proposal for a Council decision on the conclusion of the Agreement between the European Community and Bosnia and Herzegovina on readmission.

EC/Bosnia and Herzegovina agreement: readmission agreement

PURPOSE: to conclude an Agreement on readmission with Bosnia and Herzegovina.

LEGISLATIVE ACT: Council Decision 2007/820/CE on the conclusion of the Agreement between the European Community and Bosnia and Herzegovina on readmission.

CONTENT: the decision aims to conclude an agreement on the readmission of own nationals of all parties, according to a strict framework set out in the agreement.

Principle of reciprocity and scope of application: the obligations in terms of readmission outlined in the agreement are established on the basis of complete reciprocity, applicable to all own nationals as well as third country nationals and stateless persons, including, in the case of Bosnia and Herzegovina, to all former nationals of the Socialist Federal Republic of Yugoslavia who have acquired no other nationality.

Criteria for readmission: the obligation for readmission with regards to own nationals covers:

- Former nationals who have given up their nationality or who have lost their nationality without obtaining nationality of another State;
- Family members (spouses and minor unmarried children) who hold a nationality other than that of the person to be readmitted and who do not have an independent right of residence in the Requesting State.

The obligation to readmit third country nationals and stateless persons (Article 3) is linked to the following prerequisites: (a) the person concerned holds or at the time of entry held, a valid visa or residence permit issued by the Requested State, or (b) the person concerned illegally and directly entered the territory of the Requesting State after having stayed on or transited through the territory of the Requested State. Exempted from these obligations are persons in airside transit and all persons to whom the Requesting State has issued a visa or residence authorisation before or after entry to its territory.

The situation of nationals of the former Yugoslavia: these nationals were treated as a separate category. Their readmission shall be accepted by Bosnia and Herzegovina provided two conditions are met:

1. their place of birth was on Bosnia and Herzegovina's territory and
2. their place of permanent residence on the date of independence of Bosnia and Herzegovina (i.e. 6 April 1992) was on the territory of that State.

For own nationals as well as for third country nationals or stateless persons, in all cases, Bosnia and Herzegovina accepts the use of the EU's

standard travel document for expulsion purposes.

Technical provisions regarding the readmission procedure: the agreement defines the necessary technical provisions regarding the readmission procedure (the form and content of the readmission application, means of evidence, time limits, transfer modalities and modes of transportation). Some procedural flexibility is provided by the fact that no readmission will be needed in cases where the person to be readmitted is in possession of a valid national passport and, if he or she is a third-country national, also holds a valid visa or residence authorisation of the State which has to readmit them. The time limit for replies for all readmission applications is 10 calendar days with the right to an extension with up to 6 calendar days upon request and in duly motivated cases.

Other provisions: the agreement contains a section dedicated to transit operations as well as specific rules regarding costs, the protection of data, as well as the effect of the agreement on other international instruments. The agreement also provides details on the composition of the joint readmission committee as well as its tasks and powers.

In view of its practical implementation, this Agreement creates the possibility for Bosnia and Herzegovina and individual Member States to conclude bilateral implementing Protocols.

The final provisions contain the necessary rules on entry into force, duration (undetermined), possible amendments, suspension, termination and the legal status of the Annexes to the agreement.

Territorial provisions: the provision takes into account the particular situation of Denmark which does not participate in the Schengen acquis and is therefore not bound to comply with the provisions of the agreement. The close association of Norway, Iceland and Switzerland to the implementation, application and development of the Schengen Acquis is likewise reflected in joint declarations to the Agreement.

ENTRY INTO FORCE: the agreement will enter into force when all the necessary procedures to this effect have been completed. The agreement is planned to enter into force on the same day as the parallel agreement on the issuance of visas, which contains a similar provision (see [CNS/2007/0140](#)).