


Procedure file

Basic information	
CNS - Consultation procedure Decision	2007/0146(CNS) Procedure completed
EC/Montenegro 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 Montenegro, from 06/2006	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		10/09/2007
		ALDE VĂLEAN Adina-Ioana	
	Committee for opinion	Rapporteur for opinion	Appointed
	AFET Foreign Affairs		12/09/2007
		PPE-DE VERNOLA Marcello	
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 Justice and Consumers	Commissioner FRATTINI Franco	

Key events			
18/07/2007	Legislative proposal published	COM(2007)0431	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	A6-0380/2007	
24/10/2007	Results of vote in Parliament		
24/10/2007	Decision by Parliament	T6-0451/2007	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	2007/0146(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 063-p3b; EC Treaty (after Amsterdam) EC 300-p2/3-a1
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/52237

Documentation gateway

Legislative proposal		COM(2007)0431	19/07/2007	EC	Summary
Committee draft report		PE394.123	21/09/2007	EP	
Committee opinion	AFET	PE394.099	04/10/2007	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0380/2007	12/10/2007	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0451/2007	24/10/2007	EP	Summary

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Decision 2007/818](#)
[OJ L 334 19.12.2007, p. 0025](#) Summary

EC/Montenegro agreement: readmission agreement

PURPOSE: to sign and conclude a Readmission Agreement between Montenegro 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 the Republic of Montenegro. In November 2006 the Council formally authorised the Commission to negotiate a Readmission Agreement with Montenegro to be negotiated alongside an Agreement on the issuance of short-stay visas. See [CNS/2007/0149](#). 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 the Republic of Montenegro 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 Montenegro 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 six joint 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 Montenegro 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 Montenegro on condition that firstly, their place of birth was on Montenegro's territory and secondly their place of permanent residence on the date of independence (27 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;
- Montenegro agrees 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 12 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;
- Montenegro 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/Montenegro agreement: readmission agreement

The Committee on Civil Liberties, Justice and Home Affairs adopted a report drawn up by Adina-Ioana VĂLEAN (ALDE, RO) approving, without amendment, the proposal for a Council decision on the conclusion of the Agreement between the European Community and the Republic of Montenegro on readmission.

EC/Montenegro agreement: readmission agreement

The European Parliament adopted a resolution drafted by Adina-Ioana VĂLEAN (ALDE, RO) and approved the proposal for a Council decision on the conclusion of the Agreement between the European Community and the Republic of Montenegro on readmission.

EC/Montenegro agreement: readmission agreement

PURPOSE: the conclusion of a Readmission Agreement between Montenegro and the Community.

LEGISLATIVE ACT: Council Decision 2007/818/EC on the conclusion of the Agreement between the European Community and the Republic of Montenegro on the readmission of persons residing without authorisation.

CONTENT: the Decision relates to the conclusion of an Agreement between the Community and the Republic of Montenegro on Readmission. The Agreement with Montenegro has been, as far as possible, harmonised with the Readmission Agreements of the other Western Balkans countries.

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

- the Agreement has been divided into eight sections with 23 Articles. It contains seven Annexes and six joint 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 Montenegro 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 Montenegro on condition that firstly, their place of birth was on Montenegro's territory and secondly their place of permanent residence on the date of independence (27 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;
- Montenegro agrees 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 12 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;
- Montenegro 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.

ENTRY INTO FORCE: the agreement will enter into force when the necessary formalities have been concluded and on the same date as the parallel agreement on the issuance of short-stay visas (see [CNS/2007/0149](#)).