


# Procedure file

| Basic information   |                                |                     |
|---|--------------------------------|---------------------|
| CNS - Consultation procedure<br>Decision  | <a href="#">2007/0182(CNS)</a> | Procedure completed |
| EC/Moldova agreement: agreement on the readmission of persons residing without authorisation  |                                |                     |
| Subject<br>6.40.02 Relations with central and eastern Europe<br>7.10.04 External borders crossing and controls, visas<br>7.10.08 Migration policy |                                |                     |
| Geographical area<br>Moldova  |                                |                     |

| Key players                   |   |  |            |
|-------------------------------|---|--|------------|
| European Parliament           | Committee responsible   | Rapporteur                                   | Appointed  |
|                               | <b>LIBE</b> Civil Liberties, Justice and Home Affairs                           |  | 03/10/2007 |
|                               |   | PPE-DE <a href="#">MARINESCU Marian-Jean</a> |            |
|                               | Committee for opinion   | Rapporteur for opinion                       | Appointed  |
|                               | <b>AFET</b> Foreign Affairs   |  | 12/09/2007 |
|                               |   | PSE <a href="#">WIERSMA Jan Marinus</a>      |            |
| Council of the European Union | Council configuration   | Meeting                                      | Date       |
|                               | <a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a> | <a href="#">2832</a>                         | 22/11/2007 |
|                               | <a href="#">General Affairs</a>   | <a href="#">2823</a>                         | 15/10/2007 |
| European Commission           | Commission DG<br><a href="#">Justice and Consumers</a>                          | Commissioner<br>FRATTINI Franco              |            |

| Key events |   |   |         |
|------------|---|---|---------|
| 05/09/2007 | Legislative proposal published                                  | <a href="#">COM(2007)0504</a>   | Summary |
| 10/10/2007 | Committee referral announced in Parliament                      |   |         |
| 05/11/2007 | Vote in committee   |   | Summary |
| 07/11/2007 | Committee report tabled for plenary, 1st reading/single reading | <a href="#">A6-0427/2007</a>  |         |
| 13/11/2007 | Results of vote in Parliament                                   |  |         |
| 13/11/2007 | Decision by Parliament  | <a href="#">T6-0496/2007</a>  | Summary |

|            |   |  |  |
|------------|---|--|--|
| 22/11/2007 | Act adopted by Council after consultation of Parliament |  |  |
| 22/11/2007 | End of procedure in Parliament                          |  |  |
| 19/12/2007 | Final act published in Official Journal                 |  |  |

| Technical information      |  |
|----------------------------|--|
| Procedure reference        | 2007/0182(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/6/52895   |

| Documentation gateway   |      |                               |            |    |         |
|---|------|-------------------------------|------------|----|---------|
| Legislative proposal  |      | <a href="#">COM(2007)0504</a> | 05/09/2007 | EC | Summary |
| Committee opinion   | AFET | <a href="#">PE396.427</a>     | 09/10/2007 | EP |         |
| Committee draft report  |      | <a href="#">PE394.218</a>     | 19/10/2007 | EP |         |
| Committee report tabled for plenary, 1st reading/single reading |      | <a href="#">A6-0427/2007</a>  | 07/11/2007 | EP |         |
| Text adopted by Parliament, 1st reading/single reading          |      | <a href="#">T6-0496/2007</a>  | 13/11/2007 | EP | Summary |

| Additional information |                         |
|------------------------|-------------------------|
| National parliaments   | <a href="#">IPEX</a>    |
| European Commission    | <a href="#">EUR-Lex</a> |

| Final act   |
|---|
| <a href="#">Decision 2007/826</a><br><a href="#">OJ L 334 19.12.2007, p. 0148</a> Summary |

## EC/Moldova agreement: agreement on the readmission of persons residing without authorisation

**PURPOSE:** to sign and conclude a Readmission Agreement between Moldova 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 Moldova. In November 2006 the Council formally authorised the Commission to negotiate a Readmission Agreement with Moldova to be negotiated alongside an Agreement on the issuance of short-stay visas. See [CNS/2007/0175](#). 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 Moldova 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 Moldova 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 six 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;
- this obligation to readmit own nationals extends to former own nationals who have been deprived of or renounced, 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;
- Moldova 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. 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 him or her. Article 6 also contains an important procedural element relating to the so-called 'accelerated procedure'. This applies to persons apprehended in the 'border region', which extends up to 30 kilometres from the common land border between a Member State and the Republic of Moldova or international airports. Under the accelerated procedure, readmission applications have to be submitted and replies have to be given within 2 working days, whereas under the normal procedure the time limit for replies is 11 working days;
- a section on transit operations is foreseen as are sections on costs, data protection and relationship to other international obligations;
- Moldova as well as individual Member States will be allowed to conclude bilateral implementing Protocols.

Denmark will not be taking part in the adoption of this Agreement.

## EC/Moldova agreement: agreement on the readmission of persons residing without authorisation

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The Committee on Civil Liberties, Justice and Home Affairs adopted, without amendment at 1<sup>st</sup> reading of the consultation procedure, the report drafted by Marian-Jean MARINESCU (EPP-ED, RO) on the proposal for a Council decision concerning the conclusion of the Agreement between the European Community and Republic of Moldova on the readmission of persons residing without authorisation.

## EC/Moldova agreement: agreement on the readmission of persons residing without authorisation

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The European Parliament adopted a resolution drafted by Marian-Jean MARINESCU (EPP-ED, RO) and approved the proposal for a Council decision on the conclusion of the Agreement between the European Community and Moldova on the readmission of persons residing without authorisation.

## EC/Moldova agreement: agreement on the readmission of persons residing without authorisation

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

LEGISLATIVE ACT: Council Decision 2007/826/EC on the conclusion of the Agreement between the European Community and the Republic of Moldova on the readmission of persons residing without authorisation.

CONTENT: the purpose of this Decision is the conclusion of an Agreement between the Community and Moldova on Readmission.

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

- the Agreement has been divided into eight sections with 23 Articles. It contains six 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;
- this obligation to readmit own nationals extends to former own nationals who have been deprived of or renounced, 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;
- Moldova 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. 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 him or her. Article 6 also contains an important procedural element relating to the so-called 'accelerated procedure'. This applies to persons

apprehended in the "border region", which extends up to 30 kilometres from the common land border between a Member State and the Republic of Moldova or international airports. Under the accelerated procedure, readmission applications have to be submitted and replies have to be given within 2 working days, whereas under the normal procedure the time limit for replies is 11 working days;

- a section on transit operations is foreseen as are sections on costs, data protection and relationship to other international obligations;
- Moldova as well as individual Member States will be allowed to conclude bilateral implementing Protocols.

Denmark will not be taking part in the adoption of this Agreement.

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/2007/0175](#)).