Procedure file

Basic information

NLE - Non-legislative enactments Decision	2012/0332(NLE)	Procedure completed
EU/Armenia Agreement: readmission of persons residing without authorisation Subject 6.40.04 Relations with the Commonwealth of Independent States (CIS) 7.10.04 External borders crossing and controls, visas 7.10.08 Migration policy Geographical area Armenia		

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		09/01/2013
		PPE BAUER Edit	
		Shadow rapporteur	
		S&D GUILLAUME Sylvie	
		ALDE ILCHEV Stanimir	
		Verts/ALE ŽDANOKA Tatjana	
		ECR KIRKHOPE Timothy	
	Committee for opinion	Rapporteur for opinion	Appointed
	AFET Foreign Affairs		19/02/2013
		ECR PORĘBA Tomasz Piotr	
Council of the European Union	Council configuration	Meeting	Date
	General Affairs	3268	22/10/2013
European Commission	Commission DG	Commissioner	
	Migration and Home Affairs	MALMSTRÖM Cecilia	

Key events

27/11/2012	Preparatory document	COM(2012)0704	Summary
25/04/2013	Legislative proposal published	05859/2013	Summary
21/05/2013	Committee referral announced in Parliament		
18/09/2013	Vote in committee		
24/09/2013	Committee report tabled for plenary, 1st	A7-0289/2013	

	reading/single reading		
09/10/2013	Results of vote in Parliament		
09/10/2013	Decision by Parliament	T7-0410/2013	Summary
22/10/2013	Act adopted by Council after consultation of Parliament		
22/10/2013	End of procedure in Parliament		
31/10/2013	Final act published in Official Journal		

Technical information

Procedure reference	2012/0332(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the EU TFEU 218-p6a; Treaty on the Functioning of the EU TFEU 079-p3
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/11511

Documentation gateway

Preparatory document		COM(2012)0704	27/11/2012	EC	Summary
Legislative proposal		05859/2013	25/04/2013	CSL	Summary
Document attached to the procedure		05860/2013	25/04/2013	CSL	
Committee draft report		PE513.036	10/06/2013	EP	
Committee opinion	AFET	PE506.357	27/06/2013	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0289/2013	24/09/2013	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0410/2013	09/10/2013	EP	Summary

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

Decision 2013/629
OJ L 289 31.10.2013, p. 0012 Summary

EU/Armenia Agreement: readmission of persons residing without authorisation

CONTENT: to conclude an Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorisation.

PROPOSED ACT: Council Decision.

BACKGROUND: the EU and Armenia have agreed to move forward with the deepening and broadening of EU- Armenia relations within the Eastern Partnership (EaP) framework.

In this framework, the EU has recognised the importance of enhanced people-to-people contacts. During the Prague Eastern Partnership Summit in May 2009, the EU reaffirmed its political support towards full liberalisation of the visa regime in a secure environment, and towards promoting mobility by concluding visa facilitation and readmission agreements with EaP countries. According to the common approach for the development of EU policy on visa facilitation, a visa facilitation agreement would not be concluded without a readmission agreement being in place.

In 19 December 2011, the Council formally authorised the Commission to negotiate a readmission agreement between the European Union and Armenia. The first round of formal negotiations was held in Yerevan on 27-28 February 2012. Two further formal rounds of negotiations took place, lastly in Yerevan on 19 July 2012. The agreed text was subsequently initialled on 18 October 2012 in Brussels.

Member States have been regularly informed and consulted at all (informal and formal) stages of the readmission negotiations.

It is now necessary to conclude this Agreement on behalf of the European Union.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 79(3), in conjunction with Article 218 (6)(a) of Treaty on the Functioning of the European Union (TFEU).

CONTENT: the proposed decision constitutes the legal instrument for the conclusion of the readmission agreement.

The proposed decision concerning the conclusion of the Agreement sets out the necessary internal arrangements for its practical application. In particular, it specifies that the Commission, assisted by experts from Member States, represents the Union within the Joint Readmission Committee set up by Article 19 of the Agreement. Under Article 19(5), the readmission committee shall adopt its own rules of procedure. As in the case for the other readmission agreements so far concluded by the Union, the Union position in this regard shall be established by the Commission in consultation with a special committee designated by the Council. As regards other decisions to be taken by the Joint Committee, the Union position shall be established in accordance with the applicable provisions of the Treaty.

The Commission considers that the objectives set by the Council in its negotiating directives were attained and that the draft Readmission Agreement is acceptable to the Union.

The final content of this Agreement can be summarised as follows:

- the agreement contains an opening clause, reaffirming that the agreement shall be applied so as to ensure respect for human rights, and for the obligations and responsibilities of the Requested State and Requesting State under relevant international instruments applicable to them, and reiterating that the Requested State shall in particular ensure the protection of the rights of persons readmitted to its territory in compliance with those international instruments. The same clause confirms that the Requesting State should give preference to voluntary return over forced return;
- the readmission obligations set out in the Agreement (Articles 3 - 6) are drawn up in a fully reciprocal way, comprising own nationals (Articles 3 and 5) as well as third country nationals and stateless persons (Articles 4 and 6);
- the obligation to readmit own nationals includes also former own nationals who have renounced their nationality without acquiring the nationality of another State;
- the readmission obligation with regard to own nationals covers also family members (i.e. spouses and minor unmarried children) regardless of their nationality and who do not have an independent right of residence in the Requesting State;
- the obligation to readmit third country nationals and stateless persons (Articles 4 and 6) is linked to the following prerequisites: (a) the person concerned holds, at the time of submission of the readmission application, 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;
- for own nationals as well as for third country nationals or stateless persons, in case of expiry of the specified delay, Armenia accepts the use of the EU's standard travel document for expulsion purposes (Articles 3(5) and 4(3));
- Section III of the Agreement (Articles 7 to 13 in conj. with annexes 1 to 5) contains the necessary technical provisions regarding the readmission procedure (readmission application, means of evidence, time limits, transfer modalities and modes of transportation) and 'readmission in error' (Article 13). Some procedural flexibility is provided by the fact that no readmission application will be needed in cases where the person to be readmitted is in possession of a valid travel document or identity card (Article 7(2));
- in its Article 7(3), the Agreement sets out the so-called accelerated procedure, which has been agreed upon for persons apprehended in the "border region", i.e. within an area which extends up to 15 kilometres from the territories of seaports including custom zones and from international airports of the Member States or Armenia. Under the accelerated procedure, readmission applications have to be submitted within 2 days, and replies have to be given within 2 working days whereas under the normal procedure, the time limit for replies is 12 calendar days (Article 11(2));
- the Agreement contains a section on transit operations (Articles 14 and 15 in conjunction with annex 6);
- Articles 16, 17 and 18 contain the necessary rules on costs, data protection and the relation to other international obligations;
- the Joint Readmission Committee will be composed, and have the tasks and powers, in accordance with Article 19;
- in order to facilitate the implementation of this Agreement, Article 20 creates the possibility for Armenia and individual Member States to conclude bilateral implementing Protocols. The relation between the bilateral implementing Protocols and this Agreement is clarified by Article 21;
- the final provisions (Articles 22 to 24) contain the necessary rules on entry into force, duration, possible amendments, suspension, termination and the legal status of the annexes to the agreement.

Territorial provisions: the specific situation of Denmark is reflected in the Agreement. The close association of Norway, Iceland, Liechtenstein and Switzerland to the implementation, application and development of the Schengen acquis has been taken into account and, in the case of Iceland, reflected in a relevant joint declaration to the Agreement.

BUDGETARY IMPLICATION: this proposal has no impact on the EU budget.

EU/Armenia Agreement: readmission of persons residing without authorisation

CONTENT: to conclude an Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorisation.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: on 19 December 2011, the Council formally authorised the Commission to negotiate a readmission agreement between the European Union and Armenia. The first round of formal negotiations was held in Yerevan on 27-28 February 2012. Two further formal rounds of negotiations took place, lastly in Yerevan on 19 July 2012. The agreed text was subsequently initialled on 18 October 2012 in Brussels.

In accordance with a Council Decision, the Agreement between the European Union and the Republic of Armenia on readmission of persons residing without authorisation was signed, subject to its conclusion at a later date.

Member States have been regularly informed and consulted at all (informal and formal) stages of the readmission negotiations.

It is now necessary to conclude this Agreement on behalf of the European Union.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 79(3), in conjunction with Article 218 (6)(a) of Treaty on the Functioning of the European Union (TFEU).

CONTENT: the proposed decision constitutes the legal instrument for the conclusion of the readmission agreement.

The proposed decision concerning the conclusion of the Agreement sets out the necessary internal arrangements for its practical application. In particular, it specifies that the Commission, assisted by experts from Member States, represents the Union within the Joint Readmission Committee set up by Article 19 of the Agreement. Under Article 19(5), the readmission committee shall adopt its own rules of procedure. As in the case for the other readmission agreements so far concluded by the Union, the Union position in this regard shall be established by the Commission in consultation with a special committee designated by the Council. As regards other decisions to be taken by the Joint Committee, the Union position shall be established in accordance with the applicable provisions of the Treaty.

The Commission considers that the objectives set by the Council in its negotiating directives were attained and that the draft Readmission Agreement is acceptable to the Union.

The final content of this Agreement can be summarised as follows:

- the agreement contains an opening clause, reaffirming that the agreement shall be applied so as to ensure respect for human rights, and for the obligations and responsibilities of the Requested State and Requesting State under relevant international instruments applicable to them, and reiterating that the Requested State shall in particular ensure the protection of the rights of persons readmitted to its territory in compliance with those international instruments. The same clause confirms that the Requesting State should give preference to voluntary return over forced return;
- the readmission obligations set out in the Agreement (Articles 3 - 6) are drawn up in a fully reciprocal way, comprising own nationals (Articles 3 and 5) as well as third country nationals and stateless persons (Articles 4 and 6);
- the obligation to readmit own nationals includes also former own nationals who have renounced their nationality without acquiring the nationality of another State;
- the readmission obligation with regard to own nationals covers also family members (i.e. spouses and minor unmarried children) regardless of their nationality and who do not have an independent right of residence in the Requesting State;
- the obligation to readmit third country nationals and stateless persons (Articles 4 and 6) is linked to the following prerequisites: (a) the person concerned holds, at the time of submission of the readmission application, 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;
- for own nationals as well as for third country nationals or stateless persons, in case of expiry of the specified delay, Armenia accepts the use of the EU's standard travel document for expulsion purposes (Articles 3(5) and 4(3));
- Section III of the Agreement (Articles 7 to 13 in conj. with annexes 1 to 5) contains the necessary technical provisions regarding the readmission procedure (readmission application, means of evidence, time limits, transfer modalities and modes of transportation) and 'readmission in error' (Article 13). Some procedural flexibility is provided by the fact that no readmission application will be needed in cases where the person to be readmitted is in possession of a valid travel document or identity card (Article 7(2));
- in its Article 7(3), the Agreement sets out the so-called accelerated procedure, which has been agreed upon for persons apprehended in the border region, i.e. within an area which extends up to 15 kilometres from the territories of seaports including custom zones and from international airports of the Member States or Armenia. Under the accelerated procedure, readmission applications have to be submitted within 2 days, and replies have to be given within 2 working days whereas under the normal procedure, the time limit for replies is 12 calendar days (Article 11(2));
- the Agreement contains a section on transit operations (Articles 14 and 15 in conjunction with annex 6);
- Articles 16, 17 and 18 contain the necessary rules on costs, data protection and the relation to other international obligations;
- the Joint Readmission Committee will be composed, and have the tasks and powers, in accordance with Article 19;
- in order to facilitate the implementation of this Agreement, Article 20 creates the possibility for Armenia and individual Member States to conclude bilateral implementing Protocols. The relation between the bilateral implementing Protocols and this Agreement is clarified by Article 21;
- the final provisions (Articles 22 to 24) contain the necessary rules on entry into force, duration, possible amendments, suspension, termination and the legal status of the annexes to the agreement.

Territorial provisions: the specific situation of Denmark is reflected in the Agreement. The close association of Norway, Iceland, Liechtenstein and Switzerland to the implementation, application and development of the Schengen acquis has been taken into account and, in the case of Iceland, reflected in a relevant joint declaration to the Agreement.

BUDGETARY IMPLICATION: this proposal has no impact on the EU budget.

EU/Armenia Agreement: readmission of persons residing without authorisation

The European Parliament adopted a legislative resolution on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorisation.

Parliament gave its consent to the conclusion of the Agreement.

EU/Armenia Agreement: readmission of persons residing without authorisation

PURPOSE : to conclude an Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorisation.

NON-LEGISLATIVE ACT : Council Decision 2013/629/EU on the conclusion of the Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorisation

BACKGROUND : in accordance with Council Decision 2013/156/EU, the Agreement between the European Union and Armenia on readmission of persons residing without authorisation was signed on 19 April 2013, subject to its conclusion at a later date.

The Agreement should now be concluded.

CONTENT : this Decision approves, on behalf of the EU, the Agreement between the European Union and Armenia on the readmission of persons residing without authorisation. It establishes the technical rules regarding the application of the Agreement. The Commission, assisted by experts from Member States, shall represent the Union in the Joint Readmission Committee established by the Agreement.

Main provisions of the Agreement: the main points of the Agreement may be summarised as follows:

- respect for human rights: the Agreement must be applied so as to ensure respect for human rights, and for the obligations and responsibilities of the Requested State and Requesting State under relevant international instruments applicable to them. The Requested State shall in particular ensure the protection of the rights of persons readmitted to its territory in compliance with those international instruments. The same clause confirms that the Requesting State should give preference to voluntary return over forced return;
- reciprocity clause: the readmission obligations set out in the Agreement are drawn up in a fully reciprocal way, comprising own nationals as well as third country nationals and stateless persons. The obligation to readmit own nationals includes also former own nationals who have renounced their nationality without acquiring the nationality of another State;
- obligation to readmit family members: the readmission obligation with regard to own nationals covers also family members (i.e. spouses and minor unmarried children) regardless of their nationality and who do not have an independent right of residence in the Requesting State;
- prerequisites: the obligation to readmit third country nationals and stateless persons is linked to the following prerequisites: (a) the person concerned holds, at the time of submission of the readmission application, 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;
- standard travel document: in case of expiry of the specified time-limits, for own nationals as well as for third country nationals or stateless persons, Armenia accepts the use of the EU's standard travel document for expulsion purposes;
- technical provisions regarding the readmission procedure: the Agreement contains the necessary technical provisions regarding the readmission procedure, in particular: readmission application, means of evidence, time limits, transfer modalities and modes of transportation. There are also provisions regarding the problem of 'readmission in error'. Some procedural flexibility is provided by the fact that no readmission application will be needed in cases where the person to be readmitted is in possession of a valid travel document or identity card;
- accelerated procedure: the Agreement sets out the accelerated procedure, for persons apprehended in the "border region", i.e. within an area which extends up to 15 kilometres from the territories of seaports including custom zones and from international airports of the Member States or Armenia. Under the accelerated procedure, readmission applications have to be submitted within 2 days, and replies have to be given within 2 working days whereas under the normal procedure, the time limit for replies is 12 calendar days;
- transit operations: the Agreement contains a section on transit operations;
- other technical provisions: there are provisions on costs, data protection and the relationship to other international obligations, and the composition, tasks and powers of the Joint Readmission Committee;
- Protocols: in order to facilitate the implementation of the Agreement, Armenia and individual Member States may conclude bilateral implementing Protocols.

Territorial provisions: the Agreement contains a number of provisions relating to the specific situation of Denmark. The close association of Norway, Iceland, Liechtenstein and Switzerland to the implementation, application and development of the Schengen acquis has been taken into account and, in the case of Iceland, reflected in a relevant joint declaration to the Agreement.

It should be noted that the Agreement is linked to the Agreement to facilitate the issuance of visas concluded with Armenia.

These Agreements will enter into force simultaneously.

ENTRY INTO FORCE : the Decision enters into force on 22 October 2013. The date of entry into force of the Agreement will be published in the Official Journal of the European Union by the General Secretariat of the Council.