

Procedure file

Basic information		
NLE - Non-legislative enactments	2013/0358(NLE)	Procedure completed
EU/Azerbaijan Agreement: readmission of persons residing without authorisation		
Subject		
6.40.04.04 Relations with Caucasus countries		
7.10.04 External borders crossing and controls, visas		
7.10.08 Migration policy		
Geographical area		
Azerbaijan		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		05/12/2013
		PPE GABRIEL Mariya	
		Shadow rapporteur	
		Verts/ALE ŽDANOKA Tatjana	
	Committee for opinion	Rapporteur for opinion	Appointed
	AFET Foreign Affairs		26/11/2013
		ALDE JÄÄTTEENMÄKI Anneli	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	3308	14/04/2014
European Commission	Commission DG	Commissioner	
	Migration and Home Affairs	MALMSTRÖM Cecilia	

Key events			
29/10/2013	Preparatory document	COM(2013)0744	Summary
20/02/2014	Vote in committee		
27/02/2014	Legislative proposal published	15596/2013	Summary
04/03/2014	Committee report tabled for plenary, 1st reading/single reading	A7-0154/2014	Summary
10/03/2014	Committee referral announced in Parliament		
12/03/2014	Decision by Parliament	T7-0215/2014	Summary
14/04/2014	Act adopted by Council after consultation of Parliament		
14/04/2014	End of procedure in Parliament		
30/04/2014	Final act published in Official Journal		

Technical information

Procedure reference	2013/0358(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legal basis	Treaty on the Functioning of the EU TFEU 079-p3; Treaty on the Functioning of the EU TFEU 218-p6a
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/14478

Documentation gateway

Preparatory document		COM(2013)0744	29/10/2013	EC	Summary
Committee draft report		PE527.921	22/01/2014	EP	
Document attached to the procedure		15594/2013	03/02/2014	CSL	
Committee opinion	AFET	PE526.104	06/02/2014	EP	
Legislative proposal		15596/2013	27/02/2014	CSL	Summary
Committee report tabled for plenary, 1st reading/single reading		A7-0154/2014	04/03/2014	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0215/2014	12/03/2014	EP	Summary

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Decision 2014/239](#)
[OJ L 128 30.04.2014, p. 0015](#) Summary

EU/Azerbaijan Agreement: readmission of persons residing without authorisation

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

PROPOSED ACT: Council Decision.

BACKGROUND: the EU and Azerbaijan have agreed to move forward with the deepening and broadening of EU - Azerbaijan relations within the Eastern Partnership (EaP) framework. In this framework, the EU has recognized the importance of enhanced people-to-people contacts. During the Prague Eastern Partnership Summit in May 2009, the EU reaffirmed its political support for full liberalisation of the visa regime in a secure environment, and for 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 agreed by the Council, a visa facilitation agreement would not be concluded without a readmission agreement being in place.

On 19 December 2011, the Council formally authorised the Commission to negotiate a readmission agreement between the EU and Azerbaijan.

In February 2012 the Commission transmitted a draft text to the authorities of Azerbaijan following which the first round of formal negotiations was held in Baku on 1-2 March 2012. Three further formal rounds of negotiations took place, lastly in Brussels on 12-13 March 2013. The agreed text was subsequently initialled on 29 July 2013 in Brussels.

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

CONTENT: the proposed decision provides that the Council conclude the Agreement between the EU and Azerbaijan on the readmission of persons residing without authorisation on behalf of the Union.

The proposed Agreement sets out the necessary internal arrangements for the practical application of the Agreement.

Terms of the Agreement: the final content of this Agreement can be summarised as follows:

- the agreement contains an opening clause, reaffirming that it will be applied so as to ensure respect for human rights, and respect for the obligations and responsibilities of the Requested State and Requesting State under relevant international instruments applicable to them. It reiterates that the Requested State shall 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 manner, 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 also includes former own nationals who have renounced their nationality without acquiring the nationality of another State;
- the readmission obligation with regard to own nationals also covers 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 and persons who enjoy visa-free access to the territory of the Member State;
- for own nationals, in case of expiry of the specified delay, and for third country nationals or stateless persons Azerbaijan accepts the use of the EU's standard travel document for expulsion purposes (Articles 3(5) and 4(3)). The equivalent standard document of Azerbaijan is included in Annex 8;
- 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). 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 (Article 7(2));
- in Article 7(3), the Agreement sets out the accelerated procedure, which has been agreed upon for persons apprehended in an area which extends up to 15 kilometres from and including the territories of seaports and international airports, including custom zones, of the Member States or Azerbaijan. 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 15 calendar days (Article 11(2));
- the Agreement contains a section on transit operations (Articles 14 and 15 in conj. 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, as set out in Article 19;
- in order to facilitate the implementation of the Agreement, Article 20 creates the possibility for Azerbaijan and individual Member States to conclude bilateral implementing Protocols. Article 21 clarifies the relationship between the bilateral implementing Protocols and the Agreement;
- the final provisions (Art. 22 to 25) 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 Iceland, Norway, Switzerland and Liechtenstein with the implementation, application and development of the Schengen Acquis has been taken into account, and is reflected in relevant joint declarations to the Agreement.

EU/Azerbaijan Agreement: readmission of persons residing without authorisation

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

PROPOSED ACT: Council Decision.

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

BACKGROUND: in accordance with a Council Decision, the Agreement between the European Union and Azerbaijan on the readmission of persons residing without authorisation was signed, on behalf of the Union, subject to its conclusion at a later date.

That Agreement should now be concluded.

CONTENT : the draft decision aims to conclude the Agreement between the EU and Azerbaijan on the readmission of persons residing without authorisation

The Agreement sets out the procedures necessary for its proper application.

Readmission committee: the Agreement establishes a Joint Readmission Committee which is to adopt its rules of procedure. It provides for a simplified procedure for the establishment of the Union position in this case.

For details of the terms of the Agreement, please see the summary of the initial legislative proposal of 29/10/2013.

EU/Azerbaijan Agreement: readmission of persons residing without authorisation

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Mariya GABRIEL (EPP, BG) on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Azerbaijan on the readmission of persons residing without authorization.

Members recommended that Parliament consent to the conclusion of the Agreement, since the latter was a step forward in cooperation in the field of mobility and were of political and procedural importance.

EU/Azerbaijan Agreement: readmission of persons residing without authorisation

The European Parliament adopted by 520 votes to 96, with 36 abstentions, a legislative resolution on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Azerbaijan on the readmission of persons residing without authorisation.

Parliament gave its consent to the conclusion of the Agreement.

EU/Azerbaijan Agreement: readmission of persons residing without authorisation

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

NON-LEGISLATIVE ACT: Council Decision 2014/239/EU on the conclusion of the Agreement between the European Union and the Republic of Azerbaijan on the readmission of persons residing without authorisation

BACKGROUND: in accordance with Council Decision 2014/242/E, the Agreement between the European Union and Azerbaijan on the readmission of persons residing without authorisation was signed, on behalf of the Union, subject to its conclusion at a later date.

The Agreement should be approved.

CONTENT: this Decision provides that the Council, with the approval of the European Parliament, approves on behalf of the EU, the Agreement with Azerbaijan on the readmission of persons residing without authorisation.

Scope of the Agreement: the main elements of the Agreement are as follows:

- the agreement should be applied so as to ensure respect for human rights, and respect for the obligations and responsibilities of the Requested State and Requesting State under relevant international instruments applicable to them. 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 are based on complete reciprocity, applying to own nationals as well as third country nationals and stateless persons. The obligation to readmit own nationals also includes former own nationals who have renounced their nationality without acquiring the nationality of another State;
- the readmission obligation with regard to own nationals also covers 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 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 and persons who enjoy visa free access to the territory of the Member State;

- whether for own nationals, in case of expiry of the specified time limit, or for third country nationals or stateless persons, Azerbaijan accepts the use of the EU's standard travel document for expulsion purposes as set out in the Annex;
- the Agreement 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'. 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;
- the Agreement also sets out the accelerated procedure, which has been agreed upon for persons apprehended in an area which extends up to 15 kilometres from and including the territories of seaports and international airports, including custom zones, of the Member States or Azerbaijan. 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 15 calendar days.

Other provisions: the Agreement contains a section on transit operations as well as rules on costs, data protection and the relation to other international obligations.

Joint Readmission Committee: the Agreement establishes a Joint Readmission Committee, which must adopt its own rules of procedure. There is a simplified procedure for the definition of the EUs position in the Committee.

Territorial provisions: the United Kingdom, Ireland and Denmark will not take part in the adoption of the Agreement and are not bound by it or subject to its application.

ENTRY INTO FORCE: 14.04.2014. 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.