

Procedure file

Basic information		
NLE - Non-legislative enactments	2019/0181(NLE)	Procedure completed
EU/Belarus Agreement on readmission of persons residing without authorisation		
Subject 7.10.04 External borders crossing and controls, visas		
Geographical area Belarus		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 VITANOV Petar	21/10/2019
		Shadow rapporteur	
		 BLAGA Vasile	
		 KOVAŘÍK Ondřej	
		 STRIK Tineke	
		 VANDENDRIESSCHE Tom	
		 BRUDZIŃSKI Joachim Stanisław	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Foreign Affairs	 AUŠTREVICIUS Petras	30/09/2019
Council of the European Union European Commission	Commission DG Migration and Home Affairs	Commissioner TIMMERMANS Frans	

Key events			
30/08/2019	Preparatory document	COM(2019)0401	Summary
16/12/2019	Legislative proposal published	12158/2019	

16/01/2020	Committee referral announced in Parliament		
23/04/2020	Vote in committee		
04/05/2020	Committee report tabled for plenary, 1st reading/single reading	A9-0097/2020	
13/05/2020	Results of vote in Parliament		
13/05/2020	Decision by Parliament	T9-0061/2020	Summary
27/05/2020	Act adopted by Council after consultation of Parliament		
09/06/2020	Final act published in Official Journal		

Technical information

Procedure reference	2019/0181(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/9/01193

Documentation gateway

Document attached to the procedure		12160/2019	22/10/2018	CSL	
Document attached to the procedure		COM(2019)0404	30/08/2019	EC	Summary
Preparatory document		COM(2019)0401	30/08/2019	EC	Summary
Legislative proposal		12158/2019	16/12/2019	CSL	
Committee draft report		PE646.765	13/01/2020	EP	
Amendments tabled in committee		PE647.140	12/02/2020	EP	
Committee opinion	AFET	PE646.758	21/02/2020	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0097/2020	04/05/2020	EP	
Text adopted by Parliament, 1st reading/single reading		T9-0061/2020	13/05/2020	EP	Summary

Final act

[Decision 2020/751](#)
[OJ L 181 09.06.2020, p. 0001](#)

EU/Belarus Agreement on readmission of persons residing without authorisation

PURPOSE: signature, on behalf of the European Union, of the Agreement between the European Union and the Republic of Belarus on the readmission of persons residing without authorisation.

PROPOSED ACT: Council Decision.

BACKGROUND: in the context of the 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 Eastern Partnership countries.

On 28 February 2011, the Council formally authorised the Commission to negotiate a readmission agreement between the European Union and Belarus. Negotiations with Belarus were officially opened in Brussels on 30 January 2014 and resulted in an agreement initialled on 17 June 2019.

In the meantime, Belarus, the European Union and seven participating Member States (Bulgaria, Romania, Lithuania, Poland, Hungary, Finland and Latvia) signed a joint declaration on a mobility partnership on 13 October 2016.

On 17 April 2019, the European Parliament was informed about the conclusion of negotiations on both the Visa Facilitation and Readmission Agreements.

CONTENT: the Commission proposes that the Council decides that the Agreement is signed on behalf of the Union and authorises the Council Secretariat General to establish the respective instrument of full powers.

The purpose of the Agreement is to establish rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territory of Belarus or one of the Member States of the European Union, and to facilitate the transit of such persons in a spirit of co-operation.

The main elements of the final agreement are as follows:

- an opening clause reaffirming that the agreement must be applied in such a way as to ensure respect for human rights and the obligations and responsibilities of the requested and requesting States under the international instruments applicable to them;
- readmission obligations on the basis of full reciprocity, applying to nationals as well as third-country nationals and stateless persons;
- obligation to readmit nationals also concerning (i) former nationals who have been deprived of their nationality or who have renounced it without obtaining the nationality of another State; (ii) family members (i.e. spouse and unmarried minor children), whatever their nationality, who do not have an independent right of residence in the requesting State;
- obligation to readmit third-country nationals and stateless persons subject to certain preconditions. This obligation does not apply to persons who have only carried out airport transit or who have obtained a visa or residence permit from the requested Member State unless, for example, the person does not comply with one of the conditions attached to the visa;
- definition of the technical modalities governing the readmission procedure (readmission application, means of evidence, time limits, transfer modalities and modes of transport). 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;
- description of the agreed accelerated procedure for persons apprehended in an area extending up to 30 kilometres beyond the common land border between a Member State and Belarus, as well as on the territory of the international airports of the Member States and Belarus.
- necessary rules on costs, data protection and the position of the agreement in relation to other international obligations.

The specific situation of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland is reflected in the preamble, and, regarding Denmark, in a relevant joint declaration.

EU/Belarus Agreement on readmission of persons residing without authorisation

PURPOSE: to conclude the Agreement between the European Union and the Republic of Belarus 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: in the context of the 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 Eastern Partnership countries.

According to the common approach for the development of EU policy on visa facilitation agreed at the level of COREPER by the Member States in December 2005, a visa facilitation agreement would not be concluded without a readmission agreement being in place.

On that basis, the Commission presented on 12 November 2010, a [recommendation](#) to the Council with a view to obtaining directives to negotiate Agreements with the Republic of Belarus on, respectively, the [facilitation of the issuance of short-stay visas](#), and readmission of persons residing without authorisation.

Negotiations with Belarus were officially opened in Brussels on 30 January 2014 and resulted in an agreement initialled on 17 June 2019. In the meantime, Belarus, the European Union and seven participating Member States (Bulgaria, Romania, Lithuania, Poland, Hungary, Finland and Latvia) signed a joint declaration on a mobility partnership on 13 October 2016.

CONTENT: the Commission proposes that the Council approve the conclusion of the Agreement between the European Union and Belarus to facilitate the readmission of persons residing without authorisation.

The purpose of the Agreement is to establish rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territory of Belarus or one of the Member States of the European Union, and to facilitate the transit of such persons in a spirit of co-operation.

The Commission considers that the objectives set by the Council in its negotiating directives have been achieved and that the draft agreement is acceptable to the Union.

The main elements of the final agreement are as follows:

- an opening clause reaffirming that the agreement must be applied in such a way as to ensure respect for human rights and the obligations and responsibilities of the requested and requesting States under the international instruments applicable to them;
- readmission obligations on the basis of full reciprocity, applying to nationals as well as third-country nationals and stateless persons;
- obligation to readmit nationals also concerning (i) former nationals who have been deprived of their nationality or who have renounced it without obtaining the nationality of another State; (ii) family members (i.e. spouse and unmarried minor children), whatever their nationality, who do not have an independent right of residence in the requesting State;
- obligation to readmit third-country nationals and stateless persons subject to certain preconditions. This obligation does not apply to persons who have only carried out airport transit or who have obtained a visa or residence permit from the requested Member State unless, for example, the person does not comply with one of the conditions attached to the visa;
- definition of the technical modalities governing the readmission procedure (readmission application, means of evidence, time limits, transfer modalities and modes of transport). 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;
- description of the agreed accelerated procedure for persons apprehended in an area extending up to 30 kilometres beyond the common land border between a Member State and Belarus, as well as on the territory of the international airports of the Member States and Belarus.
- necessary rules on costs, data protection and the position of the agreement in relation to other international obligations.

In particular, the proposal for a Decision specifies that the Commission, assisted by experts from the Member States, shall represent the Union in the Joint Readmission Committee established by the Agreement.

The specific situation of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland is reflected in the preamble, and, regarding Denmark, in a relevant joint declaration.

EU/Belarus Agreement on readmission of persons residing without authorisation

The European Parliament adopted by 560 votes to 117, with 13 abstentions, a legislative resolution on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Belarus on the readmission of persons residing without authorisation.

Following the recommendation of the Committee on Civil Liberties, Justice and Home Affairs, the European Parliament gave its consent to the conclusion of the agreement.

The purpose of the Agreement is to establish rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territory of Belarus or a Member State of the European Union, and to facilitate the transit of such persons in a spirit of cooperation.

Negotiations with Belarus were formally opened in Brussels on 30 January 2014 and resulted in an agreement initialled on 17 June 2019. In the meantime, Belarus, the European Union and seven participating Member States (Bulgaria, Romania, Lithuania, Poland, Hungary, Finland and Latvia) signed a Joint Declaration on a Mobility Partnership on 13 October 2016.

The visa facilitation agreement and the readmission agreement operate in tandem. Both agreements were signed on 8 January 2020

With regard to the Readmission Agreement, it should be noted that the readmission commitments have been drawn up on the basis of complete reciprocity. Throughout the Agreement it is stressed that its application must be such as to guarantee compliance with human rights and relevant international instruments applicable to the parties.

The terms of the Agreement include the obligation to readmit nationals who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of a Member State. The rules on readmission shall also apply to persons who surrendered their nationality of Belarus since entering the territory of a Member State, persons who hold a residence permit or a valid visa issued by Belarus, and those who illegally entered the territory of a Member State directly after having stayed on, or transited through, the territory of Belarus.