

Procedure file

Basic information		
COS - Procedure on a strategy paper (historic)	1994/2215(COS)	Procedure rejected
Bilateral readmission agreement between a Member State of the European Union and a third country		
Subject 7.10.04 External borders crossing and controls, visas 7.10.08 Migration policy		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties and Internal Affairs		24/01/1995
		V ROTH Claudia	
	Committee for opinion	Rapporteur for opinion	Appointed
Council of the European Union	JURI Legal Affairs, Citizens' Rights		22/02/1995
		PSE MARTIN David	

Key events			
30/11/1994	Non-legislative basic document published	10884/1994	Summary
20/01/1995	Committee referral announced in Parliament		
18/07/1995	Vote in committee		Summary
20/09/1995	Debate in Parliament		Summary
09/10/1995	Decision by Parliament	A4-0184/1995	
09/10/1995	End of procedure in Parliament		
09/10/1995	Additional information		Summary

Technical information	
Procedure reference	1994/2215(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 101o
Stage reached in procedure	Procedure rejected

Documentation gateway

Non-legislative basic document		10884/1994	30/11/1994	CSL	Summary
Committee report tabled for plenary, single reading		A4-0184/1995 OJ C 269 16.10.1995, p. 0009	18/07/1995	EP	

Bilateral readmission agreement between a Member State of the European Union and a third country

In this recommendation, the Council defines the principles which should guide Member States when concluding agreements with third countries to readmit nationals illegally present on their territory. This framework agreement makes provision for: - conditions of readmission of nationals: each party must readmit to its territory without formality and at the request of the other party any person who does not meet or no longer meets the conditions of entry and residency in the country making the request (this also applies to persons on the territory of a Member State who have been stripped of their nationality of origin and have no assurance of naturalisation in the host country); - conditions of readmission of third country nationals crossing an external border (i.e. a border which is not common to the parties): a third country whose national crosses an external border in order to enter a Member State without meeting current conditions of entry and residency must readmit this person without formality at the request of the Member State in question; - conditions of readmission of third country nationals by the country responsible for entry: a person arriving on the territory of a Member State who does not meet the conditions of entry and residency of that state but who has a valid visa issued by the other party or a resident's permit, must be readmitted by the country which issued them; - the maximum deadline for readmission is one month from acceptance of the request by the country of origin; - readmission requests must be made within one year of the date on which the host country ascertained that the national was illegally present on its territory (time limit). The agreement also contains terms governing the transit of these nationals, the protection of data on them and the costs of transporting these persons to their country of destination (these costs are paid by the state requesting readmission). The Council recommends that the Member States use this standard agreement as a basis for negotiating any readmission agreement with third countries as of 1 January 1995.?

Bilateral readmission agreement between a Member State of the European Union and a third country

The Committee on Civil Liberties adopted the report by Mrs Claudia ROTH (V, D) on the Council's draft recommendation concerning a specimen bilateral readmission agreement between a Member State of the European Union and a third country. This text takes the form of a draft recommendation, i.e. a form which does not figure among the instruments listed in Title VI of the Treaty for the purpose of implementing cooperation in the area of justice and internal affairs. The respective legal basis is not stated and it was sent to the European Parliament "for information purposes", thereby disregarding the obligation incumbent upon the Presidency under Article K.6 to consult the European Parliament and to ensure that due account is taken of its views. Apart from the implied violation of the rights of Parliament (and the Commission), it would appear that the Council had used the procedure followed in a bid to define legal rules without setting them out in a binding legislative act, thereby scuppering the facility for individuals to take legal recourse, especially to the European Court of Justice. It was this which prompted the members of the European Parliament to adopt "horizontal" amendments (see also COS0214, COS0217, COS0216), in which they maintained that the Commission had a political and legal obligation not to leave the initiative in these matters to the Member States or the Presidency of the Council and called on the Commission to draft binding proposals on the issues in question and to submit their proposals to the European Parliament and the Council. Although it recognized the need for a clear legal framework governing the possible repatriation of third country nationals, Mrs ROTH's report considered that the adoption of this recommendation without first consulting the European Parliament put the Council in breach of the provisions of Article K6 of the Treaty on European Union and that the Commission should submit an amended proposal on this basis. Parliament considered that Member States' policies vis-?-vis third country nationals entering their countries should be geared towards facilitating their return so as to allow compliance with bilateral readmission agreements. Parliament called on the Member States to offer persons who had lived in the European Union for several years (especially de facto refugees) the possibility of legalizing their status (or to promote programmes to encourage their voluntary return), rather than taking recourse to readmission agreements. Finally, Parliament reminded the Member States of their duty to honour their international commitments vis-?-vis refugees and stateless persons and to take a humane approach when examining requests for asylum.?

Bilateral readmission agreement between a Member State of the European Union and a third country

The European Parliament referred the report by Mrs ROTH (V, D) on a bilateral readmission agreement between a Member State of the European Union and a third country, due to a lack of quorum.

Bilateral readmission agreement between a Member State of the European Union and a third country

The European Parliament rejected the report by Mrs Claudia ROTH (V, D) on a bilateral readmission agreement between a Member State of the European Union and a third country by 159 votes to 153 with 8 abstentions. Mr Georges BERTHU (EDN, F) welcomed the rejection of this

report on behalf of his group, considering that the grounds on which the ROTH report had called on the Council to review its text to be open to dispute. First, he considered that Article K.6 only made provision for general consultation on the "main aspects of the activity" of the presidency and not for consultation on specific texts. There were substantive reasons behind his group's unwillingness to endorse Mrs ROTH's report. Insofar as these agreements refer by definition to people which the state wishes to deport, it seemed absurd to oppose them because they "opened the door to deportation against the will of the people concerned". In conclusion, the EDN rejected the ROTH report because it was opposed to the very principle of readmission agreements on spurious legal grounds.