

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

2007/0182(CNS) - 05/09/2007 - Legislative proposal

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.