EU/Georgia Agreement: readmission of persons residing without authorisation

2010/0108(NLE) - 18/01/2011 - Final act

PURPOSE: to conclude an agreement between the EU and Georgia on the readmission of persons residing without authorisation.

NON-LEGISLATIVE ACT: Council Decision 2011/118/EU on the Agreement between the European Union and Georgia on the readmission of persons residing without authorisation.

BACKGROUND: in accordance with Council Decision 2010/687/EU the Agreement between the European Union and Georgia on the readmission of persons residing without authorisation was signed, on behalf of the EU, on 17 June 2010, subject to its conclusion at a later date. The Agreement should now be approved.

Furthermore, the Agreement establishes a Joint Readmission Committee which may adopt its rules of procedure, and there is provision for a simplified procedure for the establishment of the Union position in this case.

CONTENT: this Decision concludes the Agreement between the EU and Georgia on the readmission of persons residing without authorisation. The main elements of the agreement may be summarised as follows :

- **readmission obligations**: these 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**: this includes also former own nationals who have renounced, forfeited or who have been deprived of their nationality without acquiring the nationality of another State. It also 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**: this 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 entered the territory of the Requesting State coming directly from the territory of the Requested State. Exempted from these obligations are persons in airside transit and all persons to whom the Requesting State has issued a visa or residence permit before or after the entry to its territory;
- **provision for standard travel document**: for own nationals as well as for third country nationals or stateless persons, Georgia accepts the use of the EU's standard travel document for expulsion purposes in case of expiry of specified delay;
- **technical provisions concerning the readmission procedure**: 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 for persons apprehended in the “border region”:** this covers an area which extends up to 5 kilometres from the territories of seaports including custom zones and from international airports of Member States or Georgia. 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;

- **specific rules** are made for transit operations, costs, data protection and the relationship to other international obligations;
- **Joint Readmission Committee**: provisions are made for the tasks and powers of the committee.

Territorial measures: Ireland and Denmark are not taking part in the adoption of this Decision and are not bound by it or subject to its application. On the other hand the United Kingdom has notified its wish to take part in the adoption and application of the Decision.

It should be noted that since the two agreements on visa facilitation and readmission are linked, both agreements should be concluded and enter into force simultaneously.

ENTRY INTO FORCE: the Decision enters into force on 18 January 2011. The Agreement enters into force on 1 March 2011.