

# EU/Armenia Agreement: readmission of persons residing without authorisation

2012/0332(NLE) - 22/10/2013 - Final act

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

**NON-LEGISLATIVE ACT** : Council Decision 2013/629/EU on the conclusion of the Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorisation

**BACKGROUND** : in accordance with Council Decision 2013/156/EU, the Agreement between the European Union and Armenia on readmission of persons residing without authorisation was signed on 19 April 2013, subject to its conclusion at a later date.

The Agreement should now be concluded.

**CONTENT** : this Decision approves, on behalf of the EU, the Agreement between the European Union and Armenia on the readmission of persons residing without authorisation. It establishes the technical rules regarding the application of the Agreement. The Commission, assisted by experts from Member States, shall represent the Union in the Joint Readmission Committee established by the Agreement.

**Main provisions of the Agreement:** the main points of the Agreement may be summarised as follows:

- **respect for human rights:** the Agreement must be applied so as to ensure respect for human rights, and for the obligations and responsibilities of the Requested State and Requesting State under relevant international instruments applicable to them. The Requested State shall in particular 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**;
- **reciprocity clause:** the readmission obligations set out in the Agreement 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 includes also former own nationals who have renounced their nationality without acquiring the nationality of another State;
- **obligation to readmit family members:** the readmission obligation with regard to own nationals 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;
- **prerequisites:** 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;

- **standard travel document:** in case of expiry of the specified time-limits, for own nationals as well as for third country nationals or stateless persons, Armenia accepts the use of the EU's standard travel document for expulsion purposes;
- **technical provisions regarding the readmission procedure:** the Agreement contains the necessary technical provisions regarding the readmission procedure, in particular: readmission application, means of evidence, time limits, transfer modalities and modes of transportation. There are also provisions regarding the problem of 'readmission in error'. 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:** the Agreement sets out the accelerated procedure, for persons apprehended in the "border region", i.e. within an area which extends up to 15 kilometres from the territories of seaports including custom zones and from international airports of the Member States or Armenia. 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;
- **transit operations:** the Agreement contains a section on transit operations;
- **other technical provisions:** there are provisions on costs, data protection and the relationship to other international obligations, and the composition, tasks and powers of the Joint Readmission Committee;
- **Protocols:** in order to facilitate the implementation of the Agreement, Armenia and individual Member States may conclude bilateral implementing Protocols.

**Territorial provisions:** the Agreement contains a number of provisions relating to the specific situation of Denmark. The close association of Norway, Iceland, Liechtenstein and Switzerland to the implementation, application and development of the Schengen acquis has been taken into account and, in the case of Iceland, reflected in a relevant joint declaration to the Agreement.

It should be noted that the Agreement is linked to [the Agreement to facilitate the issuance of visas](#) concluded with Armenia.

These Agreements will enter into force simultaneously.

**ENTRY INTO FORCE :** the Decision enters into force on 22 October 2013. 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.