EU/Turkey Agreement: readmission of persons residing without authorisation

2012/0122(NLE) - 14/04/2014 - Final act

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

NON-LEGISLATIVE ACT: Council Decision 2014/252/EU on the conclusion of the Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorisation.

BACKGROUND: in accordance with Council Decision 2012/499/EU, the Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorisation was signed on 16 December 2013, subject to its conclusion.

It is now appropriate to approve the agreement on behalf of the European Union.

CONTENT: by means of this decision, the Council, with the consent of the European Parliament, approves on behalf of the EU, the Agreement between the European Union and Turkey on the readmission of persons residing without authorisation.

The decision covers the technical aspects of the implementation of the agreement. The Commission, assisted by experts from the Member States, will represent the Union in a Joint Readmission Committee set up by the agreement to deal with all relevant provisions.

Main provisions of the Agreement:

- 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 or who have been deprived of their nationality without acquiring the nationality of another State;

- 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;

- the obligation to readmit third country nationals and stateless persons is linked to a certain number of prerequisites such as the holding of a valid visa or residence permit issued by the requested state. Exempted from these obligations are persons in airside transit, all persons to whom the requesting State has issued a visa or residence permit before or after entry to its territory and all persons who enjoy a visa-free access to the territory of the Requesting State;

- the readmission obligation for third country nationals or stateless persons becomes applicable only **three years** after the entry into force of the whole agreement. During that period, that obligation will be applicable to stateless persons and third country nationals coming from those third countries with which Turkey concluded readmission agreements. During the same period, the bilateral agreements between Turkey and Member States remain applicable;

- **for Turkish nationals**, in case there is no Turkish consular office in a Member State or in case of the expiry of specified time limits for issuance of travel documents, **Turkey accepts its positive reply to the readmission application as sufficient travel document for the readmission of the person concerned**. In the same cases for third country nationals or stateless persons, Turkey accepts the use of the EU's standard travel document for expulsion purposes.

Readmission procedure: part of the agreement is devoted to technical aspects governing the readmission procedure (readmission application, means of evidence, deadlines, means of transfer and transport modes), as well as '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.

The agreement also sets out the so-called **accelerated procedure**, which has been agreed upon for persons apprehended in the "**border region**", i.e. an area within the Requesting State's territory extending inwards up to 20 kilometres from the external border of that State, whether or not the border is shared between the Requesting State and the Requested State as well as the sea ports including customs zones and international airports of the Requesting State.

Other general provisions: the agreement sets down the necessary rules in regard to costs, data protection and the position of the agreement in respect of other international obligations. The agreement is without prejudice to other arrangements relating to areas other than readmission, such as voluntary return.

Joint Committee: a Joint Readmission Committee is set up; its tasks are laid down in the agreement.

Territorial provisions: Denmark, Ireland and the United Kingdom are not participating in this decision and are neither bound by it not subject to its application. The close association of Norway, Iceland, Liechtenstein and Switzerland to the implementation, application and development of the Schengen *acquis* is likewise reflected in a joint declaration attached to the Agreement.

ENTRY INTO FORCE: the decision enters into force on 14.04.2014. 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.