

EU/Belarus Agreement on readmission of persons residing without authorisation

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

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: in the context of the Eastern Partnership Summit in May 2009, the EU reaffirmed its political support towards full liberalisation of the visa regime in a secure environment, and towards promoting mobility by concluding visa facilitation and readmission agreements with Eastern Partnership countries.

According to the common approach for the development of EU policy on visa facilitation agreed at the level of COREPER by the Member States in December 2005, a visa facilitation agreement would not be concluded without a readmission agreement being in place.

On that basis, the Commission presented on 12 November 2010, a [recommendation](#) to the Council with a view to obtaining directives to negotiate Agreements with the Republic of Belarus on, respectively, the [facilitation of the issuance of short-stay visas](#), and readmission of persons residing without authorisation.

Negotiations with Belarus were officially opened in Brussels on 30 January 2014 and resulted in an agreement initialled on 17 June 2019. In the meantime, Belarus, the European Union and seven participating Member States (Bulgaria, Romania, Lithuania, Poland, Hungary, Finland and Latvia) signed a joint declaration on a mobility partnership on 13 October 2016.

CONTENT: the Commission proposes that the Council approve the conclusion of the Agreement between the European Union and Belarus to facilitate the readmission of persons residing without authorisation.

The purpose of the Agreement is to establish rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territory of Belarus or one of the Member States of the European Union, and to facilitate the transit of such persons in a spirit of co-operation.

The Commission considers that the objectives set by the Council in its negotiating directives have been achieved and that the draft agreement is acceptable to the Union.

The main elements of the final agreement are as follows:

- an opening clause reaffirming that the agreement must be applied in such a way as to ensure respect for human rights and the obligations and responsibilities of the requested and requesting States under the international instruments applicable to them;
- readmission obligations on the basis of full reciprocity, applying to nationals as well as third-country nationals and stateless persons;

- obligation to readmit nationals also concerning (i) former nationals who have been deprived of their nationality or who have renounced it without obtaining the nationality of another State; (ii) family members (i.e. spouse and unmarried minor children), whatever their nationality, who do not have an independent right of residence in the requesting State;

- obligation to readmit third-country nationals and stateless persons subject to certain preconditions. This obligation does not apply to persons who have only carried out airport transit or who have obtained a visa or residence permit from the requested Member State unless, for example, the person does not comply with one of the conditions attached to the visa;

- definition of the technical modalities governing the readmission procedure (readmission application, means of evidence, time limits, transfer modalities and modes of transport). 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;

- description of the agreed accelerated procedure for persons apprehended in an area extending up to 30 kilometres beyond the common land border between a Member State and Belarus, as well as on the territory of the international airports of the Member States and Belarus.

- necessary rules on costs, data protection and the position of the agreement in relation to other international obligations.

In particular, the proposal for a Decision specifies that the Commission, assisted by experts from the Member States, shall represent the Union in the Joint Readmission Committee established by the Agreement.

The specific situation of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland is reflected in the preamble, and, regarding Denmark, in a relevant joint declaration.