

EU/Belarus Agreement on readmission of persons residing without authorisation

2019/0181(NLE) - 30/08/2019 - Document attached to the procedure

PURPOSE: signature, on behalf of the European Union, of the Agreement between the European Union and the Republic of Belarus on the readmission of persons residing without authorisation.

PROPOSED ACT: Council Decision.

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.

On 28 February 2011, the Council formally authorised the Commission to negotiate a readmission agreement between the European Union and Belarus. 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.

On 17 April 2019, the European Parliament was informed about the conclusion of negotiations on both the Visa Facilitation and Readmission Agreements.

CONTENT: the Commission proposes that the Council decides that the Agreement is signed on behalf of the Union and authorises the Council Secretariat General to establish the respective instrument of full powers.

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 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.

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.