EC/China Macao SAR agreement: readmission of persons residing without authorisation

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PURPOSE : to conclude an Agreement between the EU and the Macao Special Administrative Region on the readmission of persons residing without authorisation. CONTENT : in April 2001 a new Regulation on visa admissions was adopted by the European Community, setting out which countries must be in possession of visas when crossing the EU's external borders. Within the context of this Regulation the EU agreed that holders of a 'Macao Special Administrative Region' passport would be exempted from the application of the visa Regulation. Although fully incorporated into the People's Republic of China, under its Basic Law, Macao enjoys considerable autonomy - particularly in the field of immigration controls. It was within this context that the European Commission began negotiations with Macao in 2001 to find common ground on the readmission of persons residing without authorisation. The final content of the Agreement is as follows: - the readmission obligations set out in the Agreement are drawn up in a fully reciprocal manner, concerning own nationals and permanent residents as well as persons subject to another jurisdiction. They contain formulations clarifying that readmission shall take place without any formalities other than those specified in this Agreement. Stateless persons have been included through a joint declaration; - the obligation to readmit persons subject to another jurisdiction is linked to the following prerequisites: a) the person to be readmitted held, at the time of entry, a valid residence authorisation of the requested party or b) the person to be readmitted after having entered (lawfully or unlawfully) the territory of the requested Party proceeds to enter the territory of the requesting Party unlawfully directly from the territory of the requested Party. Exempted from these obligations are persons in air transit and all persons to whom the requesting Party has issued a residence authorisation with a longer period of validity. The specific situation of persons merely transiting through Macao is also reflected in a joint declaration of the agreement; - under certain circumstances the Macao SAR accepts the use of the EU's standard travel document for expulsion purposes; - the Agreement contains a section on transit operations; - necessary technical provisions regarding: readmission procedures; costs; data protection; are outlined. The specific situation of Denmark in relation to the Schengen Agreement is also included. In light of the above the Commission asks the Council to approve, following consultation with the European Parliament, the conclusions of the Agreement.