EC/Albania agreement: readmission of persons residing without authorisation

2004/0033(CNS) - 12/02/2004 - Legislative proposal

PURPOSE : to conclude the Agreement between the EC and Albania on the readmission persons residing without an authorisation. PROPOSED ACT : Council Decision. CONTENT : This Agreement was initialled in Brussels on 18 December 2003. The final content of it is summarised as follows: - the Agreement is divided into 8 sections with 23 articles altogether. It also contains 6 annexes, and five joint declarations; - 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. They all contain a formulation clarifying that readmission shall take place without any formalities other than those specified in this Agreement; - the obligation to readmit third country nationals and stateless persons is linked to the following prerequisites: the person to be readmitted holds or at the time of entry held a valid residence authorisation or a valid visa of the requested Party; or the person to be readmitted entered the territory of the requesting Party after having stayed on, or transited through (lawfully or unlawfully) the territory of the requested Party. Exempted from these obligations are persons in airside transit and all persons to whom the requesting Party has either issued a visa or residence authorisation with a longer period of validity or where the visa or residence authorisation was obtained by using forged or falsified documents. - in return for Albania agreeing to such broad obligations regarding the readmission of third-country nationals and stateless persons, the EC accepted the Albanian requests to delay for two years the entry into force of these obligations and to insert a "re-readmission clause" for cases of readmission in error; - under certain circumstances, Albania accepts the use of the EU's standard travel document for expulsion purposes; - the Agreement contains a section on transit operations; - section III of the Agreement contains the necessary technical provisions regarding the readmission procedure (readmission application, means of evidence, time limits, transfer modalities and modes of transportation). Some procedural flexibility is provided by the fact that in cases where the person to be readmitted is in possession of valid travel documents, only a written communication - but no formal submission of a readmission application - will be needed; - it contains the necessary rules on costs, data protection and the nonaffection of other International rights and obligations applicable to the Parties; - the Committee of experts will be composed, and have the tasks and powers, as prescribed; - the provisions relating to the readmission of third country nationals and stateless persons will only enter into effect two years after the entry into force of the Agreement; - the specific situation of Denmark and of Norway and Iceland are dealt with in the Joint Declarations in the Agreement.