

EC/Sri Lanka agreement: readmission of persons residing without authorisation

2003/0043(CNS) - 21/03/2003 - Legislative proposal

PURPOSE : to propose a Council Decision on conclusion of the readmission agreement between Sri Lanka and the EC. **CONTENT** : to recall, the Justice and Home Affairs Council authorised the Commission to negotiate a readmission agreement between the EC and the Democratic Socialist Republic of Sri Lanka, by its decision of 8 September 2000. The Commission transmitted, in January 2001, a draft Readmission Agreement text to the Sri Lanka authorities. After a series of formal negotiations, the Agreement was initialled on 30 May 2002. The proposed Decision concerning the conclusion sets out the necessary internal arrangements for the practical application of the Agreement. In particular, it contains the following main points: 1) Readmission obligations by Sri Lanka : - the Agreement provides that Sri Lanka must readmit all persons who do not, or no longer, fulfil the conditions for being in the territory of the requesting Member State, so long as they are nationals of Sri Lanka; - Sri Lanka must issue the person to be readmitted with the travel document needed. This must be valid for at least six months, and there are provisions for extending the period of validity or issuing a new document. If Sri Lanka has not acknowledged receipt of the Member State's request within 30 calendar days, it will be deemed to accept the use of the common provisional travel document for return purposes. The latter is annexed to the Agreement; - on the readmission of third country nationals and stateless persons, the Agreement provides that Sri Lanka will readmit all those who either held a valid visa or residence authorisation issued by Sri Lanka or came directly from Sri Lanka to the Member State. There are exemptions for persons in airside transit and persons to whom the requesting Member State issued a visa or residence authorisation with a longer period of validity. 2) There are reciprocal readmission obligations by the Community. 3) Readmission procedure: this contains the necessary technical provisions on the readmission application, means of evidence, time limits, transfer modalities and modes of transportation. Some procedural flexibility is provided by the fact that only a written communication is needed where a person is willing to return voluntary and has valid travel documents. 4) Transit operations - Member States and Sri Lanka must restrict the transit of third-country nationals or stateless persons to cases where such persons cannot be returned to the State of destination directly. There are provisions on transit procedure. 5) With regard to costs, the Agreement provides that transport costs will be met by the requesting State. 6) There are also provisions on data protection. The agreement specifies that personal data must be collected for the explicit and legitimate purpose of implementing the Agreement and not further processed in a way incompatible with that purpose. 7) A joint readmission committee will be established to monitor and implementing the Agreement. In order to execute the Agreement, Member states are empowered to conclude bilateral implementing Protocols with Sri Lanka. The provisions of this Agreement take precedence over any Protocol, in case of incompatibility. The Agreement does not apply to Denmark.