Basic information

2003/0054(CNS) CNS - Consultation procedure Decision	Procedure completed
EC/China Macao SAR agreement: readmission of persons residing without authorisation **Subject** 6.40.08 Relations with Asian countries 7.10.04 External borders crossing and controls, visas 7.10.08 Migration policy **Geographical area** China Macao	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	SOUSA PINTO Sérgio (PSE)	23/04/2003

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs, Human Rights, Common Security, Defense	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	2575	2004-04-21

European Commission

Commission DG	Commissioner
External Relations	

Key events

Date	Event	Reference	Summary
31/03/2003	Initial legislative proposal published	COM(2003)0151	Summary
24/09/2003	Legislative proposal published	10667/1/2003	
20/10/2003	Committee referral announced in Parliament		

19/02/2004	Vote in committee		Summary
19/02/2004	Committee report tabled for plenary, 1st reading/single reading	A5-0096/2004	
26/02/2004	Decision by Parliament	T5-0106/2004	Summary
21/04/2004	Act adopted by Council after consultation of Parliament		
21/04/2004	End of procedure in Parliament		
30/04/2004	Final act published in Official Journal		

Technical information

Procedure reference	2003/0054(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 300-p2/3-a1 EC Treaty (after Amsterdam) EC 063-p3
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/19421

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0096/2004	19/02/2004	
Text adopted by Parliament, 1st reading/single reading		T5-0106/2004 OJ C 098 23.04.2004, p. 0018-0123 E	26/02/2004	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	10641/1/2003	24/09/2003	
Legislative proposal	10667/1/2003	24/09/2003	

European Commission

Document type	Reference	Date	Summary
Initial legislative proposal	COM(2003)0151	31/03/2003	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act
Decision 2004/0424 OJ L 143 30.04.2004, p. 0097-0098 Summary

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

2003/0054(CNS) - 31/03/2003 - Initial legislative proposal

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.

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

2003/0054(CNS) - 21/04/2004 - Final act

PURPOSE : to conclude an Agreement between the European Community and the Macao Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation. LEGISLATIVE ACT : Council Decision 2004/424/EC concerning the conclusion of the Agreement between the European Community and the Macao Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation. CONTENT : to recall, the Justice and Home Affairs (JHA) Council authorised the Commission to negotiate a readmission agreement between the European Community and the Macao Special Administrative Region (SAR) of the People's Republic of China, by its decision of 28 May 2001. The Agreement was initialled in Brussels on 18 October 2002. The final content of the Agreement can be summarised as follows: - the readmission obligations set out in the Agreement are drawn up in a fully reciprocal manner, concerning own nationals and permanent residents respectively as well as persons subject to another jurisdiction. They all contain a formulation clarifying that readmission shall take place without any formalities other than those specified in this Agreement. Although the definition of "persons subject to another jurisdiction" in Article 1(d) does not explicitly state that this term includes stateless persons, their inclusion has been ensured 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 airside 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 to 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; - Section III of the Agreement contains the necessary technical provisions regarding the readmission procedure (readmission application, means of evidence, time limits, transfer details and modes of transport). Some procedural flexibility is provided by the fact that in cases where the person to be readmitted is in possession of valid travel documents and willing to return voluntarily, a written communication only and no formal submission of a readmission application will be needed; - the Agreement contains the necessary rules on costs, data protection and the non-affection of other International rights and obligations applicable to the Parties; - in order to execute this Agreement in practice, Article 18 empowers

Member States to conclude bilateral implementing Protocols with the Macao SAR. ENTRY INTO FORCE : this Agreement shall remain in forceindefinitely, unless terminated by one or other of the parties (or both). This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures.

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

2003/0054(CNS) - 26/02/2004 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by SΘrgio SOUSA PINTO (PES, P) and approved the Council proposal.