Basic information

2010/0108(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EU/Georgia Agreement: readmission of persons residing without authorisation **Subject** 6.40.04.04 Relations with Caucasus countries 7.10.04 External borders crossing and controls, visas 7.10.08 Migration policy **Geographical area** Georgia	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	GRIESBECK Nathalie (ALDE)	23/06/2010
	Shadow rapporteur MACOVEI Monica (PPE)	

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	LISEK Krzysztof (PPE)	10/06/2010

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	3062	2011-01-18
Justice and Home Affairs (JHA)	3043	2010-11-08

European Commission

Commission DG	Commissioner
Justice and Consumers	FÜLE Štefan

Key events

Date	Event	Reference	Summary
		COM(2010)0200	Summary

05/05/2010	Preparatory document		
26/10/2010	Vote in committee		Summary
23/11/2010	Legislative proposal published	15507/2010	Summary
25/11/2010	Committee referral announced in Parliament		
01/12/2010	Committee report tabled for plenary, 1st reading/single reading	A7-0346/2010	
13/12/2010	Debate in Parliament		
14/12/2010	Decision by Parliament	T7-0472/2010	Summary
14/12/2010	Results of vote in Parliament		
18/01/2011	Act adopted by Council after consultation of Parliament		
18/01/2011	End of procedure in Parliament		
25/02/2011	Final act published in Official Journal		

Technical information

Procedure reference	2010/0108(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/02878

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE448.825	14/09/2010	
Committee opinion	AFET	PE448.670	07/10/2010	
Committee report tabled for plenary, 1st reading/single reading		A7-0346/2010	01/12/2010	
Text adopted by Parliament, 1st reading/single reading		T7-0472/2010	14/12/2010	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	14654/2010	29/10/2010	
Legislative proposal	15507/2010	23/11/2010	Summary

European Commission

Document type	Reference	Date	Summary

Document attached to the procedure	COM(2010)0199	05/05/2010	Summary
Preparatory document	COM(2010)0200	05/05/2010	Summary

Additional information		
Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Decision 2011/0118 OJ L 052 25.02.2011, p. 0045	Summary

EU/Georgia Agreement: readmission of persons residing without authorisation

2010/0108(NLE) - 08/11/2010

The Council requested the consent of the European Parliament in order to adopt the decision concerning the signature of a readmission agreement between the European Union and Georgia.

EU/Georgia Agreement: readmission of persons residing without authorisation

2010/0108(NLE) - 23/11/2010 - Legislative proposal

PURPOSE: to **conclude** the Agreement between the European Union and Georgia on the readmission of persons residing without authorisation.

PROPOSED ACT: Council Decision.

BACKGROUND: the Agreement between the European Union and Georgia on the readmission of persons residing without authorisation was signed by the Commission, subject to its conclusion at a later date.

It is now necessary to approve the Agreement on behalf of the Union.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 79(3)(a), in conjunction with Article 218(6)(a) (v) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: under this proposed Decision, the Agreement between the European Union and Georgia on the readmission of persons residing without authorisation is hereby approved.

The text of the Agreement is attached to this Decision. For details of the content of the Agreement, please refer to the summary of the previous initial legislative document (dated 5 May 2010).

The Agreement establishes a Joint Committee which should adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Union position in this case.

Territorial provisions: the United Kingdom has notified its wish to participate in the adoption and application of this Decision. On the other hand, Ireland shall not participate in the adoption of this Decision and shall not be bound or subject to its application. Denmark takes the same stance.

BUDGETARY IMPLICATION: this proposal has no implication for the Union's budget.

EU/Georgia Agreement: readmission of persons residing without authorisation

2010/0108(NLE) - 18/01/2011 - Final act

PURPOSE: to conclude an agreement between the EU and Georgia on the readmission of persons residing without authorisation.

NON-LEGISLATIVE ACT: Council Decision 2011/118/EU on the Agreement between the European Union and Georgia on the readmission of persons residing without authorisation.

BACKGROUND: in accordance with Council Decision 2010/687/EU the Agreement between the European Union and Georgia on the readmission of persons residing without authorisation was signed, on behalf of the EU, on 17 June 2010, subject to its conclusion at a later date. The Agreement should now be approved.

Furthermore, the Agreement establishes a Joint Readmission Committee which may adopt its rules of procedure, and there is provision for a simplified procedure for the establishment of the Union position in this case.

CONTENT: this Decision concludes the Agreement between the EU and Georgia on the readmission of persons residing without authorisation. The main elements of the agreement may be summarised as follows :

- readmission obligations: these are drawn up in a **fully reciprocal way**, comprising own nationals as well as third country nationals and stateless persons;
- **the obligation to readmit own nationals**: this includes also former own nationals who have renounced, forfeited or who have been deprived of their nationality without acquiring the nationality of another State. It also covers also family members (i.e. spouses and minor unmarried children) regardless of their nationality and who do not have an independent right of residence in the Requesting State;
- **the obligation to readmit third country nationals and stateless persons**: this is linked to the following prerequisites: (a) the person concerned holds, at the time of submission of the readmission application, a valid visa or residence permit issued by the Requested State or (b) the person concerned illegally entered the territory of the Requesting State coming directly from the territory of the Requested State. Exempted from these obligations are persons in airside transit and all persons to whom the Requesting State has issued a visa or residence permit before or after the entry to its territory;
- **provision for standard travel document**: for own nationals as well as for third country nationals or stateless persons, Georgia accepts the use of the EU's standard travel document for expulsion purposes in case of expiry of specified delay;
- **technical provisions concerning the readmission procedure**: some 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 or identity card;
- **accelerated procedure for persons apprehended in the "border region":** this covers an area which extends up to 5 kilometres from the territories of seaports including custom zones and from international airports of Member States or Georgia. Under the accelerated procedure, readmission applications have to be submitted within 2 days, and replies have to be given within 2 working days whereas under the normal procedure, the time limit for replies is 12 calendar days;
- **specific rules** are made for transit operations, costs, data protection and the relationship to other international obligations;
- **Joint Readmission Committee**: provisions are made for the tasks and powers of the committee.

Territorial measures: Ireland and Denmark are not taking part in the adoption of this Decision and are not bound by it or subject to its application. On the other hand the United Kingdom has notified its wish to take part in the adoption and application of the Decision.

It should be noted that since the two agreements on visa facilitation and readmission are linked, both agreements should be concluded and enter into force simultaneously.

ENTRY INTO FORCE: the Decision enters into force on 18 January 2011. The Agreement enters into force on 1 March 2011.

EU/Georgia Agreement: readmission of persons residing without authorisation

2010/0108(NLE) - 14/12/2010 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution in which it gives its consent to the conclusion of the Agreement between the European Union and Georgia on the readmission of persons residing without authorisation.

EU/Georgia Agreement: readmission of persons residing without authorisation

2010/0108(NLE) - 05/05/2010 - Preparatory document

PURPOSE: to **conclude** an Agreement between the European Union and Georgia on the readmission of persons residing without authorisation.

PROPOSED ACT: Council Decision.

BACKGROUND: following the August 2008 conflict in Georgia, the Extraordinary European Council held in Brussels on 1 September 2008 decided "to step up relations with Georgia, including visa facilitation measures". According to the December 2005 COREPER common approach for the development of the EU policy on visa facilitation in principle, a visa facilitation agreement would not be concluded if no readmission agreement were in place.

On 27 November 2008, the Justice and Home Affairs Council formally authorised the Commission to negotiate a readmission agreement between the European Community and Georgia. In February 2009 the Commission transmitted a draft text to the Georgian authorities and the first round of formal negotiations could be held in Brussels on 2 April 2009.

Two further formal rounds of negotiations took place, the last one in Brussels on 24-25 August 2009.

Following a consultation and approval process on both sides as well as further clarification of a few additional points, the agreed text was initialled on 25 November 2009 in Brussels by the Chief Negotiators of both Parties.

Member States have been regularly informed and consulted at all (informal and formal) stages of the readmission negotiations.

The Commission considers that the objectives set by the Council in its negotiating directives were attained and that the draft Readmission Agreement is acceptable to the Union.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 79(3), in conjunction with Article 218 of Treaty on the Functioning of the European Union.

CONTENT: the proposal constitutes the legal instrument for the conclusion of the readmission agreement. The Council will decide by qualified majority.

The proposed decision concerning the **conclusion** sets out the necessary internal arrangements for the practical application of the Agreement. In particular**,** it specifies that the Commission, assisted by experts from Member States, represents the Union within the Joint Readmission Committee set up by Article 18 of the Agreement. Under Article 18(5), the readmission committee shall adopt its own rules of procedure. As in the case for the other readmission agreements so far concluded by the Union, the Union position in this regard shall be established by the Commission in consultation with a special committee designated by the Council. As regards other decisions to be taken by the Joint Committee, the Union position shall be established in accordance with the applicable provisions of the Treaty.

The **final content** of the Agreement can be summarised as follows:

- the readmission obligations set out in the Agreement (Articles 2 - 5) are drawn up in a **fully reciprocal way**, comprising own nationals (Articles 2 and 4) as well as third country nationals and stateless persons (Articles 3 and 5);
- the obligation to readmit own nationals includes also former own nationals who have renounced, forfeited or who have been deprived of their nationality without acquiring the nationality of another State;
- the readmission obligation with regard to own nationals covers also family members (i.e. spouses and minor unmarried children) regardless of their nationality and who do not have an independent right of residence in the Requesting State;
- the obligation to readmit third country nationals and stateless persons (Articles 3 and 5) is linked to the following prerequisites: (a) the person concerned holds, at the time of submission of the readmission application, a valid visa or residence permit issued by the Requested State or (b) the person concerned illegally entered the territory of the Requesting State coming directly from the territory of the Requested State. Exempted from these obligations are persons in airside transit and all persons to whom the Requesting State has issued a visa or residence permit before or after the entry to its territory;
- for own nationals as well as for third country nationals or stateless persons, in case of expiry of specified delay, Georgia accepts the use of the EU's standard travel document for expulsion purposes (Articles 2(5) and 3(3));
- Section III of the Agreement (Articles 6 to 12 in conj. with annexes 1 to 5) contains the necessary technical provisions regarding the readmission procedure (readmission application, means of evidence, time limits, transfer modalities and modes of transportation) and 'readmission in error' (Article 12). Some 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 or identity card (Article 6(2));
- in its Article 6(3), the Agreement sets out the so-called accelerated procedure, which has been agreed upon for persons apprehended in the " **border region**", i.e. within an area which extends up to 5 kilometres from the territories of seaports including custom zones and from international airports of Member States or Georgia. Under the accelerated procedure, readmission applications have to be submitted within 2 days, and replies have to be given within 2 working days whereas under the normal procedure, the time limit for replies is 12 calendar days;
- the Agreement contains a section on transit operations (Articles 13 and 14 in conj. with annex 6);
- Articles 15, 16 and 17 contain the necessary rules on costs, data protection and the relation to other International obligations;
- the Joint Readmission Committee will be composed, and have the tasks and powers, as set out in Article 18;
- in order to facilitate the implementation of this Agreement, Article 19 creates the possibility for Georgia and individual Member States to conclude bilateral implementing Protocols. The relation between the bilateral implementing Protocols and this Agreement is clarified by Article 20;
- the final provisions (Art. 21 to 24) contain the necessary rules on entry into force, duration, possible amendments, termination and the legal status of the annexes to the agreement.

Territorial measures: the specific situation of Denmark is reflected in the preamble and in a joint declaration attached to the Agreement. The close association of Norway, Iceland and Switzerland to the implementation, application and development of the Schengen Acquis is likewise reflected in a joint declaration to the Agreement.

Since the two agreements on visa facilitation and readmission are linked, both agreements should be concluded and enter into force simultaneously.

BUDGETARY IMPLICATION: the proposal has no implications for the Union’s budget.

EU/Georgia Agreement: readmission of persons residing without authorisation

2010/0108(NLE) - 05/05/2010 - Document attached to the procedure

PURPOSE: to sign the Agreement between the EU and Georgia on the readmission of persons residing without authorisation.

PROPOSED ACT: Council Decision.

BACKGROUND: following the August 2008 conflict in Georgia, the Extraordinary European Council held in Brussels on 1 September 2008 decided to step up relations with Georgia, including visa facilitation measures. According to the December 2005 COREPER, a visa facilitation agreement would not be concluded if no readmission agreement were in place. Accordingly, in November 2008, the Justice and Home Affairs Council formally authorised the Commission to negotiate a readmission agreement between the EC and Georgia. The agreed text was initialled on 25 November 2009 in Brussels by the Chief Negotiators of both Parties. Member States have been regularly informed and consulted at all stages of the readmission negotiations.

The Commission considers that the objectives set by the Council in its negotiating directives were attained and that the draft Readmission Agreement is acceptable to the Union.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 79(3), in conjunction with Article 218 (5) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: this proposal constitutes the legal instrument for the signature of the readmission agreement.

For details on the final content of the this Agreement, please refer to the summary of COM(2010)0200 of 5 May 2010.

Since the two agreements on visa facilitation and readmission are linked, both agreements should be concluded and enter into force simultaneously.

BUDGETARY IMPLICATION: the proposal has no implications for the Union’s budget.