Basic information

2012/0122(NLE) NLE - Non-legislative enactments	Procedure completed
EU/Turkey Agreement: readmission of persons residing without authorisation **Subject** 6.40.05.08 Relations with Türkiye 7.10.04 External borders crossing and controls, visas 7.10.08 Migration policy **Geographical area** Türkiye	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	SOMMER Renate (PPE)	20/09/2012
	Shadow rapporteur BOZKURT Emine (S&D) GRIESBECK Nathalie (ALDE) SARGENTINI Judith (Verts/ALE) KIRKHOPE Timothy (ECR) ERNST Cornelia (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	OOMEN-RUIJTEN Ria (PPE)	27/11/2012

Council of the European Union

Council configuration	Meetings	Date
General Affairs	3180	2012-06-26
Agriculture and Fisheries	3308	2014-04-14

European Commission

Commission DG	Commissioner
Migration and Home Affairs	MALMSTRÖM Cecilia

Key events

Date	Event	Reference	Summary
12/06/2012	Legislative proposal published	10697/2012	Summary
22/06/2012	Preparatory document	COM(2012)0239	Summary
22/01/2014	Vote in committee		
06/02/2014	Committee referral announced in Parliament		
10/02/2014	Committee report tabled for plenary, 1st reading/single reading	A7-0097/2014	Summary
26/02/2014	Decision by Parliament	T7-0144/2014	Summary
26/02/2014	Results of vote in Parliament		
14/04/2014	Act adopted by Council after consultation of Parliament		
14/04/2014	End of procedure in Parliament		
07/05/2014	Final act published in Official Journal		

Technical information

Procedure reference	2012/0122(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 079-p3
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/09962

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE504.240	19/04/2013	
Committee opinion	AFET	PE506.372	23/04/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0097/2014	10/02/2014	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0144/2014	26/02/2014	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	10697/2012	12/06/2012	Summary

Document attached to the procedure	10693/2012	22/06/2012	

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2012)0239	22/06/2012	Summary

Additional information

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

Final act

Corrigendum to final act 32014D0252R(01)
OJ L 331 18.11.2014, p. 0040 Summary

Decision 2014/0252
OJ L 134 07.05.2014, p. 0001 Summary

EU/Turkey Agreement: readmission of persons residing without authorisation

2012/0122(NLE) - 26/02/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorisation.

Parliament gave its consent to the conclusion of the Agreement.

EU/Turkey Agreement: readmission of persons residing without authorisation

2012/0122(NLE) - 22/06/2012 - Preparatory document

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

PROPOSED ACT: Council Decision.

BACKGROUND: the negotiating directives for a European Community - Turkey readmission agreement were adopted by the Council on 28 November 2002. Negotiations were formally opened on 27 May 2005 in Brussels. After first four negotiations rounds (fourth one on 7 December 2006), the negotiations restarted in 2009. A new draft text was prepared and transmitted to Turkey on 17 December 2009. Three further formal negotiation rounds took place in 2010. An additional meeting between the Chief negotiators was held on 14 January 2011 in Ankara. Those meetings brought the negotiations to the end at the level of Chief Negotiators.

The text was subject to the consultations on both sides. On the EU side, the outcome of the negotiations was endorsed by the Justice and Home Affairs (JHA) Council held on 24 February 2011. After further contacts with Turkey, the agreed text was initialled on 21 June 2012 in Brussels by the

representatives of both Parties. Member States have been regularly informed and consulted at all (informal and formal) stages of the readmission negotiations. The European Parliament's consent will be required for the conclusion of the Agreement.

IMPACT ASSESSMENT: no impact assessment was carried out.

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

CONTENT: the proposed Decision 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 19 of the Agreement. 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 3 - 6) are drawn up in a fully reciprocal way, comprising own nationals (Articles 3 and 5) as well as third country nationals and stateless persons (Articles 4 and 6);
- the obligation to readmit own nationals includes also former own nationals who have renounced 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 holds a residence permit issued by the requested State (c) 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, all persons to whom the requesting State has issued a visa or residence permit before or after entry to its territory and all persons who enjoy a visa-free access to the territory of the Requesting State;
- the readmission obligation for third country nationals or stateless persons becomes applicable only three years after the entry into force of the whole agreement. During that period that obligation will be applicable to stateless persons and third country nationals coming from those third countries with which Turkey concluded readmission agreements. During the same period the bilateral agreements between Turkey and Member States remain applicable in the relevant parts (Article 24(3));
- **for own nationals**, in case there is no consular office of Turkey in a Member State or in case of the expiry of specified time limits for issuance of travel documents, **Turkey accepts its positive reply to the readmission application as sufficient travel document for the readmission of the person concerned**. In the same cases for third country nationals or stateless persons, Turkey accepts the use of the EU's standard travel document for expulsion purposes (Articles 4(3) and 4(4));
- Section III of the Agreement (Articles 7 to 14 in conjunction 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 13). 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 and, in case of third country nationals, valid visa or residence permit issued by the Requested State (Article 7(3));
- in its Article 7(4), the Agreement sets out the so-called **accelerated procedure**, which has been agreed upon for persons apprehended in the "**border region**", i.e. an area within the Requesting State's territory extending inwards up to 20 kilometres from the external border of that State, whether or not the border is shared between the Requesting State and the Requested State as well as the sea ports including customs zones and international airports of the Requesting State. Under the accelerated procedure, readmission applications have to be submitted within 3 working days, and replies have to be given within 5 working days;
- under the normal procedure, the time limit for replies to readmission applications is 25 calendar days except for the Requesting State which has a shorter initial detention period in the national legislation, in which case that shorter period will apply. The initial period may be extended up to 60 calendar days except for the Requesting State with the maximum detention period of less or equal to 60 days;
- the Agreement contains a section on transit operations (Articles 14 and 15 in conj. with annex 6);
- Articles 16, 17 and 18 contain the necessary rules on costs, data protection and the relation to other International obligations and existing EU Directives. The agreement is without prejudice to other arrangements relating to areas other than readmission, such as voluntary return;
- the Joint Readmission Committee will be composed, and have the tasks and powers, as set out in Article 19;
- in order to execute this Agreement in practice, Article 20 creates the possibility for Turkey and individual Member States to conclude bilateral implementing Protocols. The relation between the bilateral implementing Protocols and this Agreement is clarified by Article 21;
- the final provisions (Articles 22 to 25) contain the necessary rules on entry into force, duration, technical assistance, termination and the legal status of the annexes to the agreement.

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

BUDGETARY IMPLICATIONS: this proposal has no implication for the EU budget.

EU/Turkey Agreement: readmission of persons residing without authorisation

2012/0122(NLE) - 12/06/2012 - Legislative proposal

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

PROPOSED ACT: Council Decision.

BACKGROUND: in accordance with a Council Decision, the Agreement between the European Union and Turkey on the readmission of persons residing without authorisation was signed subject to its conclusion.

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

CONTENT: the proposal aims to call on the Council to conclude, on behalf of the European Union, an Agreement between the European Union and Turkey on the readmission of persons residing without authorisation.

The proposal defines the internal arrangements necessary for its proper application.

Main provisions: the draft Agreement sets out the obligations as regards readmission which are drawn up in a **fully reciprocal way**, comprising own nationals as well as third country nationals and stateless persons.

Institutional provisions: the Agreement is to establish a Joint Readmission Committee which will be able to adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Union position in this case.

For further details of the main elements of this Agreement, *please refer to the summary of the initial legislative proposal dated 22/06/2012*.

EU/Turkey Agreement: readmission of persons residing without authorisation

2012/0122(NLE) - 10/02/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Renate SOMMER (EPP, DE) on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorisation.

Given that the signature of the readmission agreement would make a significant contribution to curbing illegal immigration into the European Union via Turkish territory, the committee recommended the European Parliament to give its consent to the conclusion of the Agreement.

EU/Turkey Agreement: readmission of persons residing without authorisation

2012/0122(NLE) - 14/04/2014 - Corrigendum to final act

Corrigendum to Council Decision 2014/252/EU of 14 April 2014 on the conclusion of the Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorisation

(Official Journal of the European Union L 134 of 7 May 2014)

On page 1, recital 3:

for:

‘In accordance with Articles 1 and 2 of the Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of the said Protocol, the United Kingdom is not taking part in the adoption of this Decision and is not bound by it or subject to its application.’

read:

‘In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom has notified, by letter of 21 September 2012, its wish to take part in the adoption and application of this Decision.’

EU/Turkey Agreement: readmission of persons residing without authorisation

2012/0122(NLE) - 14/04/2014 - Final act

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

NON-LEGISLATIVE ACT: Council Decision 2014/252/EU on the conclusion of the Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorisation.

BACKGROUND: in accordance with Council Decision 2012/499/EU, the Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorisation was signed on 16 December 2013, subject to its conclusion.

It is now appropriate to approve the agreement on behalf of the European Union.

CONTENT: by means of this decision, the Council, with the consent of the European Parliament, approves on behalf of the EU, the Agreement between the European Union and Turkey on the readmission of persons residing without authorisation.

The decision covers the technical aspects of the implementation of the agreement. The Commission, assisted by experts from the Member States, will represent the Union in a Joint Readmission Committee set up by the agreement to deal with all relevant provisions.

Main provisions of the Agreement:

- 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; the obligation to readmit own nationals includes also former own nationals who have renounced 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 is linked to a certain number of prerequisites such as the holding of a valid visa or residence permit issued by the requested state. Exempted from these obligations are persons in airside transit, all persons to whom the requesting State has issued a visa or residence permit before or after entry to its territory and all persons who enjoy a visa-free access to the territory of the Requesting State;
- the readmission obligation for third country nationals or stateless persons becomes applicable only **three years** after the entry into force of the whole agreement. During that period, that obligation will be applicable to stateless persons and third country nationals coming from those third countries with which Turkey concluded readmission agreements. During the same period, the bilateral agreements between Turkey and Member States remain applicable;
- **for Turkish nationals**, in case there is no Turkish consular office in a Member State or in case of the expiry of specified time limits for issuance of travel documents, **Turkey accepts its positive reply to the readmission application as sufficient travel document for the readmission of the person concerned**. In the same cases for third country nationals or stateless persons, Turkey accepts the use of the EU's standard travel document for expulsion purposes.

Readmission procedure: part of the agreement is devoted to technical aspects governing the readmission procedure (readmission application, means of evidence, deadlines, means of transfer and transport modes), as well as ‘readmission in error’. 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.

The agreement also sets out the so-called **accelerated procedure**, which has been agreed upon for persons apprehended in the "**border region**", i.e. an area within the Requesting State's territory extending inwards up to 20 kilometres from the external border of that State, whether or not the border is shared between the Requesting State and the Requested State as well as the sea ports including customs zones and international airports of the Requesting State.

Other general provisions: the agreement sets down the necessary rules in regard to costs, data protection and the position of the agreement in respect of other international obligations. The agreement is without prejudice to other arrangements relating to areas other than readmission, such as voluntary return.

Joint Committee: a Joint Readmission Committee is set up; its tasks are laid down in the agreement.

Territorial provisions: Denmark, Ireland and the United Kingdom are not participating in this decision and are neither bound by it not subject to its application. The close association of Norway, Iceland, Liechtenstein and Switzerland to the implementation, application and development of the Schengen *acquis* is likewise reflected in a joint declaration attached to the Agreement.

ENTRY INTO FORCE: the decision enters into force on 14.04.2014. The date of entry into force of the agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

EU/Turkey Agreement: readmission of persons residing without authorisation

2012/0122(NLE) - 22/06/2012

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

PROPOSED ACT: Council Decision.

BACKGROUND: the negotiating directives for a European Community – Turkey readmission agreement were adopted by the Council on 28 November 2002. Negotiations were formally opened on 27 May 2005 in Brussels. After first four negotiations rounds (fourth one on 7 December 2006), the negotiations restarted in 2009. A new draft text was prepared and transmitted to Turkey on 17 December 2009. Three further formal negotiation rounds took place in 2010. An additional meeting between the Chief negotiators was held on 14 January 2011 in Ankara. Those meetings brought the negotiations to the end at the level of Chief Negotiators.

The text was subject to the consultations on both sides. On the EU side, the outcome of the negotiations was endorsed by the Justice and Home Affairs (JHA) Council held on 24 February 2011. After further contacts with Turkey, the agreed text was initialled on 21 June 2012 in Brussels by the representatives of both Parties. Member States have been regularly informed and consulted at all (informal and formal) stages of the readmission negotiations. The European Parliament's consent will be required for the conclusion of the Agreement.

IMPACT ASSESSMENT: no impact assessment was carried out.

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

CONTENT: the proposed Decision 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 19 of the Agreement. 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 3 - 6) are drawn up in a fully reciprocal way, comprising own nationals (Articles 3 and 5) as well as third country nationals and stateless persons (Articles 4 and 6);
- the obligation to readmit own nationals includes also former own nationals who have renounced 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 holds a residence permit issued by the requested State (c) 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, all persons to whom the requesting State has issued a visa or residence permit before or after entry to its territory and all persons who enjoy a visa-free access to the territory of the Requesting State;
- the readmission obligation for third country nationals or stateless persons becomes applicable only three years after the entry into force of the whole agreement. During that period that obligation will be applicable to stateless persons and third country nationals coming from those third countries with which Turkey concluded readmission agreements. During the same period the bilateral agreements between Turkey and Member States remain applicable in the relevant parts (Article 24(3));
- **for own nationals**, in case there is no consular office of Turkey in a Member State or in case of the expiry of specified time limits for issuance of travel documents, **Turkey accepts its positive reply to the readmission application as sufficient travel document for the readmission of the person concerned**. In the same cases for third country nationals or stateless persons, Turkey accepts the use of the EU's standard travel document for expulsion purposes (Articles 4(3) and 4(4));
- Section III of the Agreement (Articles 7 to 14 in conjunction 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 13). 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 and, in case of third country nationals, valid visa or residence permit issued by the Requested State (Article 7(3));
- in its Article 7(4), the Agreement sets out the so-called **accelerated procedure**, which has been agreed upon for persons apprehended in the “ **border region**”, i.e. an area within the Requesting State's territory extending inwards up to 20 kilometres from the external border of that State, whether or not the border is shared between the Requesting State and the Requested State as well as the sea ports including customs zones and international airports of the Requesting State. Under the accelerated procedure, readmission applications have to be submitted within 3 working days, and replies have to be given within 5 working days;
- under the normal procedure, the time limit for replies to readmission applications is 25 calendar days except for the Requesting State which has a shorter initial detention period in the national legislation, in which case that shorter period will apply. The initial period may be extended up to 60 calendar days except for the Requesting State with the maximum detention period of less or equal to 60 days;
- the Agreement contains a section on transit operations (Articles 14 and 15 in conj. with annex 6);
- Articles 16, 17 and 18 contain the necessary rules on costs, data protection and the relation to other International obligations and existing EU Directives. The agreement is without prejudice to other arrangements relating to areas other than readmission, such as voluntary return;
- the Joint Readmission Committee will be composed, and have the tasks and powers, as set out in Article 19;
- in order to execute this Agreement in practice, Article 20 creates the possibility for Turkey and individual Member States to conclude bilateral implementing Protocols. The relation between the bilateral implementing Protocols and this Agreement is clarified by Article 21;
- the final provisions (Articles 22 to 25) contain the necessary rules on entry into force, duration, technical assistance, termination and the legal status of the annexes to the agreement.

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

BUDGETARY IMPLICATIONS: this proposal has no implication for the EU budget.