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*Committee on Civil Liberties, Justice and Home Affairs*

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**2013/0358(NLE)**

22.1.2014

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## **DRAFT RECOMMENDATION**

on the proposal for a Council decision concerning the conclusion of the Agreement between the European Union and the Republic of Azerbaijan on the readmission of persons residing without authorisation (COM(2013)0744 – C7-0000/2014 – 2013/0358(NLE))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Mariya Gabriel

***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council decision concerning the conclusion of the Agreement between the European Union and the Republic of Azerbaijan on the readmission of persons residing without authorisation  
(COM(2013)0744 – C7-0000/2014 – 2013/0358(NLE))**

**(Consent)**

*The European Parliament,*

- having regard to the proposal for a Council decision (COM(2013)0744),
  - having regard to the draft Agreement between the European Union and the Republic of Azerbaijan on the readmission of persons residing without authorisation (00000/2013),
  - having regard to the request for consent submitted by the Council in accordance with Article 79(3) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0000/2014),
  - having regard to Rules 81 and 90(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Foreign Affairs (A7-0000/2014),
1. Consents to conclusion of the agreement;
  2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Republic of Azerbaijan.

## EXPLANATORY STATEMENT

The EU's relations with the Republic of Azerbaijan began in 1996 with the signature of the Partnership and Cooperation Agreement (PCA). Then, following the 2004 and 2007 enlargements, the EU launched the European Neighbourhood Policy (ENP), in which the Republic of Azerbaijan has participated since 2004 and which aims to strengthen relations with neighbouring countries to the east and south in order to promote prosperity, stability and border security. In 2009 the EU launched a new initiative in this field with the aim of deepening relations with some countries to the east: the Eastern Partnership. An Association Agreement was signed in Prague on 7 May 2009, which also included the Republic of Azerbaijan. The Partnership aims to create the necessary conditions to accelerate political association and economic integration between the EU and the participating countries. Visa liberalisation and citizens' mobility are an integral part of the Partnership.

In the context of the Warsaw Eastern Partnership Summit Declaration of 30 September 2011, the EU and the partner countries confirmed their political support for enhancing citizens' mobility in a secure environment and reaffirmed their intention to take gradual steps towards a visa facilitation regime. According to the common approach for the development of EU policy on this matter, a visa facilitation agreement cannot be signed without an agreement on the readmission of persons residing without authorisation being in place.

On this basis, the Commission presented, on 16 September 2011, a recommendation to the Council requesting authorisation to open negotiations with the Republic of Azerbaijan on a visa facilitation agreement and an agreement on the readmission of persons residing without authorisation. On 19 December 2011 the Council officially authorised the Commission to negotiate the two agreements between the EU and Azerbaijan.

In February 2012 the Commission transmitted a draft text to the Azerbaijan authorities. On 1 and 2 March 2012 the first round of official negotiations took place in Baku. There were three further rounds of negotiations, the last in Brussels on 12-13 March 2013. On 29 July 2013 the agreed text was signed in Brussels.

The visa facilitation agreement and the readmission agreement operate in tandem. Azerbaijan signed a visa facilitation agreement at the Eastern Partnership Summit in Vilnius on 28 and 29 November 2013. The readmission agreement with Azerbaijan is due to be signed soon, after the expiry of the three-month deadline for the opt-in of the UK and Ireland and the Council's decision on this.

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The process of deepening relations between the EU and Azerbaijan will certainly help extend the frontiers of the area of freedom, security and justice. The rapporteur is of the view that, in line with the opinion of the Commission and the Council and taking into account the opinion of Parliament's Committee on Foreign Affairs, Azerbaijan is, after several rounds of negotiations, now ready to sign the Visa Facilitation Agreement and the Agreement on the Readmission of Persons Residing without Authorisation.

The conclusion of these agreements is a step forward in cooperation in the field of mobility. As a result of the new rules introduced in the agreements, procedures will be simpler and faster. In addition, the conclusion of the agreements stems from the determination shown by the EU and Azerbaijan over years of continuous, far-reaching rapprochement. They are thus of political and procedural importance.

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With regard to the Readmission Agreement, it should be noted that the readmission commitments have been drawn up on the basis of complete reciprocity. Throughout the Agreement it is stressed that its application must be such as to guarantee compliance with human rights.

The terms of the Agreement include the obligation to readmit former nationals who surrendered their nationality without obtaining the nationality of another state. The rules on readmission shall also apply to family members. The preconditions for readmission laid down by the Agreement cover individuals who, at the time of submitting their applications, possess a valid visa or residence permit, and individuals who entered the receiving state illegally after staying in or travelling through the requested state.

Section III of the Agreement sets out the technical arrangements for the procedure, and Annexes 4, 5, 6 and 7 contain model forms and a list of the documents required for the readmission procedure. A fast-track option is included, together with a section dealing with transit operations.

The Agreement provides for the creation of a Joint Readmission Committee to ensure correct application of the Agreement and take decisions in connection with the arrangements for its uniform implementation.

The specific situations of Denmark, the United Kingdom and Ireland are reflected in the preamble. The Agreement contains a declaration specifying that the Agreement does not apply to Denmark, and a declaration concerning the close association of Iceland, Norway and Switzerland to the implementation, application and development of the Schengen acquis. It also contains two declarations determining relations with the Swiss Confederation and the Principality of Lichtenstein.

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The rapporteur is very keen for the European Parliament to be involved in and informed about the opening and progress of the negotiations towards the signature of such agreements. Accordingly the rapporteur recommends that Parliament monitor the application of these agreements. The rapporteur highlights the fact that the European Union is represented only by the Commission, assisted by experts from Member States, on the Joint Readmission Committee. As the institution which represents European citizens and as the defender of democracy and the principles of the European Union, the European Parliament could be involved in the work of the Joint Committee. The rapporteur encourages the Commission to review the composition of the joint management committees in future agreements. The rapporteur calls on the Commission to inform the European Parliament, at every stage, of the

outcome of the implementation of the agreements, in accordance with the principle of cooperation between the institutions.

Finally, the rapporteur calls on the members of Parliament's Committee on Civil Liberties, Justice and Home Affairs to give its support to the report and on Parliament to approve it.