



EUROPSKI PARLAMENT

2009 - 2014

Dokument s plenarne sjednice

A7-0154/2014

4.3.2014

PREPORUKA

o prijedlogu Odluke Vijeća o sklapanju Sporazuma između Europske unije i Republike Azerbajdžan o ponovnom prihvatu osoba bez dozvole boravka (15596/2013 – C7-0079/2014 – 2013/0358(NLE))

Odbor za građanske slobode, pravosuđe i unutarnje poslove

Izvjestiteljica: Mariya Gabriel

Oznake postupaka

- * Postupak savjetovanja
- *** Postupak suglasnosti
- ***I Redovni zakonodavni postupak (prvo čitanje)
- ***II Redovni zakonodavni postupak (drugo čitanje)
- ***III Redovni zakonodavni postupak (treće čitanje)

(Navedeni se postupak temelji na pravnoj osnovi predloženoj u nacrtu akta.)

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NACRT ZAKONODAVNE REZOLUCIJE EUROPSKOG PARLAMENTA

o prijedlogu Odluke Vijeća o sklapanju Sporazuma između Europske unije i Republike Azerbajdžan o ponovnom prihvatu osoba bez dozvole boravka (15596/2013 – C7-0079/2014 – 2013/0358(NLE))

(Suglasnost)

Europski parlament,

- uzimajući u obzir prijedlog Odluke Vijeća (15596/2013),
 - uzimajući u obzir nacrt sporazuma između Europske unije i Republike Azerbajdžan o ponovnom prihvatu osoba bez dozvole boravka (15594/2013),
 - uzimajući u obzir zahtjev Vijeća za davanje suglasnosti u skladu s člankom 79. stavkom 3. i člankom 218. stavkom 6. podstavkom 2. točkom (a) Ugovora o funkcioniranju Europske unije (C7-0079/2014),
 - uzimajući u obzir članak 81. i članak 90. stavak 7. Poslovnika,
 - uzimajući u obzir preporuku Odbora za građanske slobode, pravosuđe i unutarnje poslove i mišljenje Odbora za vanjske poslove (A7-0154/2014),
1. daje suglasnost za sklapanje sporazuma;
 2. nalaže svojem predsjedniku da stajalište Parlamenta proslijedi Vijeću, Komisiji te vladama i parlamentima država članica i Republike Azerbajdžana.

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 liberalisation regime. To this end, the first step is the negotiation of 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 initialled 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.

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 conclude 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.

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.

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.

6.2.2014

MIŠLJENJE ODBORA ZA VANJSKE POSLOVE

upućeno Odboru za građanske slobode, pravosuđe i unutarnje poslove

o prijedlogu Odluke Vijeća o sklapanju Sporazuma između Europske unije i Azerbajdžanske Republike o ponovnom prihvatu osoba bez dozvole boravka (COM(2013)0744 – C7 -0079/2014– 2013/0358(NLE))

Izvjestiteljica za mišljenje: Anneli Jäätteenmäki

SHORT JUSTIFICATION

Intensifying people-to-people contacts, by enhancing mobility in a secure and well-managed environment, is one of the guiding principles of the Eastern Partnership. Visa liberalisation remains a shared objective of individual partner countries and the EU alike for the benefit of the population at large.

The Prague Summit Joint Declaration of 7 May 2009 establishing the Eastern Partnership has underlined the importance of promoting the mobility of citizens in a secure environment, through visa facilitation and readmission agreements. It set visa liberalisation as the long term objective that has to be accompanied by improvement in security conditions to fight cross border crime and irregular migration. The Warsaw Summit of September 2011 and the Vilnius Summit of November 2013 reconfirmed these objectives, stressing particularly that further cooperation and coordination should include the prevention of and the fight against illegal migration, the promotion of secure and well managed migration and mobility and integrated border management as a goal.

Already in its Communication on Strengthening the European Neighbourhood Policy (ENP) of 4 December 2006¹, the Commission had recommended that negotiations on readmission and visa facilitation should be initiated with ENP countries. According to the common approach for the development of EU policy on visa facilitation agreed at the level of COREPER by the Member States in December 2005, a visa facilitation agreement would not be concluded without a readmission agreement being in place.

The proposed decision takes into account and reflects the existing framework for cooperation with Azerbaijan, in particular the current Partnership and Cooperation Agreement which

¹ COM(2006)0726

entered into force in 1999, the Declarations from the Eastern Partnership Summits, as well as the on-going negotiations for the EU-Azerbaijan Association Agreement. Similar agreements have been concluded already with Armenia, Georgia, Moldova and Ukraine.

The formal authorisation for negotiation of the readmission agreement with Azerbaijan was adopted on 19 December 2011. The negotiations began in March 2012 and the agreed text was initialled on 29 July 2013.

The proposed decision for the conclusion of the agreement contains a set of standard elements included in the readmission agreements concluded between the EU and third countries. In the agreement the signatories reaffirm that it shall be applied as to ensure respect for human rights and for the obligations and responsibilities of the parties under the relevant international instruments applicable to them.

The readmission obligations are drawn in a fully reciprocal way and comprise nationals, third country nationals and stateless persons, establishing also the prerequisites for the obligation to readmit the latter two. The agreement sets out the arrangements for the practical application of the agreement, including the establishment of a Joint Readmission Committee, the conditions for the accelerated procedure, clauses on costs, data protection and relation to other international obligations. The agreement applies to the territories of Azerbaijan and the EU, with the exclusion of Ireland, Denmark, and the United Kingdom.

Azerbaijan has ratified a number of relevant international conventions, including the 1951 Geneva Convention relating to the status on refugees and the 1967 Protocol. It is a member of the Council of Europe and of the Organisation for Security and Cooperation in Europe. Azerbaijan is a partner country within the framework of the Eastern Partnership, which is based on commitments to the principles of international law and to fundamental values, including the respect for human rights and fundamental freedoms.

The negotiations for the EU-Azerbaijan Association Agreement have been launched on 15 July 2010, and after initial progress have lost impetus. The new contractual framework would contribute to further strengthening the EU-Azerbaijan relations. The EU - Azerbaijan Subcommittee on Justice, Liberty, Security and Human Rights and Democracy met for the first time on 30 November 2010. Three sessions have been held to date. EU and Azerbaijan should be encouraged to hold session of the Subcommittee on an annual basis.

Considering the above elements, the Rapporteur of the opinion thus believes that sufficiently sound framework is in place in Azerbaijan to ensure that the rights of those persons treated under the agreement will be respected. The readmission agreement should be concluded in a timely manner and enter into force simultaneously with the agreement on visa facilitation, since the two agreements are linked.

Odbor za vanjske poslove poziva Odbor za građanske slobode, pravosuđe i unutarnje poslove da kao nadležni odbor predloži Parlamentu da dade suglasnost.

REZULTAT KONAČNOG GLASOVANJA U ODBORU

Datum usvajanja	6.2.2014
Rezultat konačnog glasovanja	+ : 35 - : 10 0 : 0
Zastupnici nazočni na konačnom glasovanju	Hiltrud Breyer, Elmar Brok, Jerzy Buzek, Tarja Cronberg, Arnaud Danjean, Mário David, Mark Demesmaeker, Michael Gahler, Marietta Giannakou, Andrzej Grzyb, Richard Howitt, Anneli Jäätteenmäki, Jelko Kacin, Tunne Kelam, Nicole Kiil-Nielsen, Maria Eleni Koppa, Eduard Kukan, Vytautas Landsbergis, Krzysztof Lisek, Ulrike Lunacek, Marusya Lyubcheva, Willy Meyer, María Muñoz De Urquiza, Annemie Neyts-Uyttebroeck, Norica Nicolai, Raimon Obiols, Ria Oomen-Ruijten, Pier Antonio Panzeri, Bernd Posselt, Hans-Gert Pöttering, Cristian Dan Preda, José Ignacio Salafranca Sánchez-Neyra, Nikolaos Salavrakos, György Schöpflin, Sophocles Sophocleous, Geoffrey Van Orden, Nikola Vuljanić, Boris Zala
Zamjenici nazočni na konačnom glasovanju	Charalampos Angourakis, Reinhard Bütikofer, Véronique De Keyser, Kinga Gál, Antonio López-Istúriz White
Zamjenici nazočni na konačnom glasovanju prema čl. 187. st. 2.	Leonidas Donskis, Marie-Christine Vergiat

REZULTAT KONAČNOG GLASOVANJA U ODBORU

Datum usvajanja	20.2.2014
Rezultat konačnog glasovanja	+: 30 -: 7 0: 1
Zastupnici nazočni na konačnom glasovanju	Jan Philipp Albrecht, Edit Bauer, Arkadiusz Tomasz Bratkowski, Philip Claey, Carlos Coelho, Ioan Enciu, Frank Engel, Mariya Gabriel, Kinga Gönz, Nathalie Griesbeck, Anna Hedh, Salvatore Iacolino, Teresa Jiménez-Becerril Barrio, Timothy Kirkhope, Juan Fernando López Aguilar, Svetoslav Hristov Malinov, Véronique Mathieu Houillon, Anthea McIntyre, Louis Michel, Georgios Papanikolaou, Carmen Romero López, Judith Sargentini, Birgit Sippel, Renate Sommer, Wim van de Camp, Axel Voss, Cecilia Wikström, Tatjana Ždanoka, Auke Zijlstra
Zamjenici nazočni na konačnom glasovanju	Michael Cashman, Cornelis de Jong, Franziska Keller, Jean Lambert, Jan Mulder, Salvador Sedó i Alabart, Janusz Wojciechowski
Zamjenici nazočni na konačnom glasovanju prema čl. 187. st. 2.	Zdravka Bušić, Constanze Angela Krehl