

# EUROPEAN PARLIAMENT

2004



2009

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*Session document*

**A6-0380/2007**

12.10.2007

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## **REPORT**

on the proposal for a Council decision on the conclusion of the Agreement between the European Community and the Republic of Montenegro on readmission

COM(2007)0431 – C6-0301/2007 – 2007/0146(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Adina-Ioana Vălean

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

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

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council decision on the conclusion of the Agreement between the European Community and the Republic of Montenegro on readmission (COM(2007)0431 – C6-0301/2007 – 2007/0146(CNS))**

### **(Consultation procedure)**

*The European Parliament,*

- having regard to the proposal for a Council decision (COM(2007)0431)<sup>1</sup>,
  - having regard to Articles 63(3)(b) and 300(2), first subparagraph, first sentence, of the EC Treaty,
  - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0301/2007),
  - having regard to Rules 51 and 83(7) of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Foreign Affairs (A6-0380/2007),
1. Approves conclusion of the agreement;
  2. Instructs its President to forward its position to the Council and Commission, and the governments and parliaments of the Member States and the Republic of Montenegro.

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<sup>1</sup> Not yet published in OJ.

## EXPLANATORY STATEMENT

The European Parliament is consulted on the approval of the conclusion of two mutually conditional and parallel agreements with the Western Balkans: Readmission agreements with the Former Yugoslav Republic of Macedonia and Montenegro, and agreements with the Former Yugoslav Republic of Macedonia, Montenegro and Albania on the facilitation of issuance of short-stay visa (Albania having already concluded a readmission agreement in 2005).

The EU-Western Balkans Summit held in Thessaloniki on 21 June 2003 reaffirmed the importance for the Western Balkan countries of concluding visa facilitation and readmission agreements for coping with illegal migration issues.

The rapporteur welcomes and underlines the importance of these agreements for the Western Balkans that need to be seen as a package that benefit both sides; the EU and this region of strategic importance to the EU, which includes countries that hold an EU membership perspective (Croatia and the former Yugoslav Republic of Macedonia having been granted candidate status).

The conclusion of such agreements on visa facilitation must be seen as an important step that can encourage the Western Balkan countries to implement relevant reforms and reinforce their cooperation at regional level and with the EU in areas such as strengthening the rule of law, fighting organised crime and corruption, and increasing their administrative capacity as regards border control and the security of documents by introducing biometric identifiers.

A well-functioning immigration system requires effective readmission agreements, and no visa facilitation agreement should be concluded if no readmission agreements are in place. However the EU should also consider making use of other instruments to achieve the conclusion and implementation of a readmission agreement, e.g. political, economic, commercial or development policy related.

The rapporteur welcomes the fact that the EC takes account of JHA factors in deciding whether to open negotiations on visa facilitation with third countries, such as border management, document security, migration and asylum, fight against terrorism, organized crime and corruption. Indeed, Albania, Montenegro, the Former Yugoslav Republic of Macedonia, Serbia, Bosnia and Herzegovina each face specific challenges in these areas that need a differentiated approach.

The rapporteur remains however very critical of the very limited role of the European Parliament in the conclusion of such agreements, a regrettable fact that increases the democratic deficit between the European institutions and its citizens. These issues have direct implications for the EU citizens and the EP is unfortunately not informed at any stage of the opening of negotiations, during the negotiations, as regards the impact of readmission and visa agreements and its implications in terms of human rights and asylum rights.

The objectives and the formal framework of these Community agreements of readmission

justify that the EP be informed of the impact of its implementation in the Member States. Information as regards the number of returned migrants, nationality, status, average waiting period between the arrest, readmission request and transfer, etc., are needed to draw up an annual report that should be presented to the EP in view of a debate.

A monitoring mechanism and a suspension clause ought to be included in the visa facilitation agreements to allow the EU to suspend, at any time, the application of the agreement in case of difficulties in respect of implementation or unexpected political developments.

4.10.2007

## **OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS**

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a Council decision concerning the conclusion of the Agreement between the European Community and the Republic of Montenegro on readmission (COM(2007)0431 – C6-0301/2007 – 2007/0146(CNS))

Draftsperson: Marcello Vernola

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### **SHORT JUSTIFICATION**

The Committee on Foreign Affairs welcomes the conclusion of the agreement on readmission between the European Community and the Republic of Montenegro, which has been negotiated in parallel to the visa facilitation agreement.

The agreement enables both partners to strengthen cooperation in the field of migration management, and particularly in the fight against illegal immigration, creating legally binding rules in the readmission procedures.

The agreement will have wide-ranging implications for border management in the Republic of Montenegro. In order to meet fully the obligations arising from it, the country will have to boost considerably its capacities in the area of border control, border administration and border policing. It is of the utmost importance to ensure that the readmission procedures fully respect the rights and duties arising from international law in the field of human rights and the protection of asylum seekers and refugees.

The efforts to comply with the obligations will put a strain on the country's financial and human resources. For that reason, additional funds from the Pre-Accession Instrument should be provided in order to facilitate this process as much as possible, in the form of both financial support and technical assistance and transfer of know-how. This should be supplemented by Member States' activities, particularly the activities of Member States bordering on the region. EU Member States could assist by sharing their expertise in the area of border control and migration management. After all, it is in the interests of the European Union to support full and speedy implementation of the agreement.

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The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to propose approval of the Commission proposal.

## PROCEDURE

<b>Title</b>	Agreement between the EC and Montenegro on readmission
<b>References</b>	COM(2007)0431 - C6-0301/2007 - 2007/0146(CNS)
<b>Committee responsible</b>	LIBE
<b>Opinion by</b> Date announced in plenary	AFET 24.9.2007
<b>Drafts(wo)man</b> Date appointed	Marcello Vernola 12.9.2007
<b>Discussed in committee</b>	3.10.2007
<b>Date adopted</b>	3.10.2007
<b>Result of final vote</b>	+: 17 -: 4 0: 0
<b>Members present for the final vote</b>	Vittorio Agnoletto, Christopher Beazley, Michael Gahler, Jas Gawronski, Alfred Gomolka, Richard Howitt, Anna Ibrisagic, Vytautas Landsbergis, Willy Meyer Pleite, Samuli Pohjamo, Libor Rouček, Jacek Saryusz-Wolski, Gitte Seeberg, Ari Vatanen, Josef Zieleniec
<b>Substitute(s) present for the final vote</b>	Árpád Duka-Zólyomi, Gisela Kallenbach, Erik Meijer, Rihards Pīks, Csaba Sándor Tabajdi, Marcello Vernola

## PROCEDURE

<b>Title</b>	Agreement between the EC and Montenegro on readmission		
<b>References</b>	COM(2007)0431 - C6-0301/2007 - 2007/0146(CNS)		
<b>Date of consulting Parliament</b>	18.9.2007		
<b>Committee responsible</b> Date announced in plenary	LIBE 24.9.2007		
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	AFET 24.9.2007		
<b>Rapporteur(s)</b> Date appointed	Adina-Ioana Vălean 10.9.2007		
<b>Discussed in committee</b>	10.9.2007	2.10.2007	9.10.2007
<b>Date adopted</b>	9.10.2007		
<b>Result of final vote</b>	+: -: 0:	23 3 0	
<b>Members present for the final vote</b>	Alexander Alvaro, Philip Bradbourn, Mihael Brejc, Kathalijne Maria Buitenweg, Michael Cashman, Giuseppe Castiglione, Giusto Catania, Jean-Marie Cavada, Elly de Groen-Kouwenhoven, Agustín Díaz de Mera García Consuegra, Kinga Gál, Patrick Gaubert, Roland Gewalt, Livia Járóka, Ewa Klamt, Barbara Kudrycka, Claude Moraes, Inger Segelström, Károly Ferenc Szabó, Adina-Ioana Vălean, Manfred Weber, Tatjana Ždanoka		
<b>Substitute(s) present for the final vote</b>	Evelyne Gebhardt, Ona Juknevičienė, Sylvia-Yvonne Kaufmann, Eva-Britt Svensson		