



**2019/0181(NLE)**

21.2.2020

## **OPINION**

of the Committee on Foreign Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Belarus on the readmission of persons residing without authorisation  
(12158/2019 – C9-0004/2020 – 2019/0181(NLE))

Rapporteur for opinion: Petras Auštrevičius

PA\_Leg\_Consent

## SHORT JUSTIFICATION

The rapporteur welcomes the proposal as a positive development in the EU-Belarus relations and highlights its importance for Belarusian people to acquire a simplified mobility regime with the EU and to enhance people-to-people contacts. Acknowledges that election processes and political system in Belarus do not adhere to European and international standards and do not secure and protect the universal fundamental freedoms. Parliamentary election in 2019 included significant procedural shortcomings, among which were restrictive measures towards the opposition parties and candidates, and demonstrated no improvement in democracy. Therefore, an enhanced mobility should be used for increasing the grassroots level cooperation and further strengthening and supporting Belarusian civil society.

Already in its Communication on Strengthening the European Neighbourhood Policy (ENP) of 4 December 2006, the Commission had recommended that negotiations on readmission and visa facilitation should be initiated with Eastern Neighbourhood countries.

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. The Brussels Summit of November 2017 insisted that the conclusion of a Visa Facilitation Agreement and Readmission Agreement with Belarus would pave the way for further progress on mobility, while increasing security.

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 shall not be concluded without a readmission agreement being in place.

The proposed decision takes into account and reflects the existing framework for cooperation with Belarus, in particular the Mobility Partnership launched in 2016, the Declarations from the Eastern Partnership Summits, as well as the negotiations on the EU-Belarus Partnership Priorities. Similar agreements have been concluded already with Armenia, Azerbaijan, Georgia, Moldova and Ukraine.

The formal authorisation for negotiation of the Agreement on the facilitation of the issuance of visas with Belarus was given by the Council on 28 February 2011. The negotiations began in January 2014 and the agreed text was initialled on 17 June 2019. The European Union and Belarus finally signed the visa facilitation agreement and the readmission agreement on 8 January 2020.

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 so 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 manner 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 necessary technical provisions regarding the readmission procedure, including the establishment of a Joint Readmission Committee, procedural flexibility in cases where the person to be readmitted is in possession of a valid travel document, as well as conditions for an accelerated procedure for persons apprehended in the vicinity of the common land border between a Member State and Belarus or within the territory of their national airports, transit operations, clauses on costs, data protection and relation to the international obligations.

The agreement applies to the territories of Belarus and the EU, with the exclusion of the Kingdom of Denmark, Ireland and the United Kingdom.

Over the past four years, there has been progress in EU-Belarus relations. Belarus has been participating in the Eastern Partnership, notably within its multilateral formats, which promote our commitment to the principles of international law and to fundamental values, including the respect for human rights and fundamental freedoms. More efforts need to be made, and further, tangible steps by Belarus to respect universal fundamental freedoms, rule of law and human rights, will remain key for the shaping of the EU's future policy vis-à-vis Belarus, in a spirit of "critical engagement". At the initiative of the Belarusian authorities, an annual EU-Belarus Human Rights Dialogue resumed in 2015. A Mobility Partnership was launched in 2016; it turned out to be a key instrument in developing our cooperation on migration, while enhancing the mobility of EU and Belarusian citizens in a well-managed and secure environment.

Belarus 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 Organisation for Security and Cooperation in Europe.

Considering the above elements, the Rapporteur of the opinion thus believes that sufficiently sound framework is in place in Belarus 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.

\*\*\*\*\*

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to recommend approval of the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Belarus on the readmission of persons residing without authorisation.

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Conclusion of the Agreement between the European Union and the Republic of Belarus on the readmission of persons residing without authorisation						
<b>References</b>	12158/2019 – C9-0004/2020 – 2019/0181(NLE)						
<b>Committee responsible</b>	LIBE						
<b>Opinion by</b> Date announced in plenary	AFET 16.1.2020						
<b>Rapporteur</b> Date appointed	Petras Auštrevičius 30.9.2019						
<b>Date adopted</b>	19.2.2020						
<b>Result of final vote</b>	<table> <tr> <td>+: </td><td>53</td></tr> <tr> <td>–: </td><td>10</td></tr> <tr> <td>0: </td><td>0</td></tr> </table>	+:	53	–:	10	0:	0
+:	53						
–:	10						
0:	0						
<b>Members present for the final vote</b>	Alviina Alametsä, Maria Arena, Petras Auštrevičius, Traian Băsescu, Lars Patrick Berg, Anna Bonfrisco, Fabio Massimo Castaldo, Włodzimierz Cimoszewicz, Katalin Cseh, Tanja Fajon, Anna Fotyga, Michael Gahler, Kinga Gál, Sunčana Glavak, Klemen Grošelj, Sandra Kalniete, Dietmar Köster, Stelios Kouloglou, Ilhan Kyuchyuk, Miriam Lexmann, Nathalie Loiseau, Jaak Madison, Lukas Mandl, Thierry Mariani, David McAllister, Vangelis Meimarakis, Sven Mikser, Francisco José Millán Mon, Javier Nart, Urmas Paet, Demetris Papadakis, Kostas Papadakis, Tonino Picula, Kati Piri, Giuliano Pisapia, Jérôme Riviére, Nacho Sánchez Amor, Andreas Schieder, Radosław Sikorski, Sergei Stanishev, Hermann Tertsch, Hilde Vautmans, Harald Vilimsky, Thomas Waitz, Witold Jan Waszczykowski, Charlie Weimers, Isabel Wiseler-Lima, Salima Yenbou, Željana Zovko						
<b>Substitutes present for the final vote</b>	Arnaud Danjean, Özlem Demirel, Engin Eroglu, Evin Incir, Andrey Kovatchev, Sergey Lagodinsky, Katrin Langensiepen, Gabriel Mato, Kris Peeters, Paulo Rangel, Ernest Urtasun, Nils Ušakovs, Mick Wallace						
<b>Substitutes under Rule 209(7) present for the final vote</b>	Tudor Ciuhodaru						

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

53	+
ECR	Anna Fotyga, Hermann Tertsch, Witold Jan Waszczykowski, Charlie Weimers
ID	Lars Patrick Berg, Anna Bonfrisco, Jaak Madison, Thierry Mariani, Jérôme Rivière, Harald Vilimsky
NI	Fabio Massimo Castaldo
PPE	Traian Băsescu, Arnaud Danjean, Michael Gahler, Kinga Gál, Sunčana Glavak, Sandra Kalniete, Andrey Kovatchev, Miriam Lexmann, David McAllister, Lukas Mandl, Gabriel Mato, Vangelis Meimarakis, Francisco José Millán Mon, Kris Peeters, Paulo Rangel, Radosław Sikorski, Isabel Wiseler-Lima, Željana Zovko
RENEW	Petras Auštrevičius, Katalin Cseh, Engin Eroglu, Klemen Grošelj, Ilhan Kyuchyuk, Nathalie Loiseau, Javier Nart, Urmas Paet, Hilde Vautmans
S&D	Maria Arena, Włodzimierz Cimoszewicz, Tudor Ciuhodaru, Tanja Fajon, Evin Incir, Dietmar Köster, Sven Mikser, Demetris Papadakis, Tonino Picula, Kati Piri, Giuliano Pisapia, Nacho Sánchez Amor, Andreas Schieder, Sergei Stanishev, Nils Ušakovs

10	-
GUE/NGL	Özlem Demirel, Stelios Kouloglou, Mick Wallace
NI	Kostas Papadakis
VERTS/ALE	Alviina Alametsä, Sergey Lagodinsky, Katrin Langensiepen, Ernest Urtasun, Thomas Waitz, Salima Yenbou

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention