EUROOPA PARLAMENT

2004 *2009*

Kodanikuvabaduste, justiits- ja siseasjade komisjon

ESIALGNE
2004/0033(CNS)

31.5.2005

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RAPORTI PROJEKT

Ettepanek võtta vastu nõukogu otsus ilma loata elavate isikute tagasivõtmist käsitleva Euroopa Ühenduse ja Albaania Vabariigi vahelise lepingu sõlmimise kohta
(KOM(2004)0092 – C6-0053/2005 – 2004/0033(CNS))

Kodanikuvabaduste, justiits- ja siseasjade komisjon

Raportöör: Ewa Klamt

Kasutatud tähised

*	nõuandemenetlus *antud häälte enamus*
**I	koostöömenetlus (esimene lugemine) *antud häälte enamus*
**II	koostöömenetlus (teine lugemine) *antud häälte enamus ühise seisukoha heakskiitmiseks, parlamendi liikmete häälteenamus ühise seisukoha tagasilükkamiseks või muutmiseks*
***	nõusolekumenetlus *parlamendi liikmete häälteenamus, v.a EÜ asutamislepingu artiklites 105, 107, 161 ja 300 ning ELi lepingu artiklis 7 toodud juhtudel*
***I	kaasotsustamismenetlus (esimene lugemine) *antud häälte enamus*
***II	kaasotsustamismenetlus (teine lugemine) *antud häälte enamus ühise seisukoha heakskiitmiseks, parlamendi liikmete häälteenamus ühise seisukoha tagasilükkamiseks või muutmiseks*
***III	kaasotsustamismenetlus (kolmas lugemine) *antud häälte enamus ühise teksti heakskiitmiseks*

(Antud menetlus põhineb komisjoni esitatud õiguslikul alusel.)

Õigusloomega seotud tekstide kohta esitatud muudatusettepanekud

Euroopa Parlamendi muudatusettepanekutes tõstetakse muudetud tekst esile ***paksus kaldkirjas***. *Tavalises kaldkirjas* märgistus on mõeldud asjaomastele osakondadele abiks lõpliku teksti ettevalmistamisel ja tähistab neid õigusakti osi, mille kohta on tehtud parandusettepanek lõpliku teksti vormistamiseks (nt ilmselged vead või puudused antud tõlkeversioonis). Selliste parandusettepanekute puhul tuleb saada vastavate osakondade nõusolek.

SISUKORD

lehekülg

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EUROOPA PARLAMENDI ÕIGUSLOOMEGA SEOTUD RESOLUTSIOONI PROJEKT

ettepaneku kohta võtta vastu nõukogu otsus ilma loata elavate isikute tagasivõtmist käsitleva Euroopa Ühenduse ja Albaania Vabariigi vahelise lepingu sõlmimise kohta (KOM(2004)0092 – C6-0053/2005 – 2004/0033(CNS))

(Nõuandemenetlus)

Euroopa Parlament,

– võttes arvesse ettepanekut võtta vastu nõukogu otsus (KOM(2004)0092)[1];

– võttes arvesse nõukogu otsust (05614/2005);

– võttes arvesse EÜ asutamislepingu artikli 63 lõike 3 punkti b ja artikli 300 lõike 2 esimese lõigu teist lauset;

– võttes arvesse EÜ asutamislepingu artikli 300 lõike 3 esimest lõiku, mille alusel nõukogu konsulteeris Euroopa Parlamendiga (C6-0053/2005);

– võttes arvesse kodukorra artiklit 51 ja artikli 83 lõiget 7;

– võttes arvesse kodanikuvabaduste, justiits- ja siseasjade komisjoni raportit ja väliskomisjoni arvamust(A6-0000/2005),

1. kiidab lepingu sõlmimise heaks;

2. teeb presidendile ülesandeks edastada Euroopa Parlamendi seisukoht nõukogule ja komisjonile ning liikmesriikide ja Albaania Vabariigi valitsustele ja parlamentidele.

[1] ELT C ... / ELTs seni avaldamata

EXPLANATORY STATEMENT

Political and legal context of the readmission agreement with Albania

The readmission agreement between the European Community and the Republic of Albania is the forth readmission agreement negotiated and concluded by the European Community with a non-Member State.

Agreements of this type form part of the wider strategy of combating illegal immigration, agreed upon by the Summits held in Tampere (15-16 October 1999), Laeken (14-15 December 2001), Seville (21-22 June 2002) and Thessaloniki (19-20 June 2003) and set out in the Council's action plan of 28 February 2002.

Based on the Community's new powers under Article 63(3)(b) TEC, the Council has so far authorised the Commission to negotiate Community readmission agreements with 11 third countries/entities: Morocco, Sri Lanka , Russia, Pakistan (September 2000), Hong Kong, Macao (May 2001), Ukraine (June 2002) and Albania, Algeria, China, Turkey (November 2002).

To date, negotiations have been completed with four countries: Hong Kong (November 2001), Macao (October 2002), Sri Lanka (May 2002) and Albania (November 2003). Agreements with Hong Kong and Macao entered already into force respectively on 1 March 2004 and 1 June 2004. Agreements with Sri Lanka and Albania would enter into force in 2005.

The European Commission in the Hague Programme: Ten priorities for the next five years (COM(184)2005) indicates the creation of a Commission Special Representative for a common readmission policy in *2005*. In the same programme the Commission foresees "specific recommendations for negotiating directives on visa facilitation with third countries in the context of the EC readmission policy, where possible and on the basis of reciprocity, in view of developing a real partnership on migration management issues". It appears in the programme that the Commission intend to launch new mandate for further readmission agreements.

The agreement with Albania

According to the International Organisations for migrants (IOM), Albania will face considerable difficulties in implementing the EC/ Albania Readmission Agreement when it comes into force in 2005. In particular it faces a shortage of human and material resources, which are necessary to process requests from EC member states. Furthermore, the newly created entity responsible for the implementation of Readmission Agreements lacks experience in implementing existing bilateral agreements and in implementing forced return in general.

Regarding the coming into force of the third country clause in 2007, the Albanian authorities have already expressed their concern that removal is simply not possible due to the high costs this incurs. Mechanisms for the handling of irregular migrants remain weak, and an assessment is ongoing concerning the creation of reception facilities for third country

nationals prior to removal.

The provisions of the Agreement are little known both within the entities responsible for the implementation of the Agreement, but also by the public at large and by civil society.

Preparatory actions are ongoing under the B7-667 (HLWG) intervention for 2003, to assist the Government of Albania to prepare for the Agreement to come into force. The project includes a component of research, capacity building and a pilot intervention; to institutionalise assistance to return migrants through local employment offices and local NGOs.

Community funds utilised for the implementation of the EC/ Albania Readmission Agreement need to be consistent and long term in particular in the *implementation* of the Agreement.

Consideration should be made by the EC of the possibility for Albania to access existing and future return funds to implement the return of third country nationals from Albania.[1]. Current funding tools such as Aeneas have so far provided only limited possibility for return assistance, where as CARDS funds are not to be used for that purpose. Furthermore, without corresponding agreements, either between countries of the region, or with countries of origin, there is a risk of creating a readmission trap in which third country nationals find themselves stranded in the region. This inevitably will create pressure for irregular migrants to make their way back to the EU.

Community funds should be *staggered* to avoid large amounts of funds in Albania the absorption capacity and rate is low, and the injection of extra funds could be counterproductive. (case in point being Aeneas and CARDS funds).

The European Commission should provide support to Albania in the negotiation of future readmission agreements with countries of origin and transit. Particular assistance should be taken into consideration with countries with which the EC is already in the process of negotiating multilateral agreements.

Community support should be set aside to reintegrate Albanian citizens returning to Albania through the implementation of reintegration Assistance with the European Union in order to achieve sustainable return. A strong link needs to be made between readmission issues and the development of Albania.

Consideration could also be made of rewarding Albania for the signing and future implementation of the Agreement, potentially with visa facilitation at the bilateral level, or in other spheres of the EU's relations with Albania.

[1] Reference is made to the "Proposal for a Decision of the European Parliament and Council establishing the European Return Fund for the period 2008-2013 as part of the General Programme "Solidarity and Management of Return Flows" 2005/0049 (COD)