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A7-0267/2013

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RECOMMENDATION

on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Cape Verde on the readmission of persons residing without authorisation
(14546/2012 – C7-0109/2013 – 2012/0268(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.)

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT.....	6
RESULT OF FINAL VOTE IN COMMITTEE	8

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Cape Verde on the readmission of persons residing without authorisation

(14546/2012 – C7-0109/2013 – 2012/0268(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (14546/2012),
 - having regard to the draft Agreement between the European Union and the Republic of Cape Verde on the readmission of persons residing without authorisation (14759/2012),
 - 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 (C7-0109/2013),
 - 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 (A7-0267/2013),
1. Consents to the 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 Cape Verde.

EXPLANATORY STATEMENT

Relations between the European Union and the Republic of Cape Verde are governed by the ACP-EU Partnership Agreement (the Cotonou Agreement) signed on 23 June 2005 and since revised, by an EU-Cape Verde Special Partnership and by a Mobility Partnership between the European Union and Cape Verde, signed on 5 June 2008. In the context of the EU-Cape Verde Special Partnership, the European Union has committed itself to a political approach that goes beyond the ordinary donor-beneficiary relationship and aims to deepen relations with Cape Verde, promote good governance, security and stability, sustainable development and poverty alleviation, culture and the construction of an information and knowledge society, and technology and standards convergence.

The Republic of Cape Verde is a stable and democratic country. Cape Verde, like the European Union, embraces the values and principles of democracy and good governance and upholds human rights and the rule of law. In 2007 the Commission adopted a communication on the future of relations between the European Union and Cape Verde in which it acknowledged the special and strong historical relations existing between the two parties, based on close human and cultural links and shared socio-political values. The high standards and practices in the field of governance in which Cape Verde can justly be proud fully justify the further development of its relationship with the European Union.

In this context, the process of deepening relations between the European Union and Cape Verde will undoubtedly contribute to improving the exercise of justice and the respect for freedoms. The two agreements recently concluded with Cape Verde, one on facilitation of the issuance of short-term visas, the other on the readmission of persons residing without authorisation, will contribute fully to achieving these objectives.

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The rapporteur therefore approves the conclusion of these two interdependent and parallel agreements with the Republic of Cape Verde, which are to enter into force simultaneously, and which will push out the frontiers of the area of liberty and security, extending it beyond the European Union.

The two agreements are, first of all, a very important stage, a step forward in the relations between the European Union and the Republic of Cape Verde. There is a very clear desire for rapprochement between Cape Verde and the European Union. During the early years of the twenty-first century, Cape Verde's government and civil society expressed the wish on a number of occasions to deepen and extend their relations with the European Union.

Furthermore, these agreements are the first agreements concluded between an ACP country and the European Union on short-term visas and the readmission of persons residing without authorisation. They are of both political and procedural importance. That being so, the conclusion of these agreements is an encouraging step forward and a strong signal from the European Union.

These agreements are also relevant from a regional point of view and will support EU efforts

to enhance cooperation with other ACP countries. For Cape Verde, this also represents progress and an encouragement to deepen its relations with the European Union.

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The readmission obligations are drawn up on a basis of full reciprocity, applying both to own nationals and to third-country nationals and stateless persons. The readmission obligation with regard to own nationals also covers family members (i.e. spouses and minor unmarried children).

Concerning technical modalities, readmission applications are to be made in writing and the means of evidence regarding nationality must be provided. The application for readmission of a third-country national or stateless person must be submitted to the competent authority of the requested State within two working days if the application has been made under the accelerated procedure, and within eight calendar days in all other cases. Transport may take place by air or sea. Therefore, concerning costs, all transport costs shall be borne by the [requesting] State.

It should also be noted that the agreement on the readmission of persons residing without authorisation contains sections on transit operations, on the necessary data protection rules and on the positioning of the agreement relative to other international obligations and existing EU directives.

The specific situations of Denmark, the United Kingdom and Ireland are reflected in the preamble and in two joint declarations attached to the Agreement. The close association of Norway, Iceland, Switzerland and Liechtenstein to the implementation, application and development of the Schengen acquis is likewise reflected in a joint declaration to the Agreement.

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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 the European Parliament should 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 a representative of European citizens and 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 recommends that the members of Parliament's Committee on Civil Liberties, Justice and Home Affairs support this report and that the European Parliament give its consent.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	9.7.2013
Result of final vote	+ : 37 - : 7 0 : 0
Members present for the final vote	Jan Philipp Albrecht, Roberta Angelilli, Rita Borsellino, Emine Bozkurt, Arkadiusz Tomasz Bratkowski, Salvatore Caronna, Philip Claeys, Carlos Coelho, Agustín Díaz de Mera García Consuegra, Ioan Enciu, Frank Engel, Cornelia Ernst, Tanja Fajon, Hélène Flautre, Kinga Gál, Kinga Göncz, Nathalie Griesbeck, Sylvie Guillaume, Anna Hedh, Salvatore Iacolino, Sophia in 't Veld, Teresa Jiménez-Becerril Barrio, Timothy Kirkhope, Juan Fernando López Aguilar, Monica Luisa Macovei, Svetoslav Hristov Malinov, Véronique Mathieu Houillon, Claude Moraes, Antigoni Papadopoulou, Georgios Papanikolaou, Carmen Romero López, Judith Sargentini, Birgit Sippel, Csaba Sógor, Rui Tavares, Nils Torvalds, Kyriacos Triantaphyllides, Wim van de Camp, Axel Voss, Renate Weber, Josef Weidenholzer, Auke Zijlstra
Substitute(s) present for the final vote	Mariya Gabriel, Stanimir Ilchev