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THE EUROPEAN UNION**

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: **AGREEMENT** between the European Union and the Republic of Cape Verde on
the readmission of persons residing without authorisation
COMMON GUIDELINES
Consultation deadline for Croatia: 1.2.2013

AGREEMENT
BETWEEN THE EUROPEAN UNION
AND THE REPUBLIC OF CAPE VERDE
ON THE READMISSION OF PERSONS
RESIDING WITHOUT AUTHORISATION

THE HIGH CONTRACTING PARTIES,

THE EUROPEAN UNION, hereinafter referred to as "the Union",

and

THE REPUBLIC OF CAPE VERDE, hereinafter referred to as "Cape Verde",

DETERMINED to strengthen their cooperation in order to combat illegal immigration more effectively,

HAVING REGARD to the obligation to initiate the negotiations for a readmission agreement at the request of either Party, set out in Article 13(5)(c)(ii) of the Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 and revised in Luxembourg on 25 June 2005, hereinafter referred to as "the Cotonou Agreement",

DESIRING to facilitate the obligation for Parties to readmit their own nationals as confirmed by Article 13(5)(c)(i) of the Cotonou Agreement,

HAVING REGARD to the Joint Declaration of 5 June 2008 on a Mobility Partnership between the European Union and Cape Verde, in accordance with which the Parties will take steps to develop a dialogue on the readmission of persons without authorisation with a view to ensuring effective cooperation for their return,

DESIRING to establish, by means of this Agreement and on the basis of reciprocity, rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territory of Cape Verde or of one of the Member States of the Union, and to facilitate the transit of such persons in a spirit of cooperation,

EMPHASISING that this Agreement shall be without prejudice to the rights, obligations and responsibilities of the Union, of its Member States and of Cape Verde arising from international law and, in particular, from the Convention of 28 July 1951 on the Status of Refugees,

CONSIDERING that in accordance with the Protocol (No 21) on the position of the United Kingdom and of Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom and Ireland will not take part in this Agreement unless they notify their wish to that effect in accordance with that Protocol,

CONSIDERING that the provisions of this Agreement, which falls within the scope of Title V of Part Three of the Treaty on the Functioning of the European Union, do not apply to the Kingdom of Denmark, in accordance with the Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Definitions

For the purposes of this Agreement:

- (a) the "Contracting Parties" shall mean Cape Verde and the Union;
- (b) "national of Cape Verde" shall mean any person with Cape Verde nationality;
- (c) "national of a Member State" shall mean any person who holds the nationality, as defined for Union purposes, of a Member State;
- (d) "Member State" shall mean any Member State of the Union bound by this Agreement;
- (e) "third-country national" shall mean any person who holds a nationality other than that of Cape Verde or of one of the Member States;
- (f) "stateless person" shall mean a person who does not hold the nationality of any country;
- (g) "residence permit" shall mean a permit of any type issued by Cape Verde or by one of the Member States entitling a person to reside on its territory. This shall not include temporary permissions to remain on these territories granted in connection with the processing of an asylum application or an application for a residence permit;

- (h) "visa" shall mean an authorisation issued or a decision taken by Cape Verde or by one of the Member States which is required in order to enter, or transit through, its territory. This shall not include the airport transit visa;
- (i) "requesting State" shall mean the State (Cape Verde or one of the Member States) submitting a readmission application pursuant to Article 7 or a transit application pursuant to Article 14 of this Agreement;
- (j) "requested State" shall mean the State (Cape Verde or one of the Member States) to which a readmission application pursuant to Article 7 or a transit application pursuant to Article 14 of this Agreement is addressed;
- (k) "competent authority" shall mean any national authority of Cape Verde or of one of the Member States entrusted with the implementation of this Agreement in accordance with Article 19(1)(a) thereof;
- (l) "transit" shall mean the passage of a third-country national or of a stateless person through the territory of the requested State during his transfer between therequesting State and the country of destination;
- (m) "border region" shall mean an area which extends up to 30 kilometres from the territories of seaports, including customs zones, and international airports of the Member States and of Cape Verde.

SECTION I

READMISSION OBLIGATIONS OF CAPE VERDE

ARTICLE 2

Readmission of own nationals

1. Pursuant to Article 13(5)(c)(i) of the Cotonou Agreement, Cape Verde shall readmit, upon application by a Member State and without further formalities other than those provided for in this Agreement, all persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of the requesting Member State provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that they are nationals of Cape Verde.
2. Cape Verde shall also readmit:
 - (a) minor unmarried children of the persons referred to in paragraph 1, regardless of their place of birth or their nationality, unless they have an independent right of residence in the requesting Member State;
 - (b) spouses, holding another nationality, of the persons referred to in paragraph 1, provided they have the right to enter and stay or receive the right to enter and stay in the territory of Cape Verde, unless they have an independent right of residence in the requesting Member State.

3. Cape Verde shall also readmit persons who have been deprived of, or who have renounced, the nationality of Cape Verde since entering the territory of a Member State, unless such persons have at least been promised naturalisation by a Member State.

4. After Cape Verde has given a positive reply to the readmission application, the competent diplomatic mission or consular office of Cape Verde shall, irrespective of the will of the person to be readmitted, immediately and not later than within four working days issue the travel document required for the return of the person to be readmitted with a period of validity of six months. If Cape Verde has not, within four working days, issued the travel document, it shall be deemed to accept the use of the Union standard travel document for expulsion purposes¹.

5. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent diplomatic mission or consular office of Cape Verde shall, within four working days, issue a new travel document with a period of validity of the same duration. If Cape Verde has not, within four working days, issued the new travel document, it shall be deemed to accept the use of the Union standard travel document for expulsion purposes².

¹ In line with the form set out in Council Recommendation of 30 November 1994, OJ C 274, 19.9.1996, p. 18.

² Ibid.

ARTICLE 3

Readmission of third-country nationals and stateless persons

1. Cape Verde shall readmit, upon application by a Member State and without further formalities other than those provided for in this Agreement, all third-country nationals or stateless persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of the requesting Member State provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that such persons:

- (a) hold or held at the time of entering the territory in question a valid visa issued by Cape Verde, accompanied by legal proof of entry to the territory of Cape Verde, or a valid residence permit issued by Cape Verde; or
- (b) illegally entered the territory of a Member State coming directly from Cape Verde and that their prior presence in the territory of Cape Verde has been established.

2. The readmission obligation in paragraph 1 shall not apply if:

- (a) the third-country national or stateless person has only been in airside transit via an international airport of Cape Verde; or

- (b) the requesting Member State has issued to the third-country national or stateless person a visa or residence permit before or after that person entered its territory, except where:
- (i) that person holds a valid visa issued by Cape Verde, accompanied by legal proof of entry to the territory of Cape Verde, or a residence permit issued by Cape Verde, which has a longer period of validity or is still valid; or
 - (ii) that person has exceeded the length of time authorised by their visa or has conducted activities unauthorised by their visa in the territory of the requesting Member State.
3. After Cape Verde has given a positive reply to the readmission application, the requesting Member State shall issue the Union standard travel document for expulsion purposes¹ to the person whose readmission has been accepted.

¹ Ibid.

SECTION II

READMISSION OBLIGATIONS OF THE UNION

ARTICLE 4

Readmission of own nationals

1. Pursuant to Article 13(5)(c)(i) of the Cotonou Agreement, a Member State shall readmit, upon application by Cape Verde and without further formalities other than those provided for in this Agreement, all persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of Cape Verde provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that they are nationals of that Member State.
2. A Member State shall also readmit:
 - (a) minor unmarried children of the persons referred to in paragraph 1, regardless of their place of birth or their nationality, unless they have an independent right of residence in Cape Verde;
 - (b) spouses, holding another nationality, of the persons referred to in paragraph 1, provided they have the right to enter and stay or receive the right to enter and stay in the territory of the requested Member State, unless they have an independent right of residence in Cape Verde.

3. A Member State shall also readmit persons who have been deprived of, or who have renounced, the nationality of a Member State since entering the territory of Cape Verde, unless such persons have at least been promised naturalisation by Cape Verde.

4. After the requested Member State has given a positive reply to the readmission application, the competent diplomatic mission or consular office of that Member State shall, irrespective of the will of the person to be readmitted, immediately and not later than within four working days, issue the travel document required for the return of the person to be readmitted with a period of validity of six months.

5. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent diplomatic mission or consular office of that Member State shall, within four working days, issue a new travel document with a period of validity of the same duration.

ARTICLE 5

Readmission of third-country nationals and stateless persons

1. A Member State shall readmit, upon application by Cape Verde and without further formalities other than those provided for in this Agreement, all third-country nationals or stateless persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of Cape Verde provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that such persons:
 - (a) hold or held at the time of entering the territory in question a valid visa issued by the requested Member State, accompanied by legal proof of entry to the territory of the requested Member State, or a valid residence permit issued by the requested Member State; or
 - (b) illegally entered the territory of Cape Verde coming directly from the requested Member State and that their prior presence in the territory of the requested Member State has been established.
2. The readmission obligation in paragraph 1 shall not apply if:
 - (a) the third-country national or stateless person has only been in airside transit via an international airport of the requested Member State; or

- (b) Cape Verde has issued a visa or residence permit to the third-country national or stateless person before or after they entered its territory, unless:
- (i) that person holds a visa issued by the requested Member State, accompanied by legal proof of entry to the territory of the requested Member State, or a residence permit issued by the requested Member State, which has a longer period of validity or is still valid; or
 - (ii) that person has exceeded the length of time authorised by their visa or has conducted activities unauthorised by their visa in the territory of Cape Verde.

3. The readmission obligation in paragraph 1 rests on the Member State that issued a visa or residence permit. If two or more Member States issued a visa or residence permit, the readmission obligation in paragraph 1 rests on the Member State that issued the document with the longer period of validity or, if one or several of them have already expired, the document that is still valid. If all of the documents have already expired, the readmission obligation in paragraph 1 rests on the Member State that issued the document with the most recent expiry date. If no such document can be presented, the readmission obligation in paragraph 1 rests on the Member State of last exit.

4. After the Member State has given a positive reply to the readmission application, where necessary, Cape Verde shall issue to the person whose readmission has been accepted the travel document required for his or her return.

SECTION III

READMISSION PROCEDURE

ARTICLE 6

Principles

1. Subject to paragraphs 2 and 3, any transfer of a person to be readmitted on the basis of one of the obligations contained in Articles 2 to 5 shall require the submission of a readmission application, drawn up in accordance with Article 7, to the competent authority of the requested State.

2. The transfer of the person to be readmitted may take place without the submission of a readmission application or the written notification referred to in Article 11(1) from the requesting State to the competent authority of the requested State:
 - (a) in the case of the requested State's own nationals, if the person to be readmitted holds a valid travel document or identity card;

 - (b) in the case of third-country nationals or stateless persons, if the person was apprehended at the airport of the requesting State after arriving directly from the territory of the requested State.

3. Without prejudice to paragraph 2, in the case of third-country nationals or stateless persons holding a valid travel document and a valid visa or residence permit issued by the requested State, the transfer shall require only the written notification referred to in Article 11(1) from the requesting State to the competent authority of the requested State.

4. Without prejudice to paragraph 1 and as an exception to paragraph 2, the written notification referred to in Article 11(1) from the requesting State to the competent authority of the requested State shall be necessary in the case of the transfer of any person requiring an escort.

5. Without prejudice to paragraphs 2 and 3, if a person has been apprehended in the border region of the requesting State after illegally crossing the border coming directly from the territory of the requested State, the requesting State may submit a readmission application within two working days of the apprehension of this person (accelerated procedure).

ARTICLE 7

Readmission application

1. Readmission applications shall where possible be made in writing, and must contain the following information:

- (a) the particulars of the person to be readmitted (e.g. given names, surnames, date of birth, and – where possible – place of birth, and the last place of residence) and, where applicable, the particulars of minor unmarried children and/or spouse;
- (b) in the case of own nationals, indication of the means by which proof or prima facie evidence of nationality will be provided in accordance with Annexes 1 and 2 respectively;

- (c) in the case of third-country nationals and stateless persons, indication of the means by which proof or prima facie evidence of the conditions for the readmission of third-country nationals and stateless persons will be provided in accordance with Annexes 3 and 4 respectively;
- (d) a photograph of the person to be readmitted.

2. To the extent possible, the readmission application shall also contain the following additional information:

- (a) a statement indicating that the person to be transferred may need help or care, provided the person concerned has explicitly consented to the statement;
- (b) any other protection or security measure or information concerning the health of the person which may be necessary in the individual transfer case.

3. A common form to be used for readmission applications is attached at Annex 5 to this Agreement.

4. A readmission application may be submitted by any means of communication, including by electronic means or fax.

ARTICLE 8

Evidence of nationality

1. Proof of nationality pursuant to Article 2(1) and Article 4(1) may in particular be furnished through the documents listed in Annex 1 to this Agreement, even if their period of validity has expired. If such documents are presented, the Member States and Cape Verde shall mutually recognise the nationality without further investigation being required. Proof of nationality cannot be furnished through false documents.
2. Prima facie evidence of nationality pursuant to Article 2(1) and Article 4(1) may in particular be furnished through the documents listed in Annex 2 to this Agreement, even if their period of validity has expired. If such documents are presented, the Member States and Cape Verde shall deem the nationality to be established, unless they can prove otherwise. Prima facie evidence of nationality cannot be furnished through false documents.
3. If none of the documents listed in Annexes 1 or 2 can be presented, the competent diplomatic and consular representations of the requested State concerned shall, upon a request from the requesting State which is to be included in the readmission application, make arrangements to interview the person to be readmitted without undue delay, at the latest within three calendar days of the date of the request, in order to establish his or her nationality. The procedure for such interviews may be established in the implementing Protocols provided for in Article 19 of this Agreement.

ARTICLE 9

Evidence regarding third-country nationals and stateless persons

1. Proof of the conditions for the readmission of third-country nationals and stateless persons laid down in Article 3(1) and Article 5(1) shall in particular be furnished through the means of evidence listed in Annex 3 to this Agreement. It cannot be furnished through false documents. Any such proof shall be mutually recognised by the Member States and Cape Verde without any further investigation being required.
2. Prima facie evidence of the conditions for the readmission of third-country nationals and stateless persons laid down in Article 3(1) and Article 5(1) shall in particular be furnished through the means of evidence listed in Annex 4 to this Agreement. It cannot be furnished through false documents. Where such prima facie evidence is presented, the Member States and Cape Verde shall deem the conditions to be established, unless they can prove otherwise.
3. The unlawfulness of entry, presence or residence shall be established by means of the travel documents of the person concerned in which the necessary visa or other residence permit for the territory of the requesting State is missing. A statement by the requesting State that the person concerned has been found not to have the necessary travel documents, visa or residence permit shall likewise provide prima facie evidence of the unlawful entry, presence or residence.

ARTICLE 10

Time limits

1. The application for readmission of a third-country national or stateless person must be submitted to the competent authority of the requested State within a maximum of one year after the requesting State's competent authority has gained knowledge that the person concerned does not fulfil, or no longer fulfils, the conditions in force for entry, presence or residence. Where there are legal or factual obstacles to the application being submitted in time, the time limit shall, upon request by the requesting State, be extended, but only until the obstacles have ceased to exist.
2. All readmission applications must be replied to in writing:
 - (a) within two working days if the application has been made under the accelerated procedure (Article 6(5));
 - (b) within eight calendar days in all other cases.

This time limit begins to run from the date of receipt of the readmission request. If there is no reply within this time limit, the transfer shall be deemed to have been agreed to.

Replies to readmission applications may be sent by any means of communication, including by electronic means or fax.

3. Reasons shall be given in writing for the refusal of a readmission request.

4. After readmission has been approved or, where appropriate, after expiry of the time limit laid down in paragraph 2, the person concerned shall be transferred within three months. At the request of the requesting State, this time limit may be extended by the time taken to deal with legal or practical obstacles.

ARTICLE 11

Transfer modalities and modes of transport

1. Without prejudice to Articles 6(2) and (3), before returning a person, the competent authorities of the requesting State shall, at least 48 hours in advance, notify the competent authorities of the requested State in writing of the transfer date, the point of entry, possible escorts and other information regarding the transfer.

2. Transport may take place by air or sea. Return by air shall not be restricted to the use of the national carriers of Cape Verde or the Member States and may take place by using scheduled or charter flights. In the event of escorted returns, such escorts shall not be restricted to persons authorised by the requesting State, provided that the persons are authorised by Cape Verde or by any Member State.

ARTICLE 12

Readmission in error

The requesting State shall take back any person readmitted by the requested State if it is established, within a period of three months after the transfer of the person concerned, that the requirements laid down in Articles 2 to 5 of this Agreement were not met.

In such cases the procedural provisions of this Agreement shall apply *mutatis mutandis* and all available information relating to the actual identity and nationality of the person to be taken back shall be provided.

SECTION IV

TRANSIT OPERATIONS

ARTICLE 13

Principles

1. The Member States and Cape Verde shall endeavour to restrict the transit of third-country nationals and stateless persons to cases where such persons cannot be returned to the State of destination directly.

2. Cape Verde shall nevertheless allow the transit of third-country nationals or stateless persons if a Member State so requests, and a Member State shall authorise the transit of third-country nationals or stateless persons if Cape Verde so requests, if the onward journey in other possible States of transit and the readmission by the State of destination is assured.
3. Transit can be refused by Cape Verde or a Member State:
 - (a) if the third-country national or the stateless person runs a real risk of being subjected to torture, inhuman or degrading treatment or punishment, or the death penalty, or of persecution because of their race, religion, nationality, membership of a particular social group or political convictions in the State of destination or another State of transit;
 - (b) if the third-country national or the stateless person is to be subject to criminal sanctions in the requested State or in another State of transit; or
 - (c) on grounds of public health, domestic security, public order or other national interests of the requested State.
4. Cape Verde or a Member State may revoke any authorisation issued if circumstances referred to in paragraph 3 subsequently arise or come to light which stand in the way of the transit operation, or if the onward journey in possible States of transit or the readmission by the State of destination is no longer assured. In this case, the requesting State shall take back the third-country national or the stateless person, as necessary and without delay.

ARTICLE 14

Transit procedure

1. An application for a transit operation must be submitted to the competent authority of the requested State in writing and must contain the following information:
 - (a) type of transit (by air, sea or land), possible other States of transit and intended final destination;
 - (b) the particulars of the person concerned (e.g. given name, surname, maiden name, other names used/by which known or aliases, date of birth, sex and – where possible – place of birth, nationality, language, type and number of travel document);
 - (c) envisaged point of entry, date of transfer and possible use of escorts;
 - (d) a declaration that in the view of the requesting State the conditions pursuant to Article 13(2) are met, and that no reasons for a refusal pursuant to Article 13(3) are known of.

A common form to be used for transit applications is attached as Annex 6 to this Agreement.

A transit application may be submitted by any means of communication, including by electronic means or fax.

2. The requested State shall, within three working days after receipt of the application and in writing, inform the requesting State of the admission, confirming the point of entry and the envisaged date of admission, or inform it of the admission refusal and of the reasons for such refusal. If there is no reply within three working days, the transit shall be deemed to have been approved.

Replies to transit applications may be sent by any means of communication, including by electronic means or fax.

3. If the transit operation takes place by air, the person to be readmitted and possible escorts shall be exempted from having to obtain an airport transit visa.

If the transit operation to the final destination cannot proceed as expected for reasons of force majeure, the requested State shall, if necessary, issue the visa required to the person to be readmitted and to any escorts without delay for the period necessary to continue the transit operation.

4. The competent authorities of the requested State shall, subject to mutual consultations, assist in the transit operations, in particular through the surveillance of the persons in question and the provision of suitable amenities for that purpose.

SECTION V

COSTS

ARTICLE 15

Transport and transit costs

Without prejudice to the right of the competent authorities to recover the costs associated with the readmission from the person to be readmitted or third parties, all transport costs incurred in connection with readmission and transit operations pursuant to this Agreement as far as the border of the State of final destination shall be borne by the requesting State.

SECTION VI

DATA PROTECTION AND WITHOUT PREJUDICE CLAUSE

ARTICLE 16

Data protection

The communication of personal data shall take place only if such communication is necessary for the implementation of this Agreement by the competent authorities of Cape Verde or a Member State as the case may be. The processing and treatment of personal data in a particular case shall be subject to the domestic laws of Cape Verde and, where the controller is a competent authority of a Member State, to the provisions of Directive 95/46/EC¹ and of the national legislation of that Member State adopted pursuant to that Directive. Furthermore, the following principles shall apply:

- (a) personal data must be processed fairly and lawfully;
- (b) personal data must be collected for the specified, explicit and legitimate purpose of implementing this Agreement and not further processed by the communicating authority nor by the receiving authority in a way incompatible with that purpose;

¹ OJ L 281, 23.11.1995, p. 31.

- (c) personal data must be adequate, relevant and not excessive in relation to the purpose for which they are collected and/or subsequently processed; in particular, personal data communicated may concern only the following:
 - (i) the particulars of the person to be transferred (e.g. given name, surname, any previous names, other names used/by which known or aliases, sex, civil status, date and place of birth, current and any previous nationality);
 - (ii) passport, identity card or driving licence (number, period of validity, date of issue, issuing authority, place of issue);
 - (iii) stop-overs and itineraries;
 - (iv) other information needed to identify the person to be transferred or to examine the readmission requirements laid down in this Agreement;
- (d) personal data must be accurate and, where necessary, kept up to date;
- (e) personal data must be kept in a form which permits identification of the data subjects for no longer than is necessary for the purpose for which the data were collected or for which they are subsequently processed;

- (f) both the communicating authority and the receiving authority shall take every reasonable step to ensure, as appropriate, the rectification, erasure or blocking of personal data where their processing does not comply with the provisions of this Article, in particular because those data are not adequate, relevant, accurate, or they are excessive in relation to the purpose for which they are processed. This includes the notification of any rectification, erasure or blocking to the other Party;
- (g) upon request, the receiving authority shall inform the communicating authority of the use of the communicated data and of the results obtained therefrom;
- (h) personal data may be communicated only to the competent authorities. Further communication of personal data to other bodies shall require the prior consent of the communicating authority;
- (i) the communicating and the receiving authorities shall make a written record of the communication and of the receipt of personal data.

ARTICLE 17

Without prejudice clause

1. This Agreement shall be without prejudice to the rights, obligations and responsibilities of the Union, its Member States and Cape Verde arising from international law, including from international conventions to which they are party, in particular:

- the Convention of 28 July 1951 on the Status of Refugees as amended by the Protocol of 31 January 1967 on the Status of Refugees,
- the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms,
- the international conventions on determining the State responsible for examining applications for asylum,
- the Convention of 10 December 1984 against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,
- international conventions on extradition and transit,
- multilateral international conventions and agreements on the readmission of foreign nationals.

2. Nothing in this Agreement shall prevent the return of a person under other formal or informal arrangements between the requested and requesting States.

SECTION VII

IMPLEMENTATION AND APPLICATION

ARTICLE 18

Joint Readmission Committee

1. The Contracting Parties shall provide each other with mutual assistance in the application and interpretation of this Agreement. To this end, they shall set up a Joint Readmission Committee (hereinafter referred to as "the Committee") which shall, in particular, have the following tasks:
 - (a) monitoring the application of this Agreement;
 - (b) deciding on the implementing arrangements necessary for the uniform application of this Agreement;
 - (c) regularly exchanging information on the implementing Protocols drawn up by individual Member States and Cape Verde pursuant to Article 19;
 - (d) recommending amendments to this Agreement and its Annexes.
2. The decisions of the Committee shall be binding on the Contracting Parties.
3. The Committee shall be composed of representatives of the Union and of Cape Verde.

4. The Committee shall meet, whenever necessary, at the request of either of the Contracting Parties.

5. The Committee shall lay down its own rules of procedure.

ARTICLE 19

Implementing Protocols

1. At the request of a Member State or Cape Verde, Cape Verde and that Member State shall draw up an implementing Protocol which shall, inter alia, lay down rules on:

- (a) designation of the competent authorities, border crossing points and exchange of contact points;
- (b) conditions for escorted returns, including the transit of third-country nationals and stateless persons under escort;
- (c) evidence and documents additional to those listed in Annexes 1 to 4 to this Agreement;
- (d) the arrangements for readmission under the accelerated procedure;
- (e) the procedure for interviews.

2. The implementing Protocols referred to in paragraph 1 shall enter into force only after the Readmission Committee provided for in Article 18 has been notified.

3. Cape Verde agrees to apply any provision of an implementing Protocol drawn up with one Member State also in its relations with any other Member State upon request of the latter.

ARTICLE 20

Relation to bilateral readmission agreements or arrangements of Member States

The provisions of this Agreement shall take precedence over the provisions of any legally binding instrument on the readmission of persons residing without authorisation which, under Article 19, have been or may be concluded between individual Member States and Cape Verde, in so far as the provisions of any such legally binding instrument are incompatible with those of this Agreement.

SECTION VIII

FINAL CLAUSES

ARTICLE 21

Territorial application

1. Subject to paragraph 2, this Agreement shall apply to the territory in which the Treaty on European Union and the Treaty on the Functioning of the European Union are applicable and to the territory of Cape Verde.
2. This Agreement shall apply to the territory of Ireland and of the United Kingdom only pursuant to a notification by the Union to Cape Verde to that effect. This Agreement shall not apply to the territory of the Kingdom of Denmark.

ARTICLE 22

Entry into force, duration and termination

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures.
2. This Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other that the procedures referred to in the first paragraph have been completed.

3. This Agreement shall apply to Ireland and to the United Kingdom on the first day of the second month following the date of the notification referred to in Article 21(2).
4. This Agreement is concluded for an unlimited period.
5. Either Contracting Party may terminate this Agreement by officially notifying the other Contracting Party. This Agreement shall cease to apply six months after the date of such notification.

ARTICLE 23

Annexes

Annexes 1 to 6 shall form an integral part of this Agreement.

Done in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic.

For the European Union

For the Republic of Cape Verde

COMMON LIST OF DOCUMENTS
THE PRESENTATION OF WHICH IS CONSIDERED
AS PROOF OF NATIONALITY

(ARTICLES 2(1), 4(1) AND 8(1))

Where the requested State is either one of the Member States or Cape Verde:

- passports of any kind (national passports, diplomatic passports, service passports, collective passports and replacement passports, including the passports of minors),
- laissez-passer issued by the requested State,
- identity cards of any kind (including temporary and provisional ones),
- service books and military identity cards,
- seamen's registration books and skippers' service cards,
- nationality certificates and other official documents that mention or clearly indicate nationality.

Where the requested State is Cape Verde:

- confirmation of identity as a result of a search carried out in the Visa Information System¹,
- in the case of Member States not using the Visa Information System, positive identification established from the visa application records kept by those Member States.

Where the requested State is one of the Member States:

- positive identification established from the visa application records kept by Cape Verde.

¹ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

COMMON LIST OF DOCUMENTS
THE PRESENTATION OF WHICH IS CONSIDERED
AS PRIMA FACIE EVIDENCE OF NATIONALITY

(ARTICLES 2(1), 4(1) AND 8(2))

- photocopies of any of the documents listed in Annex 1 to this Agreement,
- driving licences or photocopies thereof,
- birth certificates or photocopies thereof,
- company identity cards or photocopies thereof,
- statements by witnesses,
- statements made by the person concerned and language spoken by him or her, which may in particular be shown by means of an official test result,
- fingerprints,
- any other document which may help to establish the nationality of the person concerned.

COMMON LIST OF DOCUMENTS
WHICH ARE CONSIDERED AS PROOF OF THE GROUNDS
FOR THE READMISSION OF THIRD-COUNTRY NATIONALS AND STATELESS PERSONS

(ARTICLES 3(1), 5(1) AND 9(1))

- visa accompanied by proof of entry to the territory of the requested State and/or residence permit issued by the requested State,
- entry/departure stamps or similar endorsement in the travel document of the person concerned or other evidence of entry/departure (e.g. photographic),
- documents, certificates and bills of any kind (e.g. hotel bills, appointment cards for doctors/dentists, entry cards for public/private institutions, car rental agreements, credit card receipts etc.) which clearly show that the person concerned stayed on the territory of the requested State,
- tickets in a person's name and/or passenger lists of air, train, boat or coach companies which show the presence and the itinerary of the person concerned on the territory of the requested State,

- information showing that the person concerned has used the services of a guide or travel agency,
- official statements made, in particular, by border authority staff and other witnesses who can testify that the person concerned crossed the border,
- official statements by the person concerned in judicial or administrative proceedings.

COMMON LIST OF DOCUMENTS
WHICH ARE CONSIDERED AS PRIMA FACIE EVIDENCE
OF THE GROUNDS FOR THE READMISSION OF THIRD-COUNTRY NATIONALS
AND STATELESS PERSONS

(ARTICLES 3(1), 5(1) AND 9(2))

- visa issued by the requested State,
- description of the place and circumstances under which the person concerned has been intercepted after entering the territory of the requesting State, issued by the relevant authorities of that State,
- information relating to the identity and/or stay of a person which has been provided by an international organisation (e.g. the United Nations High Commissioner for Refugees),
- reports/corroboration of information by family members, travelling companions, etc.,
- statements made by the person concerned,
- fingerprints.



[Emblem of the Republic of Cape Verde]

.....
..... (Place and date)
.....
(Designation of requesting authority)

Reference:

To
.....
.....
.....

(Designation of requested authority)

ACCELERATED PROCEDURE (Article 6(5))

INTERVIEW REQUEST (Article 8(3))

READMISSION APPLICATION

pursuant to Article 7 of the Agreement of between
the European Union and the Republic of Cape Verde
on the readmission of persons residing without authorisation

A. PERSONAL DETAILS

1. Full name (underline surname):
.....

2. Name at birth:
.....

3. Date and place of birth:
.....

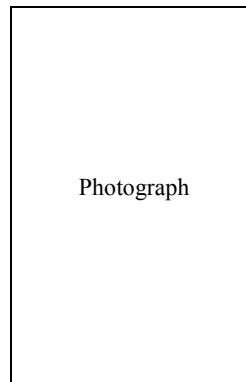
4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):
.....

5. Also known as (earlier names, other names used/by which known, or aliases):
.....

6. Nationality and language:
.....

7. Civil status: married single divorced widowed

If married : name of spouse



Names and age of children (if any)

.....
.....
.....

8. Last address in the requesting State:

.....

B. PERSONAL DETAILS OF SPOUSE (IF APPROPRIATE)

1. Full name (underline surname):

.....

2. Name at birth:

.....

3. Date and place of birth:

4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

5. Also known as (earlier names, other names used/by which known, or aliases):

.....

6. Nationality and language:

.....

C. PERSONAL DETAILS OF CHILDREN (IF APPROPRIATE)

1. Full name (underline surname):

.....

2. Date and place of birth:

3. Sex and physical description (height, colour of eyes, distinguishing marks etc.):

.....

4. Nationality and language:

.....

D. SPECIAL CIRCUMSTANCES RELATING TO THE TRANSFEREE

1. State of health

(e.g. possible reference to special medical care; Latin name of contagious diseases):

.....

2. Indication of particularly dangerous persons

(e.g. suspected of serious offence; aggressive behaviour):

.....



Emblem of the Republic of Cape Verde

.....
.....
..... (Place and date)
.....
(Designation of requesting authority)

Reference

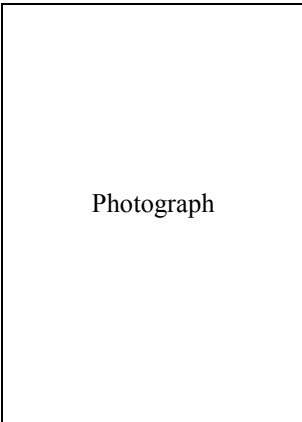
.....
To
.....
.....
.....
(Designation of requested authority)

TRANSIT APPLICATION

pursuant to Article 14 of the Agreement of between
the European Union and the Republic of Cape Verde
on the readmission of persons residing without authorisation

A. PERSONAL DETAILS

- 1. Full name (underline surname):
.....
- 2. Name at birth:
.....
- 3. Date and place of birth:
.....
- 4. Sex and physical description (height, colour of eyes, distinguishing marks etc.):
.....
- 5. Also known as (earlier names, other names used/by which known, or aliases):
.....
- 6. Nationality and language:
.....
- 7. Type and number of travel document:
.....



B. TRANSIT OPERATION

1. Type of transit:

- by air by land by sea

2. State of final destination:

.....

3. Possible other States of transit:

.....

4. Proposed border crossing point, date, time of transfer and possible escorts:

.....

.....

5. Admission guaranteed in any other transit State and in the State of final destination

(Article 13(2)):

- yes no

6. Knowledge of any reason for refusal of transit

(Article 13(3)):

- yes no

C. OBSERVATIONS

.....

.....

.....

.....

.....

.....

.....

.....

(Signature) (Seal/stamp)

Joint Declaration concerning Articles 3 and 5

The Contracting Parties will endeavour to return any third-country national who does not, or who no longer, fulfils the legal conditions in force for entry to, presence in or residence on their respective territories, to his or her country of origin.

Joint Declaration concerning the Kingdom of Denmark

The Contracting Parties take note that this Agreement does not apply to the territory of the Kingdom of Denmark, nor to nationals of the Kingdom of Denmark. In such circumstances it is appropriate that the Republic of Cape Verde and the Kingdom of Denmark conclude a readmission agreement in the same terms as this Agreement.

Joint Declaration concerning the Republic of Iceland and the Kingdom of Norway

The Contracting Parties take note of the close relationship between the European Union and the Republic of Iceland and the Kingdom of Norway, particularly by virtue of the Agreement of 18 May 1999 concluded by the Council of the European Union, the Republic of Iceland and the Kingdom of Norway concerning the association of these two countries with the implementation, application and development of the Schengen *acquis*. In such circumstances it is appropriate that the Republic of Cape Verde conclude a readmission agreement with the Republic of Iceland and the Kingdom of Norway in the same terms as this Agreement.

Joint Declaration concerning the Swiss Confederation

The Contracting Parties take note of the close relationship between the European Union and the Swiss Confederation, particularly by virtue of the Agreement between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen *acquis*, which entered into force on 1 March 2008. In such circumstances it is appropriate that the Republic of Cape Verde conclude a readmission agreement with the Swiss Confederation in the same terms as this Agreement.

Joint Declaration concerning the Principality of Liechtenstein

The Contracting Parties take note of the close relationship between the European Union and the Principality of Liechtenstein, particularly by virtue of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen *acquis*, which entered into force on 7 April 2011. In such circumstances it is appropriate that the Republic of Cape Verde conclude a readmission agreement with the Principality of Liechtenstein in the same terms as this Agreement.
