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Plenary sitting

A7-0289/2013

23.9.2013

RECOMMENDATION

on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorisation
(05859/2013 – C7-0113/2013 – 2012/0332(NLE))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Edit Bauer

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.)

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorisation
(05859/2013 – C7-0113/2013 – 2012/0332(NLE))**

(Consent)

The European Parliament,

- having regard to the draft Council decision (05859/2013),
 - having regard to the draft Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorisation (05860/2013),
 - 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 (C7-0113/2013),
 - 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 and the opinion of the Committee on Foreign Affairs (A7-0289/2013),
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 Armenia.

EXPLANATORY STATEMENT

According to the Treaty on the European Union, "the Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world". This commitment should be fulfilled through developing and building partnerships with third countries, with a main emphasis on enlarging the area of democracy, the rule of law and good governance. After the 2004 and 2007 enlargements, the external borders of the EU changed and a clear need arose to strengthen the relations with the EU's new "neighbours".

In this regard, a very important tool was the Partnership and Cooperation Agreements (PCA), which started to govern mutual relations between EU and certain third countries even before the mentioned waves of enlargement. Since the end of the 1990s, ten PCAs were concluded by the European Union, one of them with Armenia, which entered into force on 31st May 1999. The agreement provided a framework for cooperation in a variety of areas, including an article (art. 72) on illegal immigration, where both parties agree to cooperate to prevent and control illegal immigration and to readmit any of its nationals illegally present on the territory of the other party.

Establishing the European Neighbourhood Policy (ENP) was a clear signal towards the new neighbouring countries, also towards South Caucasus, which were now a lot closer than before the enlargement. The inclusion of Armenia, Azerbaijan and Georgia in the ENP also implied that the partners are willing to deepen their cooperation laid down in the PCA. The new ENP Action Plan for Armenia opened new partnership perspectives, including the establishment of a dialogue on matters related to the movement of people, including readmission and visa policy. However, the objective at that stage was just to exchange information on visa issues, because a lot of work had to be done to align the procedures with European standards.

The Eastern Partnership is regarded as an important step, giving a special dimension to the ENP. The ambition of this new framework is to accelerate further economic and political integration between EU and Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.

In 19 December 2011, the Council formally authorised the Commission to negotiate a readmission agreement between the European Union and Armenia, which was finally signed on 19th April 2013, but the consent of the European Parliament is needed before it can take effect. The EU has already concluded readmission agreements with nine non-EU countries. From countries of South Caucasus there is such agreement concluded only with Georgia so far, but the negotiations with Azerbaijan are already under way.

In the Joint Declaration on a Mobility Partnership between the EU and Armenia of 27 October 2011, the parties have decided to establish a Mobility Partnership based on reciprocity, with a purpose of better managing legal and labour migration, including circular and temporary migration.

The rapporteur is convinced, in line with the opinion of the European Commission and of the Council that after several rounds of negotiations Armenia is now ready to conclude the

agreement.

To balance the visa facilitation agreement, effective measures are also needed to prevent and control illegal migration flows. Already the PCA included an article dealing with readmissions, in which both parties agreed to readmit any of their nationals illegally present on the territory of the other party. The objective of the recently negotiated readmission agreement is to establish, on the basis of reciprocity, rapid and effective procedures for the identification and safe and orderly return of those persons.

The conclusion of the readmission and visa liberalisation agreements is a very important step in mutual relations between Armenia and the EU. However, further integration is needed. The European Parliament in its resolution of 20 May 2010 on the need for an EU strategy for the South Caucasus also called on the EU to be more active in the area of South Caucasus. Another, deeper level of integration in form of an Association Agreement is recently negotiated between the parties, which will strengthen the cooperation between Armenia and the European Union.

Regarding the conclusion of the readmission agreement,

- the rapporteur invites and approves the conclusion of the agreement, which will facilitate mainly the mobility of citizens, what is essential in building people-to-people contacts,
- the rapporteur calls on the Commission to monitor the implementation of the two agreements in order to identify potential burdensome provisions that should be corrected to fully exploit the advantages of the simpler visa regime,
- the rapporteur calls on the Commission to step up negotiation efforts on concluding the same agreements with Azerbaijan, as the last country from the South Caucasus region,

furthermore, the rapporteur calls on the Council, the Commission and the European External Action Service to consistently emphasize during negotiations the recommendations contained in the EP resolution of 18 April 2012 on the negotiations of the EU-Armenia Association Agreement.

27.6.2013

OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a Council decision on the conclusion of the Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorisation
(05859/2013 – C7-0113/2013 – 2012/0332(NLE))

Rapporteur: Tomasz Piotr Poręba

SHORT JUSTIFICATION

In its Communication on Strengthening the European Neighbourhood Policy (ENP) of 4 December 2006¹, the Commission had recommended that negotiations on readmission and visa facilitation should be initiated with ENP countries. 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 would not be concluded without a readmission agreement being in place.

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 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 proposed decision takes into account and reflects the existing framework for cooperation with Armenia, in particular Partnership and Cooperation Agreement which entered into force in 1999, the EU-Armenia European Neighbourhood Policy Action Plan adopted in November 2006, the Declarations from the Eastern Partnership Summit, as well as the ongoing negotiations for the EU-Armenia Association Agreement.

The formal authorisation for negotiation of the readmission agreement with Armenia was adopted on 19 December 2011. The negotiations began in February 2012 and the agreed text

¹ COM(2006)0726

was initialled on 18 October 2012.

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. The readmission obligations are drawn in a fully reciprocal way 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 arrangements for the practical application of the agreement, including the establishment of a Joint Readmission Committee, the conditions for the accelerated procedure, clauses on costs, data protection and relation to other international obligations. The agreement applies to the territories of Armenia and the EU, with the exclusion of Ireland, Denmark, and the United Kingdom.

The agreement contains a clause reaffirming that agreement shall be applied as to ensure respect for human rights and for the obligations and responsibilities of the parties under the relevant international instruments applicable to them.

Armenia 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 Council of Europe and of the Organisation for Security and Cooperation in Europe. Armenia is a partner country within the framework of the Eastern Partnership, which is based on commitments to the principles of international law and to fundamental values, including the respect for human rights and fundamental freedoms and the negotiations for a new and enhanced EU-Armenia Association Agreement has been launched on 15 July 2010. Moreover, an EU-Armenia Human Rights Dialogue has been launched in December 2009 and four rounds have been held to date.

Considering the above elements, the Rapporteur of the opinion thus believes that sufficiently sound framework is in place in Armenia 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 propose that Parliament give its consent.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	27.6.2013
Result of final vote	+: 28 -: 1 0: 1
Members present for the final vote	Bastiaan Belder, Michael Gahler, Ana Gomes, Anna Ibrisagic, Liisa Jaakonsaari, Anneli Jäätteenmäki, Jelko Kacin, Tunne Kelam, Eduard Kukan, Alexander Graf Lambsdorff, Marusya Lyubcheva, Ria Oomen-Ruijten, Bernd Posselt, Hans-Gert Pöttering, Tokia Saïfi, José Ignacio Salafranca Sánchez-Neyra, Nikolaos Salavrakos, Marek Siwiec, Charles Tannock, Eleni Theoharous, Geoffrey Van Orden, Boris Zala
Substitute(s) present for the final vote	Antonio López-Istúriz White, Marietje Schaake, Traian Ungureanu, Ivo Vajgl, Janusz Władysław Zemke
Substitute(s) under Rule 187(2) present for the final vote	Leonidas Donskis, Danuta Jazłowiecka, Gabriel Mato Adrover

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	18.9.2013
Result of final vote	+: 38 -: 8 0: 1
Members present for the final vote	Jan Philipp Albrecht, Roberta Angelilli, Edit Bauer, Rita Borsellino, Emine Bozkurt, Arkadiusz Tomasz Bratkowski, Salvatore Caronna, Philip Claeys, Carlos Coelho, Ioan Enciu, Cornelia Ernst, Tanja Fajon, H�el�ene Flautre, Kinga G�al, Kinga G�oncz, Sylvie Guillaume, �Agnes Hankiss, Anna Hedh, Salvatore Iacolino, Sophia in 't Veld, L�ivia J�ar�oka, Timothy Kirkhope, Juan Fernando L�opez Aguilar, Svetoslav Hristov Malinov, Clemente Mastella, V�eronique Mathieu Houillon, Claude Moraes, Georgios Papanikolaou, Carmen Romero L�opez, Judith Sargentini, Birgit Sippel, Csaba S�ogor, Renate Sommer, Rui Tavares, Nils Torvalds, Wim van de Camp, Axel Voss, Renate Weber, Josef Weidenholzer, Tatjana �Zdanoka, Auke Zijlstra
Substitute(s) present for the final vote	Alexander Alvaro, Cornelis de Jong, Marian-Jean Marinescu, Salvador Sed�o i Alabart, Janusz Wojciechowski
Substitute(s) under Rule 187(2) present for the final vote	Nuno Teixeira