



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

COUNCIL DECISION

**concerning the signing of the Agreement between the European Community
and Pakistan on readmission**

Proposal for a

COUNCIL DECISION

**concerning the conclusion of the Agreement between the European Community
and Pakistan on readmission**

(presented by the Commission)

EXPLANATORY MEMORANDUM

I. POLITICAL AND LEGAL FRAMEWORK

Conclusion of a readmission agreement with Pakistan was one of the measures recommended in the 1999 High Level Working Group Action Plan on Afghanistan. On 18 September 2000, the General Affairs Council formally authorised the Commission to negotiate a readmission agreement between the European Community and Pakistan. In April 2001 the Commission transmitted a draft text to the Pakistan authorities. Following the Ministerial Troika meeting in Islamabad on 18 and 19 February 2004 and the establishment of the link between readmission and the ratification, by the EU, of the Cooperation Agreement between the European Community and the Islamic Republic of Pakistan on Partnership and Development, the first round of formal negotiations could be held in Islamabad in April 2004. Six further formal rounds of negotiations took place, the last one in Brussels on 17 September 2007.

Following the last round of negotiations in September 2007, where all the outstanding issues could be resolved, both sides sought the endorsement of the agreed text from their respective constituencies. Following a lengthy consultation and approval process on both sides, the agreed text could finally be initialled on 9 September 2008 in Brussels by the Commission's Chief Negotiator and the Pakistani Ambassador to the EU.

Member States have been regularly informed and consulted at all (informal and formal) stages of the readmission negotiations.

On the part of the Community, the legal basis for the Agreement is Article 63(3)(b), in conjunction with Article 300 TEC.

The attached proposals constitute the legal instrument for the signature and conclusion of the readmission agreement. The Council will decide by qualified majority. The European Parliament will have to be formally consulted on the conclusion of the Agreement, in accordance with Art. 300(3) EC Treaty.

The proposed decision concerning the conclusion sets out the necessary internal arrangements for the practical application of the Agreement. In particular, it specifies that the Commission, assisted by experts from Member States, represents the Community within the Joint Readmission Committee set up by Article 16 of the Agreement. Under Article 16 (6), the readmission committee shall adopt its own rules of procedure. As in the case for the other readmission agreements so far concluded by the Community, the Community position in this regard shall be established by the Commission in consultation with a special committee designated by the Council. As regards other decisions to be taken by the Joint Committee, the Community position shall be established in accordance with the applicable provisions of the Treaty.

II. OUTCOME OF THE NEGOTIATIONS

The Commission considers that the objectives set by the Council in its negotiating directives were attained and that the draft Readmission Agreement is acceptable to the Community.

The final content of it can be summarised as follows:

- The Agreement is divided into 7 sections with 21 articles altogether. It also contains 6 Annexes, which form an integral part of it, and 10 joint declarations.
- The readmission obligations set out in the Agreement (Articles 2 and 3) are drawn up in a fully reciprocal way, comprising own nationals (Article 2) as well as third country nationals and stateless persons (Article 3).
- The obligation to readmit third country nationals and stateless persons (Article 3) is linked to the following prerequisites: (a) the person concerned holds, at the time of submission of the readmission application, a valid visa or residence authorisation issued by the requested State or (b) the person concerned unlawfully entered the territory of the requesting State coming directly from the territory of the requested State. Exempted from these obligations are persons in airside transit and all persons to whom the requesting State has either granted visa-free access or issued a visa or residence authorisation with a longer period of validity.
- In return for Pakistan agreeing to the aforementioned obligation regarding the readmission of third-country nationals and stateless persons (Article 3), the European Community agreed that the agreement, without prejudice to the Parties' obligations under international customary law to take back own nationals, shall only apply to persons who entered the territories of the Parties after its entry into force (Article 20(3)).
- Section II of the Agreement (Articles 4 to 10 in conj. with Annexes 1 to 5) contains the necessary technical provisions regarding the readmission procedure (readmission application, means of evidence, time limits, transfer modalities and modes of transportation) and 'readmission in error' (Article 10). Some procedural flexibility is provided by the fact that no readmission application will be needed in cases where the person to be readmitted is in possession of a valid national passport and, if he or she is a third-country national, also holds a valid visa or residence authorisation of the State which has to readmit him or her (Article 4(2)).
- The Agreement contains a section on transit operations (Articles 11 and 12 in conj. with Annex 6).
- Articles 13, 14 and 15 contain the necessary rules on costs, data protection and the relation to other international obligations.
- The Joint Readmission Committee will be composed, and have the tasks and powers, as set out in Article 16.
- In order to execute this Agreement in practice, Article 17 creates the possibility for Pakistan and individual Member States to conclude bilateral implementing Protocols. The relation between the bilateral implementing Protocols and this Agreement is clarified by Article 18.
- The final provisions (Art. 19 to 21) contain the necessary rules on entry into force, duration, possible amendments, termination and the legal status of the Annexes to the agreement.

- The specific situation of Denmark is reflected in the preamble, Article 1(a), Article 19(2) and in a joint declaration attached to the Agreement. The close association of Norway and Iceland to the implementation, application and development of the Schengen Acquis is likewise reflected in a joint declaration to the Agreement.

III. CONCLUSIONS

In the light of the above-mentioned results, the Commission proposes that the Council

- decide that the Agreement be signed on behalf of the Community and authorise the President of the Council to appoint the person(s) duly empowered to sign on behalf of the Community;
- approve, after consultation of the European Parliament, the attached Agreement between the European Community and Pakistan on readmission.

Proposal for a

COUNCIL DECISION

concerning the signing of the Agreement between the European Community and Pakistan on readmission

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 63, paragraph 3 lit. b), in conjunction with the first sentence of the first subparagraph of Article 300 (2) thereof,

Having regard to the proposal from the Commission¹,

WHEREAS:

- (1) By its decision of 18 September 2000, the Council authorised the Commission to negotiate an agreement between the European Community and Pakistan on readmission.
- (2) Negotiations for the Agreement took place between April 2004 and September 2007.
- (3) Subject to its possible conclusion at a later date, the Agreement initialled in Brussels on 9 September 2008 should be signed.
- (4) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom has notified its wish to take part in the adoption and application of this Decision.
- (5) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Decision and is not bound by it or subject to its application,

¹ OJ C

HAS DECIDED AS FOLLOWS:

Sole Article

Subject to a possible conclusion at a later date, the President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the European Community, the Agreement between the European Community and Pakistan on readmission.

Done in Brussels, the

*For the Council
The President*

Proposal for a

COUNCIL DECISION

**concerning the conclusion of the Agreement between the European Community
and Pakistan on readmission**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 63, paragraph 3 lit. b), in conjunction with the first sentence of the first subparagraph of Article 300 (2) and the first subparagraph of Article 300 (3) thereof,

Having regard to the proposal from the Commission²,

Having regard to the opinion of the European Parliament³

WHEREAS:

- (1) The Commission has negotiated on behalf of the European Community an Agreement with Pakistan on readmission;
- (2) This Agreement has been signed, on behalf of the European Community, on2009 subject to its possible conclusion at a later date, in accordance with Decision...../...../EC of the Council of [.....]
- (3) This Agreement should be approved.
- (4) The Agreement establishes a Joint Readmission Committee which may adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the Community position in this case.
- (5) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom has notified its wish to take part in the adoption and application of this Decision.
- (6) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European

² OJ C
³

Community, Denmark does not take part in the adoption of this Decision and is not bound by it or subject to its application,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and Pakistan on readmission is hereby approved on behalf of the Community.

The text of the agreement is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 20 paragraph 2 of the Agreement⁴.

Article 3

The Commission, assisted by experts from Member States invited at the Commission's request, shall represent the Community in the Joint Readmission Committee established by Article 16 of the Agreement.

Article 4

The position of the Community within the Joint Readmission Committee with regard to the adoption of its rules of procedure as required under Article 16 (6) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

Article 5

This Decision shall be published in the *Official Journal of the European Union*.

Done in Brussels, the

For the Council
The President

⁴ The date of entry into force of the Readmission Agreement will be published in the Official Journal of the European Union by the General Secretariat of the Council.

Annex

AGREEMENT

**between the European Community and the Islamic Republic of Pakistan on the
readmission of persons residing without authorization**

THE HIGH CONTRACTING PARTIES,

THE EUROPEAN COMMUNITY, hereinafter referred to as “the Community”, and

THE ISLAMIC REPUBLIC OF PAKISTAN, hereinafter referred to as “Pakistan”,

hereinafter also referred to individually as “a Party” and collectively as “the Parties”,

Desiring to strengthen their cooperation to combat illegal immigration effectively;

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 territories of Pakistan or one of the Member States of European Union, and to facilitate the transit of such persons in a spirit of cooperation;

Emphasizing that this Agreement shall be without prejudice to the rights, obligations and responsibilities of the Member States of the European Union and Pakistan under International Law;

Considering that the provisions of Title IV of the Treaty establishing the European Community, and all acts adopted on the basis of that Title, do not apply to the Kingdom of Denmark,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Definitions

For the purposes of this Agreement:

- a) “Member State” shall mean any Member State of the European Union, with the exception of the Kingdom of Denmark;
- b) “National of a Member State” shall mean any person who holds the nationality, as defined for Community purposes, of a Member State;
- c) “National of Pakistan” shall mean any person who holds the nationality of Pakistan;
- d) “Third-country national” shall mean any person who holds a nationality other than that of Pakistan or one of the Member States;
- e) “Stateless person” shall mean any person who does not hold a nationality;
- f) “Residence authorization” shall mean a permit of any type issued by Pakistan or one of the Member States entitling a person to reside on the territory of the issuing State;
- g) “Visa” shall mean an authorization issued or a decision taken by Pakistan or one of the Member States which is required with a view to entry into, or transit through, its territory. This shall not include airport transit visa;
- h) “Requesting State” shall mean the State (Pakistan or one of the Member States), which submits a readmission application pursuant to Articles 2 and 3 or a transit application pursuant to Article 12;
- i) “Requested State” shall mean the State (Pakistan or one of the Member States) to which a readmission application pursuant to Articles 2 and 3 or a transit application pursuant to Article 12 is submitted.

SECTION I - READMISSION OBLIGATIONS

ARTICLE 2

Readmission of nationals

- (1) The Requested State shall readmit, after the nationality having been proved in accordance with Article 6, upon application by the Requesting State any of its nationals who does not, or who no longer fulfills the conditions in force for entry to, presence in, or residence on, the territory of the Requesting State.
- (2) The Requested State shall, as necessary and without delay, issue the person whose readmission has been accepted with the travel document required for his or her readmission, which shall be valid for at least six months. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document, the Requested State shall issue a new travel document with the same period of validity within 14 days.

ARTICLE 3

Readmission of third-country nationals and Stateless persons

- (1) The Requested State shall readmit, upon application by the Requesting State and without further formalities other than those provided for in this Agreement, any third-country national or Stateless person who does not, or who no longer, fulfils the conditions in force for entry to, presence in, or residence on the territory of the requesting State, provided that such persons
 - a) hold, at the time of submission of the readmission application, a valid visa or residence authorisation issued by the Requested State; or
 - b) entered the territory of the Requesting State unlawfully coming directly from the territory of the Requested State. A person comes directly from the territory of the Requested State within the meaning of this subparagraph if he or she arrived on the territory of the Requesting State, or, where the Requested State is Pakistan, on the territory of the Member States, by air or ship without having entered another country in-between.
- (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 State; or
 - b) the Requesting State has issued to the third country national or stateless person a visa or residence authorisation before or after entering its territory unless that person is in possession of a visa or residence permit, issued by the Requested State, which has a longer period of validity.

- (3) If the Requested State is a Member State, the readmission obligation in paragraph 1 is for the Member State that issued a visa or residence authorization. If two or more Member States issued a visa or residence authorisation, the readmission obligation in paragraph 1 is for the Member State that issued the document with a 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 is for the Member State that issued the document with the most recent expiry date.
- (4) The Requested State shall, as necessary and without delay, issue the person whose readmission has been accepted with the travel document required for his or her return which shall be valid for at least six months. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document, the Requested State shall issue a new travel document with the same period of validity within 14 calendar days.

SECTION II. READMISSION PROCEDURE

ARTICLE 4

Principles

- (1) Subject to paragraph 2, any transfer of a person to be readmitted on the basis of the obligations contained in Articles 2 and 3 shall require the submission of a readmission application to the competent authority of the Requested State.
- (2) Without prejudice to Articles 2 (1) and 3 (1), no readmission application shall be needed where the person to be readmitted is in possession of a valid travel document and, where applicable, a valid visa or residence authorization of the Requested State.
- (3) No person shall be readmitted only on the basis of prima facie evidence of nationality.

ARTICLE 5

Readmission application

- (1) A readmission application shall contain the following information:
 - a) the particulars of the person to be readmitted (e.g. given name, surname, date of birth, place of birth, and the last place of residence);
 - b) indication of the means for the proof of nationality, transit, the conditions for the readmission of third-country nationals and Stateless persons and unlawful entry and residence.
- (2) The readmission application, to the extent possible, will also contain the following information:

- a) a statement indicating that the person to be readmitted may need help or care, provided the person concerned has explicitly consented to the statement;
 - a) any other protection or security measure which may be necessary in the individual readmission case.
- (3) A common form to be used for readmission application is herein attached as Annex 5 to this Agreement.

ARTICLE 6

Means of evidence regarding nationality

- (1) Evidence of nationality cannot be furnished through false documents.
- (2) Proof of nationality pursuant to Article 2 (1) may be furnished through any of the documents listed in Annex 1 to this Agreement, even if their period of validity has expired. If such documents are presented, the requested and the requesting States shall mutually recognize the nationality without further investigation being required.
- (3) Proof of nationality, as required under Article 2 (1), may also be furnished through any of the documents listed in Annex 2 to this Agreement, even if their period of validity has expired. If such documents are presented, the Requested State shall initiate the process for establishing the nationality of the person concerned.
- (4) If none of the documents listed in Annexes 1 or 2 can be presented, the competent authority of the Requesting State and the diplomatic or consular representation of the Requested State shall, upon request, make arrangements to interview the person for whose readmission an application has been submitted, without undue delay.

ARTICLE 7

Means of 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) shall be particularly 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 based on elements that are mutually recognised by the Requested and the Requesting States.
- (2) Proof of the conditions for the readmission of third-country nationals and stateless persons laid down in Article 3 (1) may also be furnished through the means of evidence listed in Annex 4 to this Agreement. Where such means of evidence are presented, the Requested State will deem them appropriate to initiate investigation.
- (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 authorisation for the territory of the Requesting State are missing. A statement by the

Requesting State that the person concerned has been found not having the necessary travel documents, visa or residence authorisation may provide prima facie evidence of the unlawful entry, presence or residence.

ARTICLE 8

Time limits

- (1) The application for readmission 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 a third-country national or a stateless person does not, or does no longer, fulfill 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, be extended but only until the obstacles have ceased to exist.
- (2) A readmission application must be replied to without undue delay, and in any event within a maximum of 30 calendar days; reasons shall be given for refusal of a readmission application. This time limit begins to run with the date of receipt of the readmission application. Where there are legal or factual obstacles to the application being replied to in time, the time limit may, upon request and giving grounds, be extended up to 60 calendar days, except if the maximum detention period in the national legislation of the Requesting State is lower than, or equal to, 60 days. If there was no reply within this time limit, the transfer shall be deemed to have been agreed to.
- (3) After agreement has been given or, where appropriate, upon expiry of the time limit mentioned in paragraph 2 of this Article, the person concerned shall be transferred within three months. Upon request, this time limit may be extended by the time taken to deal with legal or practical obstacles.

ARTICLE 9

Transfer modalities and modes of transportation

Before returning a person, the competent authorities of Pakistan and the Member State concerned shall make arrangements in writing in advance, regarding the transfer date, the border crossing point, possible escorts and means of transport.

ARTICLE 10

Readmission in error

Pakistan shall take back without delay any person readmitted by a member state, and a Member State shall take back without delay a person readmitted by Pakistan, 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 and 3 of this agreement were not met. In such cases, the competent authorities of Pakistan and the Member State concerned shall also exchange all available information relating to the actual identity, nationality or transit route of the person to be taken back.

SECTION III -TRANSIT OPERATIONS

ARTICLE 11

Principles

- (1) The Requested State may allow the transit of a third-country national or stateless person when such a national or person cannot be returned to the State of destination directly after being satisfied, on the basis of written evidence, that the State of destination has committed itself to readmit its national or the person as the case may be.
- (2) The Requested State may revoke consent if the onward journey in possible States of transit or the readmission by the State of destination is no longer assured. In such cases, the Requesting State shall take back the third-country national or the stateless person at its costs.

ARTICLE 12

Transit procedure

- (1) An application for transit operations must be submitted to the competent authorities in writing and shall contain the following information:
 - a) type of transit, possible other States of transit and final destination;
 - b) the particulars of the person concerned (e.g. given name, surname, date of birth and – where possible – place of birth, nationality, type and number of travel document);
 - c) envisaged border crossing point, time of transfer and possible use of escorts; A common form to be used for transit applications has been attached as Annex 6 to this Agreement.
- (2) The Requested State shall, within 14 calendar days and in writing, inform the Requesting State of its decision and, if it allows transit, confirm the border crossing point and the envisaged time of transit.
- (3) If the transit operation is effected by air, the person to be transited and possible escorts shall be exempted from having to obtain an airport transit visa.
- (4) The competent authorities of the Requested State shall, subject to mutual consultations, support the transit operations, in particular through the surveillance of the persons in question and the provision of suitable amenities for that purpose, in accordance with its laws and rules.

SECTION IV – COSTS

ARTICLE 13

Transport and transit costs

Without prejudice to the right of the competent authorities of the Requesting State 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. In the case of readmission in error (Article 10), these costs have to be borne by the State which has to take back the person concerned.

SECTION V - DATA PROTECTION

AND CONSISTENCY WITH OTHER LEGAL OBLIGATIONS

ARTICLE 14

Personal data

- (1) The processing of personal data shall only take place if such processing is necessary for the implementation of this Agreement by the competent authorities of Pakistan and the Member States.

For the purposes of this Article, the definitions contained in Article 2 of Directive 95/46/EC apply.

Where the controller is a competent authority of a Member State, such processing shall be subject to the provisions of Directive 95/46/EC and of national legislation adopted pursuant to this Directive, including the rules concerning the transfer of personal data to third countries.

- (2) Additionally, the processing of personal data for the implementation of this Agreement, and in particular the communication of personal data from Pakistan to a Member State and vice versa, shall be subject to the following principles:
 - (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;
 - (c) personal data must be adequate, relevant and not excessive in relation to the purpose for which they are *collected* and/or further processed, in particular, personal data communicated may concern only the following:

- the particulars of the person to be transferred (e.g. given name, surname, any previous names, nicknames or pseudonyms, date and place of birth, sex, current and any previous nationality);
 - passport or identity card (number, period of validity, date of issue, issuing authority, place of issue);
 - stop-overs and itineraries;
 - other information needed to identify the person to be transferred or to examine the readmission requirements pursuant to 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 data subjects for no longer than is necessary for the purpose for which the data were collected or for which they are further 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 the processing does not comply with the provisions of this Article, in particular because that data are not adequate, relevant, accurate, or they are excessive in relation to the purpose of processing. 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 there from;
- (h) personal data may only be communicated to the competent authorities. Further communication to other bodies requires the prior consent of the communicating authority.
- (i) the communicating and the receiving authorities are under the obligation to make a written record of the communication and receipt of personal data.

ARTICLE 15

Consistency with other Legal Obligations

- (1) This Agreement shall be without prejudice to the rights, obligations and responsibilities of the Community, the Member States and Pakistan arising from or under International Law, and International Treaties to which they are Parties.
- (2) Nothing in this Agreement shall prevent the return of a person under other bilateral arrangements.
- (3) This Agreement shall be without prejudice to the remedies and rights available to the person concerned under the laws of the host country including International Law.

SECTION VI - IMPLEMENTATION AND APPLICATION

ARTICLE 16

Joint Readmission Committee

- (1) The 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 will, in particular, have the task to:
 - a) monitor the application of this Agreement;
 - b) decide on technical arrangements necessary for the uniform execution of it, including amendments to Annexes 3 and 4;
 - c) have a regular exchange of information on the implementing Protocols drawn up by individual Member States and Pakistan pursuant to Article 17;
 - d) propose amendments to this Agreement and Annexes 1 to 2.
- (2) The decisions of the Committee shall be taken by unanimity and be implemented accordingly.
- (3) The Committee shall be composed by representatives of the Community and Pakistan; the Community shall be represented by the European Commission, assisted by experts from Member States.
- (4) The Committee shall meet where necessary at the request of one of the Parties, normally on an annual basis.
- (5) Disputes which cannot be resolved by the Committee shall be settled through consultations between the Parties.
- (6) The Committee shall establish its rules of procedures, including establishing a working language common to both Parties.

ARTICLE 17

Implementing Protocols

- (1) Pakistan and a Member State may draw up an implementing Protocol which shall cover rules on
 - a) the designation of the competent authorities, the border crossing points and the exchange of contact points;
 - b) the conditions for escorted returns, including the transit of third-country nationals and stateless persons under escort;

- c) means and documents other than those listed in the Annexes 1 to 4 to this Agreement.
- (2) The implementing Protocols referred to in paragraph 1 will enter into force only after the Committee (Article 16) has been notified.

ARTICLE 18

Relation to bilateral readmission agreements or arrangements of Member States

The provisions of this Agreement shall take precedence over the provisions of any bilateral agreement or arrangement on the readmission of persons residing without authorisation which have been or may, under Article 17, be concluded between individual Member States and Pakistan, in so far as the provisions of the latter are incompatible with those of this Agreement.

SECTION VII - FINAL PROVISIONS

ARTICLE 19

Territorial application

- (1) Subject to paragraph 2 of this Article, this Agreement shall apply to the territory in which the Treaty establishing the European Community is applicable and the territory of Pakistan.
- (2) This Agreement shall not apply to the territory of the Kingdom of Denmark.

ARTICLE 20

Entry into force, Duration and Termination

- (1) This Agreement shall be ratified or approved by the 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 Parties notify each other that the procedures referred to in paragraph 1 have been completed.
- (3) Without prejudice to existing obligations of the Parties under international customary law to take back own nationals, this Agreement, and the Implementing Protocols, shall apply to persons who entered into the territories of Pakistan and the Member States after its entry into force.
- (4) Either Party may terminate this Agreement at any time by officially notifying the other Party. This Agreement shall cease to apply six months after the date of such notification.

ARTICLE 21

Annexes

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

Done aton thedate ofin the year.....in duplicate each 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 Islamic Republic of Pakistan For the European Community

(.....)

(.....)

**COMMON LIST OF DOCUMENTS THE PRESENTATION OF WHICH IS
CONSIDERED AS EVIDENCE OF NATIONALITY
(ARTICLES 2 (1) IN CONJ. WITH ARTICLE 6 (2))**

- Genuine passports of any kind (national passports, diplomatic passports, service passports, collective passports and surrogate passports including children's passports);
- Computerised national identity cards
- Genuine citizenship certificates.

**LIST OF DOCUMENTS THE PRESENTATION OF WHICH
SHALL INITIATE THE PROCESS FOR ESTABLISHING NATIONALITY
(ARTICLE 2 (1) IN CONJ. WITH ARTICLE 6 (3))**

- Digital fingerprints or other biometric data;
- temporary and provisional national identity cards, military identity cards and birth certificates issued by the Government of the Requested Party;
- Photocopies* of any of the documents listed in Annex 1 to this Agreement;
- driving licenses or photocopies* thereof;
- photocopies* of other official documents that mention or indicate citizenship (e.g. birth certificates);
- service cards, seaman’s registration cards, skipper’s service cards or photocopies* thereof;
- statements made by the person concerned;

* For the purpose of this Annex, the term “photocopies” shall mean photocopies officially authenticated by the authorities of Pakistan or the Member States.

**COMMON LIST OF DOCUMENTS
WHICH SHALL BE CONSIDERED AS MEANS OF EVIDENCE OF THE
CONDITIONS FOR THE READMISSION OF THIRD COUNTRY
NATIONALS AND STATELESS PERSONS
(ARTICLE 3 (1) IN CONJ. WITH ARTICLE 7 (1))**

- entry and/or departure stamps/endorsements in the travel document of the person concerned;
- valid visa and/or residence authorization issued by the Requested State.

**COMMON LIST OF DOCUMENTS
WHICH ARE CONSIDERED AS MEANS OF EVIDENCE TO INITIATE THE
INVESTIGATIONS FOR THE READMISSION OF THIRD COUNTRY
NATIONALS AND STATELESS PERSONS
(ARTICLE 3 IN CONJ. WITH ARTICLE 7(2))**

- official statements made, in particular, by border authority staff and other official, or bona fide witnesses (e.g. airline staff) who can testify to the person concerned crossing the border;
- description, by the competent authorities of the Requesting State, of the place and circumstances under which the person concerned has been intercepted after entering the territory of the requesting state;
- information related to the identity and/or stay of a person which has been provided by an International Organisation (e.g. UNHCR);
- reports/confirmation of information by family members;
- statement by the person concerned;
- named tickets as well as certificates and bills of any kind (e.g. hotel bills, appointment cards for doctors/dentists, entry cards for public/private institutions, etc.) which clearly show that the person concerned stayed on the territory of the Requested State;
- named tickets and/or passenger lists of air or boat passages which show the itinerary on the territory of the Requested State;
- information showing that the person concerned has used the services of a courier or travel agency.

[Emblem of Pakistan]

.....

..... (Place and date)

(Designation of requesting authority)

Reference:

To

.....

.....

.....

(Designation of requested authority)

READMISSION APPLICATION

**Pursuant to Article 5 of the Agreement of *(date of signature)* between
the European Community and the Islamic Republic of Pakistan
on the readmission of persons residing without authorization**

A. PERSONAL DETAILS

1. Full name (underline surname):

.....

2. Maiden name:

.....

3. Date and place of birth:

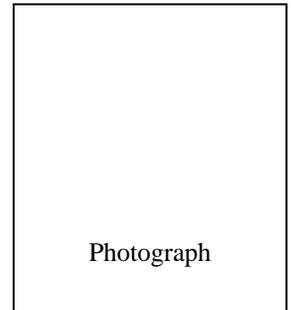
.....

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

(a) Requesting Party:

(b) Requested Party:

.....

B. SPECIAL CIRCUMSTANCES RELATING TO THE TRANSFEREE

1. State of health

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

.....

2. Indication of particularly dangerous person

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

.....

C. MEANS OF EVIDENCE ATTACHED

1.
(Passport No.) (date and place of issue)

.....
(Issuing authority) (expiry date)

2.
(Identity card No.) (date and place of issue)

.....
(Issuing authority) (expiry date)

3.
(Birth Certificate) (date and place of issue)

.....
(Issuing authority) (expiry date)

4.
(Other official document No.) (date and place of issue)

.....
(Issuing authority) (expiry date)

D. OBSERVATIONS

.....

.....

.....

.....

(Signature) (Seal/stamp)

[Emblem of Pakistan]

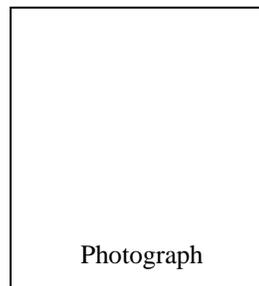
.....
.....
..... (Place and date)
(Designation of requesting authority)
Reference:
To
.....
.....
.....
(Designation of requested authority)

TRANSIT APPLICATION

**Pursuant to Articles 11-12 of the Agreement of *(date of signature)* between
the European Community and the Islamic Republic of Pakistan
on the readmission of persons residing without authorization**

A. PERSONAL DETAILS

1. Full name (underline surname):
.....
2. Maiden name:
.....
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 sea by land

- 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 assured in any other transit State and in the State of final destination

 yes no

C. OBSERVATIONS

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

.....
(Signature) (Seal/stamp)

Joint Declaration on Article 1(f)

For the purpose of Article 1(f), the Parties agree that residence authorization shall not include temporary permissions to remain on their territories in connection with the processing of an asylum application or an application for a residence authorization.

Joint Declaration on Article 2 (1)

The Parties take note that, according to the current Pakistan Citizenship Act, 1951, and the Rules made thereunder, a citizen of Pakistan cannot renounce his citizenship without having acquired or having been given a valid document assuring the grant of citizenship or nationality of another State.

The Parties agree to consult each other as and when the need arises.

Joint Declaration on Article 3

With regard to Article 3, the Parties will endeavour to return, as a matter of principle, any third country national or stateless person who does not, or who no longer, fulfils the conditions in force for entry to, presence in, or residence on the territory of either Party, to his or her country of origin.

Joint Declaration on Article 3 (1) (b)

The Parties agree that mere airside transit stays in a third-country shall not be considered as 'having entered another country in-between' in the meaning of those provisions.

Joint Declaration on Article 8(2)

The Parties agree that with regard to readmission applications submitted by Member States whose maximum detention periods in their national legislation is lower than, or equal to, 30 days, the time limit of 30 calendar days mentioned in Article 8(2) includes, in case of a positive reply to the readmission application, the issuing of the travel document required for his or her readmission in respect of Article 2(2) and Article 3(4) of the Agreement.

Joint Declaration between the European Commission and Pakistan on Legal Migration

In keeping with Pakistan's interest in benefiting from opportunities for legal migration existing in the Member States of the European Union, the Parties agreed that the application of the EC - Pakistan Readmission Agreement will be instrumental in encouraging individual Member States to offer legal migration opportunities to Pakistani citizens. In this context, the European Commission calls upon Member States to enter into talks with Pakistan, according to their own national legislation, regarding legal migration possibilities of Pakistani citizens.

Joint Declaration on Technical Assistance

The Parties are committed to implement this Agreement on the basis of shared responsibility and a balanced partnership in a spirit of solidarity as regards the management of migratory flows between the EU and Pakistan.

In this context, the European Union will support Pakistan, through Community assistance programmes, notably the Aeneas Programme, in the implementation of all components of this Agreement, including support aimed at resettlement and welfare of the readmitted persons.

Such support can in principle also cover fostering the links between migration and development, organising and promoting legal economic migration, managing illegal migration, protecting migrants against exploitation and exclusion.

Joint Declaration concerning Denmark

The 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 Pakistan and Denmark conclude a readmission agreement in the same terms as this Agreement.

Joint Declaration concerning Iceland and Norway

The Parties take note of the close relationship between the European Community and Iceland and Norway, particularly by virtue of the Agreement of 18 May 1999 concerning the association of these countries with the implementation, application and development of the Schengen acquis. In such circumstances it is appropriate that Pakistan concludes a readmission agreement with Iceland and Norway in the same terms as this Agreement.

Joint Declaration on a Comprehensive Dialogue on Migration Management

The Parties are committed to engage in a comprehensive dialogue on migration management within the framework of the Joint Commission to be established under the EC – Pakistan Third Generation Cooperation Agreement. This dialogue will include visa policies, with a view to facilitating people-to-people exchanges.