



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 23 January 2013**

**5475/13**

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**Interinstitutional File:  
2012/0269 (NLE)**

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**MIGR 7  
COAFR 18  
OC 25**

**“I/A” ITEM NOTE**

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**From:** General Secretariat of the Council  
**to:** Permanent Representatives Committee (Part 2)/ Council  
**Subject:** COUNCIL DECISION on the signing, on behalf of the European Union, of the 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: 01.02.2013**

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1. On 4-5 June 2009, the Council adopted a Decision authorising the Commission to negotiate a readmission agreement between the European Community and Cape Verde (doc. 10461/09 RESTREINT UE, MIGR 70, COAFR 200). The Decision authorised the Commission to negotiate on behalf of the Community and gave it the necessary negotiating directives for that purpose.
2. The draft readmission agreement, transmitted by the Commission to the authorities of Cape Verde, was examined in several rounds of negotiations and it was initialled on 19 April 2012.

3. By a letter received on 26 September 2012, the Commission submitted a proposal for a Council Decision concerning the signature of the Agreement between the European Union and Cape Verde on the readmission of persons residing without authorisation (doc. 14237/12, MIGR 93, COAFR 299). The text of the Agreement to be signed was attached to the draft Decision.
4. In accordance with Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of Freedom, Security and Justice annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, the United Kingdom will not take part in this Agreement unless it notify its wish to that effect in accordance with that Protocol..
5. In accordance with Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of Freedom, Security and Justice annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Ireland will not take part in this Agreement unless it notify its wish to that effect in accordance with that Protocol.
6. 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 Protocol 22 on the position of Denmark Annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union.
7. The Permanent Representatives Committee could confirm the agreement reached on the Decision on the signing on behalf of the European Union of the Agreement between the European Union and Cape Verde on readmission of persons residing without authorisation and suggest that the Council:

- adopt, under part "A" of the agenda of a forthcoming session, the Decision (as set out in doc. 14544/12 MIGR 98 COAFR 304 OC 541 - text finalised by the Legal Linguistic experts) on the above Agreement (which is set out in doc. 14759/12 MIGR 103 COAFR 317 OC 551 - text finalised by the Legal Linguistic experts);
  
- decide - with a view to preparing for the future conclusion of the above Agreement, as an "A" item on the agenda of one of its forthcoming meetings - to forward the draft Decision on the conclusion of the said Agreement, as finalised by the Legal Linguistic experts and set out in documents 14546/12 MIGR 99 COAFR 305 OC 542 and 14759/12 MIGR 103 COAFR 317 OC 551, to the European Parliament for its consent following signature of the Agreement.

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