



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 19 September 2013
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**Interinstitutional File:
2012/0268 (NLE)**

**MIGR 96
COAFR 274**

"I/A" ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 2)/Council
Subject: Adoption of a Council Decision on the conclusion of the Agreement between the European Union and the Republic of Cape Verde on the readmission of persons residing without authorisation

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. On 4 February 2013, the Council decided to forward the draft Decision on conclusion as contained in 14546/12 MIGR 99 COAFR 305 OC 542 as well as the text of the Agreement as contained in 14759/12 MIGR 103 COAFR 317 OC 551 (texts finalised by the legal linguist experts) to the European Parliament for its consent.
5. The readmission agreement¹ was signed by the European Union and Cape Verde in Brussels on 18 April 2013.
6. On 11 September 2013, the European Parliament gave its consent to the conclusion of the Agreement and instructed its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Republic of Cape Verde.
7. In parallel to the readmission agreement, a Council Decision concerning the conclusion of a visa facilitation agreement with Cape Verde is also to be adopted by the Council².
8. 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.
9. 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.

¹ OJ L 37, 8.2.2013, p. 1–1

² See doc. 5674/13 VISA 16 COAFR 31 OC 33

10. 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.
11. The Permanent Representatives Committee is invited to confirm the agreement reached on the Decision on the conclusion 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. 14546/12 MIGR 99 COAFR 305 OC 542 - 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 that the text of the above Decision and of the Agreement be published in the Official Journal, "L" series, in accordance with Article 17(1)(d) of the Council's Rules of Procedures.
