**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 June 2012

11744/12

**ASIM 79
NT 18
OC 339**

"I/A" ITEM NOTE

from:	General Secretariat of the Council
to:	Permanent Representatives Committee/Council
No. Cion prop.:	11720/12 ASIM 77 NT 16
Subject:	Proposal for a Council Decision on the signing, on behalf of the European Union, of the Agreement between the European Union and Republic of Turkey on the readmission of persons residing without authorisation **COMMON GUIDELINES** **Consultation deadline: 26.06.2012**

1.   On 28-29 November 2002, the Council adopted a Decision authorising the Commission to negotiate a readmission agreement between the European Community and Turkey (doc. 14103/02 RESTREINT UE, MIGR 117 NT 16). The Decision authorised the Commission to negotiate on behalf of the Community and gave it the necessary negotiating directives for that purpose.

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2. The draft Readmission Agreement, transmitted by the Commission to the authorities of Turkey was examined in several rounds of negotiations. The Council agreed on the text of the draft Readmission Agreement at its session of 24-25 February 2011. Following the approval of Council Conclusions on developing cooperation with Turkey in the areas of Justice and Home Affairs on 21 June 2012, the draft Readmission Agreement was initialled in Brussels on 21 June 2012.

3. By a letter received on 22 June 2012, the Commission submitted a proposal for a Council Decision concerning the signature of the Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorisation (doc.11720/12 ASIM 77 NT 16). The text of the Agreement to be signed was attached to the draft Decision.

4. In accordance with Articles 1 and 2 of the 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 to the Treaty on the functioning of the European Union, and without prejudice to Article 4 of the said Protocol, the United Kingdom is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

5. In accordance with Articles 1 and 2 of the 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 to the Treaty on the functioning of the European Union, and without prejudice to Article 4 of the said Protocol, Ireland is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

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 <u>Permanent Representatives Committee</u> 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 the Republic of Turkey 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. 10676/12 ASIM 64 NT 10 OC 278 - text finalised by the Legal Linguistic experts) on the above Agreement (which is set out in doc 10693/12 ASIM 66 NT 11 OC 279 - 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 10697/12 ASIM 67 NT 12 OC 280 and 10693/12 ASIM 66 NT 11 OC 279 - to the European Parliament for its consent following signature of the Agreement.

-	decide to enter in its minutes two statements as set out in the ADDENDA I and II.

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