



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 18 March 2014
(OR. en)**

7644/14

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**MIGR 32
COEST 78**

"I/A" ITEM NOTE

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

1. On 19 December 2011, the Council adopted a Decision authorising the Commission to negotiate a readmission agreement between the European Union and Azerbaijan (doc. 17781/1/11). The Decision authorised the Commission to negotiate on behalf of the Union and gave the Commission the necessary negotiating directives for that purpose.
2. The draft readmission agreement, transmitted by the Commission to the authorities of Azerbaijan, was examined in several rounds of negotiations and it was initialled on 29 July 2013.

3. By a letter received on 29 October 2013, the Commission submitted a proposal for a Council Decision concerning the signature of the Agreement between the European Union and Azerbaijan on the readmission of persons residing without authorisation (doc. 15493/13). The text of the Agreement to be signed was attached to the draft Decision.
4. On 11 February 2014, the Council decided to forward the draft Decision on conclusion as contained in doc. 15596/13 as well as the text of the Agreement as contained in doc. 15594/13 (texts finalised by the legal linguist experts) to the European Parliament for its consent.
5. The readmission agreement was signed by the European Union and Azerbaijan in Brussels on 28 February 2014.
6. On 12 March 2014, 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 Azerbaijan.
7. In parallel to the readmission agreement, a Council Decision concerning the conclusion of a visa facilitation agreement with Azerbaijan is also to be adopted by the Council¹.
8. 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.

¹ See doc. 7687/14 VISA 70 COEST 84

9. 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.
 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 No. 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 Azerbaijan on readmission of persons residing without authorisation and to suggest that the Council:
 - adopt, under part "A" of the agenda of a forthcoming session, the Decision (as set out in doc. 15596/13 - text finalised by the Legal Linguistic experts) on the above Agreement (which is set out in doc. 15594/13 - 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.
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