



**COUNCIL OF
THE EUROPEAN UNION**

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"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 Turkey on the readmission of persons residing without authorisation

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). 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 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 the same day.

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). The text of the Agreement to be signed was attached to the draft Decision.
4. On 26 June 2012, the Council decided to forward the draft Decision on conclusion as contained in doc. 10697/12 as well as the text of the Agreement as contained in doc. 10693/12 (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 Turkey in Ankara on 16 December 2013¹.
6. On 26 February 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 Turkey.
7. 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 taking part in the adoption of this Decision and is bound by it and subject to its application.²

¹ The Council Decision on signing, on behalf of the European Union, of the Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorisation was published in OJ L 244, 8.9.2012, p. 4.

² See doc. 14239/12

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, Ireland is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
 9. 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.
 10. 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 Turkey 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. 10697/12 - text finalised by the Legal Linguistic experts) on the above Agreement (which is set out in doc. 10693/12 - 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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