



Council of the
European Union

Brussels, 11 February 2016
(OR. en)

6020/16

Interinstitutional File:
2016/0044 (NLE)

MIGR 20
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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	10 February 2016
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2016) 72 final
Subject:	Proposal for a COUNCIL DECISION establishing the position to be taken on behalf of the European Union within the Joint Readmission Committee on a Decision of the Joint Readmission Committee on implementing arrangements for the application of Articles 4 and 6 of the Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorisation as of 1 June 2016

Delegations will find attached the Commission document COM(2016) 72 final.

Encl.: COM(2016) 72 final



Brussels, 10.2.2016
COM(2016) 72 final

2016/0044 (NLE)

Proposal for a

COUNCIL DECISION

establishing the position to be taken on behalf of the European Union within the Joint Readmission Committee on a Decision of the Joint Readmission Committee on implementing arrangements for the application of Articles 4 and 6 of the Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorisation as of 1 June 2016

EXPLANATORY MEMORANDUM

The Agreement between the European Union and the Republic of Turkey on readmission of persons residing without authorisation, (hereinafter: the “Agreement”) was concluded by the Council Decision 2014/252/EU¹ and entered into force on 1 October 2014. In accordance with Article 24 (3) of the Agreement the provisions related to readmission of third country nationals and stateless persons, as established by Articles 4 and 6 of the Agreement will become applicable three years after the entry into force of the Agreement, *i.e.* as of 1 October 2017.

On 29 November 2015, following the EU-Turkey Summit², the Union and Turkey expressed their political agreement *"that the EU-Turkey readmission agreement will become fully applicable from June 2016 in order for the Commission to be able to present its third progress report in autumn 2016 with a view to completing the visa liberalisation process i.e. the lifting of visa requirements for Turkish citizens in the Schengen zone by October 2016 once the requirements of the Roadmap are met"*.

The Agreement establishes a Joint Readmission Committee to, *inter alia*, monitor and facilitate the application of the Agreement and to decide on the necessary implementing arrangements. Following the political statement on 29 November 2015, at the second meeting of the Joint Readmission Committee held on 19 January 2016, the EU and Turkey discussed the possibility for the Joint Readmission Committee to take a Decision under article 19 (1) (b) of the Agreement on the necessary implementing arrangements in order to advance the applicability of the obligations under Articles 4 and 6 of the Agreement as of 1 June 2016. A draft Decision of the Joint Readmission Committee to that effect is annexed to this proposal.

¹ OJ L134/1 – 7.05.2014.

² General Secretariat of the Council Statement 870/15 of 29/11/2015.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 79(3), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Agreement between the European Union and the Republic of Turkey on readmission of person residing without authorisation (hereinafter "the Agreement") was concluded by the Council Decision [2014/252/EU](#)³ and entered into force on 1 October 2014. According to Article 24 (3) of the Agreement, the provisions of Articles 4 and 6 of the Agreement related to readmission of third country nationals and stateless persons should be applicable as of 1 October 2017.

(2) The EU and Turkey expressed their political agreement at the Summit held on 29 November 2015, that the readmission agreement should be fully applicable as of 1 June 2016.

(3) Article 19 (1) (b) of the Agreement envisages that the Joint Readmission Committee could decide on implementing arrangements necessary for the uniform application of the Agreement. It would therefore be appropriate to establish by a Decision of the Joint Readmission Committee the necessary implementing arrangements in order to advance the applicability of the obligations under Articles 4 and 6 of the Agreement as of 1 June 2016.

[(4) In accordance with Article 3 of 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, the United Kingdom has notified its wish to take part in the adoption and application of this Decision.]

[(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

³ OJ L...

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) In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not take part in the adoption of this Decision and is not bound by it or subject to its application.

(7) Considering the above, it is necessary to establish the position to be taken on behalf of the Union within the Joint Readmission Committee on a Decision of the Joint Readmission Committee on implementing arrangements for the application of Articles 4 and 6 of the Agreement as of 1 June 2016,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the Union within the EU-Turkey Joint Readmission Committee in relation to a Decision of the Joint Readmission Committee on implementing arrangements for the application of Articles 4 and 6 of the Agreement as of 1 June 2016, shall be based on the draft Decision of the Joint Readmission Committee, annexed to this Decision.

Minor amendments to this draft Decision may be accepted without further decision by the Council.

Article 2

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

For the Council
The President