

7756/98

LIMITE

ASIM 103

NOTE

from : the General Secretariat of the Council

to : Migration Working Party

Subject : Compilation of information on readmission agreements concluded by Member States (see Telex No. 1066 dated 9 March 1998 and paragraph 9 of document 6297/98 ASIM 52 CIREFI 11)

Delegations will find herewith a compilation of information received from Denmark, Greece, Spain, the Netherlands, Portugal, Finland, Sweden and the United Kingdom, on bilateral readmission agreements concluded by them.

The information from Germany and Austria is in the process of being translated.

Belgium, France, Ireland, Italy and Luxembourg have not as yet submitted any information.

It is recalled that a survey of the readmission agreements concluded with the CEECs is contained in document 12423/7/95 CIREFI 56 REV 7 (update of April 1997) and a survey of the readmission agreements concluded by Schengen States is contained in document 7424/98 ASIM 91 (update of November 1997).

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The Danish delegation would point out that Denmark has entered into bilateral re-admission agreements with the following countries:

Country	Date	Type
Germany	31 May 1954	The agreement between Denmark and Germany on illicit border crossings
Finland, Norway and Sweden	12 July 1957	The Nordic Passport Agreement
Iceland	24 September 1965	Iceland accedes to the Nordic Passport Agreement
Lithuania	31 July 1992	Re-admission clauses in an agreement on visa requirement exemption
Estonia	19 April 1993	Re-admission clauses in an agreement on visa requirement exemption
Latvia	18 December 1996	Re-admission agreement
Slovenia	7 May 1997	Re-admission agreement
North-East Somalia	6 July 1997	Re-admission agreement
North-West Somalia	6 July 1997	Re-admission agreement
Sweden	14 November 1997	Rules of procedure relating to the Dublin Convention
Bulgaria	27 November 1997	Re-admission agreement
Germany	3 March 1998	Rules of procedure relating to the Dublin Convention

Greece has concluded readmission agreements with CROATIA, SLOVENIA, ROMANIA, POLAND and BULGARIA, and that negotiations are under way for the conclusion of similar agreements with HUNGARY, INDIA and PAKISTAN.

Information on readmission agreements is as follows:

- Agreement between the Government of the Kingdom of Spain and the Government of the French Republic on the admission at frontier posts of persons illegally resident, signed in Madrid on 8 January 1988
 - Agreement between the Kingdom of Spain and the Kingdom of Morocco on the movement of persons in transit and the readmission of illegal aliens, signed in Madrid on 13 February 1992
 - Agreement on the readmission of persons in an irregular situation, done at Brussels on 29 March 1991 by the Contracting Parties to the Schengen Agreement and the Republic of Poland. Spain acceded to this Agreement on 27 October 1992
 - Agreement between the Kingdom of Spain and the Portuguese Republic on the readmission of persons in an irregular situation, signed in Granada on 15 February 1993; in force since 2 April 1995
 - Agreement between Spain and Romania on the readmission of persons in an irregular situation, signed in Bucharest on 29 April 1996. Has been provisionally applied since 24 May 1996 pending completion of parliamentary proceedings
 - Agreement between the Kingdom of Spain and the Republic of Bulgaria on the readmission of persons in an irregular situation, signed in Sofia on 16 December 1996. Has been provisionally applied since 15 January 1997.
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The Netherlands have concluded both readmission agreements and practical return arrangements with several EU-countries and third countries. Below you find an overview

1. readmission agreements with other EU-countries:

- a. Benelux- agreement (Belgium, Netherlands, Luxemburg; 28 June 1967)
- b. Benelux- Germany (17 May 1966)
- c. Benelux- France (16 April 1964)
- d. Benelux- Austria (15 February 1965)
- e. Benelux- Slovenia (16 November 1992)
- f. Benelux-Rumania (6 June 1995)

With the following countries readmission agreements are currently negotiated:

Benelux- Croatia, Benelux-Slovakia, Benelux-Bulgaria

2. Schengen

Schengen - Poland readmission agreement (29 March 1991)

3. readmission arrangements / M.O.U.'s

- a. arrangement between the Netherlands - Morocco (17 March 1994)
- b. the Netherlands - Somaliland (June 1997; including IOM-assisted return programme)
- c. protocol between the Netherlands - Ethiopia (22 August 1997; including reintegration support)
- d. protocol between the Netherlands - Angola (25 April 1997; including reintegration support)
- e. arrangement between the Netherlands - Sri Lanka (october 1997)

With Algeria negotiations about a readmission arrangement are currently negotiated.

Portugal has readmission agreements with the following countries:

- France (adopted by Resolution of the Assembly of the Republic No 15/94);
 - Spain (adopted by Resolution of the Assembly of the Republic No 61/94);
 - Poland (Portugal's accession to the Agreement between the Contracting Parties to the Schengen Agreement and Poland was adopted by Resolution of the Assembly of the Republic No 37/95);
 - Bulgaria (adopted by Decree No 6/98 of 18 February).
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Finland has concluded bilateral readmission agreements with Estonia, Latvia and Lithuania.

EU States

Germany: 1954

France: 1991

Nordic Countries: Nordic Passport Union: 1957

Third States

Rumania: 1994

Estonia: 1997

Latvia: 1997

Lithuania: 1997

The Federal Republic of Yugoslavia: 1998

On-going negotiations with

Poland

The UK has no readmission agreements at the present time but acknowledges that they may have a significant role to play in affecting removals to those countries who do not currently accept the EU laissez passer. Clearly differences will exist between Member States in terms of the problems they experience with 3rd countries and it will be necessary to find some common ground. There are likely to be certain countries, such as Somalia and Ethiopia that cause problems to all parties.

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ADD 1

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ADDENDUM TO THE NOTE

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Subject : Compilation of information on readmission agreements concluded by Member States (see Telex No. 1066 dated 9 March 1998 and paragraph 9 of document 6297/98 ASIM 52 CIREFI 11)

Delegations will find herewith the information received from Germany and Austria on bilateral readmission agreements concluded by them.

Belgium, France, Ireland, Italy and Luxembourg have not as yet submitted any information.

German delegation's notes on the following readmission agreements:

- Agreement with the Government of the Federal Republic of Yugoslavia (11660/96 CIREA 57);
- Agreement with the Government of Bosnia and Herzegovina (5005/97 CIREA 1);
- Agreement with the Government of the Republic of Croatia (10966/94 CIREA 53);
- Agreement with the Government of the Czech Republic;
- Agreement with the Government of the Republic of Bulgaria (10965/94 CIREA 52);
- Agreement with the Government of the Socialist Republic of Vietnam.

The following readmission agreements were concluded in 1997:

- Readmission Agreement with the Government of the Republic of Hungary

The Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Hungary dates from 1 December 1997. It has not yet entered into force, as notification procedures are not complete.

The readmission agreement provides mutual confirmation that each of the Contracting Parties is under a duty to take back its own nationals; in addition, it allows third-country nationals to be taken through the territory of the other Party in transit, and lays down an obligation for each Party to take back third-country nationals with residence permits for its territory who have entered the other Contracting State illegally or whose residence there has become illegal following initial (legal) entry.

One of the main aims of the agreement is to place an effective and swift curb on illegal immigration within Europe. It is also intended as a useful tool in combatting cross-border organized crime - particularly immigrant smuggling rings.

- Agreement with the Federal Government of the Republic of Austria

The Agreement between the Government of the Federal Republic of Germany and the Federal Government of the Republic of Austria on the readmission of persons at the border was signed on 16 December 1997. It entered into force on 15 January 1998.

In addition to mutual confirmation of the duty on the Contracting Parties to readmit their own nationals, the agreement allows third-country nationals to be taken through the territories of the respective Contracting States in transit and also establishes a duty to take back third-country nationals who have entered the requesting State illegally from the territory of the requested State, i.e. who did not fulfil the requisite entry conditions (passport, visa) when they crossed the border.

The aim is to step up direct cooperation between the police and customs authorities of the Contracting States in the border area in order to stem the flow of illegal immigration and help to combat cross-border organized crime effectively - especially given the growing menace of immigrant smuggling rings.

List of readmission agreements
concluded and in force
 (as at 30 January 1998)

I. Bilateral:

1. Denmark

Agreement of 15 May 1954 (Federal Journal 1954, no. 120); entered into force on 1 June 1954

2. Sweden

Agreement of 15 May 1954 (Federal Journal 1954, no. 120); entered into force on 1 June 1954

3. Norway

Agreement of 18 March 1955 (Federal Journal 1955, no. 84); entered into force on 18 March 1955

4. France

Agreement of 22 January 1960 (Federal Journal 1960, no. 63); entered into force on 22 January 1960

5. Belgium, Netherlands, Luxembourg (Benelux States)

Agreement of 17 May 1966 (Federal Journal 1966, no. 131); entered into force on 1 July 1966

6. Romania

Agreement of 24 September 1992 (Federal Law Gazette II., 1993, p. 220); entered into force on 1 November 1992

7. Poland

Cooperation Agreement of 7 May 1993 (Federal Law Gazette II., 1997, p. 1734); applied provisionally since 15 May 1993 pursuant to Article 8(2) of the Agreement

8. Switzerland

Agreement of 20 December 1993 (Federal Law Gazette II., 1996, p. 945); entered into force on 1 February 1994; implemented on 1 February 1996

9. Croatia

Agreement of 25 April 1994 (Federal Law Gazette II., 1998, p. 9); applied provisionally since 3 May 1994, pursuant to Article 9(2) of the Agreement; entered into force on 22 October 1997

10. Bulgaria

Agreement of 9 September 1994 (Federal Law Gazette II., 1995, p. 99); entered into force on 15 January 1995

Transit agreement of 7 November 1996; entered into force on 30 April 1997 (not yet published)

11. Czech Republic

Readmission and Cooperation Agreement of 3 November 1994 (Federal Law Gazette II., 1995, p. 133); entered into force on 1 January 1995

12. Vietnam

Agreement of 21 July 1995 (Federal Law Gazette II., 1995, p. 743); entered into force on 21 September 1995

13. Federal Republic of Yugoslavia

Agreement of 10 October 1996 (not yet published, as the notification procedures for entry into force are not complete); applied provisionally since 1 December 1996, pursuant to Article 11(3) of the Agreement