



COUNCIL OF
THE EUROPEAN UNION

Brussels, 11 May 1999 (23.06)
OR.d

SEMDOC

Statewatch European Documentation &
Monitoring Centre on justice and home
affairs in the European Union

PO Box 1516, London N16 0EW, UK
tel: 0181 802 1882 (00 44 181 802 1882)
fax: 0181 880 1727 (00 44 181 880 1727)

7292/99

LIMITE

MIGR 20

NOTE

from : Presidency
to : Working Party on Readmission

**Subject : Consequences of the Treaty of Amsterdam on readmission clauses in
Community agreements and in agreements between the European
Community, its Member States and third countries (mixed agreements)**

1. At the end of 1995 the Council established a link between the repatriation of persons unlawfully present on the territory of a Member State and the conclusion of Europe, association and cooperation agreements, and agreed on readmission clauses for Community and mixed agreements (12509/95 RELEX 45 for Community agreements, 4272/96 ASIM6 + COR 1 (gr,p,s) for mixed agreements).
2. Under the Treaty of Amsterdam the Community objectives in the area of immigration policy also include the repatriation of persons illegally resident in a Member State (Article 63 (3) of the Treaty establishing the European Community). The European Community is therefore empowered to conclude readmission agreements with third States.

3. The standard clause adopted by the Council for negotiating directives for mixed agreements must therefore be adapted. The Presidency is thus submitting draft texts for this purpose. The Presidency assumes that Member States will only avail themselves of the possibilities provided for by Article Y to the extent that individual Member State agreements do not impinge upon Community agreements existing in this area.

The following text is proposed.

Article X

The European Community and State X agree to cooperate in order to prevent and control illegal immigration. To this end:

- State X agrees to readmit any of its nationals illegally present on the territory of a Member State of the European Union, upon request by the latter and without further formalities;
- and each Member State of the European Union agrees to readmit any of its nationals, as defined for Community purposes, illegally present on the territory of State X, upon request by the latter and without further formalities.

The Member States of the European Union and State X will also provide their nationals with appropriate identity documents for such purposes.

Article Y

State X agrees to conclude, upon request, agreements with the European Community or with a Member State of the European Union, regulating specific obligations for readmission including an obligation for the readmission of nationals of other countries and stateless persons who have arrived on the territory of a Member State of the European Union from State X or who have

arrived on the territory of State X from any such Member State.

Article Z

The Cooperation Council shall examine what other joint efforts can be made to prevent and control illegal immigration.
