

10146/95

LIMITE

ASIM 257

NOTE

from: German delegation

to: ~~K.4 Committee~~

No. prev. doc.: 9680/95 ASIM 234

Subject: Readmission clauses in mixed agreements

Delegations will find hereunder a written position by the Federal Government of the Federal Republic of Germany.

"The Federal Government would point out that Article Y in 9680/95 ASIM 234 of 11 September 1995 should make the obligation of third countries to readmit persons who have entered via the territory of that third country even more explicit. In the second line, "commitment" should be replaced by "obligation".

Furthermore, the Federal Government is of the opinion that the problem of the removal from the Member States of illegal third-country nationals concerns all Member States in an area without internal border controls. Therefore, not only mixed agreements but also Community agreements should carry an obligation to readmit. As the example of the human rights clause has shown, no special legal basis or Community competence is required for this. On the contrary, the Community is empowered under its competence to conclude agreements (ancillary competence) to attach political conditions to its agreements with third countries, such as respect for human rights and the readmission of their own nationals."