



**COUNCIL OF
THE EUROPEAN UNION**

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LIMITE

MIGR 69

“A” ITEM NOTE

from :	General Secretariat
to :	Council
No. Prev. Doc.	12134/99 MIGR 64
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 - Adoption of a Council decision

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 European 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 clauses adopted by the Council for negotiating directives for mixed agreements must therefore be adapted.

4. At its meeting on 24 November 1999, the **Permanent Representatives Committee** recorded agreement on the text of the decision on the inclusion of model readmission clauses in Community agreements and in agreements between the European Community, its Member States and third countries as set out in the Annex and agreed to suggest that the Council adopt it under part “A” of the agenda of one of its forthcoming sessions.

**Council Decision on the inclusion of model
readmission clauses in Community agreements
and in agreements between the European Community,
its Member States and third countries**

The Council of the European Union has decided that the standard clauses set out below should be included in all future Community agreements and in agreements between the European Community, its Member States and third countries

“Article A

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 B

The Parties agree to conclude upon request an agreement between State X and the European Community regulating the specific obligations for State X and the Member States of the European Community for readmission, including an obligation for the readmission of nationals of other countries and stateless persons.

Article C

Pending the conclusion of the agreement with the Community referred to in Article B, State X agrees to conclude, upon request of a Member State, bilateral agreements with individual Member States of the European Community regulating the specific obligations for readmission between State X and the Member State concerned, including an obligation for the readmission of nationals of other countries and stateless persons.

Article D

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