

The attached draft text was shared by the UK negotiating team with the Task Force for Relations with the United Kingdom as a draft negotiating document, that is, to be shared among negotiating teams only, in line with the provisions of the Terms of Reference.

The text is now being made public.

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Title: DRAFT WORKING TEXT FOR AN AGREEMENT BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE EUROPEAN UNION ON THE READMISSION OF PERSONS RESIDING WITHOUT AUTHORISATION

Disclaimer:

The UK proposes the following legal text to form the basis for discussions with the EU on an agreement on the readmission of persons residing without authorisation. In putting forward this proposal, the UK reserves the right to amend, supplement or withdraw proposals in the light of negotiations and the proposals put forward by the European Union.

The general and final provisions in this text, including appropriate exemptions may require further adjustment or amendment in light of the negotiations. The UK proposal has taken account of relevant international precedents.

The UK recalls that it acts in these negotiations on behalf of all the territories for whose international relations it is responsible and in negotiating this draft agreement the UK Government will seek outcomes which support the territories' security and economic interests, reflecting their unique characteristics. The UK reserves its position on the application of these principles to the draft text.

This draft text is being shared by the UK negotiating team with the Task Force for Relations with the United Kingdom as a draft negotiating document. As agreed in the Terms of Reference, the receiving party should not share this material outside of negotiating teams without the consent of the sending party.

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AGREEMENT between the United Kingdom of Great Britain and Northern Ireland and the European Union on the readmission of persons residing without authorisation

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND (“THE UNITED KINGDOM”) AND THE EUROPEAN UNION (“THE UNION”) (hereinafter referred to as “the Parties” and each a “Party”);

DETERMINED to maintain and strengthen their co-operation in order to combat illegal migration more effectively,

DESIRING to establish, by means of this Agreement and on the basis of reciprocity, effective and swift procedures for the identification and safe and orderly return of persons who do not or who no longer, fulfil the conditions for entry to, presence in, or residence in the territories of the United Kingdom or one of the Member States of the Union, and to facilitate the transit of such persons in a spirit of co-operation,

REAFFIRMING the respect of the Parties for human rights and fundamental freedoms, for example as laid down in the Universal Declaration of Human Rights proclaimed in Paris on 10 December 1948 and for the principles of democracy and the rule of law,

EMPHASISING that this Agreement is without prejudice to the rights, obligations and responsibilities of the United Kingdom, the Union and its Member States arising from international law and, in particular, from the Convention of 28 July 1951 on the Status of Refugees,

EMPHASISING that this Agreement is without prejudice to the rights and procedural guarantees for persons who are subject to return procedures in or who apply for asylum in a Member State or the United Kingdom as laid down in the respective legislation of the Union or in the United Kingdom,

EMPHASISING that this Agreement is based on the principles of joint responsibility, solidarity, and an equal partnership to manage the migratory flows between the United Kingdom and the Union,

HAVE AGREED AS FOLLOWS:

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SECTION I

ARTICLE 1

Definitions

For the purpose of this Agreement:

“British Citizen” shall mean a British Citizen or another United Kingdom national with right of the abode in the United Kingdom as determined by the law of the United Kingdom and ‘nationality’ in relation to the United Kingdom shall mean British Citizenship;

“border crossing point” means any point the United Kingdom or the Member States designated for the purpose of crossing their respective borders;

“border region” of the requesting State means an area within its territory extending inwards of up to 20 kilometres from its external border, whether or not the border is shared between the requesting State and the requested State, as well as its sea ports including customs zones and international airports;

“child” means a person below the age of 18 years;

“competent authority” means any national authority of one of the Member States or the United Kingdom entrusted with the implementation of this Agreement as designated by the United Kingdom and the Member States and notified to the joint readmissions committee;

“Member State’ means a Member State of the Union;

“national of a Member State” means a person who holds the nationality of a Member State;

“personal data” means any information relating to an identified or identifiable natural person, an identifiable person being a person who can be identified, directly or indirectly, in particular, but not limited to, an identifier such as a name, an identification number, location data or an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person;

“person residing without authorisation” means a person who, in accordance with the relevant procedures established under national legislation, does not fulfil or no longer, fulfils the conditions in force for entry to, presence in, or residence in, the territory of the United Kingdom or one of the Member States;

“processing of personal data” means any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by

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transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction;

“readmission” means the transfer by the requesting State and admission by the requested State in accordance with this Agreement of persons (nationals of the requested State, third-country nationals or stateless persons) who have been found illegally entering, being present in or residing in the requesting State,;

“requested State” means the State (the United Kingdom or one of the Member States) to which a readmission application pursuant to Article 7 or a transit application pursuant to Article 15 of this Agreement is addressed;

“requesting State” means the State (the United Kingdom or one of the Member States) submitting a readmission application pursuant to Article 7 or a transit application pursuant to Article 15 of this Agreement;

“residence permit” means a permit of any type issued by the United Kingdom or a Member State entitling a person to reside in its territory. This does not include temporary permissions to remain on its territory in connection with the processing of an asylum application or an application for a residence permit;

“stateless person” means a person who does not hold a nationality of any State;

“third-country national” means a person who is neither a national of a Member State nor a British Citizen;

“transit” means the passage of a third-country national or a stateless person through the territory of the requested State while travelling from the requesting State to the country of destination;

“visa” means an authorisation issued or a decision taken by the United Kingdom or one of the Member States which is required with a view to permitting entry into, or transit through, its territory. This does not include airport transit visas.

ARTICLE 2

Scope

1. This Agreement makes provision for persons who do not, or who no longer, fulfil the conditions for entry, presence, or residence in the territory of the United Kingdom or one of the Member States.
2. This Agreement does not apply to circumstances where third-country nationals or stateless persons as referred to in Articles 4 and 6 have left the territory of the requested State more than five years before the requesting State's competent authorities have gained knowledge of such persons, unless the conditions required for their readmission

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to the requested State as stipulated by Articles 4 and 6 can be established by means of documents described in Annex 3.

SECTION II

READMISSION OBLIGATIONS OF THE UNITED KINGDOM

ARTICLE 3

Readmission of own nationals

1. The United Kingdom shall readmit, upon application by a Member State and without further formalities to be undertaken by that Member State other than those provided for in this Agreement:
 - (a) all persons who do not, or who no longer, fulfil the conditions in force in that Member State for entry to, presence in or residence in the territory of the requesting Member State, provided that, in accordance with Article 9, it is established that they are British citizens;
 - (b) unmarried children of the persons mentioned in sub-paragraph (a), regardless of their place of birth or their nationality, unless they have an independent right of residence in the requesting Member State or unless there is another parent with legal custody who has such independent right of residence;
 - (c) spouses, who are not British citizens, of the persons mentioned in sub-paragraph (a), provided they have the right to enter and stay or receive the right to enter and stay in the territory of the United Kingdom, unless they have an independent right of residence in the requesting Member State or unless it is demonstrated by the United Kingdom that according to its national legislation the marriage in question is not legally recognised.
2. After the United Kingdom has given a positive reply to the readmission application or, where appropriate, after expiry of the time limits laid down in Article 11.2, the competent diplomatic mission or consular office of the United Kingdom shall, irrespective of the will of the person to be readmitted, within three working days, issue the travel document required for the return of the person to be readmitted with a period of validity of three months. In case there is no diplomatic mission or consular office of the United Kingdom in a Member State or if the United Kingdom has not, within three working days, issued the travel document, the reply to the readmission application shall be considered as the necessary travel document for the readmission of the person concerned.
3. If, for legal or practical reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued in accordance with

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paragraph 4, the competent diplomatic mission or consular office of the United Kingdom shall, within three working days, issue a new travel document with a period of validity of the same duration. In case there is no diplomatic mission or consular office of the United Kingdom in a Member State or if the United Kingdom has not, within three working days, issued the travel document, the reply to the readmission application shall be considered as the necessary travel document for the readmission of the person concerned.

ARTICLE 4

Readmission of third-country nationals and stateless persons

1. The United Kingdom shall readmit, upon application by a Member State and without further formalities to be undertaken by that Member State other than those provided for in this Agreement, all third-country nationals or stateless persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in or residence in the territory of the requesting Member State, provided that in accordance with Article 10 it is established that such persons:
 - (a) hold, at the time of submission of the readmission application, a valid visa or residence permit issued by the United Kingdom; or
 - (b) illegally and directly entered the territory of the Member States after having stayed on, or transited through, the territory of the United Kingdom.
2. The readmission obligation in paragraph 1 shall not apply if:
 - (a) the third-country national or stateless person has only been in airside transit via an international airport of the United Kingdom; or
 - (b) the requesting Member State has issued to the third-country national or stateless person a visa which was used by the person for entry to the requesting Member State's territory, or a residence permit issued before or after entering its territory, unless that person is in possession of a visa or residence permit issued by the United Kingdom, which has a longer period of validity; or
 - (c) the third-country national or stateless person enjoys visa free access to the territory of the requesting Member State.
3. After the United Kingdom has given a positive reply to the readmission application or, where appropriate, after expiry of the time limits laid down in Article 11.2, the competent diplomatic mission or consular office of the United Kingdom, if necessary, shall within three working days, issue the person whose readmission has been accepted with the travel document required for his or her return with a period of validity of at least three months. In case there is no consular office of the United Kingdom in a Member State or if the United Kingdom has not, within three working days, issued the travel document, the EU standard travel document for expulsion purposes shall be considered as the necessary travel document for the readmission of the person concerned.

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4. If, for legal or practical reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent diplomatic mission or consular office of the United Kingdom shall within three working days extend the validity of the travel document or, where necessary, issue a new travel document with the same period of validity. In case there is no consular office of the United Kingdom in a Member State or if the United Kingdom has not, within three working days, issued the travel document, the EU standard travel document for expulsion purposes shall be considered as the necessary travel document for the readmission of the person concerned.

SECTION III

READMISSION OBLIGATIONS OF THE UNION

ARTICLE 5

Readmission of own nationals

1. A Member State shall readmit, upon application by the United Kingdom and without further formalities to be undertaken by the United Kingdom other than those provided for in this Agreement:
 - (a) all persons who do not, or who no longer, fulfil the conditions in force for entry, presence, or residence in the territory of the United Kingdom provided that in accordance with Article 9 it is established that they are nationals of that Member State;
 - (b) unmarried children of the persons mentioned in sub-paragraph (a), regardless of their place of birth or their nationality, unless they have an independent right of residence in the United Kingdom or unless there is another parent with legal custody who has such independent right of residence;
 - (c) spouses, holding another nationality, of the persons mentioned in sub-paragraph (a), provided they have the right to enter and stay or receive the right to enter and stay in the territory of the requested Member State unless they have an independent right of residence in the United Kingdom or unless it is demonstrated by the requested Member State that according to its national legislation the marriage in question is not legally recognised.
2. After the requested Member State has given a positive reply to the readmission application or, where appropriate, after expiry of the time limits laid down in Article 11.2, the competent diplomatic mission or consular office of that Member State shall, irrespective of the will of the person to be readmitted, within three working days, issue the travel document required for the return of the person to be readmitted with a period

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of validity of three months. In case there is no diplomatic mission or consular office of a Member State in the United Kingdom or if the requested Member State has not, within three working days, issued the travel document, the reply to the readmission application shall be considered as the necessary travel document for the readmission of the person concerned.

3. If, for legal or practical reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent diplomatic mission or consular office of that Member State shall, within three working days, issue a new travel document with a period of validity of the same duration. In case there is no diplomatic mission or consular office of a Member State in the United Kingdom or if the requested Member State has not, within three working days, issued the travel document, the reply to the readmission application shall be considered as the necessary travel document for the readmission of the person concerned.

ARTICLE 6

Readmission of third-country nationals and stateless persons

1. A Member State shall readmit, upon application by the United Kingdom and without further formalities to be undertaken by the United Kingdom other than those provided for in this Agreement, all third-country nationals or stateless persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in or residence in the territory of the United Kingdom provided that in accordance with Article 10 it is established that such persons:
 - (a) hold, at the time of submission of the readmission application, a valid visa or residence permit issued by the requested Member State; or
 - (b) illegally and directly entered the territory of the United Kingdom after having stayed on, or transited through, the territory of the requested Member State.
2. The readmission obligation in paragraph 1 shall not apply if:
 - (a) the third-country national or stateless person has only been in airside transit via an international airport of the requested Member State; or
 - (b) the United Kingdom has issued to the third-country national or stateless person a visa which was used by the person for entry on the United Kingdom's territory or residence permit before or after entering its territory unless that person is in possession of a visa or residence permit issued by the requested Member State, which has a longer period of validity; or
 - (c) the third-country national or stateless person enjoys visa free access to the territory of the United Kingdom.

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3. The readmission obligation in paragraph 1 is for the Member State that issued a visa or residence permit. If two or more Member States issued a visa or residence permit, the readmission obligation in paragraph 1 is for the Member State that issued the document with a longer period of validity or, if one or several of them have already expired, the document that is still valid. If all of the documents have already expired, the readmission obligation in paragraph 1 is for the Member State that issued the document with the most recent expiry date. If no such documents can be presented, the readmission obligation in paragraph 1 is for the Member State of last exit.
4. After the Member State has given a positive reply to the readmission application or, where appropriate, after expiry of the time limits laid down in Article 11.2, the competent diplomatic mission or consular office of that Member State, if necessary, shall within three working days, issue the person whose readmission has been accepted the travel document required for his or her return with a period of validity of at least three months. In case there is no diplomatic mission or consular office of the Member State in the United Kingdom or if the Member State has not, within three working days, issued the travel document, the UK standard travel document for expulsion purposes shall be considered as the necessary travel document for the readmission of the person concerned.
5. If, for legal or practical reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the Member State's authorities shall within three working days extend the validity of the travel document or, where necessary, issue a new travel document with the same period of validity. In case there is no diplomatic mission or consular office of the Member State in the United Kingdom or if the Member State has not, within three working days, issued the travel document, the UK standard travel document for expulsion purposes shall be considered as the necessary travel document for the readmission of the person concerned.

SECTION IV

READMISSION PROCEDURE

ARTICLE 7

Principles

1. Subject to paragraph 2, any transfer of a person to be readmitted on the basis of one of the obligations contained in Articles 3 to 6 shall require the requesting State to submit a readmission application to the competent authority of the requested State.
2. If the person to be readmitted is in possession of a valid travel document or identity card and, in the case of third-country nationals or stateless persons, a valid visa used by the person for the purpose of entry to the territory of the requested State or a residence permit of the requested State, the transfer of such person shall take place without the

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requesting State having to submit a readmission application or written notification referred to in Article 12.1 to the competent authority of the requested State.

3. Paragraph 2 shall not prejudice the right of the relevant authorities to verify at the border the identity of the readmitted persons.

ARTICLE 8

Content of the readmission application

1. To the extent possible, the readmission application shall contain the following information:
 - (a) the particulars of the person to be readmitted and, where applicable, the particulars of unmarried children and/or spouses as set out in implementing arrangements in accordance with Article 18;
 - (b) in case of nationals of the requested State, an indication of the means with which proof or prima facie evidence of nationality will be provided as set out by Annexes 1 and 2 respectively;
 - (c) in case of third-country nationals and stateless persons, an indication of the means with which proof or prima facie evidence of the conditions for the readmission of third-country nationals and stateless persons as provided for by Annexes 3 and 4 respectively will be provided;
 - (d) a photograph of the person to be readmitted;
 - (e) evidence of travel through, or connection to the requested State.
2. To the extent necessary, the readmission application shall also contain the following information:
 - (a) a statement indicating that the person to be transferred may need help or care, provided the person concerned has explicitly consented to the statement;
 - (b) any other protection, security measure or information concerning the health of the person, which may be necessary in the individual transfer case.
3. Without prejudice to Article 7.2, any readmission application shall be in writing and shall use the common form set out in Annex 5 to this Agreement.
4. A readmission application may be submitted by any means of communication including electronic ones.
5. Without prejudice to Article 11.2, a reply to the readmission application shall be given in writing.

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6. Reasons shall be given in writing for the refusal of a readmission request.

ARTICLE 9

Evidence regarding nationality

1. Proof of nationality pursuant to 3.1 and Article 5.1 may be furnished through the documents listed in Annex 1 to this Agreement. If such documents are presented, the Member States or the United Kingdom respectively shall for the purpose of this Agreement, recognise the nationality.
2. Prima facie evidence of nationality pursuant to Article 3.1 and Article 5.1 shall be furnished through the documents listed in Annex 2 to this Agreement, even if their period of validity has expired. If such documents are presented, the Member States and the United Kingdom shall deem for the purpose of this Agreement, the nationality to be established, unless following an investigation and within the time limits laid down in Article 11, the requested State demonstrates otherwise. Prima facie evidence of nationality cannot be furnished through false documents.
3. If none of the documents listed in Annexes 1 or 2 can be presented, the competent diplomatic and consular representations of the requested State shall, upon a request included in the readmission application by the requesting State, make arrangements to interview the person to be readmitted without undue delay, within seven working days from the day on which the request was received, in order to establish his or her nationality. In case there are no diplomatic missions or consular offices of the requested State in the requesting State, the former shall make the necessary arrangements in order to interview the person to be readmitted without undue delay, at the latest within seven working days from the requesting day. The procedure for such interviews may be established in the implementing protocols or arrangements provided for in Article 19 of this Agreement.

ARTICLE 10

Evidence regarding third-country nationals and stateless persons

1. Proof of the conditions for the readmission of third-country nationals and stateless persons laid down in Article 4.1 and Article 6.1 shall be furnished by means of the evidence listed in Annex 3 to this Agreement. Proof of the conditions for the readmission cannot be furnished through false documents.
2. Prima facie evidence of the conditions for the readmission of third-country nationals and stateless persons laid down in Article 4.1 and Article 6.1 shall be furnished through the means of evidence listed in Annex 4 to this Agreement. Where such prima facie evidence is presented, the Member States and the United Kingdom shall deem the conditions to be established, unless following an investigation and within the time limits laid down in Article 11, the requested State demonstrates otherwise. Prima facie

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evidence of the conditions for the readmission cannot be furnished through false documents.

3. The unlawfulness of entry, presence or residence shall be established by means of the travel documents of the person concerned in which the necessary visa or other residence permit for the territory of the requesting State are missing. A written statement by the requesting State that the person concerned has been found not having the necessary travel documents, visa or residence permit shall likewise provide prima facie evidence of the unlawful entry, presence or residence.

ARTICLE 11

Time limits

1. The requesting State must submit an application for readmission to the competent authority of the requested State within a maximum of six months after the requesting State's competent authority has gained knowledge that a third-country national or a stateless person does not fulfil, or no longer fulfils, the conditions in force for entry, presence or residence. Where there are legal or practical obstacles to the application being submitted in time, the time limit shall, upon request by the requesting State, be extended but only until the obstacles have ceased to exist.
2. The requested State must reply in writing without undue delay, and in any event within a maximum of 25 calendar days, in all cases, except for cases for which the initial period of detention for the purposes of removal in the national legislation of the requesting State is less, in which case the latter period shall apply. Where there are legal or practical obstacles to the application being replied to in time, the time limit may, upon request and giving reasons, be extended up to 60 calendar days, except if the maximum detention period in the national legislation of the requesting State is less than, or equal to, 60 days.
3. This time limit begins to run with the date of receipt of the readmission request. If there is no reply within this time limit, the transfer shall be deemed to have been agreed to.
4. Reply to a readmission application may be submitted by any means of communication including electronic ones.
5. After agreement has been given or, where appropriate, after expiry of the time limits laid down in paragraph 2, the person concerned shall be transferred within three months. On request of the requesting State, this time limit may be extended by the time taken to deal with legal or practical obstacles.

ARTICLE 12

Transfer modalities and modes of transportation

1. Without prejudice to Article 7.2, before returning a person, the competent authorities of the requesting State shall notify in writing at least 48 hours in advance the competent

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authorities of the requested State regarding the transfer date, the point of entry, possible escorts and other information relevant to the transfer.

2. Transportation may take place by air, land or sea. Return by air shall not be restricted to the use of the national carriers of the Member States or the United Kingdom and may take place by using scheduled or charter flights. In the event of escorted returns, such escorts shall not be restricted to authorised persons of the requesting State, provided that they are authorised persons by a Member State or the United Kingdom.

ARTICLE 13

Readmission in error

1. The requesting State shall take back any person readmitted by the requested State if it is established, within a period of three months after the transfer of the person concerned, that the requirements laid down in Articles 3 to 6 are not met.
2. In such cases, and with the exception of all transport costs of the person in question which shall be borne by the requesting State as referred to in the previous paragraph, the procedural provisions of this Agreement shall apply *mutatis mutandis* and all available information relating to the actual identity and nationality of the person to be taken back shall be provided.

SECTION V

TRANSIT OPERATIONS

ARTICLE 14

Transit principles

1. The Member States and the United Kingdom shall endeavour to restrict the transit of third-country nationals or stateless persons to cases where such persons cannot be returned to the State of destination directly.
2. Member States shall allow the transit of third-country nationals or stateless persons if the United Kingdom so requests, if the onward journey in other possible States of transit, and readmission by the State of destination, is assured.
3. The United Kingdom shall allow the transit of third-country nationals or stateless persons if a Member State so requests, if the onward journey in other possible States of transit, and readmission by the State of destination, is assured.
4. Transit can be refused by a Member State or the United Kingdom:

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- (a) if the third-country national or the stateless person runs the real risk of being subjected to torture or to inhuman or degrading treatment or punishment or the death penalty or of persecution because of his or her race, religion, nationality, membership of a particular social group or political conviction in the State of destination or another State of transit; or
 - (b) if the third-country national or the stateless person will be subject to criminal sanctions in the requested State or in a State of transit; or
 - (c) on grounds of public health, domestic security, public order or other national interests of the requested State.
5. A Member State or the United Kingdom may revoke any authorisation issued if circumstances referred to in paragraph 4 subsequently arise or come to light which stand in the way of the transit operation, or if the onward journey through possible other States of transit or the readmission by the State of destination is no longer assured. In this case, the requesting State shall take back the third-country national or the stateless person, as necessary and without delay.

ARTICLE 15

Transit procedure

1. An application for transit operations must be submitted to the competent authority of the requested State in writing and, to the extent possible, shall contain the following information:
 - (a) type of transit (by air, sea or land), possible other States of transit and intended final destination;
 - (b) the particulars of the person concerned as set out in implementing arrangements in accordance with Article 18;
 - (c) envisaged point of entry, time of transfer and use of escorts;
 - (d) a declaration that in the view of the requesting State the conditions pursuant to Article 14.2 or 14.3 are met, and that no reasons for a refusal pursuant to Article 14.4 are known of.
2. A common form to be used for transit applications is attached as Annex 6 to this Agreement.
3. A transit application may be submitted by any means of communication including electronic ones.
4. The requested State shall, within five working days after receipt of the application and in writing, inform the requesting State of the admission, confirming the point of entry and

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the envisaged time of admission, or inform it of the admission refusal and of the reasons for such refusal. If there is no reply within five working days, the transit shall be deemed to have been agreed to.

5. Reply to a transit application may be submitted by any means of communication including electronic ones.
6. If the transit operation takes place by air, the person to be readmitted and possible escorts shall be exempted from having to obtain an airport transit visa.
7. The competent authorities of the requested State shall, subject to consultations with the competent authorities of any other States of transit and the requesting State, assist in the transit operations, in particular in respect of surveillance of the persons in question and the provision of suitable amenities for that purpose.

SECTION VI

COSTS

ARTICLE 16

Transport and transit costs

Without prejudice to the right of the competent authorities to recover the costs associated with the readmission from the person to be readmitted including the persons referred to in Article 3.2 and 5.2 or third parties, all transport costs incurred in connection with readmission and transit operations pursuant to this Agreement as far as the border crossing point of the requested State for requests under Sections II and III of the Agreement; or as far as the border of the State of final destination for requests under Section V of the Agreement shall be borne by the requesting State.

SECTION VII

DATA PROTECTION

ARTICLE 17

Data Protection

The communication of personal data shall only take place if such communication is necessary for the implementation of this Agreement by the competent authorities of a Member State or the United Kingdom, as the case may be. The processing of personal data by a competent authority of the United Kingdom shall be subject to the domestic laws of the United Kingdom. Processing of personal data by a competent authority of a Member State shall be subject to applicable Union law and to the national legislation of that Member State.

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SECTION VIII

IMPLEMENTATION AND APPLICATION

ARTICLE 18

Joint readmission committee

1. The Parties shall cooperate in the application and interpretation of this Agreement. To this end, a joint readmission committee (hereinafter referred to as 'the committee') is established which will, in particular, have the following tasks:
 - (a) to monitor the application of this Agreement;
 - (b) to decide on implementing arrangements necessary for the uniform application of this Agreement;
 - (c) to have regular exchanges of information on the implementing protocols or arrangements drawn up by individual Member States and the United Kingdom pursuant to 19;
 - (d) to recommend amendments to this Agreement and its Annexes;
 - (e) to resolve disputes that may arise regarding the interpretation and application of this agreement in accordance with Article 24.
2. The decisions of the committee shall be binding on the Parties.
3. The committee shall be composed of representatives of the Union and the United Kingdom; the Union shall be represented by the Commission.
4. The committee shall meet where necessary at the request of one of the Parties.
5. The work of the Joint Committee shall be governed by the rules of procedure set out in Annex 7.

ARTICLE 19

Implementing protocols or arrangements

1. On request of a Member State or the United Kingdom, a Member State and the United Kingdom shall draw up an implementing protocol or arrangement which shall, among other things, include rules on:

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- (a) designation of the competent authorities, border crossing points and exchange of contact points;
 - (b) conditions for escorted returns, including the transit of third-country nationals and stateless persons under escort;
 - (c) means and documents additional to those listed in the Annexes 1 to 4 to this Agreement;
 - (d) an accelerated procedure for persons who have been apprehended by the requesting State in the border region after having entered, or having attempted to enter, illegally and directly from the territory of the requested State;
 - (e) the procedure for interviews.
- (b) The implementing protocols or arrangements referred to in paragraph 1 shall enter into force only after the readmission committee, referred to in Article 18, has been notified.
 - (c) Member States agree to apply any provision of an implementing protocol or arrangement drawn up between any other Member State and the United Kingdom also in their relations with the United Kingdom upon request of the latter and subject to the practical feasibility of its application to those Member States.
 - (d) The United Kingdom agrees to apply any provision of an implementing protocol or arrangement drawn up with one Member State also in its relations with any other Member State upon request of the latter and subject to the practical feasibility of its application to the United Kingdom.

ARTICLE 20

Relation to bilateral readmission agreements or arrangements of Member States

1. The provisions of this Agreement shall take precedence over the provisions of any legally binding instrument on the readmission of persons residing without authorisation which have been or may, under Article 19, be concluded between individual Member States and the United Kingdom, in so far as the provisions of the latter are incompatible with those of this Agreement.
2. Nothing in this Agreement shall prevent the return of a person under other formal or informal arrangements.

SECTION IX

FINAL PROVISIONS

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ARTICLE 21

Territorial application

[...]

ARTICLE 22

No direct effect on persons

1. Nothing in this Agreement shall be construed as conferring rights or imposing obligations on persons nor as permitting this Agreement to be directly invoked in the domestic legal systems of the Parties.
2. A Party shall not provide for a right of action under its national law against the other Party on the ground that a measure of the other Party is inconsistent with this Agreement.

ARTICLE 23

Interpretation

This Agreement shall be interpreted in accordance with the customary rules of public international law, including those in the Vienna Convention on the Law of Treaties.

ARTICLE 24

Dispute Resolution

1. The Parties may refer to the committee any dispute relating to the application or interpretation of this Agreement.
2. The committee may settle the dispute by means of a decision.
3. Each Party shall be bound to take the measures involved in carrying out the decision referred to in paragraph 2.

ARTICLE 25

Entry into force

1. The Parties shall approve this Agreement in accordance with their respective internal requirements and procedures.

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2. This Agreement shall enter into force on one of the following dates, whichever is the latest:
 - (a) 1 January 2021 in the event that the Parties have, prior to that date, exchanged written notifications certifying that they have completed their respective internal requirements and procedures;
 - (b) the first day of the month following the date the Parties exchange the written notifications referred to in sub-paragraph (a).

ARTICLE 26

Termination

1. This Agreement shall remain in force unless terminated pursuant to paragraph 2.
2. Either Party may notify, in writing, to the other Party of its intention to terminate this Agreement. The termination shall take effect six months after the date of receipt of the notification, by the other Party unless the United Kingdom and the Union otherwise agree.

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ANNEX 1

Common list of documents the presentation of which is considered as proof of nationality

[...]

ANNEX 2

Common list of documents the presentation of which is considered as prima facie evidence of nationality

[...]

ANNEX 3

Common list of documents which are considered as proof of the conditions for the readmission of third-country nationals and stateless persons

[...]

ANNEX 4

Common list of documents which are considered as prima facie evidence of the conditions for the readmission of third-country nationals and stateless persons

[...]

ANNEX 5

Common form to be used for readmission applications

[...]

ANNEX 6

Common form to be used for transit applications

[...]

ANNEX 7

Readmissions committee rules of procedure

[...]