

COUNCIL DECISION

of 7 October 2010

on the conclusion of the Agreement between the European Community and the Islamic Republic of Pakistan on the readmission of persons residing without authorisation

(2010/649/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 79(3), in conjunction with Article 218(6)(a)(v) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) The Commission has negotiated on behalf of the European Community an Agreement with the Islamic Republic of Pakistan on the readmission of persons residing without authorisation (hereinafter the Agreement).
- (2) The Agreement has been signed, on behalf of the European Community, on 26 October 2009 subject to its conclusion.
- (3) As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community.
- (4) The Agreement should be approved.
- (5) The Agreement establishes a Joint Readmission Committee which may adopt its rules of procedure. It is appropriate to provide for a simplified procedure for the establishment of the European Union position in this case.
- (6) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, the United Kingdom has notified its wish to take part in the adoption and application of this Decision.
- (7) In accordance with Articles 1 and 2 of the Protocol on the Position of the United Kingdom and Ireland in respect of

the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of the said Protocol, Ireland is not participating in the adoption of this Decision and is not bound by or subject to its application.

- (8) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Community and the Islamic Republic of Pakistan on the readmission of persons residing without authorisation (hereinafter the Agreement) is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 20(2) of the Agreement, in order to bind the Union ⁽¹⁾, and shall make the following declaration:

'As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to "the European Community" or to "the Community" in the text of the Agreement are, where appropriate, to be read as to "the European Union".'

Article 3

The Commission, assisted by experts from Member States invited at the Commission's request, shall represent the Union in the Joint Readmission Committee established by Article 16 of the Agreement.

⁽¹⁾ The date of entry into force of the Readmission Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Article 4

The position of the Union within the Joint Readmission Committee with regard to the adoption of its rules of procedure as required under Article 16(2) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

Article 5

This Decision shall enter into force on the day of its adoption.

Article 6

This Decision shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 7 October 2010.

For the Council
The President
M. WATHELET