PADOMES LĒMUMS

(2006. gada 24. jūlijs),

ar ko Eiropas Kopienas vārdā noslēdz Protokolu par cilvēku tirdzniecības, īpaši tirdzniecības ar sievietēm un bērniem, novēršanu, apkarošanu un sodīšanu, kas papildina Apvienoto Nāciju Organizācijas Konvenciju pret transnacionālo organizēto noziedzību attiecībā uz protokola noteikumiem, ciktāl uz šā protokola noteikumiem attiecas Eiropas Kopienas dibināšanas līguma III daļas IV iedaļa

(2006/619/EK)

EIROPAS SAVIENĪBAS PADOME,

ņemot vērā Eiropas Kopienas dibināšanas līgumu, un jo īpaši tā 62. panta 2. punktu, 63. panta 3. punktu un 66. pantu saistībā ar 300. panta 2. punktu 300. panta 3. punkta pirmo daļu,

ņemot vērā Komisijas priekšlikumu,

ņemot vērā Eiropas Parlamenta atzinumu ([1]),

tā kā:

(1) Komisija ar Padomes apstiprinājumu Kopienas vārdā ir risinājusi sarunas par tām protokola daļām, kas ir Kopienas kompetencē.

(2) Padome ir devusi Komisijai norādījumu risināt sarunas par Kopienas pievienošanos minētajam starptautiskajam nolīgumam.

(3) Sarunas ir beigušās sekmīgi, un tajās izstrādāto instrumentu Kopiena parakstīja 2000. gada 12. decembrī saskaņā ar Padomes 2000. gada 8. decembra Lēmumu 2001/87/EK ([2]).

(4) Dažas dalībvalstis ir protokola puses, savukārt citās dalībvalstīs turpinās ratifikācijas process.

(5) Šis lēmums neskar Apvienotās Karalistes un Īrijas nostāju sakarā ar Protokolu, ar ko Šengenas *acquis* iekļauj Eiropas Savienības sistēmā un sakarā ar Protokolu par Apvienotās Karalistes un Īrijas nostāju, kas pievienots Līgumam par Eiropas Savienību un Eiropas Kopienas dibināšanas līgumam, tādēļ Apvienotajai Karalistei un Īrijai šis lēmums neuzliek saistības tiktāl, ciktāl tajā paredzēts Kopienai īstenot ārējas pilnvaras jomās, kurās tās iekšējie tiesību akti neuzliek saistības Apvienotajai Karalistei un Īrijai.

(6) Šis lēmums neskar Dānijas nostāju sakarā ar Protokolu par Dānijas nostāju, kas pievienots Līgumam par Eiropas Savienību un Eiropas Kopienas dibināšanas līgumam, tādēļ Dānija nepiedalās tā pieņemšanā, un tas neuzliek tai saistības.

(7) Kopienas vārdā konvencijas noslēgšana ir apstiprināta ar Padomes 2004. gada 29. aprīļa Lēmumu 2004/579/EK ([3]), kas ir nosacījums, lai Kopiena kļūtu par protokola pusi saskaņā ar konvencijas 37. panta 2. punktu.

(8) Ir ievēroti arī pārējie nosacījumi, kas ļauj Kopienai deponēt apstiprināšanas instrumentu, kurš paredzēts Konvencijas 36. panta 3. punktā un protokola 16. panta 3. punktā.

(9) Ciktāl uz protokola noteikumiem attiecas Līguma III daļas IV sadaļa, protokola noslēgšana būtu jāapstiprina Kopienas vārdā.

(10) Ciktāl uz protokola noteikumiem attiecas Līguma 179. pants un 181.a pants, protokola noslēgšana Kopienas vārdā būtu jāapstiprina ar atsevišķu Padomes lēmumu ([4]).

(11) Kopienai, deponējot apstiprināšanas instrumentu, būtu jādeponē arī deklarācija par Kopienas pilnvaru apjomu jautājumos, ko reglamentē protokols saskaņā ar 16. panta 3. punktu Protokolā par cilvēku tirdzniecību,

IR PIEŅĒMUSI ŠO LĒMUMU.

1. pants

Ar šo Eiropas Kopienas vārdā apstiprina I pielikumā izklāstīto Protokolu par cilvēku tirdzniecības, īpaši tirdzniecības ar sievietēm un bērniem, novēršanu, apkarošanu un sodīšanu, kurš papildina Apvienoto Nāciju Organizācijas Konvenciju pret transnacionālo organizēto noziedzību.

Kopienas oficiālā apstiprinājuma instruments ietver deklarāciju par kompetenci saskaņā ar protokola 16. panta 3. punktu, kā izklāstīts II pielikumā.

([1]) *Oficiālajā Vēstnesī* vēl nav publicēts.
([2]) OV L 30, 1.2.2001., 44. lpp.
([3]) OV L 261, 6.8.2004., 11. lpp.
([4]) Skat. šā *Oficiālā Vēstneša* 44. lpp.

2. pants

Šo lēmumu piemēro, ciktāl uz protokola noteikumiem attiecas Līguma III daļas IV sadaļa.

3. pants

Ar šo Padomes priekšsēdētājs ir pilnvarots norīkot personu, kas ir pilnvarota deponēt oficiālā apstiprinājuma instrumentu, lai uzliktu saistības Kopienai.

Šo lēmumu publicē *Eiropas Savienības Oficiālajā Vēstnesī.*

Briselē, 2006. gada 24. jūlijā

Padomes vārdā —

priekšsēdētājs

K. RAJAMÄKI

I PIELIKUMS

PROTOCOL

to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime

PREAMBLE

THE STATES PARTIES TO THIS PROTOCOL,

DECLARING that effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognised human rights,

TAKING INTO ACCOUNT the fact that, despite the existence of a variety of international instruments containing rules and practical measures to combat the exploitation of persons, especially women and children, there is no universal instrument that addresses all aspects of trafficking in persons,

CONCERNED that, in the absence of such an instrument, persons who are vulnerable to trafficking will not be sufficiently protected,

RECALLING General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organised crime and of discussing the elaboration of, *inter alia*, an international instrument addressing trafficking in women and children,

CONVINCED that supplementing the United Nations Convention against Transnational Organised Crime with an international instrument for the prevention, suppression and punishment of trafficking in persons, especially women and children, will be useful in preventing and combating that crime,

HAVE AGREED AS FOLLOWS:

I. GENERAL PROVISIONS

Article 1

Relation with the United Nations Convention against Transnational Organised Crime

1. This Protocol supplements the United Nations Convention against Transnational Organised Crime. It shall be interpreted together with the Convention.

2. The provisions of the Convention shall apply, *mutatis mutandis*, to this Protocol unless otherwise provided herein.

3. The offences established in accordance with article 5 of this Protocol shall be regarded as offences established in accordance with the Convention.

Article 2

Statement of purpose

The purposes of this Protocol are:

(a) to prevent and combat trafficking in persons, paying particular attention to women and children;

(b) to protect and assist the victims of such trafficking, with full respect for their human rights; and

(c) to promote cooperation among States Parties in order to meet those objectives.

Article 3

Use of terms

For the purposes of this Protocol:

(a) 'trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) the consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) 'child' shall mean any person under 18 years of age.

Article 4

Scope of application

This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of the offences established in accordance with article 5 of this Protocol, where those offences are transnational in nature and involve an organised criminal group, as well as to the protection of victims of such offences.

Article 5

Criminalisation

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.

2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:

(a) subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article;

(b) participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and

(c) organising or directing other persons to commit an offence established in accordance with paragraph 1 of this article.

II. PROTECTION OF VICTIMS OF TRAFFICKING IN PERSONS

Article 6

Assistance to and protection of victims of trafficking in persons

1. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, *inter alia*, by making legal proceedings relating to such trafficking confidential.

2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:

(a) information on relevant court and administrative proceedings;

(b) assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.

3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organisations, other relevant organisations and other elements of civil society, and, in particular, the provision of:

(a) appropriate housing;

(b) counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;

(c) medical, psychological and material assistance; and

(d) employment, educational and training opportunities.

4. Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.

5. Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.

6. Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

Article 7

Status of victims of trafficking in persons in receiving States

1. In addition to taking measures pursuant to article 6 of this Protocol, each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.

2. In implementing the provision contained in paragraph 1 of this article, each State Party shall give appropriate consideration to humanitarian and compassionate factors.

Article 8

Repatriation of victims of trafficking in persons

1. The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.

2. When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving State Party, the right of permanent residence, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.

3. At the request of a receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who is a victim of trafficking in persons is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving State Party.

4. In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the State Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving State Party shall agree to issue, at the request of the receiving State Party, such travel documents or other authorisation as may be necessary to enable the person to travel to and re-enter its territory.

5. This article shall be without prejudice to any right afforded to victims of trafficking in persons by any domestic law of the receiving State Party.

6. This article shall be without prejudice to any applicable bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of victims of trafficking in persons.

III. PREVENTION, COOPERATION AND OTHER MEASURES

Article 9

Prevention of trafficking in persons

1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) to prevent and combat trafficking in persons; and

(b) to protect victims of trafficking in persons, especially women and children, from revictimisation.

2. States Parties shall endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.

3. Policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organisations, other relevant organisations and other elements of civil society.

4. States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.

5. States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

Article 10

Information exchange and training

1. Law enforcement, immigration or other relevant authorities of States Parties shall, as appropriate, cooperate with one another by exchanging information, in accordance with their domestic law, to enable them to determine:

(a) whether individuals crossing or attempting to cross an international border with travel documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons;

(b) the types of travel document that individuals have used or attempted to use to cross an international border for the purpose of trafficking in persons; and

(c) the means and methods used by organised criminal groups for the purpose of trafficking in persons, including the recruitment and transportation of victims, routes and links between and among individuals and groups engaged in such trafficking, and possible measures for detecting them.

2. States Parties shall provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons. The training should focus on methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of the victims, including protecting the victims from the traffickers. The training should also take into account the need to consider human rights and child- and gender-sensitive issues and it should encourage cooperation with non-governmental organisations, other relevant organisations and other elements of civil society.

3. A State Party that receives information shall comply with any request by the State Party that transmitted the information that places restrictions on its use.

Article 11

Border measures

1. Without prejudice to international commitments in relation to the free movement of people, States Parties shall strengthen, to the extent possible, such border controls as may be necessary to prevent and detect trafficking in persons.

2. Each State Party shall adopt legislative or other appropriate measures to prevent, to the extent possible, means of transport operated by commercial carriers from being used in the commission of offences established in accordance with article 5 of this Protocol.

3. Where appropriate, and without prejudice to applicable international conventions, such measures shall include establishing the obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State.

4. Each State Party shall take the necessary measures, in accordance with its domestic law, to provide for sanctions in cases of violation of the obligation set forth in paragraph 3 of this article.

5. Each State Party shall consider taking measures that permit, in accordance with its domestic law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with this Protocol.

6. Without prejudice to article 27 of the Convention, States Parties shall consider strengthening cooperation among border control agencies by, *inter alia*, establishing and maintaining direct channels of communication.

Article 12

Security and control of documents

Each State Party shall take such measures as may be necessary, within available means:

(a) to ensure that travel or identity documents issued by it are of such quality that they cannot easily be misused and cannot readily be falsified or unlawfully altered, replicated or issued; and

(b) to ensure the integrity and security of travel or identity documents issued by or on behalf of the State Party and to prevent their unlawful creation, issuance and use.

Article 13

Legitimacy and validity of documents

At the request of another State Party, a State Party shall, in accordance with its domestic law, verify within a reasonable time the legitimacy and validity of travel or identity documents issued or purported to have been issued in its name and suspected of being used for trafficking in persons.

IV. FINAL PROVISIONS

Article 14

Saving clause

1. Nothing in this Protocol shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention [1] and the 1967 Protocol [2] relating to the Status of Refugees and the principle of non-refoulement as contained therein.

2. The measures set forth in this Protocol shall be interpreted and applied in a way that is not discriminatory to persons on the ground that they are victims of trafficking in persons. The interpretation and application of those measures shall be consistent with internationally recognised principles of non-discrimination.

Article 15

Settlement of disputes

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organisation of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.

4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 16

Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open to all States for signature from 12 to 15 December 2000 in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.

2. This Protocol shall also be open for signature by regional economic integration organisations provided that at least one member State of such organisation has signed this Protocol in accordance with paragraph 1 of this article.

3. This Protocol is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organisation may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organisation shall declare the extent of its competence with respect to the matters governed by this Protocol. Such organisation shall also inform the depositary of any relevant modification in the extent of its competence.

[1] United Nations, *Treaty Series*, vol. 189, No 2545.
[2] Ibid., vol. 606, No 8791.

4. This Protocol is open for accession by any State or any regional economic integration organisation of which at least one Member State is a Party to this Protocol. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organisation shall declare the extent of its competence with respect to matters governed by this Protocol. Such organisation shall also inform the depositary of any relevant modification in the extent of its competence.

Article 17

Entry into force

1. This Protocol shall enter into force on the 90th day after the date of deposit of the 40th instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organisation shall not be counted as additional to those deposited by Member States of such organisation.

2. For each State or regional economic integration organisation ratifying, accepting, approving or acceding to this Protocol after the deposit of the 40th instrument of such action, this Protocol shall enter into force on the 30th day after the date of deposit by such State or organisation of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.

Article 18

Amendment

1. After the expiry of five years from the entry into force of this Protocol, a State Party to the Protocol may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this Protocol meeting at the Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties to this Protocol present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organisations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their Member States that are Parties to this Protocol. Such organisations shall not exercise their right to vote if their Member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party 90 days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Protocol and any earlier amendments that they have ratified, accepted or approved.

Article 19

Denunciation

1. A State Party may denounce this Protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organisation shall cease to be a Party to this Protocol when all of its Member States have denounced it.

Article 20

Depositary and languages

1. The Secretary-General of the United Nations is designated depositary of this Protocol.

2. The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorised thereto by their respective Governments, have signed this Protocol.

II PIELIKUMS

Deklarācija par Eiropas Kopienas kompetenci jautājumos, kas reglamentēti Protokolā par cilvēku tirdzniecības, īpaši tirdzniecības ar sievietēm un bērniem, novēršanu, apkarošanu un sodīšanu, kurš papildina Apvienoto Nāciju Organizācijas Konvenciju pret transnacionālo organizēto noziedzību

Protokola par cilvēku tirdzniecības, īpaši tirdzniecības ar sievietēm un bērniem, novēršanu, apkarošanu un sodīšanu 16. panta 3. punktā ir noteikts, ka reģionālās ekonomikas integrācijas organizācijas ratifikācijas, apstiprināšanas vai pievienošanās dokumentā ir ietverta deklarācija, kurā noteikti protokolā reglamentētie jautājumi, kādos dalībvalstis, kas ir protokola puses, kompetenci ir nodevušas organizācijai.

Attiecībā uz Eiropas Kopienai nodotajām kompetencēm Protokolu par cilvēku tirdzniecības, īpaši tirdzniecības ar sievietēm un bērniem, novēršanu, apkarošanu un sodīšanu piemēro teritorijās, uz kurām attiecas Eiropas Kopienas dibināšanas līgums, un saskaņā ar nosacījumiem, kas noteikti minētajā līgumā, jo īpaši tā 299. pantā un tam pievienotajos protokolos.

Šī deklarācija neskar Apvienotās Karalistes un Īrijas nostāju sakarā ar Protokolu, ar ko Šengenas *acquis* ir iekļauts Eiropas Savienības sistēmā, un sakarā ar Protokolu par Apvienotās Karalistes un Īrijas nostāju, kas pievienots Līgumam par Eiropas Savienību un Eiropas Kopienas dibināšanas līgumam.

Šī deklarācija neskar arī Dānijas nostāju sakarā ar Protokolu par Dānijas nostāju, kas pievienots Līgumam par Eiropas Savienību un Eiropas Kopienas dibināšanas līgumam.

Saskaņā ar 299. pantu šo deklarāciju nepiemēro arī to dalībvalstu teritorijās, kurās nepiemēro minēto līgumu, un tā neskar tādus tiesību aktus vai nostājas, ko attiecīgās dalībvalstis saskaņā ar protokolu var pieņemt šo teritoriju vārdā un interesēs. Saskaņā ar iepriekš minēto noteikumu deklarācijā norādīts, kuros protokola reglamentētos jautājumos dalībvalstis kompetenci saskaņā ar līgumiem ir piešķīrušas Kopienai. Kopienas kompetences joma un tās īstenojums būtībā nepārtraukti attīstās, Kopienai turpinot pieņemt attiecīgus normatīvus un administratīvus aktus, un Kopiena vajadzības gadījumā papildinās vai grozīs šo deklarāciju saskaņā ar protokola 16. panta 3. punktu.

Kopiena norāda, ka tās kompetence attiecas uz dalībvalstu ārējo robežu šķērsošanu, standartu un procedūru reglamentāciju, veicot personu pārbaudi pie robežām, un noteikumiem par vīzām attiecībā uz paredzēto uzturēšanās laiku līdz trijiem mēnešiem.

Kopienas kompetencē ir arī pasākumi imigrācijas politikā attiecībā uz ieceļošanas un uzturēšanās nosacījumiem un pasākumi nelegālas imigrācijas un nelegālas uzturēšanās novēršanai, tostarp tādu personu repatriācijai, kuras valstī uzturas nelikumīgi. Turklāt tā var veikt pasākumus, lai nodrošinātu attiecīgu dalībvalstu pārvalžu struktūrvienību sadarbību, kā arī šādu struktūrvienību sadarbību ar Komisiju minētajās jomās. Minētajās jomās Kopiena ir pieņēmusi normatīvus un administratīvus aktus, tādēļ tikai Kopienai, kad tā ir pieņēmusi šādus normatīvus un administratīvus aktus, ir jāuzņemas ārējas saistības ar trešām valstīm vai kompetentām starptautiskām organizācijām.

Turklāt Kopienas politika attiecībā uz sadarbību politikas attīstības jomā papildina dalībvalstu īstenoto politiku un ietver noteikumus cilvēku tirdzniecības novēršanai un apkarošanai.