



**NORGES DELEGASJON
TIL DEN EUROPEISKE UNION**

Ambassadøren

Brussel, 12. maj 2015

Vedlagt følger brev fra kommissær Dimitris Avramopoulos, til statsråd Anders Anundsen.

Med vennlig hilsen

Atle Leikvoll,
Ambassadør

Justis- og beredskapsminister Anders Anundsen
Justis- og beredskapsdepartementet
Postboks 8005 Dep
0030 Oslo

Vedlegg: 1

Dimitris AVRAMOPOULOS

Member of the European Commission

Brussels, 7. 5. 2015
Ares(2015) 1934856

Dear Mr Anundsen,

Please allow me to raise your attention to an issue linked to the fact that the deadline for the transposition of the Return Directive (2008/115/EC) expired on 24 December 2010. In the course of the last years, my services conducted in close cooperation with your services an in-depth examination of the correct legal transposition of this Schengen instrument into Norwegian legislation.

More than 4 years since the Return Directive should have been fully transposed by the Kingdom of Norway, the following provisions of the said instrument still remain to be correctly transposed by Norway:

- *Article 3(3) – definition of return- Article 6(2) – no forced return to other Member States*
- *Article 8(5) – applicability of Guidelines annexed to Decision 2004/573/EC (for all removals by air)*
- *Article 8(6) – forced return monitoring*
- *Article 11(2) – length of public order entry bans*
- *Article 14(1) – safeguards pending postponed return*
- *Article 14(2) – written confirmation of postponed return*

Mr Anders Anundsen
Minister of Justice and Public Security
Gullhaug Torg 4A
Postboks 8005
Dep 0030 Oslo
Norway

- *Article 15(1) and 15(6) – detention for public order reasons*
- *Article 16(1) – criminalisation of illegal entry and stay*
- *Article 16(3) – needs of vulnerable persons in detention*
- *Article 17(1) and 17(4) – detention and detention conditions of minors and families.*

Whilst your services signalled readiness in principle to consider the adoption of the necessary amendments (details can be found in the attached annex), they did not yet provide us with draft legislation or a sufficiently concrete timetable for a speedy adoption of these measures.

The application of harmonised rules in the field of return is of key interest for Schengen. We would therefore be grateful for receiving, by the end of June 2015, draft legislation on all remaining open issues as well as a timetable providing for its adoption. In the absence of such elements, the Commission will consider raising the issue in accordance with Article 11 of the Schengen Association Agreement in the Mixed Committee.

My services remain ready to discuss and provide any appropriate support to your services, to enable a solution to be found swiftly.

I look forward to our fruitful cooperation on this issue in the future.

Yours sincerely,



Dimitris AVRAMOPOULOS