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COMMISSION STAFF WORKING PAPER

**INTENSIFIED COOPERATION ON THE MANAGEMENT OF MIGRATION
FLOWS WITH THIRD COUNTRIES**

**Report by the Commission's Services on the implementation of the Council
conclusions on intensified co-operation on the management of migration flows
with third countries of 18 November 2002**

COMMISSION STAFF WORKING DOCUMENT

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1. INTRODUCTION

With the aim of developing an integrated, comprehensive and balanced approach towards migration, the European Council at its meeting in Tampere on 15 and 16 October 1999, called for a partnership with countries and regions of origin and transit. Combating poverty, improving living conditions, job opportunities, preventing conflicts, consolidating democratic states and ensuring respect for human rights were mentioned as key policy areas that would need to be addressed in tackling the root causes of migration. This approach was confirmed by the European Council of Seville on 21-22 June which again highlighted the need to integrate migration into the Union's relations with these countries and regions and the importance of intensified co-operation with third countries for the management of migration, including the prevention and combating of illegal migration and trafficking in human beings. Closer economic co-operation, trade expansion, development assistance and conflict prevention were mentioned as policy areas that would need to be part of the comprehensive approach since these are all means of promoting economic prosperity in the countries concerned and therefore help to reduce the underlying causes of migration flows.

On 18 November 2002, after recalling its conclusions of 15 October 2002 regarding urgent implementation of the conclusions of the European Council at Seville, the Council expressed the wish to intensify EU partnership co-operation with countries and regions of particular relevance. It was considered important that intensified co-operation would be developed, in the first instance, with countries with which there is existing co-operation capable of forming a basis for further progress. Albania, China, the Federal Republic of Yugoslavia, Morocco, Russia, Tunisia and Ukraine were identified as the first countries for which intensification was to be established. It was stressed that the importance of migration issues with regard to these particular countries implied that further co-operation was not only desirable, but also essential. The Council also considered it essential to initiate co-operation with Libya and that it was important to continue and further strengthen co-operation with the EU Candidate State Turkey, *inter alia*, given its geographical position. With this staff working document the Commission services respond to the invitation of the Council to prepare a progress report on the implementation of its conclusions.

Following the adoption of the conclusions of the Council on 18 November 2002, Member States and Commission have discussed ways to intensify the dialogue and co-operation on the management of migration flows with the nine countries identified. Discussions took place in the framework of the Council, in particular within the High Level Working Group on asylum and migration and working groups with a regional responsibility. These meetings have helped to formulate the political context in which the dialogue and co-operation on migration would need to be further developed.

In its conclusions of 18 November, the Council also underlined the need to have a comprehensive dialogue with each individual country with a view to strengthening co-operation and that a country-specific need assessment would be conducted in consultation with the countries concerned. In line with this approach, the Community has made important efforts to promote the dialogue on migration with these countries in recent months through, where possible, the existing formal dialogue processes

provided by the Association or Co-operation Agreements. Such an approach allows to make use of the institutional framework existing between the Community and the countries concerned and to build on the efforts previously undertaken.

Although the time that has elapsed between the adoption of the Council conclusions of 18 November 2002 and the drafting of this progress report has been rather limited, the European Commission considers that the Community has improved and intensified the dialogue with most of the nine countries identified by the Council. With the exception of the state of Serbia and Montenegro, meetings were convened with all the countries identified. During these meetings, third countries have expressed their readiness to work in partnership with the European Community in promoting the management of migration in a comprehensive manner. There seems to be a common understanding that there is a need for intensified co-operation in addressing the root causes for migration and for concrete co-operation in areas such as legal migration, illegal migration and transit migration. For each of the countries identified by the Council the initiatives taken, the current state of co-operation and the main results of the intensified dialogue are presented below. Separate attention will also be given to the initiatives taken to promote regional co-operation as the Council in the November conclusions advocated this approach and as the Commission privileges this approach in the Community action too.

2. INTENSIFIED CO-OPERATION ON THE MANAGEMENT OF MIGRATION FLOWS WITH THIRD COUNTRIES

2.1. Morocco

Dialogue and co-operation with Morocco takes place within the framework of the EC-Morocco Association Agreement. Since the entry into force of this agreement in March 2000 several meetings at Ministerial and expert level were held that addressed migration and related areas. The open and fruitful discussions have allowed initiating a confidence building process on subjects previously considered as taboo and several concrete co-operation projects have been started.

Besides the meetings of the Working Group on social affairs and migration, Morocco and the EC have agreed to organise so-called thematic meetings in which both sides focus their discussion on one subject. In choosing such a thematic approach, both sides intend to undertake precise and detailed analysis of the various subjects that form part of the migration phenomenon.

Following the adoption of the Council conclusions of 18 November 2002 further progress between Morocco and the European Community on migration issues can be recorded. In a concrete step towards strengthening its policies aimed at combating illegal migration, the Moroccan government presented proposals in January 2003 to strengthen its legislation. The draft law, which aims to broaden the legal possibilities to take effective action in this domain, is currently debated in Parliament.

A meeting was held in Brussels on 3 February with the aim of revising co-operation in the field of migration. Besides noting the progress being made concerning the programme "Border management control" and the project "Institutional support for the circulation of people", this meeting paid specific attention to the theme of co-

development. Furthermore Morocco announced its intention to present project proposals concerning the development of other migration-prone areas than those considered so far (e.g. northern provinces).

The third Association Council between the European Union and Morocco on 24 February 2003 paid specific attention to migration and both sides welcomed the progress already made. Morocco was pleased to note the efforts towards a reinforced partnership to develop a coherent and comprehensive policy on migration which incorporates areas such as legal migration, integration of Moroccans legally living in the European Union, equal treatment, family reunification and harmonisation of social security schemes. Respect for cultural identity was also highlighted as one of the specific areas that should get sufficient attention. Concerning illegal migration, Morocco underlined that it fully recognised its responsibilities towards its European partners and that it will do its utmost to continue the fight against illegal migration. The Moroccan side raised special attention to the fact that transit migration through Morocco towards the European Union was increasing. An appeal was thereby made to increase the involvement of the European Union in this phenomenon, which is becoming increasingly problematic for Morocco. In an immediate response the Commission and Morocco agreed to convene a thematic meeting to allow Moroccan experts and experts of the Member States and the Commission to initiate the analysis of the phenomenon. This meeting, which took place on 8 April 2003 in Rabat, provided information and orientations that will help to deepen the co-operation between Morocco and the European Community in the coming years.

In the framework of the program 'Border management control', experts from both sides are working together for the identification of the components of the project aimed at improving the border management and combating illegal migration by the Moroccan authorities. Both sides agreed to make an allocation of 40 million € within the Community budget for this project. The process of identification of the possibilities for co-operation under this project has demonstrated that mutual confidence is progressively built by the two sides. At the same time, the project aimed at better structuring the legal migration between Morocco and the EC is also making good progress.

The Commission was authorised to open negotiations on an EC readmission agreement with Morocco in September 2000. A first draft text was officially transmitted to the Moroccan side in May 2001 and informal (preparatory) meetings were held in Rabat and Brussels in January, March, May and November 2002. On 24 February 2003, at the meeting of the EU-Morocco Association Council in Brussels, Morocco officially agreed to launch formal negotiations on the basis of a revised draft text, which takes into account the outcome of informal discussions. A first round of negotiations was held in Rabat on 7 April 2003. The Moroccans have thereafter expressed their intention to submit a counter proposal of the draft text.

Managing in a comprehensive way migration flows will be a subject for intensified dialogue and co-operation between Morocco and the EC in the coming years. Morocco has indicated it would favour the mechanism of quotas for Moroccan legally entering an EC Member States to be extended to other Member States. Morocco would also like to obtain a softening of the visa policy for the Moroccan students, researchers and businessmen. These and other subjects related to the management of

migration will be discussed in the framework of the dialogue under the Association Agreement.

2.2. Tunisia

The dialogue and co-operation with Tunisia takes place within the framework of the EC-Tunisia Association Agreement. The agreement provides for the possibilities of having a dialogue on migration.

In recent years the Tunisian authorities have stepped up their efforts to combat illegal migration, in particular illegal border crossing by sea. With regard to readmission issues, Tunisia declares that it perceives the readmission of Tunisian nationals as a constitutional obligation, already implemented without any specific bilateral agreements. When problems arise they are generally due to detention periods being incompatible with the time necessary for identification. Readmission is a source of considerable costs and administrative burden for Tunisia itself in its efforts to have third country national (mostly sub-Saharan Africans) readmitted. In the case of nationals of a state not adjoining Tunisia, the costs of readmission (by air via Europe) are considerable. No African country (including Libya) has concluded a readmission agreement with Tunisia. Tunisian legislation on refugees and asylum is relatively weak, which implies that almost any asylum seeker arriving in Tunisia will seek to reach a country able to grant the desired status. In the field of legal migration, Tunisia has put in place bilateral co-operation with Italy since 1998, which it hopes to extend to other Member States. The Tunisian authorities have put in place various mechanisms and administrative structures to promote the management of migration (selection, preparation and monitoring of potential migrants). In doing so Tunisia has acquired interesting expertise in this field.

Both Tunisia and the Community agree that more needs to be done to stimulate this dialogue and to promote co-operation on migration management. In a concrete follow-up to the Council conclusions on 18 November 2002, the Commission has contacted the Tunisian side proposing ways to intensify this dialogue. The Tunisian side responded positively. An informal working group on migration took place on 4 April 2003 and the working party on social affairs and migration met on 13 May 2003. These meetings have allowed for the identification of various subjects that would need to be dealt with during this dialogue, including, inter alia, illegal migration and integration of Tunisians legally residing within the EU. The Tunisian considers the establishment of concrete co-operation with the EC, aimed at preventing and fighting illegal migration, a matter of priority, as the country faces internal challenges similar to those of European countries. On several occasions Tunisia has expressed its intention to present concrete co-operation proposals in that area for further consideration by the Community and its Member States.

2.3. Libya

In its conclusions of 18 November 2002, the Council considered it essential to initiate co-operation with Libya in the area of migration. The context of Libya is particular, as this country has no formal or institutional links with the European Community and is not a member of the Barcelona process. Libya will be able to become a full member of the Barcelona process as soon as UN Security Council sanctions will have been lifted and Libya will have accepted the whole Barcelona acquis. But this is a long-

term prospect. At present, Italy is the only country that has bilateral activities with Libya on migration. Italy has requested that the arms embargo towards Libya be partially lifted for the purchase of necessary equipment for border control in the framework of illegal immigration control.

The Commission services have conducted an exploratory mission to Libya from 11 to 17 May 2003, focussed on migration issues as requested by the Council group COMAG on 9 April. It was underlined that the request to the Commission to undertake this mission was made on the basis of the conclusions of the 18 November 2002 and should be seen in the framework of an ongoing discussion aimed at defining an alternative EU strategy towards Libya based on recommendations made by Heads of Missions in Tripoli. In its meeting on 14 April 2003 the Council examined once again the relations between the European Union and Libya with regard to illegal migration. The main aim of this mission was to consult with the Libyan authorities on their readiness to engage with the EU in various policy areas and migration in particular. Heads of Missions in Tripoli prepared a report on migration, which together with contacts and information accumulated by the Commission using various sources was used as useful basis for this mission. The mission has taken note of the Libyan interest in exploring possibilities for co-operation with the EU on illegal migration. The Council was debriefed by the Commission on the results of this mission and, in the light of the results of the exploratory mission, the Council agreed in its meeting of 16 June 2003 that the Council's preparatory bodies should prepare terms of reference for a further mission to Libya that would examine arrangements for combating illegal migration.

2.4. Turkey

Co-operation with Turkey takes place in the context of Turkey's status as a candidate country. On 26 March 2003, the Commission submitted to the Council a proposal for a revised Accession Partnership for Turkey, which covers, *inter alia*, border management, visas, migration and asylum. Turkey is currently revising its National Programme for the Adoption of the *Acquis*, which also covers these subjects. In the framework of the EC-Turkey dialogue and co-operation, various initiatives are being taken that directly or indirectly contribute to strengthening Turkey's capacity to deal with illegal migration.

In the framework of the Association Agreement the relevant Sub-Committee undertakes "legislative scrutiny" of the Justice and Home Affairs *acquis*, that is, a detailed examination of the *acquis*, relevant Turkish law and an analysis of what steps Turkey needs to take to adopt the *acquis* in each area. In March 2002, this Sub-Committee undertook legislative scrutiny of visas and border management. Turkey announced that it intended to draw up new strategies for border management, asylum and migration, each strategy is intended to align Turkish law and practices with the *acquis*.

In a direct follow-up to the Seville European Council a special meeting of this Sub-Committee dedicated to illegal migration was held in July 2002. On this occasion the Commission underlined the need for active co-operation in the area of preventing and combating illegal immigration and put forward a draft "Action Plan on Illegal Migration". This draft Plan has been the subject of negotiations between Turkey and the Commission. At the Association Committee of 13 March 2003, Turkey put

forward a revised text, which the Commission is currently considering. It is hoped to hold a meeting very shortly to agree the final text.

An inter-departmental Task Force, composed of a working group for each subject, has also been established within the Ministry of the Interior. At Turkey's request, the Commission has organised three Member State experts meetings to undertake a series of short-term missions to support the work of the three working groups within this Task Force. The Commission has also supported the work of this Task Force by organising visits of a number of Turkish officials from different services to the German and Finnish frontiers to study border management in practice.

The Task Force has completed its work on the border management strategy, which will now be passed to the Council of Ministers for discussion. It is expected that the Task Force will complete its work on the strategies on asylum and migration by the end of April and that all strategies will be included in the revised NPAA. The three strategies will be implemented via Action Plans, which will set out in detail the schedule for legislative and institutional reform, and needs for training and infrastructure. The drafting and implementation of these Action Plans will be supported by the European Union through two "twinning" projects. The Action Plans will form a framework for the programming of EU pre-accession assistance to Turkey in these areas for the coming years. Twinning partners have been selected and the twinning covenants are currently being prepared, it is hoped that both twinings will commence in September 2003. Moreover, the Commission plans to hold a TAIEX seminar on border management in Ankara shortly.

On visas, Turkey is taking steps to align with Council Regulation 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement. On 2 April 2003, Turkey introduced visas for a further thirteen countries whose nationals are required by that Regulation to be in possession of visas. Turkey plans to harmonise completely with the EU negative visa list by the end of 2004.

An inter-departmental Task Force under the Ministry of Foreign Affairs concerning trafficking in human beings was established in October 2002. Turkey has already amended its Criminal Code so as to implement the Protocols to the Palermo Convention on Smuggling and Trafficking of Persons. Discussions have also opened between the Commission and the Turkish authorities on further twinning projects for 2004, covering visas and trafficking in persons. These discussions are at the final stage and the projects will be included in 2003 programming of EU pre-accession financial assistance.

On 28 November 2002, the Council authorised the Commission to open negotiations for an EC readmission agreement with Turkey. On 4 March 2003, a draft text for an agreement was handed over to the Turkish Ministry of Foreign Affairs; the Turkish authorities are currently considering this text.

Regional approach for the Mediterranean

In its conclusions on 18 November 2002, the Council underlined the need for a regional approach when dealing with migration in the external policies of the Community. The meetings the Commission organised with the experts of the Member

States and the dialogue with the third countries have clearly demonstrated that such an approach is indeed required. Since years, the Barcelona process provides the necessary framework to pursue such activities in a regional perspective. With regard to migration issues, the 5th Conference of Euro-Mediterranean Foreign Ministers held in Valencia on 22 and 23 April 2002 managed to make important progress when it endorsed the regional co-operation programme in the field of justice, combating drugs, organised crime and terrorism as well as co-operation in the treatment of issues relating to the social integration of migrants, migration and movements of persons.

The Commission, together with Mediterranean partners and Member States is now actively pursuing the implementation of this co-operation program, by launching, at this stage, three concrete initiatives in the framework of migration, judicial co-operation and police co-operation. As far as migration is concerned, both the EU and its Mediterranean partners agree that in order to promote future co-operation more needs to be done to understand the migration phenomena in the Mediterranean region. The establishment of a system to collect data and stimulate the joint analyses of the migration phenomenon within the Mediterranean region appear to be extremely useful for this purpose. Furthermore a need is felt to enhance insight in the policies that are being developed and implemented by the countries that participate in the Barcelona process.

2.5. Albania

Dialogue and co-operation with Albania takes place within the framework of the Stabilisation and Association Process. Since the start of this process at the Zagreb summit in November 2000, an intensive dialogue with Albania has taken place through meetings at both ministerial (resulting in the Sarajevo declaration of 23 March 2001) and expert level, notably within the High Level Steering group and later the Consultative Task Force meetings. Concrete co-operation in the areas of asylum and migration has commenced under CARDS programming, which is now moving into the implementation phase, and the budget line for co-operation with third countries in the area of migration (B7-667).

With regard to the intensification of the dialogue and co-operation with Albania, it is worth mentioning that with the opening of negotiation of a Stabilisation and Association Agreement (SAA) on 31 January 2003, EU Albanian relations have entered into a new phase. This will in itself provide the opportunity to enforce this co-operation through the establishment of a more systematic dialogue on asylum and migration matters. Specific attention will need to be given to the area of preventing and combating illegal migration. During the meeting of the Consultative Task Force setting dedicated to Justice and Home Affairs on 24 and 25 March 2003, asylum and migration issues were discussed. Both parties underlined the need for an intensified partnership to deal efficiently with JHA issues, including migration and asylum. The Albanian side expressed its intentions to sustain ongoing efforts to deal efficiently with these areas.

In recent months Albania has taken a number of steps that are relevant in fighting illegal migration. The implementation of its Anti-trafficking strategy has commenced, inter alia, the start of prosecution of members of law enforcement bodies involved in trafficking in human beings. Resources allocated for the implementation of this strategy are, however, limited and Albania's dependence on international support for

addressing the issue of trafficking in human beings is high. As regards migration, Albania has recently adopted a new Law on Migration and the adoption of a National Strategy for Migration and the subsequent action plan is expected to be completed in 2004 with EC support. The progressive accession of Albania to the main international conventions in this area is also planned to happen in the next years (2003-2006 - a more precise schedule will be provided by the Albanian authorities). In April 2003, the UN Conventions relating to the Status of Stateless Persons (1954) and to its reduction (1961) were ratified by the Albanian Parliament. As regards management of migration flows, the system of quotas seems to work properly with Italy. The Albanian Government has expressed interest in using this approach to promote legal and ordered migration. Finally, in the field of asylum, Albania has for some time had legislation on the books reaching European standards and is in the course of setting up physical structures to process cases, all with the support of the international community. The adoption of its National Action Plan on Asylum, expected to happen during the summer of 2003, should support Albania in addressing gaps and establishing a proper asylum system. An in depth overview of the progress made by Albania within the Stabilisation and Association Process can be found in the Commission's second annual report on Albania which was published on 26 March 2003.

On 28 November 2002 the Commission was authorised to open negotiations for an EC readmission agreement with Albania. A draft text for a Community readmission agreement has been handed over to Albanian authorities during the Consultative Task force meeting on 25 March 2003. This readmission agreement will include provisions not only for Albanian nationals, but also for third country and stateless persons, who have illegally entered the EU through Albania. The Albanian authorities have given first positive reactions regarding this text and negotiations have commenced on 15 and 16 May.

2.6. Serbia and Montenegro

Dialogue and co-operation with the state of Serbia and Montenegro takes place within the framework of the Stabilisation and Association Process. From July 2001-2002, the EU-FRY Consultative Task Force (CTF) has provided the framework for the Community's co-operation on migration and asylum. Although some significant steps forward have been made within this framework, constitutional uncertainty and unclear division of competencies negatively affected progress in this area.

For the intensification of the dialogue and co-operation with the state of Serbia and Montenegro, the willingness expressed by the new government to abide by the reform agenda and to make swift progress in the implementation of the Constitutional Charter has been welcomed. While the Constitutional Charter provides for central state competencies in adopting legislation related to visa issues, border management, asylum and migration, there is currently still a lack of clarity in terms of the institutional set-up and co-ordinating mechanisms and, indeed, the distribution of these competencies. These matters will firstly need to be addressed in order to allow for the strengthening the dialogue on asylum and migration within the framework of the Enhanced Permanent Dialogue.

With regard to visa policy a lack of harmonisation still persists. Stricter criteria are, however, now applied by the state when granting entry to Chinese nationals resulting

in a decrease in irregular migratory flows towards the countries of Western Europe. Reassuringly, co-operation between law and order offices and agencies in different entities (including with UNMIK) seems to be improving, but inter-agency co-ordination still needs to be further developed. In the framework of the overall police reforms in both republics, training of officers, including in border management, has been initiated. The EC-funded CAFAO-FRY programme, including both legislative advice and staff training components, and work on the Horgos and Batrovici border crossings, will help to improve integrated border management. Legislative reforms have been initiated but drafts on asylum and aliens, prepared at the Federal level in the framework of the Stability Pact MAI, have remained in constitutional deadlock. An in-depth overview of the progress made by the state of Serbia and Montenegro within the Stability and Association Process can be found the Commission's second annual report on Serbia and Montenegro which was published on 26 March 2003.

Regional approach for the Western Balkans

Regional co-operation on migration and asylum is one of the main elements of the Stabilisation and Association Process. Following the Sarajevo declaration of 23 March 2001, there is a growing regional network of readmission agreements and border management co-operation. The Ohrid declaration represents an important step in operational terms. With regard to raising standards to European levels, the Stability Pact and in particular the Migration Asylum and Refugee Return Initiative (MARRI) has an important role in gathering countries in the region. The Commission participates in the ongoing efforts within this initiative to bring about a regional roadmap for further co-operation in the areas of asylum, legal migration, illegal migration, border management, visa policy and entry policies and return/settlement of refugees/displaced persons.

During its meeting on 14 April 2003, the GAER Council welcomed the outcome of the South Eastern European Co-operation Process summit in Belgrade on 9 April 2003 and commended the SEECP members' commitment to further enhance regional co-operation, with concrete activities. A movement on integration by the countries in the region will be followed up by CARDS financial and technical support regarding alignment with the *acquis*.

The EU JAI ministerial troika with countries of Western Balkans, Bulgaria, Romania and Turkey in Thessaloniki on 22 April 2003 also allowed for further discussions on intensified efforts to fight illegal immigration. The Balkan countries agreed to submit 'records of achievements' on the implementation of the commitments agreed at the London Conference on Fighting Organised Crime of 25 November 2002. Furthermore, it was agreed to enhance co-operation with the Immigration Liaison Officers of the EU Member States in the framework of the ILO network in order to more effectively combat illegal migration and organised crime. Simultaneously it was found that regional effort within the Stability Pact aimed at border control and intra regional visa liberalisation should be further intensified. In this way the overall policies aimed at tackling illegal immigration would be strengthened. The EU-Western Balkans Summit that took place on 21 June in Thessaloniki provided an excellent opportunity to gain full support at the highest political level for enhanced efforts in these different areas.

2.7. Ukraine

Dialogue on migration issues takes place within the framework of the 1994 Partnership and Co-operation Agreement (PCA) between Ukraine and the European Community and its Member States, which entered into force on 1 March 1998. Building on the PCA, the Helsinki European Council of 11 December 1999 adopted a Common Strategy on Ukraine in order to strengthen the strategic partnership between the EU and that country. One of the principal objectives set out in this document is to step up the co-operation in the field of JHA, with a particular view to combating illegal immigration, human trafficking and other scourges of organised crime more effectively while supporting the full application of the Geneva Convention, including the right to seek asylum and respect for the principle of non-refoulement. The Partnership and Co-operation Agreement (PCA) is supported by the Tacis programme. The National Indicative Programme (NIP) for 2004-2006 that complements the Country Strategy Paper (CSP) for 2002-2006 is currently in the process of being finalised and enhanced assistance for implementation of selected priority areas, such as migration and border control issues, is therein foreseen

Improving the management of migration flows, including taking appropriate measures in the field of readmission in order to prevent illegal immigration more effectively is a part of the JHA Action Plan with Ukraine which was adopted by the Council in December 2001. The areas of co-operation mentioned in the Action Plan are migration and asylum, border management and visa, organised crime, terrorism, judicial co-operation, law enforcement co-operation, judiciary, rule of law and good governance. As foreseen by the Action Plan, a scoreboard for implementation, monitoring, evaluation and definition of annual priorities has been set up in consultation with the Ukrainian authorities.

The EU met the Ukrainian side in the PCA subcommittee on Justice and Home Affairs that was held in Kiev on 5 March 2003. Discussion focussed on migration and asylum, border management and visa, organised crime, judicial reform and corruption. Illegal migration received specific attention and the Ukrainian side presented valuable statistical and background information. It was noted that several projects on asylum and migration, borders and visa are now getting under way with Community financial support. Finally, on 9 April 2003, the Greek Presidency organised a SCIFA Troika meeting with Ukraine in which issues related to, inter alia, migration and asylum, visa, border management and readmission have been discussed.

Furthermore two informal meetings were held, one in November 2002 in Kiev and another one in April 2003 in Brussels within the “visa dialogue” that Ukraine, drawing on the JHA Action Plan, repeatedly insisted on introducing as a priority for the future formal meetings in the PCA framework. This dialogue may contribute to pave the way for their long-term objective of being put off the EC’s visa list (Regulation (EC) N° 539/2001). Ukraine considers progress on visa issues a useful tool in order to make a readmission agreement with the Community “more acceptable to Ukraine’s citizens”. In these consultations Ukraine attached particular importance to solving the issue of visa free access to the EU for holders of Ukraine diplomatic passports, especially after enlargement, and to an exchange of best practices with regard to the issuing of visa. At the meeting of the Council visa working group on

3 April 2003, Member States could not accept the Ukrainian request to abolish visa requirements for Ukrainian holders of a diplomatic passport.

With regard to progress booked by Ukraine in enhancing its efforts to tackle illegal immigration, it is worth mentioning that the UN Convention against Transnational Organised Crime and its two supplementing Protocols against the Smuggling of Migrants and the Trafficking in Persons are anticipated to enter into force in the course of this year and they will without doubt provide a useful “common platform” once they have been ratified by Ukraine, all 15 EU Member States and the Community.

Following a first informal technical meeting in Brussels progress has also been booked with regard to the EC readmission agreement negotiations with Ukraine for which the Commission was authorised by the Council in June 2002 to open negotiations. A first round of formal negotiations took place in Kiev on 18 November 2002 after a draft text was officially transmitted to the Ukrainian side in August 2002. The second round of negotiations took place on 19 and 20 June 2003 and allowed for progress in the negotiations. The third round of negotiations is expected in the second half of 2003.

2.8. Russia

Dialogue on migration issues takes place within the framework of the 1994 Partnership and Co-operation Agreement (PCA) between the Russian Federation and the European Community and its Member States, which entered into force on 1 December 1997. The PCA provides for co-operation to prevent illegal immigration. Article 84 thereof calls on the Parties to establish co-operation aimed at preventing illegal activities, such as illegal immigration and illegal presence of physical persons of their nationality on their respective territories while taking into account the principle and practice of readmission. Co-operation fully respects the general principles of the PCA which are support to democracy and human rights. Building upon the PCA, the EU Common Strategy of 4 June 1999 on Russia aims at strengthening the strategic partnership with this country. The Common Strategy states that the fight against illegal immigration is a major preoccupation. In their fight against this common problem, the EU and Russia should therefore improve their co-operation regarding the readmission of own nationals, persons without nationality and third country nationals, including the conclusion of a re-admission agreement. Moreover, basic and advanced training courses for staff members of border and migration authorities should also be included in such co-operation. Under the Common Strategy, an EU Action Plan on Combating Organised Crime was adopted in March 2000, focusing on judicial and law enforcement co-operation, including action to combat trafficking in human beings and illegal immigration.

The EU met the Russian side on 5 November 2002 in Moscow during a special meeting on Justice and Home Affairs. During this meeting the Ministers of Justice and Home Affairs of the Russian Federation and the EU Troika agreed to intensify their co-operation in the fields of border management and migration and expressed their continued support for the Action Plan on Combating Organised Crime as a common basis for co-operation and confirmed that priority should, *inter alia*, be assigned to trafficking in human beings. It was also agreed that the law enforcement liaison officers of the Member States of the European Union stationed in the Russian

Federation and their Russian counterparts should meet at least once a year to regularly consider the implementation of the Action Plan and put forward proposals to strengthen the process of implementation. Participants noted with satisfaction the Liaison Officers' meeting on 31 October 2002 in Moscow.

It was stressed that the Russian Federation and the European Union should continue to co-operate closely on law enforcement matters within the framework of the Task-Force on Organised crime in the Baltic Sea Region dealing, inter alia, with **human smuggling**. With regard to the fight against trafficking in human beings, participants also welcomed a joint project agreed by the Russian Federation, the European Union and the United States of America on the shared problem of preventing and combating trafficking in women in Russia.

On 9 April 2003, the Greek Presidency organised a SCIFA Troika meeting with Russia in which issues related to, inter alia, Kaliningrad, migration, border management and readmission were discussed.

In August 2002, Russia has proposed to launch work with a view to establishing as a long-term goal a mutual visa-free travel regime with the EU. There are different views about the framework on which these discussions should take place. At the EU Ministerial Troika meeting on Justice and Home Affairs with Russia on 20 May 2003 and at the EU-Russia Summit of 31 May 2003 Russia insisted on the need to create an ad hoc working group, while the EU takes the view that discussions on a visa-free travel regime should take place within the PCA framework. Moreover, the Commission takes the view that this question cannot be discussed separately from broader JHA issues, including illegal migration, border management and security concerns.

Following a first informal technical meeting in Brussels progress has also been booked in regard to the EC readmission agreement negotiations with Russia for which the Commission received the official authorisation from the Council in September 2000. As a result of the political agreement reached on the Kaliningrad transit issue at the EU-Russia summit in November 2002, Russia was ready to launch formal negotiations. The first round of negotiations took place in Moscow on 23 January 2003 and the second round was held in Brussels on 27/28 February 2003. A date for the next round of negotiations in Moscow has not yet been finally established.

2.9. China

In the 1998 Commission Communication 'Building a Comprehensive Partnership with China' special attention was paid to the issues of illegal immigration and international crime. The tragedy in Dover of June 2000, in which many illegal Chinese migrants lost their lives underlined the importance of opening a dialogue on migration issues with China. The Chinese have given clear political signals that they are willing to conduct a dialogue with the EU in this field. Accordingly, during the meeting with President Prodi on 11 July 2000 the Chinese Prime Minister Zhu Rongji addressed the issue of illegal immigration and the need for co-operation between China and the European Union and it was agreed to start High Level Consultations between China in order to explore possibilities for dialogue and concrete co-operation aimed at combating illegal migration and trafficking in human beings. Three High

Level Consultations were held in 2001 and 2002, through which the EU and China have managed to identify concrete areas of interest.

In addition, in line with the EU-China Summit of September 2000 during which the two sides agreed to deepen co-operation to combat illegal migration and trafficking in human beings, the Commission has made financial assistance available in the 2002-2004 NIP for activities to combat illegal migration in China.

With regard to improving the joint dialogue on migration issues it is worth mentioning that a seminar was held in Beijing in November 2002 that allowed for further identifying issues for concrete co-operation. During this seminar, administrative co-operation and research and information were, inter alia, identified as key areas for the future project on illegal migration. The Commission has put forward a proposal for a framework to be used as a basis for the co-operation programme. The launch of initial concrete co-operation projects is planned for the end of 2003. This first phase will include a study visit of Chinese officials in Europe and four seminars. Two seminars are to be organised. One by the UK (in China) and the other one by the Netherlands (in Europe) both on forged documents; one seminar is to be organised by the Netherlands on biometrics and one seminar is to be organised by the UK on return. On the basis of these activities and results obtained, further actions will be defined and undertaken. This co-operation will, where possible, build on the experiences of Member States in co-operating on illegal migration matters with the Chinese.

The Commission received the authorisation to open negotiations for an EC readmission agreement with China on 28 November 2002. It is currently seeking to launch explanatory discussions with a view to enter into formal negotiations as soon as possible. In order to facilitate the reflection process on the Chinese Side, the Commission is planning to hand over the draft text of a possible future readmission agreement with China shortly. In the context of ongoing negotiations of a Community Authorised Destination Status Agreement (ADS) with China, the Commission is trying to obtain a readmission clause within the text of the agreement.

Regional approach for Asia

Regional co-operation on migration is one of the main elements of the ASEM co-operation framework. During the ASEM Ministerial Conference on Co-operation for the Management of Migratory Flows in April 2002, which resulted in a political declaration on migratory flows (the "Lanzarote Declaration") ASEM partners agreed to further explore co-operation and to continue sharing information on the management of migratory flows, the fight against criminal organisations in the field of trafficking and smuggling of human beings and return issues. To that end, a network of contact points for co-ordination and preparation, meetings at expert level, joint initiatives and future ASEM meetings at Director-General level of Immigration services would be established.

After the adoption of the Council conclusions of 18 November 2002, concrete follow-up has been given to the Lanzarote Declaration. A meeting on Director-General level of Immigration services took place in Copenhagen on 11-12 December 2002 which allowed for the establishment of a network of contact points and further discussion on illegal migration flows as well as on return issues. In addition, at the invitation of Japan, the Commission on 24 and 25 February attended a seminar in Tokyo on

document examination. China has volunteered to organise the next DG meeting in 2003. Due to the current health conditions no final date has yet been established. Preparations for further follow-up to the meeting in Copenhagen on 11-12 December 2002 is ongoing. This includes, inter alia, the organisation of expert meetings on information campaigns, migratory trends and best practices in migration flow management and return issues. A seminar on detection of false, counterfeit and falsified documents is equally envisaged.

3. CONCLUDING REMARKS

Since the adoption of the Council conclusions on 18 November 2002 calling for an intensified co-operation on the management of migration flows with third countries, the Community has put a lot of effort into giving a swift follow-up to the implementation of these conclusions. The Community has further developed its dialogue with all the countries identified by the Council and there are good prospects that concrete co-operation will be further intensified in the near future. First contacts were made with Libya with the prospect of further discussions on combating illegal migration.

No doubt the efforts aimed at intensifying the dialogue and the co-operation with these countries will continue, at not only a bilateral but also a regional level. The implementation of the migration part of the regional co-operation programme in the framework of the Barcelona process will strengthen the basis for future co-operation on migration in the Mediterranean region. Further deepening of the South Eastern Europe Co-operation Process (SEEC) and the activities within the Stability Pact and in particular the Migration, Asylum and Refugee Return Initiative (MARRI) will no doubt help to promote the regional co-operation in which countries like Albania and Serbia and Montenegro participate. The ASEM process will provide a good basis to further develop the dialogue and co-operation between the European Union and the countries of Southeast Asia, including China.

It however needs to be underlined that there are many countries of origin and transit that are important with regard to migration and with which the Community and its Member States are to develop a comprehensive policy. Intensifying the co-operation with the nine countries identified by the Council needs to remain part of the wider efforts undertaken by the Community to integrate migration issues in its external policy, along the orientations proposed by the Commission in its Communication of 3 December 2002 on integrating migration issues in the EU's relations with third countries.

In addition, the integration of migration aspects in the external action of the Community must be part of a comprehensive approach at EU level and should respect the overall coherence of EU external policies and actions. In line with its intentions expressed in the Communication of 3 December 2002, the Commission is using the 2003 mid-term review of the Country Strategy Papers as a way to examine the extent to which greater priority should be given to specific programmes relating to migration, on a country by country basis and in the framework of the programming dialogue. Work is progressing well and it is expected that, with the exception of Libya, migration will be an integral part of the Strategy Papers for all the countries

that were identified by the Council in its November conclusions by the end of this year.

In the implementation efforts of the November 2002 conclusions, the Commission services have taken the initiative to convene expert meetings with the aim to draw the elements that need be taken into account in the process of integrating migration in the external relations of the EU with the third countries concerned. These meetings allowed for a fruitful exchange of views on the situation in the countries concerned, the co-operation activities undertaken by the Community, the Member States and various relevant International Organisations and the further development that could take place. It is the intention of the Commission services to continue this kind of meetings, which could also be useful in terms of overall co-ordination and complementarity between the actors concerned.