



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 11 November 2005

14310/05

LIMITE

**ASIM 50
DEVGEN 210
RELEX 623**

NOTE

from : Presidency
to : Permanent Representatives Committee

No. prev. doc 13975/05 ASIM 49 RELEX 586

Subject : Draft Council Conclusions on Migration and External Relations

1. On 5 September 2005, the Commission presented to the Council a Communication on Migration and Development: Some concrete orientations and on 28 July 2005, a Communication on the monitoring and evaluation mechanism of third countries in the field of the fight against illegal immigration.
2. At the Informal Ministerial JHA meeting in Newcastle on 8 and 9 September 2005, the Presidency, supported by the Commission and the Ministers, stressed the priority to be given to strengthening relations with Africa, in particular on migration and related development issues.
3. Drawing on the above-mentioned elements, the Presidency submitted a set of draft conclusions on Migration and External Relations to the High Level Working Group on Asylum and Migration (HLWG), with a view to having a discussion on these issues within the General Affairs and External Relations Council (GAERC).

4. The HLWG examined these issues several times, and the text resulting from the discussion at its last meeting, on 10 November 2005, is set out in the Annex to the present note.
5. The Permanent Representatives Committee is invited to examine the pending scrutiny reservations with a view to having the draft Conclusions adopted by the GAERC on 21 November 2005.

Draft Council Conclusions
on Migration and External Relations¹

The Council,

- *recalls* the Conclusions of the Tampere European Council on 15 and 16 October 1999, which stressed the need for a comprehensive approach to migration and asylum and which designated partnership with third countries a key element for the success of such an approach,
- *recalls* that the comprehensive plan to combat illegal immigration and trafficking of human beings in the European Union, adopted by the Council on 28 February 2002 and based on the Commission's Communication of 15 November 2001 on a common policy on illegal immigration, states that readmission and return policy is an integral and vital component of the fight against illegal immigration,
- *recalls* the Conclusions of the Seville European Council on 21 and 22 June 2002 regarding the integration of immigration policy into the Union's relations with third countries,
- *recalls* the Conclusions of the Council on 19 May 2003 on *migration and development*, which underlined the key principles on which migration and development are based, and which encouraged complementarity between development and migration related policies,
- *recalls* the Conclusions of the Thessaloniki European Council on 19 and 20 June 2003 and the Conclusions of the Council on 8 December 2003 on the establishment of a monitoring and evaluation mechanism of third countries in the field of the fight against illegal immigration, which underlined the necessity to carry out a systematic assessment of relations with third countries which do not cooperate in combating illegal immigration and the importance of developing an evaluation mechanism to that end,

¹ **BE, DE, EL, FR, MT** and **SE**: general scrutiny reservation.

- *recalls* the Hague Programme, adopted by the European Council on 4 and 5 November 2004, which underlined that policies which link migration, development cooperation and humanitarian assistance should be coherent and be developed in partnership and dialogue with countries and regions of origin,
- *recalls* the Conclusions of the Council and of the representatives of the governments of the Member States meeting within the Council on *Accelerating progress towards attaining the millennium development goals* on 24 May 2005, which noted the Council's commitment to strengthening the EU-Africa dialogue and the strategic partnership with Africa to which the EU committed itself, in the Cairo Summit of 2000,
- *recalls* the Conclusions of the Brussels European Council on 16 and 17 June 2005, which welcomed the increase in dialogue and cooperation between the EU and all African countries, made possible by the affirmation of the African Union as the political framework able to put forward African responses to the challenges of development, and which invited the Council to draw up a long-term global strategy towards Africa in the light of the UN Summit with a view to the European Council in December 2005,
- *recalls* the Conclusions of the Council on 7 November 2005 on *Regional Protection Programmes*, which recognised that such programmes are a first step in improving access to protection and durable solutions for those in need of protection, as quickly and as close to their home as possible, and which reiterated the importance of working in close partnership and cooperation with third countries in regions of origin and transit in developing situation specific and protection oriented Regional Protection Programmes.

and adopts the following conclusions:

1. The Council reaffirms the importance for the EU to increase its efforts on migration internationally, working in partnership with third countries. The Council recognises the importance of taking a balanced and comprehensive approach to migration, and the need to enhance the benefits of migration for both third countries and the EU as well as migrants themselves, whilst ensuring co-ordinated action against illegal migration, trafficking in human beings and people smuggling. It further recognises the need to protect the human rights of migrants, particularly women. The Council reiterates the value of joining up work in the field of migration and external relations across interior affairs, foreign affairs and development.
2. The Council acknowledges that migration can be an essential part of the development agenda and development policy. In this regard, the Council welcomes the Commission's Communication of 1 September 2005, *Migration and Development: Some concrete orientations*, as a significant first step to enhancing the coherence of the external dimension of the EU's migration policy with the EU's development policy. The Council notes that the links between migration and development are complex, but that migration, when managed effectively, can have a substantial positive impact both for the host country and for the country of origin. The Council invites the Commission to play an active role in promoting an integrated and coherent approach to migration and development, including encouraging the involvement of migrants themselves¹.
3. As a first step, the Council will support Commission efforts to give concrete expression to the orientations contained in its Communication, in particular as regards migrant remittances, diaspora and 'brain drain' issues. The Council agrees on the importance of safer, easier and cheaper channels for remittances, and of enhancing their developmental impact, bearing in mind their private nature, and on the need to facilitate the role of diaspora as agents of development in their home countries, recognising the importance of early actions which promote integration in this regard.

¹ **FR** scrutiny reservation: would like the co-development concept to be included.

4. The Council invites the Commission to establish appropriate arrangements for Member State experts on migration and on development to continue examining the Communication and share best practice. The Commission, in cooperation with Member States, should take measures to begin early implementation of the proposals contained in the Communication, and should regularly report back to the Council on progress made. In this context, the Council invites the Commission to further develop its ideas on temporary and circular migration and return for consideration by Member States, in particular in light of the discussion underway on the Green Paper on economic migration, and how to mitigate the negative impact of ‘brain drain’ on vulnerable sectors. Recognising the relevance of migration as an element of development for all actors involved, the Council looks forward to the action plan on economic migration to be presented by the Commission before the end of 2005. The Council also invites the Commission to make migration and development issues an integral part of the dialogue, partnership and cooperation with interested countries or their regional organisations, on the terms proposed in the Hague Programme¹.

5. The Council notes the need for an approach addressing regional and Pan-African dimensions of migration so as to facilitate dialogue and cooperation between countries of origin and transit and the EU. The Council agrees that work should cover a broad and balanced agenda, including a long-term strategy to address the causes of migration. The Council believes this should be based on a case-by-case approach, with the EU working together with African states to identify gaps where the EU could assist their efforts on migration and asylum issues. The Council supports the inclusion of migration management measures in the comprehensive EU Strategy for Africa that the European Council is expected to approve in December 2005.

¹ **DE:** scrutiny reservation regarding the wording on economic migration.

6. The Council urges the Commission to further develop dialogue and cooperation with key countries of origin and transit and relevant regional organisations in Africa, working closely with Member States. Such dialogue and cooperation could include issues such as building capacity for managing migration, improving channels for remittance flows, raising awareness about legal channels for migration, addressing 'brain drain' issues, enhancing refugee protection and access to durable solutions (including via Regional Protection Programmes), fighting illegal immigration and combating trafficking in and smuggling of human beings, and ensuring return¹.
7. The Council welcomes the Commission's Communication on the *monitoring and evaluation mechanism of third countries in the field of the fight against illegal immigration* of 28 July 2005, which is a first step in implementing measures to combat illegal immigration, as requested by the European Councils of Seville and Thessaloniki. The Council agrees that it is important to provide a benchmark against which to measure the effectiveness of cooperation to combat illegal immigration, and to highlight the areas where further work is necessary. The Council invites the Commission to continue the monitoring and evaluation process, refining the mechanism and identifying relevant countries in close cooperation with Member States, and ensuring coherence with the EU Country and Regional Strategy Papers. The Council invites the Commission to present its next monitoring and evaluation report to the Council by December 2006.
8. The Council notes that the Cotonou Agreement, Stabilisation and Association Agreements, Neighbourhood Action Plans and Euro-Mediterranean Association Agreements already provide for dialogue and cooperation on a broad range of migration-related issues. The Council supports the increased focus on migration within the framework of the Barcelona Process in order to promote a comprehensive approach to the efficient management of migration flows. In this regard the Council welcomes the reinforcement of cooperation on migration issues, including return management², between the EU and its neighbours.

¹ The Commission would recommend inserting "ensuring effective and sustainable return".

² **Cion**: scrutiny reservation.

9. The Council welcomes steps to increase engagement by the EU on migration issues with international and regional bodies. The Council notes the work done by the Global Commission on International Migration (GCIM) and its report published on 5 October 2005. The Council invites the Commission to make an analysis of the recommendations of GCIM, taking into consideration the EU's current efforts and policies on migration issues, to allow a fully-fledged contribution and participation of the EU in the follow up to GCIM's work. This will serve as a contribution to the EU's input into the UN High Level Dialogue on Migration and Development in 2006. The Council recommends that the EU and Member States continue to contribute actively to the debate on the linkages between migration and other policy areas at the international level.

10. The Council notes that work is ongoing in the Commission and Council to meet the Hague Programme's objective for agreement of a strategy covering all external aspects of the Union's policy on freedom, security and justice by the end of 2005. This strategy should reflect the balanced approach to migration and incorporate the priorities identified by the Council in these Conclusions.

11. The Council emphasises the importance of reflecting adequately migration-related issues in the external relations policies as well as in the overall policy framework of the EU and its financial appropriations. The EU must also be able to achieve its objectives on migration with respect to third countries. In order to ensure that the EU will be able to live up to its political commitments, the importance of structured programmes on migration management should be duly taken into account, as a matter of priority, in the new financial instruments, with a clear form of management that allows funds to be accessed easily¹.

¹ **DE:** scrutiny reservation on financial aspects.