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From:	Presidency
To:	Permanent Representatives Committee
Subject:	The future of the High-Level Working Group on Asylum and Migration (HLWG) - Contribution to the evaluation by COREPER

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The HLWG was established by the Permanent Representatives Committee (COREPER), upon an initiative by the Dutch delegation, following the entry into force of the Treaty of Amsterdam (13344/98)<sup>1</sup>. The HLWG was set up with the objective of establishing a common, integrated, cross-pillar approach targeted at the situation in the most important countries of origin of asylum seekers and migrants. The HLWG was in particular tasked with the preparation of Action Plans for some specific countries, with a view to implementing an integrated European cross-pillar approach.

In 2002, the Terms of Reference of the HLWG were modified (9433/02). This new text restated the role of the HLWG for developing a strategic approach and a coherent and integrated policy of the European Union for the most important countries and regions of transit of asylum seekers and migrants, without geographical limitation. In this framework, the HLWG was tasked to analyse and monitor migratory trends, from a numerical as well as from a thematic point of view, and propose measures and take initiatives, including, whenever required, the establishment of new Action Plans, to manage migratory flows in common.

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<sup>1</sup> Its Terms of Reference are set out in doc. 5264/1/99 REV 1.

Since the definition by the European Council, in 2005, and the subsequent development of the Global Approach to Migration, which later became the Global Approach to Migration and Mobility ('GAMM'), the HLWG has focused its activities on this Global Approach. In its Conclusions of May 2012 (9417/12), the Council recognises the GAMM as the overarching framework of the EU external migration and asylum policy; it defines the modalities of the dialogue and cooperation of the EU in the area of migration and mobility with third countries and regions; and reaffirms the need to ensure strong links and complementarity between the external and internal dimension in EU policies. In these Conclusions, the Council also recognises the High Level Working Group on Asylum and Migration as the central steering forum for strategic discussions and initiatives in relation to the Global Approach and to prepare the ground for concrete actions of implementation, where appropriate, in consultation with other Council working parties.

In its Conclusions on the implementation of the Global Approach, of April 2014 (8443/14), the Council reiterated the HLWG's role as the central steering forum for strategic discussions and initiatives in relation to the GAMM and for preparing the ground for concrete actions of implementation, including the identification of relevant priorities and countries, in consultation, where appropriate, with other relevant Council working parties (8443/14).

At its meeting on 21-22 October 2014, the HLWG was invited to consider its role and its future perspectives on the basis of a paper submitted by the Italian Presidency. After this initial discussion, pursued at its meetings on 12 November and 8 December 2014, the Presidency taking into account oral and written comments from delegations prepared the annexed contribution for a broader evaluation of the mandates and working methods of the Council preparatory bodies in order to better coordinate the work of Home Affairs and Foreign Relations working parties to be undertaken by COREPER.

COREPER is therefore invited to consider the attached contribution.

**FUTURE OF THE HIGH-LEVEL WORKING GROUP  
ON ASYLUM AND MIGRATION (HLWG)**

**Introduction**

The HLWG was set up in December 1998 by the General Affairs Council, at a very early stage of the development of an integrated EU policy in the field of migration and asylum. The idea behind the establishment of the HLWG was to define a common EU approach towards third countries of origin and transit of migratory flows.

The mandate of the HLWG was adopted in 1999. Since then several relevant changes intervened in the internal and external dimension of the EU migratory policies including the entry into force of the Treaty of Lisbon. For this reason the Presidency considers it appropriate to start a discussion about a possible revision of the mandate of the HLWG also in light of similar exercises being carried out in CATS and SCIFA.

**Contribution to COREPER evaluation**

Since the beginning, the HLWG has played an important role in the framework of the EU relations with partners in the field of migration and asylum, consolidating its expertise in this area. In the first years of its functioning, the HLWG focused on the preparation and update of cross-pillar Action Plans for countries of origin and transit of asylum seekers and migrants (including foreign policy related subjects, development and economic assistance, migration and asylum matters). In 2005, the European Council launched the Global Approach to Migration and Mobility (GAMM), an overarching framework of the EU external migration and asylum policy. Since then, the HLWG has been involved in the development and implementation of the GAMM, both through the elaboration of strategic and programmatic instruments (in particular Council Conclusions) and acting as a steering forum in the dialogues and processes, which were launched on its basis.

The increasing scale and the changing patterns of migratory flows towards the European Union, the humanitarian challenges linked to the unprecedented migratory pressures on the EU, the institutional changes in the structure of the new Commission, with particular reference to the strengthened coordination role on migratory issues of the First Vice President and High Representative of the European Union for Foreign Affairs and Security Policies, underline the need to ensure strong synergies and complementarity between the external and internal dimension in EU migratory policies. All these factors should be taken into account when reflecting on the future perspective of HLWG.

In light of its specific composition, the HLWG, gathering representatives from the Foreign Affairs and Home Affairs Ministries, represents a key instrument to ensure a better co-ordination between EU External Action and Home Affairs policies, assisting COREPER to this end. As the 2014 GAMM Council Conclusions state, the HLWG should continue to perform as “the central steering forum for strategic discussions and initiatives in relation to the GAMM and for preparing the ground for concrete actions of implementation, including the identification of relevant priorities and countries, in consultation, where appropriate, with other relevant Council Working Parties”. Implementation of the GAMM should build on the results achieved so far, with special reference to the specific tools developed (in particular the Mobility Partnerships and the Common Agendas on Migration and Mobility), the Regional Development and Protection Programmes, and the Processes and Dialogues at the level of individual third countries, at regional and continental level. New possible dialogues on Mobility Partnerships and Common Agendas on Migration and Mobility should be identified on the basis of the EU political priorities and of the principle of geographical balance.

Fostering interaction between the HLWG and the geographical working parties forms an essential element in developing stronger synergies and complementarity between external and migration policies and ensures that wider foreign relations concerns are fully taken into account when developing JHA priorities. Due to its consolidated expertise and strategic role on external relations and migration, as well as its specific composition, the HLWG is therefore best placed to improve coordination and consultation with the geographical working parties and ensure the overall coordination and interaction between the internal and external dimension of migration policy.

Given the link between migration and development, enhanced coordination mechanisms with the CODEV should also be explored.

In fulfilling its task, the HLWG should also enhance its coordination and consultation with other relevant Council working parties in the Justice and Home Affairs area, in particular SCIFA, CATS, JAIEX, including, where appropriate, through the organisation of back-to-back meetings. Synergies could be established, when the need arises, between the HLWG and COSI. The HLWG should also pay attention to the operational dimension of the GAMM instruments, dialogues and processes. To this end, the HLWG should be informed by the Commission, in a regular and comprehensive manner, about the financial instruments available to implement the relevant dialogues and processes.

HLWG should also play a leading role in coordination and preparation, in synergy with other relevant EU bodies, of common EU approaches and positions in view of relevant international dialogues/processes/fora on migration in which the EU and its Member States will be involved.

It appears advisable that the HLWG, when streamlining its future working methods, should primarily focus on strategic discussions, while also paying attention, when need be, to the operational aspects of the EU policy in its area of competence. The timing and the preparatory work of HLWG meetings should also be optimised, in order to allow all the actors involved to adequately define their approach and position before the meetings, thus making their outcome and follow-up more efficient. Also, where appropriate, HLWG should be able to call ad-hoc meetings on emerging issues.

### **Follow up**

This is a contribution, agreed by HLWG, which will be submitted to COREPER in view of a possible revision of the HLWG mandate.