



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 23 September 1999**

**11042/99**

**LIMITE**

**MIGR 57**

**OUTCOME OF PROCEEDINGS**

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from : Expulsion Working Party

dated : 15 September 1999

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**1. Adoption of the agenda**

The Danish and Austrian delegations advocated the participation of Iceland and Norway in the discussion of items 2 and 3 of the agenda (see below). The Presidency concurred on the need to involve Iceland and Norway as soon as possible in the discussion of initiatives linked to Schengen cooperation, but stressed that no such initiative was being introduced as yet under items 2 and 3. In the Presidency's view, the consideration of these two items should include a discussion of the appropriateness of convening a Mixed Committee on future initiatives in this area. In addition, the Presidency undertook to inform Iceland and Norway of new developments on these two subjects at the next meeting of the Strategic Committee (Mixed Committee) on Frontiers, Immigration and Asylum.

The Working Party adopted the agenda set out in Telex No 3844 of 10 September 1999, with the addition of the following items under 'Other business' below:

- at the request of the Spanish delegation, 'Influx of migrants from Eastern European countries';
- at the request of the French delegation, 'Meeting on Return and Readmission in the framework of the Budapest process, Paris, 23-24 September 1999'.

2. **Mandate concerning readmission agreements between the European Community and a third country**  
**10795/99 MIGR 54**

The Working Party held an in-depth discussion regarding possible ways forward to contribute to the preparation of future Community readmission agreements.

In some delegations' view, in particular, the content of a readmission agreement is closely linked to the specific country with which it is concluded, and working on a standard agreement might not be the most effective way forward. Others, by contrast, considered that a standard agreement might provide a valuable reference for future negotiations. Some delegations could not yet express their final positions.

Against this background, delegations generally favoured an approach whereby the Commission could usefully receive an indication of the elements to be included in the agreement, while retaining a degree of flexibility in conducting the negotiations. In this framework, the 1994 bilateral specimen agreement, the Schengen agreement with Poland and the Austrian draft agreement could all be used for reference purposes.

It was thus agreed that the Presidency would draw up a discussion paper for the next meeting, containing an outline of the basic elements that the Commission would need for preparing its recommendations for a mandate under Article 300 TEC. As the choice of the third country would be made at a political level at a later stage (possibly at the Tampere European Council), for the time being the Presidency's outline would remain general.

This general set of elements could be subsequently adjusted to take into account the specifics of the selected country. In fact, Member States could inform the Commission of their desiderata with respect to this country. In this connection, the Presidency stressed that Member States may retain their influence on the negotiation throughout the entire procedure. In the first place, it is the Council that authorises the Commission to open the negotiations and issues negotiating directives to that effect. Then, during the negotiation, the Commission may be assisted by special committees appointed by the Council. Finally, the Council concludes the agreement.

Delegations further agreed that the discussion of the Presidency's upcoming paper would take place in the framework of a Mixed Committee with Iceland and Norway.

3. **Discussion paper on guidelines concerning readmission between Member States of the European Community**  
**10504/99 MIGR 53**

Following an extensive exchange of views, and despite general scrutiny reservations entered by some delegations (D, GR, IRL) on the Presidency's discussion paper, it emerged that delegations generally supported the Presidency's views that it would be useful to set detailed rules to regulate the readmission obligations among Member States. There was also broad support for an extensive approach to the matter, to the effect that such rules would be applied, not only in cases where the readmission of third-country nationals is based on a readmission agreement with a third country, but in all situations involving the readmission of third-country nationals illegally residing on a Member State. It was therefore noted that the Presidency would draw up a draft initiative along this extensive approach.

The Working Party, however, could not reach agreement on the issue of whether the discussion of such an initiative should take place in the Mixed Committee with Iceland and Norway or in the Council Working Party. The vast majority favoured the former option, *inter alia* because this matter is covered by Article 23 of the Schengen implementing Convention, and because it is a prerequisite to the effective functioning of an agreement with a third country. The Greek and French delegations, however, entered reservations in view of the far-reaching implications of this issue. The Presidency thus undertook to draw up a note to refer this matter to Coreper for settlement.

In this connection, the French and German delegations mentioned that, at its meeting of 15 September 1999, Coreper had invited the Presidency to prepare a list of all outstanding issues of "Schengen relevancy". The Presidency stressed that it regarded this issue as a matter of urgency, as it wished the discussion on its upcoming initiative to start as early as possible, and concluded that it would refer the matter to Coreper in the best possible way.

In introducing the substantive consideration of its discussion paper, the Presidency stressed that the paper merely provided examples of possible rules for the purpose of an orientation debate, and did not aim at reaching conclusions of any sort. The Presidency took note of the comments made by the Austrian and Swedish delegations.

Most delegations, however, were not in a position to discuss the document in detail. It was therefore agreed that delegations wishing to express comments on the document, or to give other views or ideas on how to draft internal rules among Member States, could do so in writing by 29 September 1999. Such contributions would be used by the Presidency as an orientation for drafting its initiative (see Telex No 3945 of 16 September 1999).

**4. Readmission clauses in Community agreements and “mixed” agreements – draft model clauses**

**7292/99 MIGR 20**

The outcome of the consideration of this item is in 11052/99 MIGR 58.

In addition, the Presidency invited comments from Member States on their experience in this area. The Austrian delegation referred to the General Secretariat's summary report on Member States' practices regarding readmission agreements (see 7668/1/99 MIGR 29 REV 1). The Commission representative further advised delegations that the Commission was carrying out a study of Member States' practices, which the Commission planned to distribute to delegations at the beginning of 2000.

**5. Other business**

- *Influx of migrants from Eastern European countries*

The Spanish delegation reported an increase in the number of Romanians arriving in Spain illegally and generally asking for asylum there, and mentioned difficulties in expelling them, as a large number of these migrants were minors and had a nomadic lifestyle. This delegation referred to previous reports on a massive influx of Roma from the Czech Republic and Slovakia (see 14346/98 CIREFI 74 CIREA 107 and 11056/99 CIREFI 51 CIREA 66), and queried whether other Member States were encountering similar problems.

The Portuguese delegation replied that the influx of Romanians into Portugal had decreased after reaching peaks in 1993 and 1995; in recent times, Portugal was mainly experiencing problems with Ukrainians and Moldovans. The German and Austrian delegations reported serious problems with the repatriation of illegal Roma from Romania. The Belgian delegation reported continuing problems with the illegal arrivals of Slovaks and announced that it would circulate new information within CIREFI in order to update 14346/98.

The Presidency undertook to contact the Chairs of CIREFI and CIREA in order to find the best way of taking the matter forward.

- *Meeting on Return and Readmission in the framework of the Budapest process, Paris, 23-24 September 1999*

The French delegation advised delegations of the details of the above-mentioned meeting (including a change in the meeting venue).

- *Dates of future meetings*

The next meetings were provisionally scheduled for 22 October and 12 November 1999.

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