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THE COUNCIL

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RESTREINT

ASIM 120

**NOTE**

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from : incoming German Presidency

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Subject: Work programme for Steering Group I for the second half of 1994

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Bonn, 20 May 1994

**Subject: Work programme for Steering Group I during the German Presidency**

**Introduction**

The German Presidency will be continuing the work undertaken during the Greek Presidency, with particular reference to the priority work programme for 1994 (JAI 12).

The German Presidency's aim is to press ahead as far as possible with work required on measures to offset the free movement of persons and also to step up home-affairs co-operation on asylum and aliens policy.

In so doing, the German Presidency's programme will be based on the priority work programme for 1994 approved by the Council (Justice and Home Affairs) on 30 November and 1 December 1993. In addition the Federal Republic of Germany will be taking a fresh initiative to grant travel facilities to third-country nationals resident within the Member States.

**A. Migration**

**I. Admission**

The following topics are to be discussed in the Working Party on Migration (Admission):

**Admission of self-employed persons from third countries**

The German Presidency will be submitting a draft Resolution building on previous work during the Belgian Presidency.

### Admission of students from third countries

A draft Resolution will be submitted. The draft is based on work during the Belgian Presidency and a proposal by the Spanish delegation.

### Burden-sharing as regards the admission and presence of refugees from third countries

The German Presidency will be putting forward for discussion a draft Resolution. The aim is to arrive at a Resolution on principles for apportioning refugees among Member States of the European Union. It is not the intention that the draft should merely provide for financial burden-sharing.

## II. Expulsion

The German Presidency intends to have the following topics discussed in the Working Party on Migration (Expulsion):

### Examination of the situation of persons who, for one reason or another, cannot be expelled

It should be established, by means of a questionnaire, under what conditions European Union Member States refrain from expelling such aliens and what rights they grant them.

### Draft bilateral readmission agreement

On the basis of the principles for the conclusion of readmission agreements with third countries, drawn up during the Belgian Presidency, a standard wording for such an agreement should be arrived at.

### Backing-up of readmission agreements by additional arrangements to improve their practical applicability

As a rule, readmission agreements require further detailed arrangements to facilitate the practical application of such agreements by the authorities responsible for readmission. The aim is to reach agreement on a model arrangement, particularly as regards the means by which the crossing of a border can be established.

## Consultation and co-operation in implementing expulsion orders

### – Co-operation between Member States regarding expulsions

Expulsions are at present carried out by all Member States independently of each other at considerable cost. The aim is to reach agreement on concerted action by Member States so as to save on personnel and financial resources.

### – Discussion of the transit problem

Transit of aliens to be expelled runs repeatedly into practical difficulties.

During the German Presidency a common approach should be established on uniform procedures in the following respects:

- . escort by a country's own officers as far as the airport of transit and escort from then on by officers from the transit country;
- . joint escort by officers from the expelling and the transit country;
- . no escort of expellees where escort is necessary only because of transit (supervision during transit by officers from the transit country).

### – Co-operation in obtaining travel documents for expelled aliens to return home

The obtaining of travel documents is vital for expulsion to countries of origin. Papers are issued by the representatives abroad of a number of countries of origin only at a snail's pace, if at all. The aim should be to reach agreement that all Member States will jointly bring pressure to bear on certain countries of origin for the issue of return travel documents. Problem countries can be identified and appropriate measures prepared.

## **B. Asylum**

### Harmonized application of the definition of a refugee under the 1951 Geneva Convention

The German Presidency will take forward the work begun during the Greek Presidency.

Besides issues of substance, the Steering Group will also have to consider the form in which a document on the subject should be approved by the Member States.

### Establishment of minimum guarantees in procedures for examining asylum applications

Here, too, the work begun during the Greek Presidency will be continued. The Steering Group will also have to consider the question of form in this context. It should be ascertained whether use can be made of the new range of instruments available under Articles K to K.9 of the European Union Treaty.

## **EURODAC**

The replies to the questionnaire (9724/93 ASILE 3) are to be assessed. In so doing, consideration should be given in particular to the legal questions to which the replies do not depend on the system architecture to be opted for. In addition the ad hoc Working Party on Eurodac will oversee the consultant's work on a study of user requirements.

### Dublin Convention

The progress of procedures for ratification of the Dublin Convention is to be kept under regular review.

In order to ensure effective implementation of the Dublin Convention in practice, work still outstanding on points of detail should be completed and rules of procedure approved for the Executive Committee during the German Presidency.

### Determining of a common approach by Member States in external bodies

The German Presidency will endeavour to establish a common approach for meetings of external bodies, in particular the UNHCR Executive Committee.

#### **C. CIREA**

Work on the systematic compilation of legislation, practices and statistics in the asylum field will be continued.

During the German Presidency, CIREA meetings should focus on detailed discussion of selected countries of origin. CFSP sources will be asked to supply further joint reports.

#### **D. Visas**

##### Visa policy harmonization

The Presidency will continue the discussions begun during the first half of the year on the Commission proposal for a joint list of countries whose nationals require visas.

##### Travel facilities for third-country nationals

In order to grant travel facilities to third-country nationals resident in a Member State, the Presidency will propose an agreement between Member States whereby they waive visa requirements in the case of such persons for short stays and transit. Such travel facilities for third-country nationals resident in a Member State are already provided for in the draft External Frontiers Convention (Article 8 in conjunction with Article 7). The German Presidency's initiative is designed, as it were, in anticipation of the External Frontiers Convention, to put those provisions into practice as soon as possible.

## **E. External frontiers**

### Draft External Frontiers Convention

The Presidency will continue with discussions on the Commission proposal for the adjustment of the Convention negotiated in 1991 in the light of the Treaty on European Union and the EEA Agreement. In so doing, the further discussions ahead should focus on those amendments which are absolutely necessary.

The Presidency will also endeavour to resolve outstanding issues regarding the territorial scope of the Convention.

Work on implementing provisions for the draft External Frontiers Convention will be continued.

### Adoption of a set of further measures to secure external frontiers

With external frontier controls already having been tightened up considerably in terms of personnel and practical facilities, additional measures to secure external frontiers should be taken as a second stage, without unreasonably affecting passenger traffic.

The following are envisaged in order to achieve that aim:

- further improvements in operational co-operation between border police;
- extension of the means available for more effectively combating the smuggling of persons;
- steps to standardize the attitude taken towards carriers;
- models for the more efficient and faster performance of controls on cross-border traffic at external land frontiers.

## Common border-control handbook

The German Presidency intends to make a start on discussions on the drawing-up of a common border-control handbook in order to ensure effective implementation of the External Frontiers Convention by border-control authorities at the Community's external frontiers.

### **F. CIREFI**

The German Presidency has set itself the target of working for the further development of CIREFI from a mere information and discussion centre into an operational agency via which information flows as a basis for uniform measures to curb illegal immigration into the European Union.

For this purpose it will be necessary in particular to form a picture of national reporting channels and information exchange for the prevention of illegal immigration, in order to devise an international reporting system for a European intelligence and information-gathering agency.

In addition an EU-wide situation report on illegal immigration should be drawn up through the compiling of national general situation reports on:

- illegal immigration flows;
- organized smuggling of persons;
- use of false or falsified travel documents, and
- successful border-control measures.

The German Presidency also intends to establish standard forms of reporting and reporting frequency.

Lastly, efforts will be made to reach agreement on a common working language for the supply of information and the general situation reports to be drawn up.

### **G. False documents**

#### Organization of a 2nd training seminar for instructors of border-control officers in the detection of forgeries and falsifications

It is intended to hold the seminar during the German Presidency.

Feasibility study of the possible introduction of a harmonized image-archiving system for all Member States of the European Union

Continuation of the Working Party's activities with the aim of determining minimum requirements for the design and implementation of an image-archiving system applicable at European level, in particular by establishing technical specifications.

Discussion of the outcome of the special meeting with representatives of third countries

Continuation and stepping-up of the exchange of views and experience in question, in particular holding of further meetings with third-country representatives present as observers and involvement of such countries as participants in EU seminars.

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Brussels, 13 January 1994

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**RESTREINT**

**ASIM 3**

**NOTE OF THE GREEK PRESIDENCY**

Subject: Programme of activities in Sector I (Asylum and  
Immigration) during the Greek Presidency

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The action plan drawn up by order of the European Council of 29/10/1993 and adopted by the Justice and Internal Affairs Council, which met for the first time, since the European Union Treaty entered into force, the 29-30 November 1993, constitutes the basis of the issues which will be promoted during the first half of 1994.

These issues and the groups competent for their examination are the following:

Sector I

Asylum and Immigration

- Treatment of asylum seekers from EC States by EC States (Spanish question)

1. Group "Migration"

a. Admission: Non EEC nationals for employment purposes, students, entrepreneurs, liberal professions.

b. Expulsion:- Consultation and co-operation on the execution of expulsion measures.

- Situation concerning those who cannot be expelled
- Improvement and harmonisation of checks on aliens who are illegally/legally resident.
- Monitoring the return of aliens to sensitive countries
- Illegal immigration-seamen
- Readmission in relation to cooperation agreements.  
(Coreper to examine - Report to Council).

Aspects concerning racism and xenophobia.

2. Group "Asylum"

- Harmonized application of definition of refugee
- Minimum guarantees for examining asylum applications
- Progress on ratification and implementation of Dublin Convention (outstanding matters).
- Common action based on resolutions concerning obviously unfounded applications and host third countries.
- Elaboration of common positions in negotiations with international organisations (e.g. Council of Europe - United Nations e.t.c)
- Informal contacts with third countries interesting to a Convention parallel to the Dublin one.
- EURODAC setting up - Consultants report.

3. Group "Visa"

- Examination of Commission proposal under Article 100c
- Third countries nationals requiring visa
- Acceptable/not acceptable travel documents
- Common visa

4. Group "External Frontiers"

- Examination of Commission proposal for a revised Convention
- Application of the Draft Convention - outstanding matters
- Pursue Commission study concerning strengthening of infrastructure on external frontiers.

- Possibility of drawing up a common handbook for use of control authorities.
  - Updating the work on titles of residence
5. Group "Forged Documents"
- Pursue feasibility study on archiving and transmission of forged documents images.
  - Seminar on false documents
  - Continuing work of Editorial Board on the Forgery Bulletin.
6. CIREFI           Transmission and exchange of information
7. CIREA            On going work
8. Horizontal Group
- Continuing the work regarding the establishment and operation of the European Information System.