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NOTE

from : Presidency

to : COREPER

Subject: Exchange of information in the fields of asylum and immigration

Delegations will find below a draft text on improvements to the information system on asylum and immigration. The aim is to submit this document to the Council for information in accordance with the note in 10295/2/97 ASIM 162 REV 2.

**COLLECTION, PROCESSING, ANALYSIS AND EXCHANGE OF INFORMATION
IN THE FIELDS OF ASYLUM AND IMMIGRATION**

Introduction

1. With regard to asylum and immigration, there is a very large amount of data that are practically or potentially available. However, these data are not very often processed and analysed to make them directly relevant for in-depth discussion or decision-making. This holds in particular for statistical data which are generally difficult to compare since the methods of compiling such data differ between Member States. Information from other sources, notably international and non-governmental organizations and academic institutions is even less frequently used in this regard. This can primarily be explained by a lack of accessibility.
2. This note contains a number of guidelines for ensuring a smooth and efficient way of making such relevant information available to the Council's working groups. A distinction is made in this respect between statistical information (whether confidential or not), confidential non-statistical information (generally, information from Member States) and public non-statistical information (both from Member States and from other sources).
3. The present note is based purely on the actual arrangements as laid down in Title VI of the Treaty on European Union. In this respect, it should be noted that the General Secretariat of the Council generally supports delegations and in particular the Presidency in preparing the Council's work, whereas the Commission is fully associated with the work on Justice and Home Affairs and has a right of initiative in the fields of asylum and immigration which it shares with Member States, as provided for in Article K.3(2) of the TEU.
4. The provisions of the Amsterdam Treaty are likely to offer new ways of improving the exchange of information. They should therefore be examined again after that Treaty has entered into force.

9. The advantage of such an arrangement could be that it would alleviate the tasks of the Council Secretariat, which could then have the opportunity of devoting its resources to its other responsibilities e.g. the preparation of its first analysis of the material processed by the Commission's Statistical Office or of non-statistical contributions by Member States which would constitute the basis for an in-depth analysis to be carried out by the relevant Council working groups.
10. A distinction should be made between on the one hand statistical information concerning asylum and legal immigration and on the other hand statistical information on illegal immigration and false documents.
11. In light of the fact that the Commission's Statistical Office already has sufficient experience with the collection and processing of statistics with regard to asylum and legal migration, it seems logical to use this expertise for the benefit of the competent Council working groups, it being understood that the Commission stands ready to submit to Member States upon their explicit request any statistical material received from Member States. The Commission is invited to submit a plan of action in this regard, which foresees the collection and processing of these data by its Statistical Office, as well as the time scales for providing and distributing these data while fully taking into account the needs identified by CIREA and the Asylum Working Group as well as by CIREFI and the Migration Working Group (insofar as the latter deal with legal migration) with regard to the nature of statistical data to be collected and processed, the precise objectives of the processing and the confidentiality of certain data. On the basis of the data processed by the Commission, Member States (who could be assisted in this respect by the Council Secretariat) or the Commission might produce preliminary analyses which could then usefully be discussed by the competent Council working groups. Since these data often do not maintain their confidential nature after having been processed they could be made available to the public or third countries unless CIREA or other relevant working groups oppose it. It should be remembered in this connection that the Council is to take a decision on the confidentiality of documents as soon as possible and that no proposed new working practice will be applied until the general confidentiality criteria have been adopted.

Confidential non-statistical information

13. As far as non-statistical information from Member States is concerned, it is not always evident whether this information should be considered confidential or not. In the past, information which was publicly available at the national level sometimes became confidential by its mere transmission to one of the Council's Working Groups. Also, information from one Member State may be considered confidential, whereas another Member State would consider its own submissions, although comparable in nature, to be public information. Especially in the context of CIREA and CIREFI, a careful reappraisal of the criteria for confidentiality seems desirable and is, in part, already being undertaken. In this respect, attention should be drawn to the need for as much transparency as possible by limiting confidentiality to those cases where it is strictly necessary.
14. It seems justified to assume that there will always remain a certain amount of information that will have to be considered confidential. The collection and preliminary analysis of such information should be attributed to the Secretariat General of the Council, as it is already. While analysing this type of information, the Council Secretariat will also have to take into account any non-confidential information, either from Member States or from other sources, whenever relevant.
15. The type of confidential information to be exchanged will have to be further defined by the relevant Council working groups. On the one hand, this will be determined by the mandates of CIREA and CIREFI, the review documents ⁽¹⁾ and, as to CIREA, the ongoing discussion on the basis of a questionnaire which was recently sent to Member States. On the other hand, each of the working groups of Steering Group I will also have to take stock of the relevant information to be exchanged, for example, by taking into account the various monitoring decisions approved by the Council. It will be necessary to plan these information exchanges carefully so as to avoid overburdening both national authorities and the Council Secretariat.

⁽¹⁾ 9584/3/96 CIREA 33 REV 3 + COR 1
10351/2/96 CIREFI 23 REV 2 + COR 1

Exchange of information with third countries

18. The following arrangements do not affect the status of CIREA and CIREFI or their respective rules and working methods. They have the sole objective of enhancing the present structured dialogue with the associated countries and contacts with other third countries.
19. Since the number of contacts with third countries has rapidly increased, it seems necessary to develop a proactive approach clearly defining the type of information which serves a direct interest of either the Union or the third countries concerned and to organize the exchange of information efficiently.
20. In developing its external relations with third countries, the Union has emphasized the importance of contacts with the associated countries of Central and Eastern Europe, including the Baltic States, as well as with Cyprus in the context of the pre-accession strategy. As a consequence, it seems desirable to concentrate exchange of information first of all on these countries.
21. It would be desirable to step up the number of meetings of CIREFI experts with experts from the associated countries and also to organize comparable meetings in the context of CIREA. Such meetings should be well prepared and be accompanied by a continuous flow of information from and to the associated countries. At this moment, a great amount of information from the associated countries has already been collected, processed and sometimes analysed in the framework of CIREFI. Such is not yet the case for asylum-related information, although the structured dialogue under the Netherlands Presidency has provided a certain amount of information on the state of play with regard to asylum in the associated countries. However, hardly any information on Member States' policies and practices is passed on to the associated countries. In preparing for accession, the associated countries have expressed a great interest in receiving such information on a regular basis. CIREA and CIREFI should therefore develop a proposal for a systematic and efficient exchange of relevant information of this nature.

22. As far as public information is concerned, the Commission has expressed the idea of extending its network of asylum and immigration experts to the associated countries. In this way, its data bank could be enlarged to include information concerning these countries.
23. The exchange of statistical information could be made more efficient and effective by making use of the expertise present within the Commission's Statistical Office. The Commission is invited to include suggestions for this purpose in its plan of action (see paragraph 11). The informal group of experts referred to in paragraph 12 is invited also to pay particular attention to the information exchange with the associated countries.
24. Of course, contacts with certain other third countries are also of political importance. In this respect, reference can be made to the contacts with the USA and Canada, with the Mediterranean countries and with Russia and Ukraine. In all these cases, there has been political agreement to engage in a dialogue on asylum and immigration issues. It is necessary, however, to avoid overburdening the Member States' competent authorities, the Council Secretariat and the Commission. However, the working methods to be used in this respect should not differ from the general approach outlined in the previous paragraphs, i.e. exchange of public and statistical information through the Commission and exchange of other information through the Council Secretariat.
