



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 5 November 2002

13754/02

**ASIM 46
RELEX 216**

NOTE

from:	the Presidency
to:	Permanent Representatives' Committee
Subject :	Draft Council conclusions on intensified cooperation on the management of migration flows with third countries

The Permanent Representatives' Committee will find attached the draft Council conclusions on intensified cooperation on the management of migration flows with third countries established by the Presidency following the High Level Working Group on Asylum and Migration meeting on 29 October 2002 and the JHA Counsellors' meeting on 4 November 2002.

DRAFT COUNCIL CONCLUSIONS
ON
INTENSIFIED COOPERATION ON THE MANAGEMENT OF
MIGRATION FLOWS WITH THIRD COUNTRIES¹

1. In accordance with the conclusions of the European Council at Tampere, an integrated, comprehensive and balanced approach to tackle the root causes of illegal immigration must remain the European Union's constant long-term objective. The European Council of Seville on 21-22 June 2002 highlighted the integration of immigration into the Union's relations with third countries and the importance of intensified cooperation with third countries for the management of migration, including the prevention and combating of illegal migration and trafficking in human beings. Recalling the Council conclusions of 15 October 2002 regarding urgent implementation of the conclusions of the European Council at Seville concerning the prevention and combating of illegal migration and trafficking in human beings, the Council welcomes work in progress and in planning pursuant to the Seville conclusions to carry forward dialogue and initiate operational projects with third countries.
2. Since Tampere, the EU - in cooperation with the relevant third countries – has integrated several issues related to migration in its long-term cooperation policy. The migration issue has been successfully put on the agenda of the dialogue between the EU and various countries, and substantial direct and indirect Community assistance has been programmed to support third countries in their efforts to address legal and illegal migration.

¹ F linguistic reservation.

3. Recalling the Seville conclusions regarding cooperation with third countries of origin and transit to jointly combat illegal immigration, the Council wishes to intensify EU partnership cooperation with countries and regions of particular relevance. The Council underlines that the overall objective of the initiatives taken is to offer strengthened cooperation² with such countries within the migration field in order to further improve the capacity of these countries to fulfil their roles in the international endeavours to deal with the many-faceted problems caused by illegal migration.
4. Taking account of the Council conclusions of 25-26 April 2002 regarding criteria for identifying third countries with which new readmission agreements need to be negotiated, the following set of criteria has been used to identify countries of origin or transit, with whom the Council considers that intensified cooperation should be established:
- Nature and size of migratory flows towards the EU
 - Geographical position in relation to the EU
 - Need for capacity building concerning migration management
 - Existing framework for cooperation
 - Attitude towards cooperation on migration issues.

² **Cion's** scrutiny reservation. The **Cion** is concerned by the fact that "offer strengthened cooperation" could imply new costs and recalled that, according to the Seville conclusions, "the European Community will have to be allocated the appropriate resources, within the limits of the financial perspective".

5. Based on these criteria, the Council considers it important that intensified co-operation is developed, in the first instance, with the following countries with which there is existing cooperation capable of forming a basis for further progress: Albania, China, the Federal Republic of Yugoslavia, Morocco, Russia and Tunisia³. It is stressed that the importance of migration issues with regard to these particular countries implies that further cooperation⁴ is not only desirable, but essential. The Council also considers it important to initiate cooperation with Libya. Finally, the Council considers it important to continue and further strengthen cooperation with the EU candidate state Turkey, given its geographical position⁵. The Council underlines that, where relevant, a regional approach will be pursued, with an emphasis on the neighbouring countries.
6. Based on the above list, the Council agrees that a comprehensive dialogue shall be pursued with each individual country with a view to strengthening cooperation. The initiatives taken shall be based on a country-specific needs assessment conducted in consultation with the countries in question. Furthermore, the Council will come back on this item by May 2003 on the basis of a progress report, drafted by the Commission.
7. Taking into account the considerable efforts already made to integrate the JHA issues in the EU external relations, the Council stresses the political importance of continuing and developing these efforts to fully integrate the external dimension of the JHA issues in the existing and future relations of the EU with third countries. Therefore, all existing or future comprehensive dialogues pursued with the identified countries should, where relevant, include subjects such as return, readmission and documentation, implementation of agreements on management of migration flows, preventive policies and technical assistance geared towards institutional capacity building. The Council and the Commission shall, within the remit of their respective powers, continue to ensure this integration of migration into the external relations of the European Union and to cooperate with relevant international organisations and processes⁶.

³ **FIN** scrutiny reservation on the naming of specific third countries. The **Cion** shares the Finnish views.

A scrutiny reservation on the third countries mentioned.

⁴ See footnote No. 2. Same **Cion's** concern as regards the meaning of "further cooperation".

⁵ **EL** scrutiny reservation.

⁶ **I** scrutiny reservation.

8. Recalling the conclusions of the European Council in Seville, which urged that any future cooperation, association or equivalent agreement which the European Union or the European Community concludes with any country should include a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration, the Council considers it essential that such a clause should contain the following elements:
- An in-depth dialogue on the issue of migration.
 - Joint management of migratory flows to provide a fair treatment of third country nationals, who reside legally on the territories of the parties, including integration policy, enhancing non-discrimination in economic, social and cultural life and developing measures against racism and xenophobia.
 - Taking account, in the framework of national strategies for economic and social development, of structural constraints associated with migratory flows with the purpose of supporting the economic and social development of the regions from which migrants originate.
 - Joint examination of issues arising from illegal immigration with a view to establishing, where appropriate, the means for a prevention policy.
 - Respect of the rights and dignity of illegal immigrants relating to the procedures for their return, as well as granting the administrative facilities⁷ necessary in that respect.

⁷ EL scrutiny reservation re "administrative facilities" (this should not include funding resources).

- Cooperation in order to prevent and control illegal immigration. To this end, the parties shall undertake:
 - Upon request and without further formalities, to readmit any of their nationals illegally present on the territory of the other party, to provide their nationals with appropriate documents and to extend to them the administrative facilities⁸ necessary for such purposes.
 - At the request of either party, to initiate negotiations aiming at concluding, with due regard for relevant rules of international law, an agreement governing specific obligations for the readmission and return of their nationals. These agreements shall also cover, if deemed necessary by the European Union, arrangements for readmission of third country nationals and stateless persons.

The European Union will, where relevant, be ready to consider the provision of adequate assistance to implement such clause.

⁸ See footnote No. 7.