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From: Presidency
To: Permanent Representatives Committee/Council
Subject: Asylum and migration: external dimension
– Discussion paper

Managing migration effectively is a European challenge that requires a collective European response. Alongside internal aspects, in particular the conclusion of the legislation which forms the Pact on Migration and Asylum, the further strengthening of cooperation with key countries of origin and transit is crucial. The increase in arrivals to the EU in recent years and the subsequent pressure on migration and asylum systems have reminded us of the importance of continuing such efforts so that we are able to respond more efficiently to those challenges in a preventive and proactive manner.

A comprehensive approach to migration requires a combination of increased external action, more robust and efficient funding, mutually beneficial comprehensive partnerships with countries of origin and transit, addressing the root causes of irregular migration and forced displacement, boosting the protection and border management capacities of transit countries as well as opportunities for legal migration, more effective protection of EU external borders, fighting organised crime including migrant smuggling and trafficking in human beings, addressing the instrumentalisation of migration and stepping up returns and readmission cooperation.

The European Council and the Council of the European Union, together with the European Commission and the European External Action Service, have focused on enhancing the external dimension of the EU's migration policy, particularly since the migration crisis in 2015. Since that time, cooperation with third countries has evolved within different frameworks such as the Global Approach to Migration and Mobility (GAMM), the European Agenda on Migration and the Migration Partnership Framework as well as, most recently, mutually beneficial partnerships as proposed in the Pact on Migration and Asylum.

To strengthen the external dimension of migration, all resources, policies, tools and instruments should be pulled together strategically, and the EU and the Member States should work following a Team Europe spirit: striving for coherence is key, and it should be pursued at all levels, across institutions and Member States.

Building on that, the Spanish Presidency considers that additional efforts are needed at political, operational and financial levels. In this regard, Ministers are invited to express their views on two aspects: the reinforced implementation of existing tools based on a preventive and proactive model, and the adequate financing of actions in this field.

Optimising the implementation of the EU toolbox in accordance with the preventive model

Discussion at the JHA Council on 28 September 2023 revealed overall support for the Spanish Presidency's suggestion of applying a more preventive model in the practical response to irregular migration, as well as agreement that there is a need to enhance the proactive approach.

All EU actors, EU institutions and Member States alike, including in their bilateral cooperation, have made sustained efforts to implement the various objectives of the external migration policy. We have established a large 'toolbox' to ensure the operationalisation and implementation of our actions and priorities, as outlined below.

Firstly, the EU is funding and participates in **intergovernmental regional dialogues** on migration, for instance under the Prague, Budapest, Khartoum and Rabat processes, and has established **EU migration dialogues with countries of origin and transit**.

Moreover, **action plans** have been drawn up for 10 priority countries of origin and transit (Afghanistan, Bosnia and Herzegovina, Tunisia, Niger, Nigeria, Iraq, Libya, Morocco, Pakistan and Egypt). Furthermore, 24 **action files** have been developed, listing concrete EU and Member States' objectives and the means to achieve them in the short and medium term.

The EU toolbox for the EU's external migration policy also includes **Team Europe initiatives** (TEIs),¹ which aim to combine EU and Member States' activities to pool resources and to ensure a more effective, coordinated and comprehensive EU response along the main migratory routes.

A specific legal tool to improve cooperation on return and readmission was incorporated into **Article 25a of the Visa Code**. It establishes the possibility to adopt restrictive visa measures applicable to those third countries that do not cooperate sufficiently on return and readmission, based on an annual assessment report and taking into account the EU's overall relations with the third countries concerned. Proposals for such measures have been tabled for Bangladesh (2021), Iraq (2021), The Gambia (2021 and 2022) and Senegal (2022). The Council adopted formal decisions in the case of The Gambia (2021 and 2022). Last month, the Commission presented new proposals regarding Ethiopia and The Gambia, the latter aiming to lift part of the restrictive measures adopted for that country. The mechanism under Article 25a of the Visa Code has proven to be an efficient tool to deepen engagement and cooperation on return and readmission in all the cases of third countries in relation to which it has been triggered, even if The Gambia was the only case in which decisions to impose visa measures were adopted. Proposing restrictive visa measures in most cases has so far been enough to improve cooperation. Cooperation on return and readmission with those countries remains a priority to improve the effectiveness of the EU return policy.

¹ The EU and African partners have launched two TEIs focused on the Atlantic/Western Mediterranean and the Central Mediterranean migratory routes to ensure joint efforts by Member States and the EU addressing the migration challenges facing the EU and its partners in North Africa.

In addition, **legal migration** pathways are an important element of our comprehensive approach to migration management. In this respect, initiatives such as **Talent Partnerships** offer the opportunity to establish a mutually beneficial cooperation between the EU and partner countries. In this sense, the Spanish Presidency is organising a High Level European Migration Network Conference in Madrid on 16 and 17 November, which will provide a space for the discussions that will bring together high-level speakers and experts from the EU as well as from non-EU countries involved in this initiative.

The **operational actions undertaken by EU Agencies** in third countries such as Frontex, the European Agency for Asylum (EUAA) and Europol are also key components of the EU toolbox. In this context, status agreements and working arrangements between Frontex and relevant countries of origin and transit should be further encouraged. The challenges regarding the negotiation of such agreements with third countries should also be discussed as part of the debate on how to take forward and reinforce the external dimension of EU Agencies.

Together with the operational actions by EU Agencies, the importance of ensuring more effectiveness in the operationalisation on the ground of the external dimension of migration should be further strengthened, including by the involvement of EU delegations in proactively contributing to this operationalisation.

Within the Council, various structures, such as the Working Party on the External Dimension of Migration and Asylum (EMWP), the Migration Working Party, the Visa Working Party, as well the Operational Coordination Mechanism for the External Dimension of Migration (MOCADDEM), strive to ensure coherence between strategic discussions in this field and operational work, including implementation and monitoring.

However, in addressing most migratory challenges, the EU has often reacted to events, rather than proactively taking action. In the view of the Presidency, the EU should become more proactive and make optimal use of the mutually beneficial partnership framework to implement the European Union's external action in key countries. In this context, we need to assess whether the toolbox is fit to accommodate a new, preventive model or whether the existing tools need to be optimised.

- *Ministers are invited to consider how the current tools could benefit from more effective implementation on the ground, including, among others, the role of EU Agencies and EU delegations, in order to reinforce the EU external migration policy following a preventive model and a proactive approach.*
- *Regarding return and readmission, which additional measures are deemed the most effective to further reinforce readmission cooperation with key countries, including Bangladesh, Ethiopia, Iraq, Senegal and The Gambia?*

More robust, efficient and coordinated financial support

The ultimate objective of the external dimension of migration policies as outlined in the previous paragraphs is to build comprehensive, sustainable and mutually beneficial partnerships with countries of origin and transit of migrants.

Achieving this goal requires solid political, operational and financial support. EU funding plays a significant role in the EU's response to the migration challenges in the external dimension. While the overall amount of EU funding dedicated to asylum, forced displacement and migration has increased, the level of ambition, both quantitatively and qualitatively, does not yet address the magnitude of the challenges in the migration field. In a nutshell, it is deemed that more funds, enhanced consistency of funding, and more effective and efficient implementation are required.

In this sense, and without prejudice to the ongoing discussions on the mid-term review of the current Multiannual Financial Framework (MFF) (as well as discussions on the next MFF), it is essential to achieve more and better funding for the external dimension of migration, as well as to ensure a sustainable framework for funding beyond 2024, in order to remain credible vis-à-vis key third countries. This should follow a holistic approach, but reinforce financial support to third countries for programmes, projects and actions linked to the fight against smuggling and trafficking in human beings, border management at land and sea and search-and-rescue (SAR) actions.

In the same vein, the financial resources required to effectively implement initiatives such as action plans, action files or TEIs must be as adequate, robust and as efficient as possible. Improving coordination between the respective migration policy makers, on the one hand, and those working in the financial and budgetary area, on the other, seems essential, especially now, during the review of the MFF and discussions on the next MFF.

- *With the objective to ensure a sustainable funding framework in the medium and long-term, Ministers are invited to consider how to improve financial allocation to build a more efficient migratory external dimension, in line with the preventive model and a mutually beneficial framework.*
- *Ministers are also invited to consider possible improvements to current working methods to coordinate efficiently the financial aspects of the initiatives linked to the external dimension of migration.*
