

**13758/04**

**LIMITE**

**JAI 389  
MIGR 92  
RELEX 459**

**"A" ITEM NOTE**

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from : General Secretariat of the Council  
to : Council

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No. prev. doc. : 13704/04 JAI 385 MIGR 91 RELEX 455

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Subject : Draft Council Conclusions on the priorities for the successful development of a common readmission policy

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1. In July 2004 the Commission submitted to the Council and to the European Parliament a Report on the priorities for the successful development of a common readmission policy (11505/04 MIGR 63 RESTREINT UE), which suggested some strategic orientations for future action in this area.

On the basis of this Communication the Presidency has submitted draft Conclusions on the priorities for the successful development of a common readmission policy. The draft Conclusions, which are intended to define the line to take in this area, have been extensively considered by the relevant Council bodies (High Level Working Group on Asylum and Migration, Strategic Committee on Immigration, Frontiers and Asylum, Working Party on Migration and Expulsion) in a series of meetings.

2. The Council is invited to confirm the agreement reached on the text, as set out in the annex, by the Permanent Representatives Committee on 19 October 2004.

DRAFT COUNCIL CONCLUSIONS  
ON  
THE PRIORITIES FOR THE SUCCESSFUL DEVELOPMENT  
OF A COMMON READMISSION POLICY

THE COUNCIL,

- *Recalling* the European Council Conclusions in Tampere on 15/16 October 1999, where the Heads of State and Government stated that the European Union should pursue an integrated, comprehensive and balanced approach to migration management, in partnership with third countries of origin and transit;
  
- *Recalling* the European Council conclusions at Laeken on 14/15 December 2001, Seville on 21/22 June 2002 and Thessaloniki on 19/20 June 2003 which (a) called for the integration of migration in the external relations of the European Union, (b) characterized co-operation of third countries in the field of readmission as of paramount importance to such management, (c) underlined that their cooperation should include the readmission of their own nationals unlawfully present in a Member State and, under the same conditions, that of other countries' nationals who can be shown to have passed through their respective territories, and (d) explicitly called for the speeding up of the conclusion of the agreements currently being negotiated, the approval of new priorities and the conclusion of Community readmission agreements with further relevant third-countries;

- *Taking note* of its earlier conclusions of 19 May 2003 on the Communication of the Commission on Integrating migration issues in the EU's relations with third countries, in particular migration and development, where (a) it invited the Commission to step up its efforts on concluding Community readmission agreements with those countries for which it has received a mandate and to include in any future Association, Cooperation or equivalent Agreements a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration, as urged by the European Council in Seville, and (b) considered it necessary to systematically evaluate the relations with those third countries which do not cooperate with the EU in the fight against illegal migration, while fully respecting the integrity of EC Development Cooperation objectives;
  
- *Referring* to the European Council conclusions at Brussels on 16/17 October 2003 in which EU Heads of State or Government (a) committed themselves to the use of all appropriate instruments of the EU's external relations and strengthened partnerships with the third countries concerned, in pursuit of the EU's strategy to combat illegal migration, (b) invited the Commission, the Council and Member States to make every effort to facilitate the successful conclusion of Community readmission agreements, and (c) invited the Council and the Commission to produce early 2004 a report identifying in particular the future priorities of a common readmission policy and the measures to be taken in order to ensure the successful development of such a policy;
  
- Noting the efforts of the Council and the Commission to overcome the lack of documentation of third-country nationals illegally residing on the territory of Member States through (a) the initiative of the Belgian Presidency on good practices for obtaining "laissez-passers" for the purpose of repatriation, (b) the Hellenic initiative of a manual on best practices on the acquisition of travel documents, (c) the Irish initiative of inviting the Commission to re-examine the legal basis, format and use of the common EU travel document and (d) the initiative of the Dutch Presidency to establish best practices of return to specific countries, the Council recognises that one of the main hindrances is the lack of identification papers enabling the individual concerned to return and underlines the need to pay special attention to these issues in the framework of EC readmission agreements with third countries.

HAS ADOPTED THE FOLLOWING CONCLUSIONS:

- (1) Effective migration management is a major policy priority of the European Union. Community readmission agreements make an important contribution to an effective joint migration management and play a valuable role in the fight against illegal immigration. Against this background, the Council underlines once more the importance of concluding Community readmission agreements with third countries of origin and transit, which also include an obligation for these countries to readmit third-country nationals and stateless persons who have passed through their territories before illegally arriving in the EU. The Council furthermore encourages these third countries to conclude readmission agreements with each other and with other countries in their respective regions. The Council is determined to make further use of this tool and to intensify all efforts to pursue such agreements by fully supporting the Commission throughout the negotiating process.
- (2) The Council welcomes the progress on Community readmission agreements made by the Commission so far and encourages it to actively pursue pending negotiations. The Council considers the conclusion of the pending negotiations as a priority for the Community. The Council recognises the need to evaluate and assess periodically the progress made and to draw the appropriate conclusions.
- (3) With regard to future priorities based on available information, the Council considers migration pressure on particular Member States, as well as the EU as a whole, and their geographical position relative to the EU (including considerations of regional coherence and neighbourhood) to be the most important criteria for determining, on a case-by-case basis, with which further countries readmission agreements should be concluded. Additionally, a country's offer to enter into readmission negotiations with the EU should also be taken into account.

- (4) However, new authorisations to negotiate with individual third countries will be decided upon on a case-by-case basis only. To this end the Council invites the Commission to present it with concrete recommendations to negotiate agreements concerning individual third countries, when appropriate. These recommendations should be accompanied by an assessment of the appropriate strategy and necessary measures, which may include measures in all Community areas, to conclude a specific readmission agreement within a desirable timeframe.
- (5) The Council, in its aim to pursue an integrated and comprehensive approach to migration issues, taking account of the existing situations in the different regions and in each individual partner country, and in accordance with the overall coherence of EU policies and actions, re-emphasises the importance of cohesion and coherence between readmission policy and all other aspects of external relations of the Community with third countries.

For this reason the Council also considers that, on a case-by-case basis, a direct link should be established between the negotiation of co-operation, association or equivalent agreements and the conclusion of readmission agreements with the same third countries.

- (6) The Council calls upon Member States to give the Commission full political and diplomatic support in the negotiation process as well as to provide the Commission with added national expertise.
- (7) The Council invites the Commission to pay special attention to the co-operation of third countries in the field of readmission in its yearly assessment. Therefore, the Council invites the Commission to consider extending its yearly monitoring report in the framework of the evaluation mechanism, adopted by the Council in December 2003, to countries for which the Commission has received a mandate to negotiate a Community readmission agreement. This evaluation should include the negotiation process, as well as the implementation of the readmission agreement in force.