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NOTE

from : the Presidency

to : High Level Working Group on Asylum and Immigration (HLWG)

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Subject : Draft Council Conclusions on improving access to durable solutions

Delegations will find attached the Draft Council Conclusions on improving access to durable solutions revised by the Presidency following discussions within the meeting of the Strategic Committee on Immigration, Frontiers and Asylum, with the participation of the members of the HLWG, on 7 October 2004.

Draft
COUNCIL CONCLUSIONS

on improving access to durable solutions

THE COUNCIL

- *recalls* the European Council conclusions of Tampere of 15/16 October 1999 which stressed the need for a comprehensive approach to migration and asylum and in which the Union as well as the Member States were invited to contribute to the greater coherence of their internal and external policies in this area. Partnership with the third countries concerned was designated as a key element for the success of such a policy.

- *recalls* the Communication of the Commission *Towards more accessible, equitable and managed asylum systems* of 3 June 2003, which states that in view of the deficiencies of the international protection system a new approach is necessary which aims at more accessible, equitable and better managed asylum systems, both within and outside the EU.

- *recalls* the European Council conclusions of Thessaloniki of 19/20 June 2003 which invited the Commission to explore all parameters in order to ensure more orderly and managed entry in the EU of persons in need of international protection, and to examine ways and means to enhance the protection capacity of regions of origin with a view to presenting to the Council, before June 2004, a comprehensive report suggesting measures to be taken, including legal implications.

- *recalls* the Council conclusions on the Communication of the Commission on *Integrating migration issues in the European Union's relations with third countries* of 19 May 2003, which emphasise that migration policy is a strategic priority for the European Union and invites the Commission *inter alia* to develop concrete proposals to make additional funding available for assistance for refugees in the region and for reducing poverty in host communities.

AND ADOPTS THE FOLLOWING CONCLUSIONS:

1. The Council welcomes the Communication of the Commission, of 8 June 2004, on *Managed entry in the EU of persons in need of international protection and the enhancement of the protection capacity of the regions of origin, "Improving access to durable solutions"*.
2. The Council acknowledges the existence of various protracted and new refugee situations. Against this background, the Council once again emphasises the urgency of international attention to the availability of durable solutions for refugees and the importance of an active contribution by the European Union to the enhancement of the international protection regime.
3. The Council reiterates that the further development of a Common European Asylum System must be accompanied by an increased focus on the international protection regime within the European Union's external policy. The Council considers it important for the European Union, through close partnership with countries of first asylum, transit and origin and in cooperation with UNHCR, to address the question how more refugees worldwide can access effective protection and durable solutions, as quickly as possible and as closely as possible to their needs.
4. The Council notes the large numbers of refugees which are received by third countries in regions of origin and underlines the need for the EU to assist in the enhancement of the protection capacity of regions of origin. In this context it welcomes the Commission's recommendation to introduce Regional Protection Programmes, as well as the idea of developing these programmes in accordance with the Regional and Country Strategy papers framework.

5. The Council invites the Commission to present an action plan for one or more pilot Regional Protection Programme(s) to the Council by June 2005 at the latest, based on the principle of burden and responsibility sharing. A pilot project should be situation specific and protection oriented. It should comprise a range of measures, particularly action to enhance protection capacity, better access to registration and local integration, and assistance for improving the local infrastructure and migration management. The pilot project must take account of the causes of the refugee situation in question and of the needs of the local population.
6. This pilot Regional Protection Programme should be developed in a spirit of co-ownership and be the result of direct negotiations with the third countries concerned. The development and the implementation of these programmes should be taken forward in close cooperation with UNHCR and, where relevant, other international organisations. EU funds should be used in the development and implementation of the pilot project. Coherence with the Community approach towards the region and third countries concerned as well as with existing international initiatives, including UNHCR's Agenda for Protection and Convention Plus, should be an objective of the pilot project. The pilot project will be evaluated in due course.
7. The Council endorses the view that voluntary repatriation, local integration, and resettlement are the durable solutions for refugees. The strategic use of resettlement as an instrument for burden and responsibility sharing may encourage countries in regions of origin to enhance their protection capacity and to take part in Regional Protection Programmes. The Council supports the inclusion of resettlement in Regional Protection Programmes, on the condition that this takes place in a flexible manner and Member States are free to choose whether or not to participate in an EU resettlement scheme.