



**COUNCIL OF
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NOTE

from: Presidency
to: Strategic Committee on Immigration, Frontiers and Asylum
Subject: Implementation of the Common Framework for genuine and practical solidarity towards Member States facing particular pressures on their asylum systems including through mixed migration flows
- Follow up/update

On 8 March 2012, the Council approved Council Conclusions on a common framework for genuine and practical solidarity towards Member States facing particular pressures on their asylum systems including through mixed migration flows.¹ This included a series of co-ordinated measures that would enhance EU solidarity for those Member States facing particular pressures and indicate the necessity for cooperation between Member States, institutions and agencies in providing assistance.

Following the adoption of the Council Conclusions, the Danish Presidency presented a follow up of activities to the Council in June 2012 in order to provide information on the implementation of the measures agreed in March 2012². The Danish Presidency noted that 'the Commission has indicated that it would be ready to include an update and any future needs and activities in its Annual Reports on Immigration and Asylum'. This occurred in the Third Annual Report on Immigration and Asylum 2011³, where the Commission provided an outline of activities achieved at EU level and

¹ doc. 7485/12 ASIM 28 FRONT 42 + COR 1

² doc. 10465/12 ASIM 60 FRONT 82

³ doc. 10950/12 ASIM 71 + ADD 1

national level, including support to those Member States facing specific and disproportionate pressures, support to EASO and the Asylum Intervention Pool, and measures taken by Member States to relocate beneficiaries of international protection from Malta through the EUREMA (European Re-Allocation for Malta) project.

Under the Cyprus Presidency, there has been continuous progress by the Council and the Parliament to establish a Common European Asylum System by the end of 2012 and to put into place measures that take into account practical solidarity within the EU, such as an early warning, preparedness and crisis management system in the recast Dublin Regulation. Further efforts have also been made by the European Asylum Support Office (EASO) in relation to training of Member States' asylum staff, producing country of origin information reports (COI) and offering experts to Member States who have sought assistance from the EU.

Assistance to build capacity in Greece has also intensified with both EASO and Frontex assisting with building capacity and training new asylum staff and border staff at the Greek – Turkish border. In addition to this there have been further positive developments on Greece's capacity to return third country nationals with the assistance of Frontex and IOM.

The Commission has submitted proposals to amend the Decisions of the European Parliament and Council governing the Commission funds established as part of the General Programme on Solidarity and Management of Migration Flows enabling the Commission to increase the Union co-financing rate for those member States most affected by the current economic and financial crisis. Work on these proposals is being taken forward as a matter of priority in Council.

In other areas, the Presidency notes that there has been further cooperation between the EU agencies at both expert and management level to help ensure a more focused approach to asylum, border and return.

In light of this, the Commission has announced and will invite Member States experts to a meeting on solidarity issues in January 2013. The objective of this meeting will be to prepare the solidarity part of the next Annual Report on Immigration and Asylum, in particular by collecting information about Member States' needs and achievements.

In order to help steer preparations for this meeting, delegations are asked to comment on the following two questions.

- 1) In addition to tools developed by and in collaboration with EASO, Member States are encouraged to offer bilateral support measures. Which are the areas where delegations see the need for closer administrative collaboration?
- 2) The implementation of the second phase Common European Asylum System instruments will commence in 2013. Solidarity should play an important role in helping Member States implement the system in a coherent and comprehensive manner. Which are the areas where delegations see the need for in-depth discussions on support in implementation?

In addition to this, the Presidency has produced an update of activities, annexed to this document, to reflect some of the areas from the Council Conclusions in which new solidarity measures have been put in place or where there have been positive developments since March 2012. It should be underlined that the annex does not cover bilateral activities carried out by Member States. Nor does the annex contain an exhaustive list of all EU solidarity measures, including for example EU-funding and ongoing FRONTEX operations. A more comprehensive review of solidarity measures that have been implemented will be provided by the Commission in its Annual Report on Immigration and Asylum in 2013.

With a view to presenting a brief update of activities to the JHA Council on 5-6 December 2012, SCIFA delegates are invited to take note of some of the progress made so far.

Council Conclusions on Solidarity –Update of solidarity measures since March 2012

Solidarity Measures	State of Play
Establishing a Common European Asylum System by 2012	<ul style="list-style-type: none"> • Dublin Regulation - On 18 July 2012, COREPER endorsed a compromise package on the asylum aspects of the recast Dublin Regulation, including the development of a mechanism for early warning, preparedness and crises management within the Dublin System. This compromise was endorsed by the LIBE Committee of the European Parliament during their orientation vote on 19 September 2012. On 10 October 2012, COREPER agreed on a mandate to start negotiations with representatives of the European Parliament on the remaining provisions related to delegated acts and implementing acts. On the basis of this mandate, the Presidency will engage in trilogues with the European Parliament with a view to reaching an agreement on the entire recast of the Dublin Regulation by the end of the year. • Reception Conditions Directive – The Council’s compromise package was endorsed by the LIBE Committee on 19 September 2012 and the Council adopted a political agreement on this Directive on 25 October 2012. • Eurodac Regulation – The Commission presented its amended proposal for EURODAC on 30 May 2012. On 10 October, COREPER also endorsed a negotiating mandate for the Presidency to begin trilogues with the EP. • Asylum Procedures Directive – trilogues have begun with the European Parliament. The second trilogue under CY Presidency took place on 16 October. The Presidency aims at achieving an overall compromise package that will have the support of both co-legislators in the further trilogues planned in November.
EASO to develop tools for detecting situations likely to give rise to particular pressures	EASO is setting up an Early warning and Preparedness System with regional outlook and trend analysis. Every 3 months asylum data of the 27 Member States is analysed to provide a regional outlook and trend forecast, as well EASO reports on specific trends e.g. influx and asylum handling of cases from Afghanistan and Syria. EASO and COM will present a joint paper on how EASO’s Early warning and Preparedness System can support new obligations under Article 31 of the recast Dublin Regulation.
Member States making best use of EASO’s operational tools to strengthen capacity	By the end of 2012, EASO will have given 16 train-the-trainer sessions in Malta. Additionally, specific EASO training was given to Luxemburg (January 2012) and Greece (over 15 sessions in 2012). For the exchange of expertise and best practices, Member States are actively involved in the different expert meetings ranging from training to Country of Origin Information to Unaccompanied Minors and Quality. The COI-portal with accessible information on Country of Origin Information is available for all Member States; 3 more MS are in the process of connecting their national databases to it.
EASO to evaluate the methodology of the Asylum Support Teams	EASO will present an assessment on the Asylum Support Teams to all MS in the EASO Management Board meeting in November when an in depth discussion is planned.

<p>Member States contributing to the Asylum Intervention Pool in accordance with the EASO Regulation.</p>	<p>Member States have contributed to the EASO Asylum Intervention Pool to make experts available.</p>
<p>FRONTEX to conduct a risk analysis of emerging and present threats from illegal immigration and propose appropriate measures to tackle identified threats.</p>	<ul style="list-style-type: none"> • The restricted Annual Risk Analysis 2012 was disseminated on 19 March 2012. The public version was released on 20 April 2012. • The FRONTEX Risk Analysis Network (FRAN) Quarterly 4 2011 restricted was disseminated to the FRONTEX Management Board also on 19 March (and to the FRAN on 19 April). • The Western Balkan-Annual Risk Analysis Report 2012 was released on 15 May 2012 at the same time with its public version. • European Document Fraud Annual Risk Analysis (EDF-ARA) 2012 was disseminated to the FRONTEX Management Board on 23 May. • The updated and extended Handbook on Risk Profiles on Trafficking in Human Beings 2012 was disseminated to the FRAN on 18 April.
<p>Strengthened cooperation between FRONTEX and EASO.</p>	<p>On 26 September EASO and Frontex signed a Working Arrangement in Warsaw formalising existing cooperation between the two Agencies and providing a framework for developing closer ties and mutual support in the future. On the basis of the working arrangement, EASO and Frontex will develop a cooperation plan detailing concrete actions and projects for joint work.</p> <p>EASO and Frontex have continued their operational cooperation to support Greece in the framework of the Greek Action Plan on Asylum Reform and Migration Management.</p> <p>Both Agencies have exchanged information on and shared best practices on the functioning of their respective expert pools.</p> <p>EASO and Frontex exchange on a regular basis analytical reports in the field of asylum, migration and border management. The Agencies have also exchanged methodologies on data collection and exchange and on information gathering.</p> <p>EASO and Frontex have held consultations in order to align their activities on Early Warning.</p> <p>EASO and Frontex have exchanged training strategies and plans and have hold consultations on mutual participation in training programmes and activities.</p> <p>Furthermore, EASO and Frontex have participated in each others' Consultative Fora held in October and November 2012.</p> <p>EASO and Frontex have participated in each others' Management Board meetings taking place in September and November 2012, providing assistance and expertise in their respective fields of activity.</p>

Negotiations on the proposal for a European Border Surveillance System (EUROSUR)	Following intensive work at the level of the relevant working party, COREPER on 24 October 2012 examined three main questions, including the objectives of the Regulation, the processing of personal data and the cooperation with the UK and Ireland. The LIBE Committee is expected to proceed to an orientation vote on the proposal by the end of November, and the Presidency is in contact with the EP with a view to starting detailed discussions on the text.
Further discussions on the Asylum and Migration Funds and Internal Security Fund.	Negotiations are advancing at working group level in Brussels with the Council aiming to reach a partial general approach on all four Regulations by the end December 2012.
Evaluation of the Pilot Project for intra-EU Relocation from Malta (EUREMA)	A factual report by EASO on the current state of progress of the EUREMA project was sent to Member States by the Commission and CY PRES, which was the subject of an informal discussion during the lunch session at the JHA Council on 25-26 October 2012.
Member States to share best practices on return, including voluntary return and reintegration	Discussions are taking place in the Migration Working Group (Expulsion Party). A questionnaire was circulated under the Danish Presidency to all MS to share best practises on return (both voluntary and forced) and encouraging cooperation between the stakeholders in the field.
Conclusion of readmission agreements with key countries of origin and transit	Draft Council Conclusions presented to Coreper on 23 May 2012 for adoption later in May with a view to making progress towards the signature of an EU-Turkey readmission agreement.
Conclusion of the cooperation agreement between Frontex and Turkey	Cooperation agreement between Turkey and FRONTEX signed by Frontex and Turkey on 28 May 2012.
Strengthened cooperation with key countries of transit, origin and first countries of asylum in conformity with the Global Approach to Migration.	<ul style="list-style-type: none"> • Council Conclusion on the Global Approach to Migration and Mobility were adopted on 29 May 2012 • Ongoing negotiations with Tunisia and Morocco on mobility partnerships. • Further developments under the Prague Process with the launching of 4 pilot projects in April 2012 on legal migration, illegal immigration, international protection and asylum, and migration and development.