



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 16 April 2002

7990/02

**COR 1
LIMITE**

MIGR 32

CORRIGENDUM TO "I/A" ITEM NOTE

from : General Secretariat of the Council

to : Coreper/Council

No. prev. doc. : 7525/02 MIGR 19 (RESTREINT UE)

Subject : Criteria for the identification of third countries with which new readmission
agreements need to be negotiated
- Draft conclusions

Delegations are advised that the correct English text should read as follows :

DRAFT COUNCIL CONCLUSIONS

**CRITERIA FOR THE IDENTIFICATION OF THIRD COUNTRIES WITH WHICH NEW
READMISSION AGREEMENTS NEED TO BE NEGOTIATED**

1. The comprehensive plan to combat illegal immigration and trafficking in human beings in the European Union, approved by the JHA Council on 28 February 2002, recognises the need to take the interests of the European Union and the Member States into account before negotiating any readmission agreement (paragraph 75 of the comprehensive plan).

It further calls for the identification, without delay, of the third countries generating illegal immigration with which new readmission agreements need to be negotiated and concluded (paragraph 76 of the comprehensive plan and 40 of the Laeken conclusions).

The comprehensive plan allows one year, from the time of its approval, to identify the third countries with which readmission agreements need to be negotiated.

The third countries with which new readmission agreements need to be negotiated and concluded must, therefore, be identified. Those agreements also have to include an obligation to readmit third-country nationals and stateless persons coming from or having resided in the country concerned (paragraph 77 of the comprehensive plan).

2. The Council agreed that the following criteria had to be set for identifying the third countries with which new readmission agreements need to be negotiated:
 - i. the migration pressure exerted by flows of persons from or via third countries, together with the number of persons awaiting return, needs to be assessed. The CIREFI Working Party's studies on these trends are instructive here. In addition, account may be taken of relevant obstacles to return, including the information provided by Member States in the framework of the Council conclusions on obtaining travel documents for the repatriation of people who do not fulfil or no longer fulfil entry or residence conditions (6071/02 REV 1 MIGR 8 + COR 1);

- ii. given the European Union's forthcoming enlargement, countries with which it is negotiating accession agreements should not be included. However, third countries with which the European Community has concluded Association or Cooperation Agreements containing a readmission clause should be included;
 - iii. in view of the pressure which illegal migration flows exert on the European Union's frontiers, the fact that a third country is adjacent to a Member State should be considered when negotiating such agreements;
 - iv. when the European Community signs a readmission agreement with a third country, this should involve added value for Member States in bilateral negotiations;
 - v. a comprehensive approach to the fight against illegal immigration calls for a geographical balance to be maintained between the various regions of origin and transit of illegal migration flows.
3. In view of the difficulty of negotiating agreements of this kind with third countries, the countries in question need to be identified one by one, drawing upon the results of ongoing negotiations and constantly evaluating both their practical implementation and the real needs of the moment.

Accordingly, as they are considered to be third countries which satisfy the above criteria, the European Commission is asked to submit separate draft negotiating mandates for readmission agreements with China, Turkey, Algeria and Albania, together with an analysis of the current situation in relation to the criteria listed under point 2.

At a later stage, consideration may be given in due course to submitting further negotiating mandates for readmission agreements with third countries.
