

14019/04

LIMITE

**ASILE 63
DEVGEN 199**

"A" ITEM NOTE

from : General Secretariat of the Council
to : Council

Subject : Adoption of Council Conclusions on improving access to durable solutions
- Managed entry in the EU of persons in need of international protection and
enhancement of the protection capacity of the regions of origin

1. On 7 June 2004, the Commission forwarded a Communication to the Council and the European Parliament on the 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".¹

Following the mandate of the JHA Council on 8 June 2004, the Council bodies examined this Communication. On this basis, the Presidency submitted draft Council Conclusions.

2. On 27 October 2004, the Permanent Representatives Committee reached agreement on the draft Conclusions. Therefore, the Council is invited to adopt, under part "A" of its agenda, the Conclusions as set out in the Annex to this note.

¹ 10102/04 ASILE 40 + COR 1(en) - COM(2004) 410 final.

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, and in view of the fact that the vast majority of refugees are being hosted by under-resourced neighbouring countries in regions of origin, 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 7 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 and complemented 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 and regions 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 close to home and to their needs as possible.
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 develop 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 July 2005 at the latest, based on the principle of solidarity and fair sharing of responsibility. A pilot project should be situation specific and protection oriented. It should draw on a range of measures, such as assistance to third countries to comply with international obligations under the Geneva Convention and other relevant international instruments, 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 situation of the local population.

6. This pilot Regional Protection Programme should be developed in close partnership and 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. Proposals for pilot projects should indicate possible EU and other funding sources. Coherence of the pilot project 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 ensured. Evaluation of the pilot project(s) will take place and will inform the way in which the Regional Protection Programme concept is developed.

7. The Council endorses the view that voluntary repatriation, local integration, and resettlement are the durable solutions for refugees. The targeted use of resettlement will demonstrate the Community's commitment towards international efforts to find comprehensive and effective solutions to protracted refugee situations. Such use will enable countries in regions of origin to enhance their protection capacity and encourage them to take part in Regional Protection Programmes. The Council welcomes the inclusion of resettlement in Regional Protection Programmes, where appropriate and in close liaison with UNHCR. To that end, the Council invites the Commission to present a proposal for a resettlement scheme by July 2005. Such a scheme needs to be situation specific, flexible and allow Member States to choose whether or not to participate.