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OUTCOME OF PROCEEDINGS

of: High Level Working Group on Asylum and Migration (HLWG)

on: 12-13 July 2010

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Subject: Summary of discussions

1. Programme of the Presidency

The **Chair** presented the programme of the Presidency, the main features of which were already highlighted at the HLWG meeting held on 26 May 2010 (see item 8 of 10403/10 ASIM 68 COAFR 205).

Welcoming the support expressed by delegations, the **Chair** stressed its intention to strengthen the strategic role of the Group, while reinforcing cooperation with the geographical Working Parties on issues concerning migration, as well as to ensure the geographical balance in the implementation of its Programme.

2. RELEX

The **Chair** provided information on the developments concerning the issues related to migration, which are considered in the framework of the RELEX geographical Working Parties (see Annex I).

3. Instruments of the Global Approach to Migration

Migration Mission to Ukraine

The **Chair** and the **Commission representative** provided information on the state of preparation of the above mission, which is expected to take place on 20-23 September 2010.

The **Chair** and the **Commission representative** drew delegations' attention to the preparatory meeting of the mission, which took place on 13 June 2010.

4. EU-India Migration Dialogue

The **Commission representative** provided information on the preparation of the second meeting of the EU-India Joint Working Group on Consular Affairs, which is expected to take place in October 2010.

The **Group** had an exchange of views on how to develop the dialogue on migration with India.

5. Joint Initiative on Migration and Development

UNDP representatives made a presentation of the above EU-UN initiative, the overall objective of which is to support civil society organisations and local authorities seeking to contribute to linking migration and development.

The **Commission representative** underlined the importance that the Commission attaches to this initiative, which is supported by the Union with a budget of 15 MEURO.

6. Global Forum on Migration and Development

The **Group** had a discussion on the future of the Global Forum on the basis of a Presidency paper (ST 11645/10 ASIM 80).

The **Chair**, which underlined its intention to submit a new Note on this issue, invited delegations to send possible additional comments by 31 August 2010.

7. Senior Officials Meeting EU-Africa Strategic Partnership - Migration, Mobility and Employment

The **Chair** provided information on the above meeting, to be held in Brussels on 15-17 September.

The objective of the meeting, to which Senior officials of the EU and of the African Union are being invited to take part, as well as of the respective Member States, is to consider the Section concerning the 7th Priority Action (Migration, Mobility and Employment) of the draft 2010-2013 Action Plan of the EU-Africa Joint Partnership, in view of its finalisation and endorsement by the EU-Africa Summit, to be held in Libya in November.

In the context of this item, the Commission representative drew delegations' attention to the Meeting of experts on Vulnerable Groups, to be held in Rabat on 27-29 July, organised in the framework of the follow-up to the Euro-African Ministerial Conferences on Migration and Development of Rabat and Paris.

8. EU-USA Migration Dialogue

The **Group** has an exchange of views on how to pursue and develop the dialogue on migration with the US.

9. EU-Vietnam Migration Dialogue

The **Commission representative** provided information on the state of play of the provisions concerning migration of the draft Partnership and Cooperation Agreement EU-Vietnam, which is currently being negotiated.

The **Group** had an exchange of view in this respect.

10. AOB

- Follow-up to the Building Migration Partnerships (BMP) process

- a) **PL** and **CZ** provided information on the outcome of the Workshop on drafting migration profiles, held in Warsaw on 21-22 June 2010.

CZ also informed that a follow-up Workshop will take place in Vienna on 7-8 September 2010.

- b) **HU** informed delegations about the presentation of a project aimed at pursuing the BMP initiative. It noted that the Prague Declaration contains common goals in the field of migration management and that **HU** - together with its partners **CZ**, **PL**, **SK** and **RO** - would like to implement these plans. The BMP project seems to be successful in establishing contacts with the CIS countries and the new project would enforce concrete activities by extending these partnerships.

HU also informed the Group about the holding of the second BMP Ministerial Conference, to be held in Budapest in the second half of March 2011.

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RELEX INFORMATION

ACP

EU-African, Caribbean and Pacific (ACP) Cotonou Agreement - 2nd Revision

2nd 5-yearly review of the Cotonou Agreement, signed in 2000 for a period of 20 years took place during the 35th Joint Council EU-ACP in Ouagadougou (Burkina Faso) on the 21-22.06.2010.

Migration dialogue: this 2nd review did not change article 13. However, the parties agreed on a Joint Declaration on migration and development that should be endorsed by the ACP-EU Council in June 2010. In this Declaration Parties agreed to strengthen and deepen their dialogue and cooperation in the area of migration, de facto based on the three pillars of the EU Global Approach to migration. The Joint Council gave a mandate tot the EU-APC Committee of Ambassadors to continue, with the Commission and ACP secretariat, the dialogue on migration, work towards the completion of this dialogue and report about the progress in a declaration on migration during the next Joint Council in 2011.

Next Joint Council will take place during the first semester 2011 in Brussels

COASI

EU-Mongolia

The last round of the PCA negotiation took place in Ulan Bator on 14 May 2010. The Article 27 "Cooperation on Migration" was finalized. Following the progresses on other commercial points of discussion, this PCA could be signed in the autumn, possibly on the margins of the ASEM summit which will be held in Brussels in early October.

EU-Pakistan

EU-Pakistan readmission agreement

State of play of the ratification process of the Pakistan readmission agreement in the European Parliament: the AFET Committee recommended on 01.06.2010 to the LIBE Committee to propose to the European Parliament to give its consent to this readmission agreement. Despite some serious concerns, Members of AFET Committee decided that a clear framework for co-operation on readmission with Pakistan was preferable to a situation where there is a risk that Member States proceed to return illegal immigrants on an ad hoc basis and without EU supervision regarding respect for the human rights of returnees, whether of Pakistani origin or third country or stateless people in transit through Pakistan. Article 16 of the Readmission agreement would ensure that the EU had a say in this respect. The Committee reiterated the need for an evaluation of the agreements concluded thus far by the EU but took the view that these general considerations should not lead to the rejection of this particular agreement.

A vote in the LIBE Committee will take place on 13.07.2010. According to this schedule, the agreement could be voted on in the September plenary.

EU-Philippines

Negotiations on PCA between the EU and the Philippines were concluded during the seventh round of negotiations, held in Brussels on 2-3 June. One of the last points of discussion objected by some Member States was Article 53 (“suspension clause in case violation of essential rights”). Following approval by Member States, the text of the PCA was signed by the Commission on 25.06.2010 in Brussels. This PCA could be signed during the 2d semester 2010.

EU-Vietnam

A 8th round of the PCA negotiations will take place on the 5-6 of July 2010 in Hanoi. The text is not yet finalized. Disagreements persist on different point of the text and, in particular, on Art.19 “Cooperation on migration” under Title V, inter alia §1 (“opportunities for legal migration adapted to the labour market situation in the Member States”- Some MS consider that labour migration should be discussed on a bilateral basis) and §3 (Readmission). If no progresses are made during the 8th round in July, a 9th round of PCA negotiations will take place in September.

Vietnam would like to reach an agreement and sign this PCA possibly on the margins of the ASEM migration summit which will be held in Brussels in early October.

COELA

EU-Turkey

Readmission Agreement

The 7th round of the Readmission Agreement negotiations took place in Brussels on 17 May. This draft Agreement has been distributed to the Member States for a discussion at COREPER on 27 May 2010. Disagreements persist among some Members States on following points: long delay foreseen for the implementation by Turkey of this agreement to irregular migrants of third countries (although Turkey is considered as one of the main transit country for irregular migrants to Europe), art. 7, § 1, concerning the engagement of the M.S. to send the irregular migrants to their country of origin and art. 23, concerning the technical assistance.

COLAT

EU-Brazil

Summit EU-Brazil will take place on 14.07.2010.

COEST

EU-Russia

EU-Russia JLS Permanent Partnership Council took place in Kazan on 25-26 May 2010.

On Migration-related issues both sides agreed on the need to set up a dialogue on a wide range of issues relating to migration in all its dimensions (legal migration, management of migratory flows, fight against irregular migration, international protection, migration and development or integration). The Russian side expressed its preference for a new format that would allow in-depth discussions. The dialogue should be launched before the next PPC, once the UE side agreed on the setting.

Border cooperation: in general, both sides appraised the level of cooperation that had been reached between Frontex and the Russian border guard services. On Kaliningrad no satisfactory agreement could be reached. Concerning the implementation of the Russia-EU readmission agreement, efforts have to be made through the work in the Joint Readmission Committee. Readmission procedures are applicable to third country national from 1 June 2010. Implementing protocols to this agreement have to be concluded.

MA-MA

EU-Libya

Framework Agreement

Next round of negotiation will take place on 21-22 September 2010 in Libya. The draft of text on readmission of irregular migrants from third countries (Title VII –art.d.) will not be retained in the negotiation in the aim to reach an agreement with Libya and finalize this negotiation.

EU-Morocco

Dialogue EU-Morocco: during the 2d semester 2010, different meetings will take place with Morocco in the frame of the Association Agreement (EU-morocco JLS Sub-Committee: November, Rabat ; Working Group on Social Affairs and Migration EU-Morocco : November (to be confirm) ; EU-Morocco Association Council (13-14 December).

Action plan EU-Morocco: a new Action plan will replace the former one and has to be implemented for December 2010.

EU-Tunisia

Action plan EU-Tunisia 2010-2015:

Commission presented to the Member States the future Action Plan EU-Tunisia and stressed at this occasion the interest of Tunisia for a free circulation of its nationals with the aim to facilitate the circulation of Tunisian High skilled workers and researchers. This point will not figure, however, in the Action Plan.

VISA WORKING PARTY

EU-Albania and EU-Bosnia & Herzegovina

Visa Waiver Agreement

After the presentation of the Commission proposal to modify Regulation n° 539/2001 in JHA Council on 3 June, a first technical discussion took place in the Visa Working Party on 23 June. It was stated that Albania and Bosnia Herzegovina do not fulfil all the benchmarks mentioned in the roadmap yet. Therefore, the Commission announced that expert missions are going to take place in both countries in July 2010. The evaluation report of these missions will be presented most likely in September.

Should Albania and Bosnia & Herzegovina receive a negative assessment after the missions in July, the Commission would proceed to additional missions until it considers that the two countries meet the requirements.

EU-Brazil

At the last round of negotiations held in Brasilia on 29 September – 1 October 2009, the text of a short-stay visa-waiver agreement for ordinary passport holders between the EU and Brazil could be finalized and thus the negotiations were concluded. The negotiations on the visa waiver agreement for holders of diplomatic and service passports were finalized at the end of 2009.

In order to safeguard the existing bilateral agreements, a unilateral declaration has been attached to the agreement that the European Union might suspend the agreement if Brazil starts denouncing the existing bilateral agreements. Initially, the Brazilian side did not oppose that such unilateral declaration would be annexed to the agreement. However, after the negotiation round in Brasilia, Brazil requested the EU to withdraw its unilateral declaration. A compromise solution regarding the declaration was found and endorsed by Member States in January: the EU declaration has been put in a letter signed by ex-Commissioner Barrot and has been sent to the Brazilian Minister of External Relations on 5 February 2010. The Brazilian reply to this letter arrived on 16 April 2010.

The formal initialing of the two agreements took place on 28 April 2010. The inter-service consultation in the Commission on the draft decisions was completed on 21 June. The texts are currently being translated and the final adoption of the draft decisions by the Commission is foreseen for the end of July 2010 for transmission to the Council and the European Parliament.

EU-Georgia

The decision to sign the EU-Georgia visa waiver agreement was adopted by JHA Council on 3 June. On 17 June 2010, EU and Georgia signed the Agreement. Now, EP needs to give its consent before the decision to conclude the Agreement can be adopted by the Council. However, this Agreement cannot enter into force before adopting the EU-Georgia Readmission Agreement.

EU-Moldova

EU-Republic of Moldova visa dialogue was launched 15 June 2010. This dialogue has begun with an exploratory fact-finding phase.

Regarding the review of the Visa Facilitation Agreement, the Joint Visa Facilitation Committee has agreed on the suggestion for amendments to the Agreement. Commission should present a draft mandate for renegotiation in September.

EU-Russia

Visa Facilitation Agreement

Progresses have been noticed in the negotiations between the Commission and Russia. On the Russian side, two major changes have been made. Russia put an end to the exit visa that was mandatory for the European citizens who wanted to leave the Russian territory. Russia set up also a system facilitating the issuance of visas for European citizens who wish to go to Russia for a family visit. Therefore, the written invitation is no longer necessary.

The suggestions for amendments to the present Agreement have been approved by Russia and the Visa Working Party. Commission should propose a draft mandate for renegotiation in September.

Concerning the visa dialogue, the EU-Russia JLS Permanent Partnership Council of Kazan tasked the Senior Officials to discuss how to move to a practical phase and to report back to the next PPC. However, such Senior Official meeting has not yet been convened.

EU-Taiwan

European Commission has proposed on 05.07.2010 to add Taiwan to the list of countries and territories for whose citizens a short-term visa is not required. The proposal adopted would amend Regulation 539/2001 governing the visa policy of the EU Member States by adding Taiwan to the list of third countries and territories for whose citizens a short-term visa is not required. The decision is based on a thorough assessment of technical requirements that Taiwan had to meet, notably concerning the security of travel documents.

This decision will enter into force once it has been adopted by the European Parliament and the Council. A first discussion on this proposal shall take place in September in the Visa Working Party.

EU-Ukraine

EU-Ukraine JLS Ministerial Meeting took place in Brussels on 9 June 2010. EU proposed to Ukraine to respond to a questionnaire aimed at complementing the analysis conducted by the EU experts within the four thematic blocks (document security, illegal migration, including readmission; public order and security; and external relations). The objective was to gather information on the development of legislation and on the actual implementation of measures in terms of resources, staff, infrastructure etc.

The next phase of the visa dialogue should be a fully operational phase on the basis of an Action Plan setting out all technical conditions to be met by Ukraine before the possible establishment of a visa free regime. Commission is studying which technical conditions should be included in the Action Plan.