



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 30 May 2011

10782/11

LIMITE

ASIM 58

NOTE

from: Presidency

to: JHA Counsellors

on: 30 May 2011

No. Cion doc.: 10772/11 ASIM 57 + ADD 1

10784/11 ASIM 59 RELEX 577

Subject: Draft Council Conclusions on Borders, Migration and Asylum

Delegations will find attached the above-mentioned draft Council Conclusions to be discussed at the JHA Counsellors meeting on 30 May 2011.

Draft Council Conclusions on Borders, Migration and Asylum

The Council confirms the principles and commitments contained in the European Pact on Immigration and Asylum and welcomes the progress made to date on the measures relevant to those commitments set out in the Stockholm Programme and related Action Plan by the Union and its Member States. The Council underlines the importance of the prompt and full implementation by Member States of the measures already adopted for this purpose.

The Council considers that work now needs to be taken forward and intensified in a number of areas in order to put in place a more long-term sustainable strategy to address international protection, migration, mobility and security taking account of recent developments and experience gained.

Strengthening the protection of external borders

The Council reaffirms that facilitating legal access to the territory of the Member States while in parallel taking measures to counteract illegal immigration, cross-border crime and maintaining a high level of internal security are twin objectives of the integrated border management.

Frontex has a key role in managing the unprecedented pressure on the external borders as well as on increased practical cooperation. The Council welcomes the deployment of RABIT operations, joint operations and recalls that necessary funds, technical and human resources should be provided in order to continue these activities. The Council also welcomes the progress that has been made on the proposal to amend the FRONTEX Regulation. The Council now looks forward to the early conclusion of discussions on the matter with the European Parliament.

The Council also envisages examining what further role could be assumed by FRONTEX in providing structural assistance to Member States in protecting parts of the external border subject to an exceptionally high migratory pressure.

The Council remains convinced that technology can play a key role not only in reinforcing border controls but also in facilitating access at the border crossing points. The Council therefore looks forward to the early presentation by the Commission of its Communication on smart borders as well as its proposal defining the objectives and scope of the European Border Surveillance System. The Council agrees to prioritise these proposals.

The Council will also continue to prioritise the fight against illegal immigration. The Council believes that effective return and readmission arrangements remain the key for this purpose together with implementation of the instruments such as the Return Directive and the Employers Sanctions Directive. The Council equally stresses the importance of practical cooperation by way of the organisation of joint return flights organised by FRONTEX.

The Council is committed to the further development of a balanced visa policy in order to effectively tackle illegal migration as well as enhance the mobility of *bona fide* travellers. In this regard the Council takes note of the Commission's recent proposal to amend Council Regulation (EC) No 539/2001 in order to make provision, inter alia, for a visa safeguard clause and also notes the substantial progress made by the Commission and Member States in the development of the Visa Information System, which will allow the start of operations in October 2011.

Strengthening the Schengen Area

The Council reaffirms that free movement of persons is a major achievement of European integration and that it is in the interest of our citizens that the Schengen area is preserved, while taking into consideration relevant security aspects. Recent events have however shown that Schengen cooperation might be at risk in some exceptional circumstances.

Being committed to the objective of strengthening Schengen and its structure, the Council agrees that the “governance” of Schengen (the enforcement of common rules) should be further improved so as to be able to give efficient response to the recent challenges; and to be able to react in the future to situations which negatively affect the efficient protection of the external borders. The Council underlines that the approach should be based on a coordinated common response. The Council reiterates the commitment to preserve mutual trust, among Member States as the cornerstone of the Schengen system.

In this framework, the Council heard a presentation of the Commission's Communication on Migration of 4 May, which foresees the possibility of temporary reintroduction of border controls at the internal borders, considering that such a mechanism could be useful as a measure of last resort to be introduced exceptionally and applied only in a truly critical situation. The Council welcomes the Commission's intention to reflect on the further development of the rules of Schengen governance and invites to present its proposal.

Legal Migration

The Council recalls that Member States remain responsible for the number of third-country nationals they admit for employment purposes having regard to their reception capacities and the needs of their labour markets. The Council also believes that properly managed legal migration has a role to play in the framework of the Europe 2020 Strategy. The Council therefore welcomes the progress that has been made to date on the legislative proposals concerning intra-corporate transferees and seasonal workers, as well as the Single Permit Directive, and will seek to bring negotiations on those measures to an early conclusion in cooperation with the European Parliament. The Council likewise stresses the importance of building an inclusive society by integrating legally resident third country nationals. The Council takes note of the outcome of the Conference on Promoting Migrant Integration through media and intercultural dialogue held in Budapest on 16-18 May. The Council also looks forward to the Commission's forthcoming Communication on a European Agenda for integration against the background of the new possibilities created by the Treaty on the Functioning of the European Union.

Asylum

The Council remains committed to the establishment of a Common European Asylum System offering a high level of protection based on fair and effective procedures, which at the same time prevents deliberate abuse of the asylum systems of Member States. The Council underlines that future legislative framework shall comprise a coherent, simple and flexible system. [pm. Commission proposals relating to the Asylum Procedures Directive and Reception Conditions Directive].

The Council welcomes the inauguration of the European Asylum Support Office and calls on the Office to play a key role in further aligning the practices of Member States and in reinforcing their capacities. It welcomes the deployment of the EASO asylum expert teams to Greece.

The Council underlines that the strategic use of refugee resettlement on a voluntary basis shall be further examined, and in this regard welcomes the outcome of the Ministerial Conference of 12 May 2011 on relocation from Malta and resettlement from North Africa as a concrete sign of EU solidarity. The Council now looks forward to the presentation of a Communication on enhanced intra-EU solidarity by the Commission later this year.

Global Approach to Migration, cooperation with third countries

The Council confirms that the Global Approach to Migration should continue to serve as the general framework for the external relations of the European Union in the field of migration. The Council looks forward to the results of the evaluation of the Global Approach which is being carried out by the Commission and which is intended to lead to a more coherent, systematic and strategic policy framework for partnership with third countries in the management of migration flows while at the same time preserving and enhancing its thematic and regional balance. The Council equally believes that the Global Approach should continue to be aimed at the Southern, Eastern and South-Eastern neighbourhood of the Union as a priority, and at selected other significant source and transit countries of migration flows.

The Council will continue to monitor the situation in the Southern Neighbourhood with particular reference to the migratory consequences of events there. The Council welcomes the progress that has already been made on taking forward the short term measures identified in its conclusions of 11 April 2011 on the management of migration from the Southern Neighbourhood. The Council also welcomes the Commission Communication on a dialogue for migration, mobility and security with the Southern Mediterranean as an important contribution to the development of the long term strategy for the region which the European Council and Council has called for.

The Council welcomes the priority being accorded to establishing a dialogue for migration, mobility and security between the EU and the Southern Mediterranean countries in keeping with the Global Approach to Migration and as part of the EU's engagement with the countries concerned in the framework of an enhanced European Neighbourhood Policy and the Partnership for Democracy and Shared Prosperity initiative. The Council endorses the suggestion that such a dialogue should begin with Tunisia, Egypt and Morocco in the first instance. The Council also recalls in this connection its strong view that cooperation should be developed in the relevant fields on the basis of a performance-based approach which would ensure appropriate conditionality and support partner countries ready to work with the EU on asylum, migration and border management, including return and readmission of irregular migrants. The dialogues shall make use of all elements of the Global Approach toolbox, including Mobility Partnerships, and shall ensure the full participation of Member States.
