



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from:	Presidency
to:	Permanent Representatives Committee / Council (Justice and Home Affairs on 7 - 8 June 2012)
Subject:	Implementation of the Common Framework for genuine and practical solidarity towards Member States facing particular pressures due to mixed migration flows - Political discussion with a particular focus on the support to Greece in areas of borders, asylum and migration management

On 8 March 2012, the Council approved Council Conclusions on a common framework for genuine and practical solidarity towards Member States facing particular pressures including due to mixed migratory flows. 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.

Since the approval of the Council Conclusions there have been efforts to step up solidarity in the field of asylum and migration. In particular the Presidency notes that steps have been taken to further negotiations on legislative measures and to provide assistance to those Member States, which have requested support, from the EU agencies or from solidarity or emergency funding.

In 2012 and 2013 the funds allocated via to Solidarity funds in total amount to 2,601 M€ (the 1,824M€ budget for 2013 is subject to a decision by the Budgetary Authority. The proposed Asylum and Migration Fund, as well as the Fund for Internal Security currently under negotiation at Working Party Level as part of the negotiations for the Multiannual Framework for 2014-2020 will be instrumental in carrying out solidarity measures during the coming budgetary period. The Commission has proposed to allocate 8,517 M€ for the two funds for activities in the area of asylum and migration (the Internal Security Fund also includes 1,128 M€ on police cooperation, combating and preventing crime and crisis management).

Other solidarity measures are ongoing such as EASO assistance and FRONTEX operations. Moreover, the Conclusions have given impetus to negotiations on the envisioned mechanism for early warning, preparedness and crisis management in the amended Dublin Regulation.

Notwithstanding the efforts already made, there are still many tools which can be utilised further to provide support and assistance. These tools include enhancing capacity in Member States to ensure that asylum authorities are fully prepared to cope with migratory fluctuations, as well as strengthening cooperation in the field of return and with third countries.

Over the forthcoming months the Presidency would like to highlight the need to make further use of solidarity tools in the following areas:

- Intensifying efforts to build capacity in Greece, including financial and human resources to build a robust asylum system, with adequate reception facilities and effective return processes.

- Efforts to cooperate with third countries and in particular the border control authorities of Turkey to combat illegal immigration and cross border organised crime.
- Further use of EASO's tools, including the full range of EASO training, targeted special support to Member States in the context of the Common European Asylum System and assistance to help EASO to implement its 2012 Work Programme.
- Further operational cooperation between FRONTEX, EASO and third countries, in particular key countries of origin and transit.
- More focused efforts on return, in practice and conclusion and implementation of EU readmission agreements with key countries of origin and transit, operations with the assistance of FRONTEX and IOM and targeted use of funds under the European Return Fund.

In March, the Presidency promised to return to the issue of solidarity at the JHA Council on 7-8 June in order to provide information on the implementation of the measures agreed in the March Council Conclusions as it was stressed that when it comes to solidarity actions speak louder than words.

In light of this the Presidency has produced a stocktaking of activities, annexed to this document, to reflect 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.

The Presidency notes the importance of ensuring that there is adequate and sustainable follow-up to the conclusions of 8 March 2012 in the future and finds it relevant to agree on a methodology as to how such follow up is best achieved. 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 and that it intend to host an expert meeting for the Member States and EU agencies to discuss the follow up to the Council Conclusions of Solidarity both at EU level and bilaterally.

The Presidency also finds it important that the Conclusions are used in the future whenever a Member State's asylum system is exposed to particular pressures, including through mixed migration flows.

The Council is invited to take note of the stocktaking annexed to this document and to the envisaged follow up by the Commission and to focus discussions on how to further strengthen the support of asylum, border and migration management in Greece, in particular as regards measures with quick impact in the Evros Region and as regards measures on reception facilities, staffing and return measures in general.

Council Conclusions on Solidarity – Stocktaking since March 2012

Solidarity Measures Achieved	State of Play
Development of a mechanism for early warning, preparedness and crisis management within the Dublin System.	On 4 April 2012, COREPER reached agreement on the basis of negotiations with the European Parliament on the Dublin Regulation, to include the provisions in Art 31 which introduces a mechanism for early warning, preparedness and crisis management within the Dublin System. Informal trilogues with the EP are ongoing.
EASO to develop tools for detecting situations likely to give rise to particular pressures	EASO's analytical capacity has been set-up and now has the ability to detect trends which potentially could lead to particular pressure. Every 3 months asylum data of the 27 Member States is analysed to provide a regional outlook and trend forecast.
Member States making best use of EASO's operational tools to strengthen capacity	During 2012, EASO has scheduled 12-14 train-the-trainer sessions in Malta. Additionally, specific EASO training was given to Luxemburg (January 2012) and Greece (over 15 sessions foreseen 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. The COI-portal is available for all Member States.
EASO to evaluate the methodology of the Asylum Support Teams	EASO hosted an Asylum Intervention Pool National Contact Point meeting on 22-23 May 2012. This is the first step of the evaluation process.
Member States contributing to the Asylum Intervention Pool in accordance with the EASO Regulation.	Member States have contributed to the EASO Asylum Intervention Pool to make experts available. Availability in practise sometimes shows to be a time consuming process.
FRONTEX to conduct a risk analysis of emerging and present threats from illegal immigration and propose appropriate measures to tackle identified threats.	<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.

Strengthened cooperation between FRONTEX and EASO.	A range of EASO and FRONTEX meetings in May, e.g. on analysis and emergency. FRONTEX and EASO are setting-up sustainable cooperation on training programmes, quality initiatives, and Country of Origin Information. Moreover, FRONTEX and EASO work closely together when it comes to emergency support programmes where both FRONTEX and EASO are involved, for example the joint assistance given to Greece. FRONTEX and EASO are establishing close links between the analytical units on the Early Warning and Preparedness System. They also cooperate with regard to each other's activities vis-à-vis civil society (Consultative Forum).
Negotiations on the proposal for a European Border Surveillance System (EUROSUR)	Negotiations are well underway in the Frontiers Working Party with a second reading expected to start in June 2012.
Further discussions on the Asylum and Migration Funds and Internal Security Fund.	Negotiations are advancing at working group level in Brussels with the second reading of the AMF and ISF underway.
Evaluation of the Pilot Project for intra-EU Relocation from Malta (EUREMA)	In order collect data to undertake the evaluation of the project, EASO has invited Member States to report on their experiences with the project by 30 May 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)
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.
Adoption of the amended Decision No 573/2007/EC establishing the ERF for the period 2008-2013 as part of the General programme 'Solidarity and Management of Migration Flows' – (Joint Resettlement Programme)	Decision was adopted by the EP and Council on 29 March 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"> • Following discussions at the JHA Council on 26 April 2012, the General Affairs Council will adopt Council Conclusions on the Global Approach to Migration on 29 May. • 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.