



Council of the
European Union

**Brussels, 9 June 2016
(OR. en)**

**9582/1/16
REV 1**

LIMITE

**FIN 327
ASIM 82
MAMA 110
COEST 141
DEVGEN 111**

NOTE

From: Presidency
To: Delegations

Subject: Draft Council conclusions on the European Court of Auditors' special report 'EU external migration spending in Southern Mediterranean and Eastern Neighbourhood countries until 2014'

Delegations will find in the Annex a revised version of the above-mentioned draft Council conclusions, which includes the written comments submitted by Member States following the JHA Counsellors meeting on 2 June 2016. Changes vis-à-vis the previous version are highlighted with bold, underline and strike-through.

Draft Council conclusions on the European Court of Auditors' special report 'EU external migration spending in Southern Mediterranean and Eastern Neighbourhood countries until 2014'

The Council of the European Union

- WELCOMES the European Court of Auditors' (~~ECA~~ **thereafter “the Court”**) special report no 9/2016, 'EU external migration spending in Southern Mediterranean and Eastern Neighbourhood countries until 2014'.
- NOTES that this report looks at a sample of 23 migration-related projects in six neighbouring countries (Morocco, Algeria, Libya, Georgia, Moldova and Ukraine), which were launched as of 2007 and concluded by 2014. The ~~ECA~~ **Court** scrutinised ~~these~~ 23 projects, which were financed by the Thematic Programme for Migration and Asylum (~~TPMA~~) which falls under the Development Cooperation Instrument and the European Neighbourhood and Partnership Instrument (~~ENPI~~), both established for the 2007-2013 period.
- HIGHLIGHTS that the report ~~does not~~ **neither** covers the current ~~migration~~/refugee **and migration** crisis, **nor reflects on and** actions taken by the Commission as from 2015 onwards. In this respect, it acknowledges the significant efforts already made by the EU and its Member States to **rapidly** respond ~~rapidly~~ to the refugee and migration crisis in 2015 and 2016.
- ACKNOWLEDGES the conclusions of the report and the usefulness of its recommendations. These recommendations will help improve the design of **cost-effective**, evidence-based, **measurable**, impact-oriented, coherent and comprehensive co-operation frameworks on migration in the Neighbourhood region, and beyond, **supported by effective monitoring and evaluation**. **Within** this framework, the Council also takes note of the Commission's replies to the Court's conclusions and recommendations.

- UNDERLINES, as also noted by the Court ~~of Auditors~~, the complexity and unpredictability of the subject studied. In this respect, it draws attention to the need for flexibility to adapt to ever-changing circumstances, in the spirit of partnership and fully respecting ~~the~~ human rights and systematically incorporating a rights-based approach. At the same time, the Council calls upon the EU institutions and its Member States to implement the recommendations of the Court~~ECA~~ in order to better address similar challenges in the future, within the framework of the European Agenda on Migration and the reviewed European Neighbourhood Policy and in line with the Global Approach to Migration and Mobility.

On the findings and recommendations

1. The Council calls upon the Commission to apply clearly defined, achievable, and measurable objectives linked to coherent and concrete deliverables, which should be at the core of dialogue and co-operation frameworks on migration, as well as of the recently adopted financial tools to support these frameworks ~~them, such as the EU Emergency Trust Fund~~. Tailor-made monitoring and evaluation tools should be improved to further contribute to ~~an~~ enhanced project selection and performance measurement framework.
2. The Council underlines the importance of drawing a clear spending picture ~~on~~of all EU migration-related spending, in view of future reviews of external action financing instruments, and to improve efficiency and avoid overlap. The Council invites the Commission to provide a comprehensive overview of migration related expenditure at EU level, including discussion with the OECD on the development of a specific DAC (Development Assistance Committee) code on migration, which ~~where~~ Member States ~~support for this common objective is~~are encouraged to support.
3. The Council recognises the strong link between migration and development; *inter alia* to address the root causes of irregular migration as well as the potential positive impact that migration can have on the development of partner countries, as also confirmed in the 2030 Agenda on Sustainable Development Goals. It calls on the Commission and EU Member States to ensure that EU migration actions in partner countries fully support and strengthen development, in particular through implementing tailored and context-specific interventions based on in-depth analysis and an improved evidence_base.

4. The Council underlines the importance of effective coordination between all **parties, including locally in partner countries, to ensure that funding and activity is properly aligned, actors** and it calls upon all EU actors to further improve and build upon the recent improvements, making **notably** full use of the EU Delegations whose capacities in the migration area should be further strengthened.
 5. The Council calls upon the EU and the Member States to take the necessary steps to implement the recommendations of the Court, by identifying a realistic timeframe to implement relevant, achievable and measurable objectives, contributing to a targeted and effective migration policy.
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