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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

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'

1. On 17 March 2016, the European Court of Auditors published the Special Report No 9/2016 entitled "EU external migration spending in Southern Mediterranean and Eastern Neighbourhood countries until 2014"¹. On 4 May, under the rules laid down in the Council conclusions on improving the examination of special reports drawn up by the Court of Auditors², the Permanent Representatives Committee designated the High Level Working Party on Asylum and Migration (thereafter "HLWG") as the Council competent body to examine the report³.

¹ 8361/16 FIN 269 ASIM 62 MAMA 56 COEST 111 DEVGEN 61

² 7515/00 FIN 127 + COR 1

³ 8362/16 FIN 260 ASIM 63 MAMA 57 COEST 112 DEVGEN 62

2. At the JHA Counsellors meeting (HLWG) on 11 May 2016, representatives of the Court of Auditors presented the above report and delegations had the opportunity of holding a first exchange of views on it. Building on the report and on the discussions held at this occasion, the Presidency tabled draft Council Conclusions, which were examined at the JHA Counsellors meeting on 2 June 2016. The text of the draft Council Conclusions, as set out in the Annex to this Note, was agreed by delegations in the framework of a silence procedure.
3. The Permanent Representatives Committee is invited to suggest to the Council to confirm the agreement reached and to endorse the draft Council Conclusions on the European Court of Auditors "EU external migration spending in Southern Mediterranean and Eastern Neighbourhood countries until 2014", as set out in Annex to this Note.

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' (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 until 2014. The Court scrutinised these 23 projects, which were financed by the Thematic Programme for Migration and Asylum which falls under the Development Cooperation Instrument and the European Neighbourhood and Partnership Instrument, both established for the 2007-2013 period.
- HIGHLIGHTS that the report neither covers the current refugee and migration crisis, nor reflects on 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 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, 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 human rights and systematically incorporating a rights-based approach. At the same time, the Council calls upon the EU institutions, bodies and agencies and Member States to implement the recommendations of the Court 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. Tailor-made monitoring and evaluation tools should be improved to further contribute to enhanced project selection and performance measurement framework.
2. The Council underlines the importance of drawing a clear picture 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 Member States 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 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, and it calls upon all EU actors to further improve and build upon the recent improvements, making 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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