



Council of the
European Union

Brussels, 23 May 2016
(OR. en)

9111/16

COAFR 138
RELEX 412
ACP 71
DEVGEN 96
ASIM 76
JAI 397
COPS 154
MAMA 82
COWEB 43

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 23 May 2016
To: Delegations

No. prev. doc.: 8933/16, 9242/16

Subject: External aspects of migration
- Council Conclusions (23 May 2016)

Delegations will find in the annex the Council conclusions on external aspects of migration, as adopted by the Council at its 3466th meeting held on 23 May 2016.

Council conclusions on external aspects of migration

1. The Council stresses the need to further strengthen the work on the external dimension of migration policy and reaffirms its commitment to a comprehensive and geographically balanced approach on migration on the basis of the European Agenda on Migration, European Council conclusions and Council conclusions of 12 October 2015 and 12 May 2016 in full respect of international law and human rights. The Council recalls the steps taken by the EU and its Member States in integrating migration as a permanent and structural component of EU foreign policy. While implementation of agreed actions should form the core of the EU approach, the Council welcomes Member States' calls and initiatives for further, collective strengthened EU action towards third countries.

2. In this respect the Council remains confident that a strong, ambitious and well coordinated European foreign policy will give the EU essential tools to effectively deal with the current and future migratory challenges. This will require effective use of all relevant EU tools and instruments as well as adequate financing.

3. In view of the June European Council, the Council stresses the urgency of strengthening the EU's common approach. The Council highlights the need to accelerate the work related to the external aspects of the European Agenda on Migration, the High-Level Dialogues promoted by the HRVP, the tailor-made country packages prepared by the Commission services and the EEAS, the Valletta Action Plan, the Declaration of the High-level Conference on the Eastern Mediterranean - Western Balkans Route, and welcomes the presentation of innovative proposals by all Member States, including the “Migration Compact” proposed by Italy. The Council will also continue to look into the proposal by Hungary on "Schengen 2.0" In addition, it recalls the Council conclusions of 12 May 2016 on the EU approach to forced displacement and development.

4. Noting the constructive outcome of the High-Level Dialogues on Migration, the Council reconfirms that pooling EU added value with Member States' engagement and contributions is a good way to make progress on specific country dialogues. This is also demonstrated by the direct engagement of the Presidency and of individual Member States in support of the HRVP, jointly with the work taken forward by the Commission. On this basis, it is crucial that the EU and Member States further consolidate and take forward this joint way of addressing common challenges and maximising the impact of their collective work. In this regard, engagement with third countries must be closely coordinated. The Council will regularly take stock of the progress made.

5. The Council continues to support the joint work on the tailor-made country packages, in particular for a number of key partner countries in Africa and Asia, within the framework of the High-Level Dialogues and drawing on incentive packages to produce results. Country-packages should clearly specify mutual commitments by the EU and its Member States and by partners. It recalls the importance of promoting a coherent reorientation of EU and MS external action instruments, including through joint programming and blending facilities, in order to support external action on migration.

6. The Council reiterates the importance of full implementation of the Valletta Action Plan and recalls the agreement made in Valletta to deliver results in all five pillars of the action plan and in all three regions (Northern Africa, Sahel region/Lake Chad, Horn of Africa). It welcomes the rapid approval of projects worth € 751M in the Africa Emergency Trust Fund and underlines the need to ensure its balanced and comprehensive implementation in line with the principles of effectiveness, partnership and complementarity as well as the interest of the EU in better cooperation on return and readmission. The Council looks forward to strengthen the work, in close partnership with African countries, through concerted transparent and strategic policy dialogue (including the Khartoum and Rabat processes), in particular through an expert level stock taking meeting in June on the implementation of the Valletta Action Plan and the Senior Officials' Meeting in 2017, and invites the Strategic Board of the Trust Fund to provide further strategic guidance. The Council will follow closely the implementation of the Valletta Action Plan and invites the HR and the Commission to report on progress made at a forthcoming Council.

7. The Council also recalls the importance of the security-development nexus and the importance of implementing swiftly the Capacity Building in support of Security and Development (CBSD) initiative as part of the solution.

8. Within this holistic approach, cooperation on return and readmission forms an important element of a broader and balanced cooperation with partner countries. The Council recalls the need for full and effective implementation of existing readmission agreements towards all participating Member States. Negotiations already mandated by the Council and ongoing negotiations on readmission agreements must be accelerated and concluded as soon as possible, in close coordination with the Member States. The Council, in close cooperation with the Commission, is committed to enhanced and more effective cooperation on return with key countries of origin and transit, in particular with Pakistan, Afghanistan and Bangladesh, and welcomes the Commission's recommendation to authorise the opening of negotiations on a readmission agreement between the EU and the Republic of Nigeria. The Council recalls all relevant legal obligations in relation to the ACP countries under the Cotonou Agreement. In this respect, cooperation with countries of origin and transit may cover also the identification of people in need of protection and assisted voluntary return programmes for stranded migrants.

The Council recalls the need for cooperation on migration with all third countries, such as Iraq, that are key in managing the current irregular migration flows.

9. The combination of dialogues, missions and instruments outlined above must lead to visible improvement in the cooperation with key partner countries. This approach, as part of a strategic and operational plan, based on concrete short, medium and long-term measures, should be a central part of the external aspects of the European Agenda on Migration and the further preparations of the June European Council.

The Council underlines the importance of the management of the external borders of the EU and the Schengen Area.

10. The Council welcomes the work done on the Eastern Mediterranean route to manage the large refugee and irregular migration flows along the Western Balkans route and underlines the importance of further decisive steps taken in the implementation of the 18th March EU-Turkey statement. Continued close cooperation with Turkey within the established framework is helping to remove the incentive for migrants and asylum seekers to pursue irregular routes to the EU which put their lives at risk. The decrease of the migratory flows must be sustainable. In this context, active exchange of information, coordination and cooperation inside the EU and with third countries has shown its effectiveness and should be continued, including assistance in addressing overall challenges related to migration. It is important to remain vigilant with regard to the Eastern Mediterranean route and also use the framework of regional processes (the Budapest and Prague processes) to better manage migration flows.

All relevant EU instruments should be used to counter organized criminal human trafficking, to dismantle the network of people smugglers and to address the humanitarian crisis by restoring a safe and orderly management of migratory flows, as appropriate.

In addition, the Council reaffirms its support to Jordan, Lebanon and Iraq, and reiterates the call for pledges to be disbursed promptly and EU Compacts for Jordan and Lebanon to be finalised to enhance support to refugees and host communities in both countries.

11. Regarding the Central Mediterranean route, the Council highlights the need to use the broad range of tools available to manage flows in cooperation with third countries of origin and transit as part of an EU regional approach to migration, including via CSDP instruments. In particular, it highlights the importance of the work to be undertaken at the request of and in partnership with the Libyan Government of National Accord on a comprehensive approach to manage migration, which includes the fight against smugglers and traffickers, as well as capacity building and training of Libyan coastguard and Navy as one of the two further supporting tasks to be implemented by EUNAVFOR MED Operation Sophia. Work will be carried forward to this end to amend the mandate of EUNAVFOR MED Operation Sophia as well as the possible setting up of an increased civilian CSDP presence in Libya, including on border management assistance, in addition to existing EU funded capacity building projects.

While retaining the focus on the core mandates of the current CSDP missions and operations in the Sahel region, work can be continued on how they can contribute to increasing overall stability and security and to enhancing border management capabilities in the region.

Work on the Central Mediterranean migration route will be carried out in the immediate term in close cooperation with UNHCR and IOM and with countries of origin and transit in order to ensure protection of those in need, dignified reception of stranded migrants and return of irregular migrants, including assisted voluntary return and reintegration projects, including in Niger, building on existing ongoing work.

Further options in the context of migration challenges should be considered including on capacity building, strengthening border management, sharing information and fighting terrorism and organised crime.

12. Taking into account positive achievements, the Council recalls the importance of continuing and reinforcing cooperation with third countries of the Western Mediterranean route, including through bilateral and multilateral initiatives.

13. While it is important to address the management of the ongoing migratory flows in the immediate and short term, the Council reiterates the importance of tackling the root causes of irregular migration and forced displacement, including through conflict prevention and resolution in order to better manage mixed migratory flows. Taking into account the complex range of causes underlying migratory movements, building strong partnerships based on mutual trust with countries of origin, transit and host third countries with sustained long term policies and making full use of existing processes and programmes is crucial. The Council underlines the importance of information and prevention campaigns in third countries on risk of smuggling and human trafficking. The Council remains extremely vigilant as regards possible new routes for irregular migration and calls for appropriate measures that might be necessary in that respect. In addition, it is necessary to address migration not only as a short term phenomenon but also as a long-term challenge and opportunity.

14. The Council recalls that the world is facing the highest scale of forced displacement since WWII, with more than 60 million refugees and IDPs. The management of mixed migratory flows is not only a European, but a global responsibility, which calls for collective commitments and solutions. It requires countries of origin, transit and destination to forge genuine partnerships, on the basis of enhanced mutual support and solidarity, and an equitable and balanced responsibility-sharing within the international community. The EU will continue to advocate strongly for the respect of international law, including international humanitarian law, refugee law, notably the principle of non-refoulement, and international human rights law.

15. In this context, the Council underlines the importance of the global events related to migratory movements and the refugee crisis, such as the World Humanitarian Summit and the high level events taking place at the margins of the UN General Assembly in September 2016. At these events, the EU and its Member States are ready to actively engage towards an equitable and balanced responsibility-sharing within the international community.