

**17-18 March 2016**

The setting up of the European Border and Coast Guard is taking shape in accordance with the planning set by the European Council on 18-19 February. The first benchmark was the agreement in principle on a first batch of important provisions concerning the functioning of the European Border and Coast Guard Agency. At working party level, a first reading of the entire proposed regulation has been completed. Agreement on compromise proposals concerning a second batch of provisions has been



reached at the 9 March Coreper meeting. The Justice and Home Affairs council of 10 March confirmed this state of play. It includes provisions on the procedures for launching joint operations and rapid border interventions, the setting up of hotspots, the procedures for urgent actions at the external borders, the composition of European Border and Coast Guard Teams, including the rapid reserve pool, the setting up of a Return Office, the protection of fundamental rights, including data protection, and the acquisition and use of technical equipment.

The European Parliament has also started its work on the Border package after appointment of a rapporteur, a first exchange of views took place in the LIBE Committee on 29 February. The Presidency has held informal positive contacts with the rapporteur and the European Parliament in general.

2. Schengen

The Presidency welcomes the 'Back to Schengen' Communication from the European Commission on 4 March following the February European Council's call to restore, in a concerted manner, the normal functioning of the Schengen area and to put an end to the wave-through approach. Member States are now invited to take forward all the elements of the Commission roadmap on getting 'back to Schengen', including the full application of the Schengen Borders Code with a clear and identical approach both on external and internal borders, where control has been temporarily reintroduced, as contained in the Commission communication, and as concluded during the Justice and Home Affairs council of 10 March.

3. Hotspots, relocation and resettlement

The possibility to return to a normal functioning of the Schengen system is closely dependent on some of the other elements of the comprehensive approach: notably the functioning of the hotspots, Member States' accepting to improve their pledges replying to the calls from Agencies and the implementation of the relocation decisions. The Presidency calls on all Member States to actively contribute to the proper functioning of the hotspots, 100% identification, registration and security checks, and the provision of sufficient reception capacity. The Presidency will monitor and foster the deployment of guest officers by Frontex, EASO and Europol.

The Presidency, based on the work done in IPCR framework, will present shortly – in close cooperation with the most concerned Member States, the Commission, UNHCR and others – a recommendation paper for all actors involved in the process of hotspots and relocation. The paper reveals the need for common definitions and commonly determined workflows in order to be able to communicate effectively and efficiently on the urgent needs and commitments. Other recommendations are intended to contribute to the much needed acceleration of the relocation process, the registration procedure and the establishment of the necessary reception facilities.

Serious progress has been achieved on preparing a credible voluntary humanitarian admission programme with Turkey. Work with relevant actors, including UNHCR, EASO and IOM has been engaged. Talks with Turkey on the technical and procedural aspects are underway. The Justice and Home Affairs Council of 10 March concluded to maintain the voluntary nature, but at the same time called for contributions and participation by all.

4. Crisis relocation mechanism

Progress is being made on some of the key components in this legislative file, which concerns mainly the procedural provisions, including elements of a distribution key. Competent Council preparatory bodies have worked under a tight schedule in order to feed into the proposal under preparation by the Commission for the Dublin IV Regulation, which is announced.



5. List of safe countries of origin

The Presidency will invite Coreper to endorse a partial general approach in the second half of March concerning the Commission proposal, except for the annex containing the list of safe countries. To enable the Council to make the mandatory fundamental rights assessment of the third countries on the list, the Presidency will propose to Coreper to entrust the European Asylum Support Office (EASO) with the task to conduct the country by country analyses that should form the basis of such assessments. The European Parliament has in the meantime invited the same Agency to make a similar assessment although it has also entrusted the Fundamental Rights Agency (FRA) with the task to assist EASO in this exercise. These are important steps in order to reach an agreement on this proposal as soon as possible, although many obstacles will still need to be overcome. In the meantime national steps on safe countries of origin continue to be taken, thereby contributing to a progressive inventory of safe countries of origin.

6. Review of the Dublin Regulation

The Presidency is waiting for the Commission to present a communication on the review of the Dublin Regulation to start discussions on this essential – and much debated – element of the comprehensive approach to migration. A legislative proposal is foreseen for the end of April, after which the Presidency will commence speedy negotiations in Council. In preparation of this new proposal, some important horizontal elements are already being addressed in the context of the wider debate on the future of the Dublin system, and particularly during the ongoing discussions on the Commission proposals on the crisis relocation mechanism and on the safe countries of origin.

7. Return and readmission

The discussions on the two legislative proposals currently on the table, a Regulation on the European travel document for the return of illegally staying third-country nationals and the setting up of the Return Office (see under 1: the European Border and Coast Guard) proceed according to the Presidency's plan. The compromise proposal on the Return Office was agreed in Coreper on 9 March. The EU travel document is also expected to be submitted soon to Coreper after which trilogues with Parliament can start. The organisation of 'back-to-back' meetings of the Readmission Expert Meetings and the competent Council Working Party has been positively received and contributes to a good connection and synergy between the policy side and the practical implementation of the principles agreed.

With regard to the country specific tailor-made packages, progress is being made. The packages will provide guidance for the High Level Dialogues, as well as all other (local) EU and bilateral contacts with the specific country. On behalf of the EU the Dutch Minister for Foreign Affairs will lead the High Level Dialogues to Senegal, Ghana and Mali. All this should improve the bilateral relationship in general, and more specifically return to and the readmission of irregular migrants in those countries. Following previous Coreper discussions, those country fiches will be discussed in the regional working groups as well as in the High Level Working Group. The active role of Member States is crucial in this respect. The EEAS and Commission are working on several fiches and will report to the FAC and the EC on the progress made and the way the fiches will concretely contribute to the bilateral relationship in general, and more specifically the return and readmission process.

8. Follow-up of measures from the 7 March Statement, including the humanitarian situation

Although the 7 March statement confirms that the irregular flows of migrants along the Western Balkans route has now come to an end, the risk of a humanitarian emergency situation – especially in Greece – remains. The Heads of State or Government have outlined a number of



concrete actions to address this situation. The call to fulfil our obligations means:

- getting back to a situation where all member of the Schengen area fully apply the Schengen Borders Code and end the wave-through approach;
- standing by Greece in this difficult moment and to do our utmost to help manage the situation. This is a collective EU responsibility requiring fast and efficient mobilisation of all available EU means and resources and of Member States' contributions.

The Presidency is committed to closely monitoring and steering actively the effective implementation of the urgent measures listed in the 7 March statement. This has translated for instance in the fast-tracking of the Commission proposal on the emergency support to Greece and the application of the EU Civil Protection Mechanism. A complete overview of the 'urgent measures' proposed by the European Council shows the following picture (state of play 10 March).

1. Support the contingency and response plan providing an immediate and effective response to the very difficult humanitarian situation in Greece through the adoption of the Commission proposal on emergency support within the EU before the 17-18 March European Council. State of play: general position agreed in Coreper on 9 March, with a view to adoption by the General Affairs Council on 15 March. The European Parliament is likely to vote mid-April.
2. Assist Greece in comprehensive, large scale and fast-track return to Turkey and adoption of the advancement of the EU-Turkey readmission agreement from 1 June onwards. State of play: in the first week of March more than 300 persons were returned; Coreper agreed on 9 March on the EU position allowing the full implementation of the EU-Turkey readmission agreement from 1 June 2016.
3. Accelerate substantially the implementation of relocation and providing more places for relocation to alleviate the burden weighing on Greece. State of play: Between 3 and 7 March, 214 persons were relocated from Greece (in total 569 persons have been relocated from Greece thus far, last overview of the European Commission 11 March).
4. Continue to closely cooperate and provide any necessary assistance to the non-EU countries of the Western Balkans. State of play: as of 7 March, assistance has been offered to Slovenia, Croatia, Serbia and Greece by 14 Member States and Norway through EUPCM. In addition, 8 Member States have responded to the new call of Greece through EUPCM of 29 February.
5. Respond to the urgent calls of the Agencies; Frontex calls for national guest officers to provide further assistance to Greece in managing the external borders; EASO calls for national expertise to support the Greek asylum system; Europol calls for guest officers to be deployed in all hotspots to reinforce security checks. State of play: EASO has received 201 out of 374 experts; Frontex has received 759 out of the 1112 officers requested in the ongoing call for Operation Poseidon Rapid Intervention, and 353 out of the 1412 border guards in their ongoing call for joint operations. Europol is present in all hotspots and its Management Board is considering the additional deployment of 50 to 60 guest officers.
6. Implement the existing resettlement commitments and work seriously on a credible voluntary humanitarian admission programme with Turkey. State of play: 4,476 out of 22,000 persons have so far been resettled under the European Resettlement Scheme. Since February, four rounds of discussions have taken place in the Council preparatory bodies on the voluntary humanitarian admission programme with Turkey, including on detailed standard operating procedures prepared by EASO in close cooperation with the Commission. In parallel, talks with Turkey on the technical and procedural aspects have already taken place, with positive results.



7. Monitor the opening of any new routes in order to take necessary measures, and step up the fight against smugglers. State of play: No signs of new routes have so far been revealed. Frontex actively monitors possible opening of new routes as does the Presidency, through IPCR, on the Central and Eastern Mediterranean as well as the more Northern routes. Council conclusions on migrant smuggling have been adopted at the 10 March Council.
8. Take forward all the elements of the Commission roadmap on getting back to Schengen. State of play: First exchange of views at the 10 March Council meeting, as this is considered a matter of priority.

9. Neighbouring countries affected by the Syrian crisis

The efforts of Jordan and Lebanon in hosting a significant percentage of Syrian refugees on their soil are laudable, and pressing heavily on their national budgets. The compacts presented at the London pledging conference on 4 February are useful means for (amongst other things) generating economic activity and jobs for Syrian refugees. The Commission and the EEAS continue to look - in close cooperation with the countries concerned - into avenues to further support both countries. To this end, follow-up discussions have taken place in the first half of March in Brussels (with Jordanian officials) as well as in Beirut (with Lebanese officials).

10. EU-Turkey Joint Action Plan

The implementation of the EU-Turkey Joint Action Plan remains essential to face the current migration situation. The Presidency welcomes the progress made by EU Heads of State or Government and Turkey on 7 March. The outcome reflects the necessary urgency of dealing with the current situation.

Turkey confirmed its commitment to the bilateral Greek-Turkish readmission agreement and to take back all irregular migrants apprehended in Turkish waters. Also, Turkey made additional proposals to address the migration issue, including to return all new irregular migrants crossing from Turkey to the Greek islands, to resettle a Syrian national from Turkey to the EU for every Syrian national readmitted by Turkey, to accelerate the implementation of the visa liberalization roadmap, to speed up the disbursement of the allocated 3 billion euros in the Refugee Facility for Syrians and decide on additional funding, to prepare for the opening of new chapters in the accession negotiations and to work with Turkey to improve humanitarian conditions inside Syria.


The Presidency supports the President of the European Council in taking forward these issues and working out the details with the Turkish side before the European Council meeting at the end of this week. Meanwhile, the Presidency continues working on the technical and procedural aspects of the voluntary humanitarian admission scheme with Turkey as a matter of high priority.

11. Follow-up of Valletta Summit

The implementation of projects under the EU Emergency Trust Fund for Africa (EUTF), which was set up at the Valletta Summit on Migration in November 2015, has been taken up. The use of this fund is closely linked to the implementation of the Valletta Action Plan and of its 16 priority actions. The EUTF should contribute to broaden the partnerships with key third countries, including on reinforcing cooperation on return and readmission.

12. Migrant smuggling

Based on the input from the January conference on migrant smuggling and discussions in Council, conclusions have been formally adopted at the Council on 10 March and should be implemented by all parties concerned, in particular Member States and the EU institutions. One of the aims is to destroy the business model of smugglers, considering that their main or



only incentive is to make money over other people's despair. The implementation of the EU-Turkey Joint Action Plan and notably Turkey's recent commitment to accept the rapid return of all migrants crossing from Turkey into Greece and to take back all irregular migrants apprehended on Turkish waters should contribute to this objective.

13. Visa package

The visa package consists of two legislative proposals. The discussions are progressing well. Once the outstanding questions concerning the strong link between readmission and the Visa Code will be integrated in the text, a Council position is within sight, probably for the Council meeting in April.

As to the touring visa, the Council Working Party has decided to halt discussions for the moment.

14. Legal migration

The Commission is expected to publish a Communication covering, *inter alia*, legal migration avenues into Europe, following the European Agenda on Migration. The Presidency understands that this Communication will also focus on the importance of integration policies, and ways to attract innovative entrepreneurs to the EU. In addition, a package on legal migration is expected by the end of April, including a legislative proposal for the review of the European Blue Card Directive. The Presidency will schedule meetings to discuss the proposals.