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This Presidency report will provide a brief overview of the state of play since the December 2015 European Council, as well as the proposed actions for the coming weeks and months. The Presidency aims to report a distinct improvement of the migration situation before the March meeting of the European Council. This requires Member States to show political determination and to realize concrete results.



1. External border management

On 15 December 2015, the European Commission presented the European Border Package. This package contains a proposal for a regulation establishing a European Border and Coast Guard. Initial reactions from Member States suggest that four aspects of the proposal (shared responsibility, the right to intervene, the rapid reserve pool and the issue of vulnerability assessment) merit further consideration.



These four aspects were discussed at the informal JHA ministerial meeting on 25 January. Political guidance was given on the notion of shared responsibility, which rests on the firm recognition that the primary responsibility of Member States is not challenged. However, Member States agree on the need to cater for urgent situations, where collective intervention may be needed through an appropriate procedure, still to be defined, involving the Council. With regard to the rapid reserve pool, Member States agree that there is a need to strengthen the capacity of the Agency as compared to Frontex, while devising the right balance on the level of mandatory contributions to our collective efforts in managing our external borders. Finally, Member States recognized the usefulness of a prevention mechanism, provided that they are involved in the decision making procedure and that the procedure is linked to the Schengen evaluation. The Council is committed to adopting a position on this proposal as soon as possible, before the end of the Netherlands Presidency.

The Borders Package presented by the European Commission also contains a proposal to amend article 7 of the Schengen Borders code, which provides for systematic controls of persons enjoying the right of free movement under Union law at the external borders against relevant databases. Substantial progress has been made and the Presidency aims to reach a Council position on 25 February.

2. Schengen

The Presidency is strongly committed to securing the good functioning and sustainability of the Schengen System. At the informal JHA ministerial meeting on 25 January, broad support was noted for a correct



implementation of the Schengen Borders Code by all participants in the Schengen area. The Commission took a first step by adopting on 2 February a report on the evaluation of Greece on the implementation of the Schengen acquis in the field of the management of the external border and the corresponding proposal for a Council Recommendation, which has been adopted by the Council in the meantime. This is a necessary step in potentially proposing later this year appropriate measures which, based on Article 26 Schengen Borders Code, will help maintain the integrity of the Schengen area in the context of reinforced support to Member States in need.

3. Hotspots, relocation and resettlement

The informal European Council meeting of September 2015 called for decisions to ensure that the hotspots which support the relocation procedures would be operational by the end of November 2015. Further efforts are obviously needed for this system to work. Currently, two hotspots in Italy and one in Greece are operational. The Commission affirms (COM(2016) 85) that more are expected to open in the run-up to the February European Council.

The Presidency intends to focus on the following operational points: (1) the construction and proper functioning of the hotspots in Greece and Italy; (2) accelerate the pledges of the Member States in terms of relocation places and technical and human support, so that the relocation process can move forward; (3) while fully respecting the rights of persons in need of international protection in this process.

Member States are consistently and strongly urged to give full effect to the decisions on relocation and resettlement to which they committed at an earlier stage, in particular the relocation of 40,000 and 120,000 persons from Greece and Italy (September 2015) and the resettlement, through multilateral and national schemes, of 20,000 persons in clear need of international protection (July 2015). This is in line with the December European Council which called on the Member States to urgently implement these measures. The Presidency is in the process of approaching all Member States to recall earlier commitments and discuss the way forward on all levels, including at political level.

4. Crisis relocation mechanism

The European Council of 17 December 2015 concluded that Member States should continue work on the crisis relocation mechanism, taking into account experience gained. The Presidency has therefore continued the examination of the proposed crisis relocation mechanism in the Asylum Working Party. While acknowledging the many challenging elements of this proposal, as well as the call of many Member States to first evaluate the functioning of the temporary relocation schemes, this proposal may also be important in the light of the future review of the Dublin Regulation. The Presidency is therefore committed to making substantial progress on key components of the proposal which could be relevant for the future review of the Dublin system.

5. List of safe countries of origin

The European Council concluded on 17 December 2015 that the Council should rapidly decide on its position on the list of safe countries of origin. The Presidency therefore aims to reach a Council Position in the first half



of 2016. Frequent discussions on this proposal are held in the Asylum Working Party. Significant progress has been reached on most issues of the proposal. However, maintaining the list of safe countries in the annex as foreseen by the Commission proves to be one of the main challenges. Also, the fundamental rights assessment as a mandatory step in the legislative process, based on jurisprudence by the European Court of Justice, will impact the progress to be achieved on this file. The Presidency, in close consultation with all Member States, is therefore currently preparing a proposal to select the agency deemed best placed to conduct the country by country analysis that should form the basis of such an assessment. Ideally, the Council and European Parliament would select the same agency, so that negotiations between the two co-legislators can be conducted on the basis of the same results.


6. Review of the Dublin Regulation

A well-functioning, efficient asylum system is a pre-condition for a stable Schengen area. The proposal for the review of the Dublin Regulation as announced by the Commission is therefore considered to be one of the key legislative files in the area of asylum. It will be handled by the Presidency with a high degree of priority. Any review of the Dublin system needs to take into account the current reality, whereby some Member States are confronted with unprecedented inflows of migrants. In this situation, leaving the responsibility of these asylum applications with a single or just a few Member States is unsustainable. This would further increase secondary movements leading to additional strain on the Schengen system. The Presidency has launched a wider debate on the future of the Dublin system within the Council, in view of the presentation of the announced Commission Communication in March and of the Commission's legislative proposal in April this year.

7. Return and readmission

Return and readmission are essential elements of a comprehensive approach to migration and one of the priorities of the Netherlands Presidency. The Presidency has stepped up efforts in this area and is convening frequent meetings at different levels. EU-third country readmission agreements, tackling misuse of rights and procedures, assisted voluntary return, alternative arrangements for readmission, the "Return Office" of the European Border and Coast Guard and the EU laissez-passers are all key issues in this regard. Return and readmission are equally part of the more encompassing mechanisms of the Integrated Political Crisis Response (IPCR) and the Valletta process. All these efforts combined should lead to a significant rise in the EU return figures. Additionally, the Presidency supports the call of the Commission that Member States should further review how they can embed the safe third country principle in their national legislation.

As a specific action, the June and October 2015 European Council tasked the High Representative and the Commission to conduct High Level Dialogues on migration, focusing on cooperation in this field including return and readmission. The Council in October 2015 also requested the Commission and the European External Action Service to develop comprehensive and tailor-made country packages in order to implement the Action Plan on Return vis-à-vis specific third-countries. In consultation with the EEAS and the Commission, the first packages are being developed for Pakistan, Bangladesh, Algeria and Morocco, which have already been discussed in Coreper. In the next stage, additional packages



will be developed for Afghanistan, Ethiopia, Niger, Nigeria, Senegal and Sudan. By April 2016, the EEAS and the Commission need to report to the Council. In the HLWG, the Presidency is therefore currently asking Member States to clearly identify national leverages, both positive and negative, and red lines.

8. Monitoring of migration flows and follow-up of the Eastern Mediterranean and Western Balkans route conference

Over 60,000 people entered Greece in the first month of 2016. As long as the influx of migrants into Europe remains high and the Western Balkans route continues to be the preferred highway of entering the EU illegally, there will be a need for active monitoring of the migration flows. Day-to-day knowledge of the development of these flows is necessary in order to address the humanitarian needs along the routes and to ensure sufficient reception capacity and access to basic services, including healthcare. Moreover, up-to-date information is needed for contingency planning, as long as no objective information becomes available confirming a sustainable downward trend in the number of arrivals.


Over the past months, the Presidency has organized a coordinated response to the current migration crisis using the three-tier system (upstream, downstream, assistance). The Integrated Political Crisis Response (IPCR) arrangements were activated in the Council as part of those efforts. With the crucial support of the Commission, of the EEAS and of EU agencies, as well as international organizations such as UNHCR and IOM, they serve to establish a common picture of the situation regarding migration flows.

The Presidency has actively engaged with this issue, not only through IPCR, but also by arranging regular high-level and ministerial meetings with representatives from all countries along the Western Balkans route, including with Serbia and the former Yugoslav Republic of Macedonia. Through these meetings, the EU takes stock of the level of preparedness of the countries along the route to manage the migration flows, shares information on recent developments, obtains a common picture of what is happening along the various borders, and finally, is able to formulate practical solutions.

The Member States, together with the Commission, the EEAS, and all other State and non-State actors involved, like ICRC, WFP, UNHCR and IOM, work together and stand ready to deliver swift, targeted and coordinated assistance where needs arise due to a quickly changing reality on the ground.

In this context, the Presidency attaches great importance to the follow-up of the High-Level Conference on the Eastern Mediterranean/Western Balkans route, organized in October 2015 under the Luxembourg Presidency. Key leaders from the Western Balkans and from Member States most affected by the "Western Balkans route" met quickly afterwards, on 25 October. Since that moment, a framework for regular contact between the countries has been set up which should, however, function better, especially concerning the prior consultation part of the commitments.

As outlined by the October and December European Councils, a proper operational follow-up to the Declaration of the Conference will play a key role in attempting to alleviate the migratory pressure on the Eastern



Mediterranean/Western Balkans route. In order to follow-up on the Western Balkans part of the route, the Netherlands Presidency, apart from the aforementioned meetings in IPCR format, is planning to organize a senior officials meeting coming spring.

The implementation of the work and continued cooperation along the route is of utmost importance. In particular the HLWG and SCIFA will continue to closely monitor the implementation of the declaration, aiming at a more efficient management of the migratory flows on this route.

9. Neighboring countries affected by the Syrian crisis: Lebanon and Jordan

The EU has substantially contributed to the international response to the humanitarian crisis in neighboring countries affected by the Syrian crisis, including through the Madad Fund (EU Regional Trust Fund in response to the Syrian crisis). At the recent London conference, the EU pledged up to EUR 1,115 billion for the broader region.


Lebanon and Jordan have taken in more refugees per capita than any other country in the world. The influx has put severe pressure on their public services in the fields of education, health care, waste management, water and electricity, which entails a risk of tensions between domestic groups and refugees. In order to support these countries, the EU has stepped up its efforts. At the London conference, the EU announced the development of so called 'compacts' for Jordan and Lebanon, comprehensive support packages including mobility cooperation, aid and trade preferences. Further work in the Council is ongoing, also on widening rules of origin for Jordan, in order to support economic perspectives for refugee communities.

Development ministers discussed support to both countries during the Informal FAC/DEV and the FAC met with the Jordan Foreign Minister and will meet with the Lebanese Foreign Minister, discussing migratory issues among others.

10. Turkey, including a voluntary humanitarian admission scheme

On 29 November 2015, leaders of the EU and Turkey issued a joint declaration for a structured and more frequent high-level dialogue and activated the EU-Turkey Joint Action Plan including a joint approach to managing migration. In line with this, the Presidency has stepped up efforts to work together with Turkey in tackling the migration crisis. Since January 2016, the Presidency (supported by the Council Secretariat), the EEAS and the Commission services have set up a monitoring system making full use of the IPCR.

The Presidency has put the voluntary humanitarian admission scheme with Turkey on the EU agenda as a matter of high priority. The Commission recommends designing the scheme as a flanking measure to the commitments contained in the Joint Action Plan with Turkey for persons displaced by the conflict in Syria and in clear need of international protection. It should ensure managed and safe migration as opposed to perilous irregular migration. Discussions between the Presidency, the Commission, Member States and the UNHCR are ongoing. As soon as irregular migration from Turkey goes down substantially, measurably and sustainably, the mechanism should be ready for swift activation.



Concerning the €3 billion Refugee Facility for Turkey to support refugees under temporary protection and host communities in Turkey, Coreper has agreed on a common understanding between EU Member States and the Commission on establishing a governance and conditionality framework, as well as on a way to formalize the contributions from Member States. The Commission has amended its decision establishing the Facility accordingly and Facility's Steering Committee will meet on 17 February.

11. Follow-up of Valletta summit

The Valletta Summit established a concrete and comprehensive framework for a partnership between the EU, the associated countries and African partners in the field of migration, including addressing the root causes for migration. The five pillars of the Action Plan focus on the different areas of cooperation and list flagship projects that need to be launched in 2016. The follow-up to the Action Plan and Political Declaration adopted at the Summit are a priority on the agenda of the Netherlands Presidency and the EU, as was also underlined in the European Council Conclusions of December 2015. The HLWG will regularly focus on the implementation of the Valletta Action Plan, including the relevant initiatives taken in the context of the Rabat and Khartoum processes.

The need for tailor-made packages, including elements of other policy areas besides migration, is also mentioned in the Action Plan that was agreed at the EU-Africa Summit on Migration in Valletta on 11-12 November 2015. The Presidency is committed to contribute to a discussion on specific tailor-made country packages among Member States to enable further and timely progress on both the High Level Dialogues as the follow up of Valletta. The operational committees under the EU Emergency Trust Fund for Africa that was launched in Valletta have recently approved the first projects for West- Africa and the Horn of Africa.


12. Migrant smuggling

Following the Conference on Migrant Smuggling of 12-13 January 2016, the EU Action Plan on Migrant Smuggling and the European Agenda on Migration, the Presidency - in close cooperation with the Commission - is currently preparing Council Conclusions on migrant smuggling for adoption at the Council on 10 March 2016. The conclusions provide a concrete and operational follow-up to the Commission's and Member States' efforts following the Commission Action Plan on migrant smuggling of May last year.

13. Visa package

In April 2014 the European Commission proposed a recast of the Visa Code in order to provide for more facilitation for the Schengen visa. This recast is part of the visa package on which the Presidency is committed to reach a Council position on 10 March 2016. The few outstanding issues are expected to be solved quickly. In accordance with the Council conclusions of October 2015, the link with readmission is part of the discussion.

As part of the same visa package, the European Commission proposed a new type of visa: the touring visa. This visa will provide for visa facilitation for specific target groups allowing them to travel throughout



the Schengen zone. As for the Visa Code, the Presidency aims to reach a Council position on the touring visa on 10 March 2016. The Council would thus be ready to engage in trilogues on the visa package with the European Parliament by April 2016.

14. Legal migration

The development of a new policy on legal migration is one of the four pillars of the European Agenda on Migration, presented in May 2015. The European Commission is expected to present a package on legal migration in spring 2016, spearheaded by a communication on legal migration and integration. The package is further expected to encompass a review of the Blue Card directive and an action plan on the integration of refugees.

During the informal meeting of Ministers responsible for Competitiveness on 27 January 2016, the Netherlands Presidency launched an initiative on an EU-wide start-up visa. This initiative aims to harmonize start-up visa regulations across Europe to cover the entire EU single market. The Presidency is committed to these initiatives and will address their follow-up in the appropriate Council Working Parties.