



**COUNCIL OF  
THE EUROPEAN UNION**

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**"I/A" ITEM NOTE**

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from: General Secretariat of the Council  
to: Permanent Representatives Committee / Council  
Subject: **Draft Council Conclusions on the improvement of cooperation between Member States, the Commission and FRONTEX in the field of return**

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1. The objective of these draft conclusions, which have been submitted by the Presidency, is to identify areas of action in the field of return by calling on Member States, the Commission and FRONTEX, each of them within the framework of their mandate and competence, to take appropriate measures in order to reinforce their cooperation.
2. The text of the draft Conclusion was considered by the Working Party on Migration and Expulsion at its meeting on 25 April 2007 and by the Strategic Committee on Immigration, Frontiers and Asylum at its meeting on 21 May 2007.
3. Following the agreement reached at the Strategic Committee on Immigration, Frontiers and Asylum meeting on 21 May 2007, the Permanent Representatives Committee is invited to suggest that the Council adopt, under part "A" of the agenda of a forthcoming meeting, the Conclusions as set out in the Annex to this note.

**DRAFT COUNCIL CONCLUSIONS**

on the improvement of the cooperation between Member States, the Commission and FRONTEX in  
the field of return

THE COUNCIL OF THE EUROPEAN UNION,

Whereas:

- (1) Member States' authorities responsible for return and readmission matters are engaging in increasingly intensive cooperation. The main reasons for this are greater dialogue with third countries on migration issues, regular sharing of experience regarding voluntary return, increased joint return operations involving a number of Member States and greater use of Member States of transit for return. Cooperation between the authorities responsible is in many cases a prerequisite for the successful completion of return operations.
- (2) The stepping up of sharing of information and experience at Community level and in local consular cooperation brings a need to make effective use of the Community's leverage in asserting Member States' interests in the area of return. The European added value can also be achieved where pressure is brought to bear on problem countries by means of joint action.
- (3) Article 9(1) of Council Regulation No 2007/2004 of 26 October 2004 establishing FRONTEX (OJ L 349, 25.11.2004, p. 1) stipulates that, subject to the Community return policy, the Agency is to provide the necessary assistance for organising joint return operations by Member States. In accordance with the Commission communication of 19 July 2006 on policy priorities in the fight against illegal immigration of third-country nationals, "FRONTEX will provide the necessary assistance for organising and coordinating the joint return operations". The actual tasks which FRONTEX can and should in fact, in Member States' view, perform have so far remained unspecified and need to be spelt out now that initial experience of cooperation is available,

- (4) The Decision of the European Parliament and of the Council establishing the European Return Fund for the period 2008-2013 as part of the General Programme "Solidarity and Management of Migration Flows" provides for financial means aimed at supporting actions or the enhancement of the cooperation between Member States in the framework of integrated return management and its implementation.

TAKES THE FOLLOWING VIEW:

1. The Council calls on Member States to step up their practical cooperation and collaboration between the relevant authorities with regard to return.

There is a need for Member States' experts, permanently or as required, to:

- assess the data available on voluntary and forced return;
  - assess any shortcomings in cooperation with countries of origin or transit and devise a country-specific strategy for dealing with uncooperative States;
  - discuss practical cooperation issues;
  - inform one another, inter alia via ICONet, of planned and completed joint return operations;
  - plan, coordinate, carry out and follow up joint return operations;
  - discuss technical issues arising in the implementation of Community law and of readmission agreements and, where appropriate, decide on operational standards in procedural matters.
2. In order to allow for extensive, efficient sharing of information and experience as well as agreements on practical measures between Member States' experts, in accordance with point 1, sufficient discussion time should be set aside in existing Council bodies established to consider return issues and in expert groups set up by the Commission. The Commission, if need be, is also invited to have return issues placed on the agenda for its Committee on Immigration and Asylum (CIA) and to set up ad hoc Groups on individual subjects, on an informal basis and taking account of the capacities of all the parties involved.

3. It is also important to ensure stronger cooperation and interaction between the Council and Commission bodies which deal with return issues and FRONTEX and its structures. The question of the establishment of a body dealing with joint return operations issues in the framework of the FRONTEX structures, in full respect of its prerogatives and competence in this area, should also be the subject of consideration in the future.
4. The Council calls on Member States to ensure communication and coordination both at Community level and at the level of the diplomatic and consular representations in third-countries, in order to work towards the aim of close cooperation under a common return policy. A more efficient use of the network of the Immigration Liaisons Officers posted in third countries is also desirable. In third countries for which the large number of people to be returned or uncooperativeness makes it worth taking Community action, the possibility of a joint consideration, by the diplomatic and consular representations of the Member States, of the state of cooperation on return with a view to examining options for action under a common return policy could also be envisaged. The delegations of the Commission in the relevant third countries should also be invited to participate in this process.
5. The Council calls on FRONTEX to assist Member States' competent authorities with return by land, sea and air, by the following means:
  - regularly presenting FRONTEX's plans, as well as thinking and experience, both at Community and national level, with regard to joint return operations;
  - identifying any need for joint return operations;
  - providing the appropriate coordination and assistance to joint return operations carried out by Member States;
  - taking part in advance missions (together with the organising and participating Member States) in countries of destination, to prepare for joint return operations and assist with the necessary work at the destination;
  - establishing best practice with respect to the provision of the travel documents which are necessary to implement return;

- applying for and providing EU budgetary resources, particularly financing from the Return Fund;
- promoting and constantly updating the ICONet platform as an information network for Member States;
- setting training objectives and security standards for escorts involved in joint return operations;

In order for FRONTEX to perform these tasks to the extent necessary, it should be provided with sufficient staffing and funding. The Council calls on FRONTEX to play an active part in cooperation between Member States under points 1 and 2.

