COUNCIL OF THE EUROPEAN UNION

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from: General Secretariat of the Council
to: Permanent Representatives Committee/Council
Subject: Draft Council Conclusions on Mobility Partnerships as a tool of the Global Approach to Migration

1. The Presidency submitted the draft Conclusions on Mobility Partnerships as a tool of the Global Approach to Migration. Their objective is, taking into account the experience of the pilot Mobility Partnerships, to confirm the value of this cooperation instrument, which addresses the three components of the Global Approach (legal migration, illegal migration, migration and development) and to set criteria for the identification of third-countries with which the European Union could conclude new Mobility Partnerships.

The draft Council Conclusions were considered by the High Level Group on Asylum and Migration at its meeting on 26-27 October. The Group reached agreement on the text as set out in the Annex to this Note.

2. The Permanent Representatives Committee is invited to confirm the agreement reached on the draft Conclusions, in view of submitting them to the Council (Justice and Home Affairs) for approval and to the GAERC for adoption.

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Presidency Draft Council Conclusions
on Mobility Partnerships as a tool of the Global Approach to Migration


2. The Council also recalls the June 2008 Presidency Conclusions inviting the Commission to evaluate the pilot Mobility Partnerships and welcomes in this context the Commission’s preliminary evaluation entitled “Mobility Partnerships as a tool of the Global Approach to Migration”.

3. Furthermore, the Council underlines that Mobility Partnerships constitute an appropriate framework for increased dialogue and cooperation with third countries and an innovative and comprehensive tool within the Global Approach to Migration, based on shared responsibilities and commitments, taking into account, as appropriate, the principle of geographic balance, and respecting the division of competencies between the Community and its Member States. The Mobility Partnership framework ensures a concrete, concerted and balanced implementation of the three components of the Global Approach while adapting its content to each of the countries involved.

4. Mobility Partnerships can significantly contribute to the operationalisation of the Global Approach, particularly in seeking to better organise legal migration, enhance the positive links between migration and development, and prevent and reduce illegal migration. They may also contribute to address in an efficient way aspects related to trafficking in human beings and smuggling of migrants, and to asylum and refugee protection.
5. Even at an early stage of implementation, the Council recognises that the Mobility Partnerships represent a valuable framework for increasing transparency, enhancing coordination and synergies, facilitating cooperation, improving policy coherence, and ensuring more cost efficient operations between all the partners involved – within the EU, within the third countries concerned, and between them, and with the active involvement of EU agencies – while complementing and adding value to existing bilateral frameworks.

In view of the above, the Council adopts the following conclusions:

6. The Council emphasises that a clearly defined, long-term strategic interest for the EU should be a key criteria in the identification and selection of potential partner countries. The selection process should include a more strategic reflection on migration issues based on the Global Approach, while also considering migratory routes, and take into account all related policy aspects of the EU’s relationship with each country in question, as well as the objectives that the interested EU Member States and the Commission wish to achieve jointly with the partner country in the context of each Mobility Partnership.

7. Based on the experience of the existing pilot Mobility Partnerships, and with a view to ensuring successful implementation of future partnerships, the Council underlines that future Mobility Partnerships should be envisaged with third countries that are of strategic relevance and meet the agreed selection criteria. On this basis, the EU and third countries should identify mutual interests, needs and expectations at an early stage. Furthermore, the Council stresses that third countries should only be considered eligible for Mobility Partnerships if they demonstrate sufficient readiness and capacity for internal coordination in order to implement the partnership. In addition, the Council invites the Commission to define time limits for the exploratory talks with potential partner countries.

8. The Council underlines that migration missions can also be used more explicitly as a tool to assist the EU in making strategic choices with regard to potential partnership countries. The terms of reference for migration missions should, when appropriate, foresee an assessment of the potential added value of a Mobility Partnership with a third country.
9. The Council underscores that the non-binding legal framework for Mobility Partnerships, taking the form of political statements and declarations of intention signed by the Community, the Presidency of the EU, interested Member States and the respective partner third countries, is an appropriate arrangement allowing for the expeditious establishment of Mobility Partnerships and ensuring their open, flexible and voluntary nature.

10. The Council underlines that Mobility Partnerships are intended to constitute an impetus for new initiatives and forms of cooperation, taking into account ongoing or planned Community, Member States, EU agencies and, where relevant, other partners’ activities. New initiatives and ongoing activities should add value and complement each other.

11. The Council invites the Commission and interested Member States to undertake additional efforts to disseminate, in a strategic manner, information about the possibility of the mobility partnership instrument in order to ensure that potential partner countries are well-informed about the nature and purpose of these partnerships, fully respecting the Treaty provisions, while avoiding raising unrealistic expectations.

12. The Council stresses that legal migration opportunities and circular migration, taking into account their development potential, can constitute a key component of partnerships, respecting Member States’ national competence and national labour market needs, as well as the interests and needs of potential partner countries in this area.

13. The Council stresses the importance of ensuring the implementation of Mobility Partnerships at both political and technical levels, and confirms the relevance of both the mobility partnership taskforces and the local implementation, coordination and evaluation mechanisms. In addition, the Council stresses that appropriate initiatives from the EU and the participating Member States, supported by adequate means, are needed to ensure the success of the Mobility Partnerships.
14. Taking into account the above, the Council invites the Commission to identify, jointly with the Member States, potential partner countries by the end of 2009, and to initiate exploratory talks with them with a view to assess their interest, needs, expectations, and coordination capacities for a Mobility Partnership with the EU. The Council will consider the outcome of these talks with a view to launching, if the conditions are met, new Mobility Partnerships as soon as possible in 2010.

15. The Council invites the Commission to continue to assess the current Mobility Partnerships as an effective tool of the Global Approach, in close collaboration with interested Member States, third countries and other relevant partners involved, and present its findings to the Council in 2011.