



Council of the
European Union

Brussels, 3 March 2017
(OR. en)

6943/17
ADD 1

MIGR 28
COMIX 166

COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	2 March 2017
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2017) 200 final - ANNEX 1
Subject:	ANNEX to the COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL ON A MORE EFFECTIVE RETURN POLICY IN THE EUROPEAN UNION – A RENEWED ACTION PLAN

Delegations will find attached document COM(2017) 200 final - ANNEX 1.

Encl.: COM(2017) 200 final - ANNEX 1



Brussels, 2.3.2017
COM(2017) 200 final

ANNEX 1

ANNEX

to the

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT AND THE COUNCIL**

**ON A MORE EFFECTIVE RETURN POLICY IN THE EUROPEAN UNION –
A RENEWED ACTION PLAN**

<u>I. Increasing the effectiveness of the EU system to return irregular migrants</u>			
Action	Done	Not done	Comments
1. Enhancing voluntary return			
Monitoring the effects of disparities between national voluntary return schemes (short term) – <i>to avoid 'return' shopping whereby migrants pick those MS offering the most lucrative packages.</i>	Ongoing		<p>The European Reintegration Network (ERIN) established Working Group on Harmonization.</p> <p>The European Migration Network's Return Expert Group (EMN REG) monitors this on an ongoing basis and has produced an analysis on this topic "Incentives to return to a third country and support provided to migrants for their reintegration"¹.</p>
Funding through AMIF of assisted voluntary return programmes (short term) – <i>in cooperation with governmental and non-governmental partners such as IOM</i>	Ongoing		This is part of the Assisted Voluntary Return and Reintegration assistance granted through Asylum, Migration and Integration Fund (AMIF).
Promoting best practices on voluntary return and reintegration programmes through the EMN (mid-term) – <i>to encourage MS to develop an effective framework enabling irregular migrants to have easy access to voluntary return programmes</i>	Ongoing		<p>The European Migration Network's Return Expert Group monitors this on an ongoing basis. The following report is available:</p> <ul style="list-style-type: none"> - "Dissemination of Information on Voluntary Return: how to reach irregular migrants not in contact with the authorities"². <p>In addition, non-binding common standards for AVR(R) were adopted in Council conclusions (9 June 2016) based on a recommendation from the European Migration Network's Return Expert Group.</p>
Support for joint reintegration programmes (mid-term) – <i>to improve both the quality of the support provided to migrants and its cost-efficiency (through economy of scale on the</i>	Ongoing		Incentives to encourage return are now generally provided within the framework of Assisted Voluntary Return (and Reintegration) Programmes by many Member States.

¹ https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports_en

² Idem.

<i>administrative costs)</i>			
2. Stronger enforcement of EU rules			
Evaluation of the state of implementation of the Return Directive (short term) - <i>to enforce its correct implementation, both as regards the protection of irregular migrants' rights and the full and effective enforcement of the return process</i>	Ongoing		<p>This is an ongoing exercise.</p> <p>The evaluation is implemented through the visits to the Member States under the Schengen Evaluation Mechanism and an upcoming European Migration Network's Return Expert Group study which will be launched by 1st April 2017.</p>
Schengen evaluations on return (on-going) – <i>to facilitate identification and remedying of deficiencies in national laws and administrative practices in implementation of EU rules on return</i>	Ongoing		<p>This is an ongoing exercise.</p> <p>The Recommendation of 1st March also builds on the overall results of visits.</p> <p>New instruments being used: first two unannounced visits in the area of return conducted in 2016.</p>
Possible review of the Return Directive based on the second implementation report (at the latest in 2017)	to be considered		Based on the experience with the implementation of this Recommendation and depending on the need to take further actions to substantially increase the return rates, the Commission stands ready to launch a revision of the Return Directive.
Mapping of best practices and obstacles to return in national law and administrative practice through the EMN (mid-term) – <i>to facilitate remedying of deficiencies in national laws and administrative practices in implementation of EU rules on return</i>	Ongoing		Obstacles to return in connection with the implementation of the Return Directive are analysed by the European Migration Network's Return Expert Group.
Integration of information on assisted voluntary return in asylum process (mid-term) – <i>to inform</i>	Ongoing		<p>The European Migration Network's Return Expert Group monitors this on an ongoing basis.</p> <p>More work is needed but the following report is</p>

<i>asylum-seekers on the possibility of assisted voluntary return early on and through all phases of the asylum procedure, to provide a sound alternative to those who wish to return to their country in dignity</i>			available: "The Return of Rejected Asylum Seekers: Challenges and Good Practices" ³ .
3. Enhanced sharing of information to enforce return			
Evaluation of the SIS (ongoing) (short term) – <i>to be able to propose changes in order to enhance the effectiveness of the EU return system</i>	Yes		Evaluation published on 21/12/2016 – COM(2016) 880 final; SWD(2016) 450 final.
Setting up a network of national contact points on withdrawal of residence permits (short term) – <i>to ensure enhanced information exchange between MS on withdrawal of residence permits</i>		No	The 2015 Return Action Plan identified the creation of a Network of Member States contact points on withdrawal of residence permits to be put in place by the Commission which has not yet been achieved. This is identified as an action to be implemented by the Commission during 2017.
Legislative proposals on compulsory introduction of entry bans and return decisions in the SIS (2016) (mid-term) – <i>to ensure in practice the mutual recognition of return decisions issued by MS and their enforcement EU-wide</i>	Yes		Proposals adopted on 21/12/2016. COM(2016) 881 – return decisions in SIS COM(2016) 882 – all entry bans in SIS
Revised proposal on Smart Borders (2016) – <i>to enhance return rates by creating a record of all cross border movements by third country nationals</i>	Yes		Presented on 6/4/2016. The Smart Borders package includes: - A Communication on 'Stronger and Smarter Information Systems for Borders and Security' ⁴ ; - A Regulation for the establishment of an Entry-Exit System ⁵ ; - A proposed amendment to the Schengen Borders Code to integrate the technical

³ Idem.

⁴ COM (2016) 205 final.

⁵ COM/2016/0194 final - 2016/0106 (COD).

			changes needed for the Entry-Exit System.
Explore the possible extension of the Eurodac Regulation (mid-term) – <i>to enable the use of this data for return purposes</i>	Yes		Proposal adopted on 4/5/2016 - COM(2016) 272 final.
Evaluation of the implementation of the VIS (2016) (mid-term)	Yes		Adopted on 14/10/2016 - COM(2016) 655 final.
4. Strengthening the role and mandate of the European Border and Coast Guard Agency (former Frontex)			
More systematic use of Joint Return Operations coordinated by the European Border and Coast Guard Agency (former Frontex) short term – <i>to enable the pooling of resources by MS</i>	Ongoing		The pace of return operations organised by the European Border and Coast Guard Agency continues to grow. Between 12 January and 20 February 2017, the Agency organised 29 return operations flights for the return of 1 602 third-country nationals, reaching a total number of 1 663 returns in 2017.
Training by the European Border and Coast Guard Agency (former Frontex) for escort leaders and escorts (ongoing) (short term) – <i>to help MS establish pools of escorts that can be swiftly deployed on return flights</i>	Ongoing		Partially implemented. More training needed when Member States provide the necessary forced-return escorts, forced-return monitors and return specialists that are needed to meet the target of 690 pool members.
Legislative proposals to expand the mandate of the European Border and Coast Guard Agency (former Frontex) on return (2016) (mid-term) – <i>to enhance and further scale up the European Border and Coast Guard Agency's (former Frontex) role in practical cooperation on return</i>	Yes		Legislative proposal presented on 15/12/2015 – COM(2015) 671. European Border and Coast Guard Agency Regulation 2016/1624 adopted on 14/09/2016.
5. An integrated system of return management			

Setting up an integrated system of return management (short term) – <i>to achieve a coherent and effective system of return management together with the European Border and Coast Guard Agency (former Frontex)</i>	Yes		The Integrated Return Management Application, IRMA, was developed in 2016. The system has been rolled out in all EU Member States, as well as Norway and Switzerland and is now operational.
Defining the tasks and the priority countries for deployment of EMLOs (short term) – <i>to facilitate cooperation with the authorities of those countries on the readmission of their nationals</i>	Yes		EMLOs now in deployment phase.
Roadmap for improving the collection of statistical data on returns (short term) – <i>to enable the development of adequate policy responses</i>	Ongoing		Development and implementation of an improved collection of operational data on return and readmission using the Integrated Return Management Application as a platform started in 2016 involving all Member States. Monthly collection of operational return data – according to commonly agreed definitions and indicators – is expected to facilitate the planning, coordination and management of return capacities and operations by the Member States, the European Border and Coast Guard Agency, EASO and Eurostat.
Deployment of EMLOs in key third countries (mid-term)	Ongoing		Deployment was initiated in 2016 and foreseen to be fully accomplished in 2017.
Evaluation of EU legislation on ILOs and possible legislative proposals to revise it (mid-term) – <i>to explore whether revision is necessary to enhance the added value of the ILO network</i>	Ongoing		To be completed in March 2017.
Explore ways to increase the recognition of EU <i>laissez-passer</i> by third-countries (mid-term) – <i>for example by increasing the security</i>	Ongoing		Proposal for a European Travel Document for the return of illegally staying third-country nationals presented on 15/12/2015 – COM(2015) 668.

<i>features of the documents</i>			Regulation 2016/1953 adopted on 26/10/2016 on the establishment of a European travel document for the return of illegally staying third country nationals.
<u>II. ENHANCING COOPERATION ON READMISSION WITH COUNTRIES OF ORIGIN AND TRANSIT</u>			
Action	Done	Not done	Comments
1. Effective implementation of readmission commitments			
Ensure the implementation of the readmission commitments under specific readmission agreements and the Cotonou Agreement	Ongoing		Regular Joint Readmission Committees meetings under Readmission Agreements, other meetings at political at technical level, tools provided to increase third countries' capacity to manage readmission.
Bilateral readmission meetings to be organised with Sub-Saharan countries of origin, starting with Nigeria and Senegal (short term) – <i>to further enhance practical cooperation and increase return rates to partner countries</i>	Ongoing		Meetings organised with main countries of origin: Ghana, Senegal, Ivory Coast, Mali, Ethiopia, Nigeria, to ensure implementation of readmission obligation of Art 13 Cotonou.
2. Concluding ongoing and opening new negotiations on readmission agreements			
Launch or re-launch of negotiations with North African countries (short term)	Ongoing		<ul style="list-style-type: none"> - Tunisia: negotiations opened in October 2016 (based on December 2014 mandate) - Morocco: negotiations remained stalled (last negotiating round held in January 2015) - Algeria: negotiations not opened. Informal migration dialogue covering also readmission in April 2016.
Explore the launch of negotiations on new readmission agreements with key countries of origin (mid-term)	Ongoing		<ul style="list-style-type: none"> - Negotiations opened with Nigeria in October 2016 - First reading of the Readmission Agreement proposal, with Jordan in November 2016
3. High-level political dialogues on readmission			

Carrying-out high-level political dialogues with priority countries for migration (mid-term) – <i>to prioritise the issue of return and readmission in relations with countries where political engagement and leverage are needed, either to implement existing commitments or to conclude or launch negotiations on readmission agreements</i>	Ongoing		<ul style="list-style-type: none"> - High Level Political Dialogue with Sub-Saharan countries in the context of Partnership Framework countries: Niger, Ethiopia, Mali, Senegal, Nigeria (before that by NL MFA on behalf of HR/VP to Ivory Coast, Mali, Ghana) - High level political dialogues held with Egypt and Pakistan - High Level Political Dialogue with Afghanistan resulting in the signature of the Joint Way Forward in October 2016 - Several seminars on best practices in return, readmission and reintegration took place under the Rabat and Khartoum Processes in 2016
EU assistance and policies to be used as incentives to stimulate the partner country's willingness to cooperate with the EU	Ongoing		<ul style="list-style-type: none"> - For the Sub-Saharan countries – translated into the Partnership Framework approach presented in June 2016, with the priority focus on Senegal, Mali, Ethiopia, Nigeria and Niger - Additional financial support to third countries under the European Union Emergency Trust Fund for Africa
4. Reintegration support and capacity building			
Setting up of a dedicated Readmission Capacity Building Facility (short term) – <i>to improve the ability of responsible authorities to respond in a timely manner to readmission requests and on facilitating and speeding up the identification of own nationals by countries of origin</i>	Ongoing		Readmission Capacity Building facility set up under the Asylum, Migration and Integration Fund. Objective: provide assistance/ capacity building to third countries to support cooperation on readmission/negotiations of Readmission agreements. Several actions under preparation (Pakistan, Bangladesh, Afghanistan, Sri Lanka).
Voluntary return programmes in third countries under Regional Development and Protection Programmes (short term)	Ongoing		In the framework of the Regional Development and Protection Programme (RDPP) for North Africa supported under the Asylum, Migration and Integration Fund 2015 grant to the Italian Ministry of the Interior as the leader of the the Regional Development and Protection Programme North Africa consortium, International Organization for Migration provides assisted voluntary return and reintegration support to 100 vulnerable migrants

			stranded in Mauritania (pre-departure assistance, reintegration support). Under the same programme, Belgium is working with the Tunisian and Moroccan authorities to facilitate a better management of voluntary returns and reintegration activities.
Support voluntary return programmes from the Western Balkans (short term) – <i>to allow for transiting migrants to take the opportunity to return voluntarily to their home country before making the full, dangerous journey</i>	Ongoing		As a part of the Madad-funded project, “EU support to Serbia and the former Yugoslav Republic of Macedonia in managing the migration/refugees crisis/Balkan route”, the International Organisation for Migration, together with the Commissariat for Refugees and Migration, has organised 9 information sessions on Assisted Voluntary Return for migrants in reception and asylum centres in Serbia (approximately 400 attended). Five migrants returned to their country of origin last week (info as of 20/02/2017) through Assisted Voluntary Return and currently there are another 33 migrants who have entered the Assisted Voluntary Return procedure with preparations for return to their country of origin under way. Outreach and information activities as well as individual counselling on Assisted Voluntary Return will continue throughout the year. In the period 1 Jan – 17 Feb there were 27 Assisted Voluntary Returns in total: Iraq (11), Algeria (5), Pakistan (5), Iran (4), Ghana (1) and Turkey (1).
Structural support to reintegration of returnees under the Trust Fund to be launched by the Valletta EU-Africa Summit on migration (mid-term) – <i>to incorporate and expand support for reintegration into existing schemes in countries of origin, such as vocational, education programmes etc.</i>	Ongoing		<p>- Initiative on better migration management, including assistance to return and reintegration of migrants benefiting from a €100 million allocation, covering the Sahel and Lake Chad region and neighbouring countries, including Libya - adopted under European Union Trust Fund for Africa.</p> <p>- "Facility on Sustainable and Dignified Return and Reintegration in support of the Khartoum Process" (€25 million) will contribute to the return and reintegration of migrants in targeted partner countries of origin, transit and destination.</p>
5. Increasing EU leverage on return and readmission			
Agreement on a global package to support negotiations on readmission and improved returns building on the 'more-	Ongoing		- Approach further elaborated and operationalised with the Partnership Framework Communication. A certain level of coordination of leverage, between European Union and Member States, to support negotiations on readmission was delivered.

for-more' principle (short term)			<ul style="list-style-type: none"> - Across the policy spectrum, financial assistance remains the main instrument; other policy areas (trade, visa policy, neighbourhood policy, energy, climate, environment, maritime and fisheries, agriculture, digital policy, and education) are still to offer sources of leverage. <i>Details in the Partnership Framework reports⁶</i>
Prioritising return and readmission and addressing it in all contacts with priority third-countries (short term) – <i>to adhere to a clear message to countries of origin and transit of irregular migrants about the necessity to cooperate on readmission</i>	Ongoing		<ul style="list-style-type: none"> - Messages on fighting irregular migration/improving cooperation on return/readmission included in the contacts with relevant third countries. - Coordination of positions between the European Union and its Member States and consistency in the dialogue with third countries needs to be further improved.
Development of tailor-made, country-specific packages (mid-term) – <i>to help partner countries fulfil their readmission obligations in practice and support negotiations</i>	Ongoing		Tailor made country packages designed, and used as a basis for discussions with third countries, including projects and tools aimed at improving capacity to manage readmission.

⁶ COM (2016) 700 of 18.10.2016; COM (2016) 960 of 14.12.2016