



Brussels, 10 October 2022  
(OR. en)

13110/22

LIMITE

MIGR 285  
ASILE 87  
JAI 1297  
FRONT 358  
RELEX 1315

**NOTE**

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From: Presidency  
To: Permanent Representatives Committee/Council  
Subject: Asylum and migration  
– *Progress report and way forward*

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**DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (03.11.2022)**

Since the onset of its semester, the Presidency has been focusing on all strains of EU asylum and migration policy, taking into account the complex nature of the respective legislative and non-legislative files.

The Presidency is paying specific attention to legal migration and visa packages that are well on track at the technical level. Efforts on Schengen governance have been stepped up through organising the Third Schengen Council, with a particular focus on management of external borders and relating matters to current developments in the migration situation. At the same time, the Presidency has been further coordinating efforts on the external dimension in view of the need to improve relations with the key countries of origin and transit and to improve the preparedness of the EU to face the current situation, including the risks of instrumentalisation. Amongst other things, the response to the situation arising from Russia's war of aggression remains high on the agenda, with the aim of supporting the implementation of the 10-point plan, notably through the temporary protection directive and the work of the IPCR and the Solidarity Platform.

As regards asylum reform, building on the gradual approach agreed under the French Presidency, the Czech Presidency has continued work on the reform, maintaining the balance between responsibility and solidarity. In this regard, and following a Roadmap agreed between the European Parliament and the outgoing, current and three incoming Presidencies, the Czech Presidency is also paying due attention to finding a compromise on the solidarity and responsibility components of the reform, while reflecting on the positions of all Member States. To this end, a Presidency proposal for a concept on solidarity - the ‘*Way forward on EU migration solidarity and crisis response mechanism*’ - was presented and discussed at the technical and strategic levels in the Council, building on the concept of mandatory flexible solidarity and responsibility. These technical and strategic debates confirmed the readiness of Member States to pursue this concept, while showing the need to elaborate further on guarantees for adequate solidarity and on the scope of flexible responsibility. The Presidency takes the view that the political level should acknowledge these efforts and task the technical and strategic level with further elaboration of the concept, with a view to translating it into the respective legislative proposals. The proposed way forward, revised on the basis of Member States’ comments (already presented at the SCIFA meeting on 4 October 2022), is in Annex II to this document. Annex I contains a state of play on asylum and migration.

1. *Do Ministers agree with the main principles anchored in the Presidency’s concept on solidarity (see Annex II), which builds on the mandatory flexible solidarity and responsibility, and do they agree on the proposed way forward?*
2. *Would Ministers like to highlight any other issue related to the state of play presented on asylum and migration (see Annex I)?*

**Asylum*****Roadmap with the European Parliament***

On 7 September 2022, the outgoing, current and three incoming Presidencies of the Council and the European Parliament signed a Roadmap in which they committed to make efforts towards the conclusion of all asylum files before the end of the legislative period of the current European Parliament. The Roadmap states that the negotiations between the co-legislators should start by the end of 2022. To this end, the Presidency is cooperating closely with the European Parliament in order to start, as soon as possible, inter-institutional negotiations on proposals on which a general approach was adopted in the Council under the French Presidency (Eurodac and Screening regulations) and agree on the way forward for the other proposals.

***Way forward on EU migration solidarity and crisis response mechanism***

Based on the outcomes of the informal SCIFA debate and on further discussions organised at a technical level, the Czech Presidency, in close cooperation with the incoming Presidencies, developed a proposal (see Annex II) for a ‘Way forward on EU migration solidarity and crisis response mechanism’, which was presented and discussed for the first time at a meeting of JHA Counsellors on 16 September. Based on the debate and written comments received, the Czech Presidency identified two major elements – (1) the issue of predictability and guarantees of adequate solidarity and (2) a need for more details regarding the scope of the concept of flexible responsibility. Both elements were discussed at a SCIFA meeting on 4 October 2022 and will require further work. Therefore, and building upon the constructive outcomes achieved so far at technical and strategic level, the Czech Presidency aims to further elaborate the concept at the technical level in order to prepare the ground for translation of the concept into the respective legal proposals (the Asylum and Migration Management Regulation and the Crisis and Force Majeure Regulation).

In parallel, the Czech Presidency is supporting the implementation of the voluntary solidarity mechanism agreed during the French Presidency, under the Solidarity Platform ‘Pact’, in close coordination with the European Commission.

### ***Instrumentalisation Regulation***

In July 2022, the Presidency continued the work on the proposed Regulation aiming to address the instrumentalisation situation from the migration, asylum and return perspective and support those Member States which might be facing this type of situation. An article-by-article examination of the proposal, conducted by the Asylum Working Party, built on the initial presentation and general discussion held under the French Presidency in March 2022. The Presidency has successfully concluded the examination of the entire operative part and presented a compromise proposal in September 2022. Following further discussion, a new version of the compromise text is to be presented in the first half of October 2022.

### ***Asylum Procedure Regulation***

Also within the framework of the Asylum Working Party, the Presidency has relaunched the work on the Asylum Procedure Regulation, aimed at achieving greater convergence in the EU asylum system, and following on the work carried out by the previous presidencies. Nevertheless, the Presidency opted this time to examine the entire text of the legislative proposal, and not only the provisions amended by the 2020 proposal. The first meeting was held on 21 September 2022 and the examination will continue in October and, most likely, in November 2022. The intention of this exercise is to ascertain which parts of the text can be considered as stable, which provisions need additional fine-tuning, and which provisions need to be discussed at a higher, political level in order to achieve an agreement.

## **Legal migration**

The Presidency started work on the two legislative proposals of the Commission's Skills & Talent package, which aim to enhance the EU's attractiveness for global talent by facilitating both the admission of workers with different skills levels to the EU and the intra-EU mobility of third-country nationals already present in the EU. At the same time, on 5 – 6 October 2022 the EMN Czech Presidency Conference on '*EU and Labour Migration: Needs, Strategies and Challenges*' was organised in Prague. The main focus was on labour migration management, cooperation with non-EU countries, assistance and challenges connected with migrant workers already present in the territory of the host country and the attraction of talents, and the changes caused by new technologies and digitalisation. Also, special attention was paid to the impact on the EU labour market of refugees fleeing Ukraine.

### ***Single Permit Directive***

The first reading of the proposal for a recast Single Permit Directive was completed by the Working Party on Integration, Migration and Expulsion (IMEX (admission)) in July, focusing on the main proposed changes to the single application procedure for a combined work and residence permit. On the basis of the initial comments from Member States, the Presidency will table a first set of compromise proposals in November.

### ***Long-term Residence Directive***

The first reading of the proposal for a recast Long-term Residence Directive began in the IMEX (admission) Working Party in September and should be completed by the end of November 2022. Discussions have so far covered some of the main proposed changes to the conditions for acquiring EU long-term resident status and the rights of long-term residents.

## **External dimension of asylum and migration**

Three meetings of the Working Party on External Aspects of Asylum and Migration (EMWP) have so far been organised under the CZ Presidency: on 15 July and 6 and 28 September 2022. Two additional meetings will take place on 7 November and in December 2022.

Following the whole-of-route approach, the Presidency looked at the situation along the Eastern land route, notably in relation to Ukraine and Moldova, and the Western Balkan route. Moreover, the Presidency has examined the implementation of some of the action plans - Tunisia, Nigeria, Niger and Morocco – and presented revised versions of the action plans on Pakistan and Egypt. The Presidency also looked at some intergovernmental processes (Prague Process, Budapest Process, Khartoum process and Rabat Process), especially in relation to support for the implementation of the action plans. In preparation for two ministerial meetings on migration process planned by the end of the year, EMWP discussed the Prague Process' draft Joint Declaration and Action Plan 2023-2027 to be adopted at the Ministerial Conference on 24/25 October 2022. On 28 September 2022, Coreper confirmed its agreement on both texts, which the Council will be invited to adopt on 13 October 2022. The discussion is also ongoing on the Rabat Process' draft text of the Ministerial Declaration and Action Plan to be adopted on 12-14 December 2022 at the Ministerial Conference. To support these endeavours, the Presidency organised the very first EMWP meeting, which was attended by the chosen CSDP missions' representatives (EUCAP Sahel Niger and EUBAM Libya - Mediterranean routes - and EUAM Ukraine - Eastern migration route), with a view to improving overall awareness and looking into possible synergies. Moreover, the EMWP delegates meeting on 29 September 2022 in COSI supported the discussions on the migration and security challenges along the Silk Route.

In the remaining meetings, the Presidency will focus on the remaining migration routes, financing of the external aspects of migration and an overall evaluation of the progress achieved through the action plans.

Two meetings of the JHA Counsellors (MOCADDEM (Operational Coordination Mechanism for the External Dimension of Migration Roundtable)) were held on 7 and 30 September 2022 under the CZ Presidency.

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### **Return**

The Presidency has continued in the general long-standing efforts to improve implementation of fair, humane and effective returns. The Presidency is paying due attention to the implementation of the EU strategy on voluntary return and reintegration as well as the development of Frontex mandate in the area of return, notably the Frontex Joint Reintegration Services (JRS). At the same time, the Czech Presidency has been paying particular attention to the implementation of Article 25a of the Visa Code with the aim to develop, in cooperation with the Commission, an indicative timeline for the annual process of evaluating the readmission cooperation of third countries with a view to using this instrument to its full potential. Moreover, the Presidency also supports the recent appointment of the EU Return Coordinator and the establishment of the High-Level Network on Return, which should contribute to creating a whole-of-Commission and whole-of-EU approach on returns. The Presidency also looks forward to advancing on the negotiations with the Parliament on the recast Return Directive, once its position will be established.

## Visas

### ***Suspension of the whole of the Visa Facilitation Agreement with Russia***

On 6 September 2022, the Commission submitted a proposal for a Council Decision on the suspension of the whole of the Visa Facilitation Agreement with Russia. The agreement had previously been partially suspended. The Council adopted the decision on 9 September 2022 and it entered into force on 12 September 2022. The suspension of the agreement means that the general rules of the Visa Code will apply by default to Russian nationals applying for short-stay visas.

Following the abovementioned Council decision, the Commission issued Guidelines to Member States on the procedures and conditions for issuing visas to Russian applicants in order to ensure coherence, clarity and transparency during the visa procedure. The Guidelines were discussed in the Visa Working Party on 13 September.

### ***Decision on the non-recognition of Russian travel documents***

The issue of non-recognition of Russian travel documents issued in the occupied foreign regions was discussed in the Visa Working Party on 13 July 2022. On 6 September 2022, the Commission submitted a proposal for a Decision of the European Parliament and of the Council on the non-recognition of Russian travel documents issued in occupied foreign regions. According to the proposed decision, Russian travel documents issued to residents in Russian-occupied territories should not be recognised by Member States for the purposes of issuing of a visa and of crossing the external borders. The proposal was presented at a JHA Counsellors' meeting on 8 September 2022. In the light, *inter alia*, of legal issues concerning the proposal and questions raised by Member States, a Presidency compromise proposal was issued, which was presented to and discussed by the JHA Counsellors on 29 September 2022. On 12 October 2022 Coreper will be asked to agree on a mandate for interinstitutional negotiations.

### ***Proposal for a Regulation on the digitalisation of the visa procedure***

Building on the work carried out by the French Presidency, the Presidency started the article-by-article examination of the proposal, while organising in parallel a policy discussion on the mandatory nature of the EU visa applications platform. The Presidency is currently redrafting the main article of the proposal, comprising the amendments to the Visa Code, on the basis of delegations' comments, and it intends to submit the revised Presidency text to delegations, while continuing in parallel the first reading of the proposal. The overall objective is to make as much progress as possible towards the definition of a Coreper mandate on the proposal and then hand the file over to the Swedish Presidency. The European Parliament should adopt its report in LIBE in December.

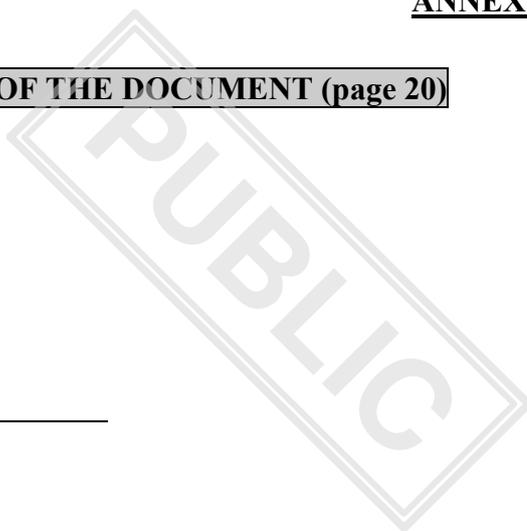
### ***Visa liberalisation for Kuwait and Qatar***

On the basis of the negotiation mandate adopted by Coreper in June, the Presidency stands ready to start interinstitutional negotiations with the European Parliament as soon as the latter has adopted its position on this file.

### ***Visa liberalisation for Kosovo***

The Czech Presidency is ready to put this file back on the agenda of the Council and work towards the definition of a Coreper mandate.

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