



Council of the
European Union

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NOTE

From:	Presidency
To:	Permanent Representatives Committee/Council
Subject:	External dimension of migration

1. The external dimension as an essential element for the functioning of the Pact

Managing migration effectively is a European challenge that requires a collective European response. The forthcoming adoption of the Pact on Migration and Asylum puts this principle into practice, the Union demonstrating the collective commitment to deliver on one of the most far-reaching reforms of its internal migration and asylum system. This reform will make the European asylum system more effective and increase solidarity between Member States, fundamentally changing the way migration and asylum is dealt with at the external borders of the Union as well as on its territory. The new rules build on a series of innovative elements such as compulsory border procedures, seamless coupling between asylum and return systems, reinforced responsibility rules, as well as compulsory solidarity and measures to deal with crisis and instrumentalisation situations.

Translating the Pact on Migration and Asylum from a legal text into practice to ensure the effective implementation of a controlled and well-managed migration model at the external borders of the Union and on its territory, will become a central objective in the coming months and years. In the meantime, the further strengthening of cooperation with key countries of origin and transit is crucial for the implementation of the Pact to prevent irregular departures and loss of life, prevent abuse of visa policies, reduce pressure on the EU's borders and reception capacities, combat smugglers and increase returns, through both preventive and reactive approaches.

Building on previous discussions, further external action in the area of migration is needed, covering all migratory routes, in line with the whole-of-route approach, and benefitting from adequate funding. Mutually beneficial, comprehensive and balanced partnerships with countries of origin and transit should also be developed, addressing the root causes of migration, opportunities for legal migration (in particular through Talent Partnerships), international protection, more effective protection of EU external borders, resolutely fighting organised crime, trafficking in human beings and migrant smuggling, instrumentalisation of migration as a hybrid threat, and stepping up returns. Such partnerships should be developed in compliance with international law, EU principles and values, and the protection of fundamental rights.

The increase in irregular arrivals to the EU in recent years¹, the ensuing pressure on migration and asylum systems and the outlook for the coming months and years in the framework of the complex economical, geopolitical and security situation surrounding Europe, have reminded us of the importance of continuing such efforts so that the EU and the Member States are able to respond more effectively to the challenges ahead.

¹ In 2023, illegal border-crossings (IBCs) at the EU's external borders moderately increased (+16% compared to 2022), recording close to 380 100 IBCs. The Central Mediterranean route was the busiest route in 2023, accounting for 41% (158,020) of all IBCs into the EU in 2023 and registering a 50% increase compared to 2022 (ISAA report No 392 16.02.24). Since the start of the year, pressure has increased on the Western Mediterranean and Atlantic routes (+427%, 12,358) and on the Eastern Mediterranean route (+69%, 6,005) in comparison with the same period in 2023 (ISAA report No 393 22.02.24).

In the face of these challenges and against the backdrop of the imminent operationalisation of the Pact on Migration and Asylum, the Belgian Presidency would like to invite Ministers to express their views on two aspects related to the need to increase external action in the area of migration: on the one hand, the further development of comprehensive, balanced and mutual beneficial partnerships with third countries and, on the other hand, the coordination of actions along the key migration routes.

As regards the issue of mutually beneficial partnerships with third countries, this approach has been consistently supported by Heads of States as well as Ministers and the fruits of this approach have become tangible. On the basis of these results, the Belgian Presidency believes that lessons could usefully be drawn for the future.

Concerning the coordination of actions along the key migration routes, a specific focus is given to the most recent action plan dedicated to the Eastern Mediterranean route. While it is important that efforts concern all routes in a balanced way, the Belgian Presidency considers that the Eastern Mediterranean route could benefit from a specific discussion given the latest trends on that route (sustained level of arrivals to the Greek islands, sea arrivals from Lebanon and Syria to Cyprus), the regarding relations with Türkiye, as well as the potential impact of recent regional crises (situation in the Gaza Strip) and protracted crises (Syria, Iraq, Afghanistan) on this route.

2. *Mutually beneficial partnerships with third countries*

At their joint meeting of 15 March 2021, the Ministers of Foreign Affairs and Ministers of Interior confirmed the need to deepen comprehensive, tailor-made and mutually beneficial partnerships with key partner countries of origin and transit and reiterated that migration should be central to our foreign policy agenda, and overall relations with partner countries, in line with the Commission's Communication of 2020 on a New Pact on Migration and Asylum. The European Council has reiterated its position on the need to develop such partnerships on several occasions.

Such partnerships have recently been concluded by the EU with Tunisia and will soon be with Mauritania and Egypt.

a) Tunisia

The Memorandum of Understanding (MoU) was signed on 16 July 2023 and provides for a Strategic and Comprehensive Partnership on irregular migration, economic development and renewable energy. It sets out a commitment to take forward a comprehensive partnership package to strengthening economic and trade ties, a sustainable and competitive energy partnership, migration and people-to-people contacts. It includes the commitment to work towards the implementation of the Talent Partnership, launched in June 2023, to promote legal migration in a mutually advantageous manner, and to further support the return of Tunisian nationals in an irregular situation in the EU. The migration pillar of the MoU includes MEUR 105 in projects funded from the 2023 budget on migration, building on ongoing programmes and reinforcing areas of mutual interest. The Commission monitors closely the implementation of the MoU on all its aspects.

b) Egypt

The Commission is working on developing a Strategic and Comprehensive Partnership with Egypt, which would unleash the full potential of EU-Egypt relations. The Strategic and Comprehensive Partnership was presented to President Al-Sisi by the President of the Commission during her visit to Cairo in November 2023. It will consist of a package of short and medium-long term deliverables and commitments built around the following main blocks: political relations; macroeconomic stability; investment and trade, including energy, water, food security and climate change; migration; security, and human capital development. This approach received overwhelming support from both parties in the context of the 10th EU-Egypt Association Council on 23 January 2024.

A Talent Partnership was launched with Egypt in June 2023 and is moving towards implementation, with concrete objectives being defined and programmes launched or being finalised.

The Council has recently agreed on a Joint Declaration on the Strategic and Comprehensive Partnership with Egypt that sketches out the possible programme to be refined in the Strategic and Comprehensive Partnership later on, including a pillar on migration.

[The Joint Declaration on the Strategic Partnership should be signed soon].

c) *Mauritania*

Mauritania has been identified as a priority country for a closer cooperation with Frontex, in the form of a working arrangement and/or a status agreement, depending on Mauritania's needs and interests. The country previously showed some interest in both a status agreement and a working arrangement but negotiations on a status agreement stalled after a few rounds in late 2022 and early 2023. Negotiations are ongoing with Frontex on a working arrangement. A Frontex Liaison Officer covering Mauritania, Senegal and the Gambia is deployed in Dakar.

On 26 January 2024, the Commission shared a note² announcing its intention to enter negotiations for a non-legally binding instrument (NBI) on behalf of the EU to launch a migration partnership and dialogue with the Islamic Republic of Mauritania. The launch of negotiations on the NBI (Joint Declaration on a migration partnership and dialogue) was approved by the Council on 19 February 2024. On 4 March 2024 the (JHA) Council will be invited to authorise the signing of the NBI. Commissioner Johansson intends to sign the NBI during her mission to the country on 7 March 2024.

The sustainable and complementary implementation of all these partnerships is a key element for their success. A Team Europe approach based on transparency and coordination between the EU and bilateral initiatives, as well as coordination at local level, is therefore essential. In addition, human rights must be embedded in the relationship in order to balance the partnership and ensure that implementation is in line with international law. Finally, it is important that the Commission regularly reports to the Council on implementation.

3. *Implementation of the EU Action Plan for the Eastern Mediterranean route (EMR)*

In its conclusions on 9 February 2023, the European Council invited the Commission to present an Action Plan on the EMR, as part of a broader approach to help alleviate the pressure on Member States faced with large numbers of irregular arrivals along the route.

² See 5489/24.

On 18 October 2023, the Commission issued the “*EU Action Plan on the Eastern Mediterranean migration route*” in response to the call of the European Council. It is the last of the action plans which now cover all the main migratory routes in the Mediterranean and Atlantic Seas and the Western Balkan region. It identifies 29 operational measures, more than the action plans for the Central Mediterranean (20) and the Western Mediterranean and Atlantic (18) routes as well as the Action Plan on the Western Balkans (20).

The Commission, in close cooperation with MS and partner countries, focuses on the implementation of the operational measures included in the Action Plan, with an emphasis on stepping up prevention of irregular migration and enhancing management of flows. These measures complement and build upon operational measures already undertaken by the Commission to manage irregular migration along the route, such as the Toolbox addressing the use of commercial means of transport to facilitate irregular migration to the EU and counter-smuggling projects.

The Action Plan includes a number of actions aiming at continuing and enhancing cooperation with Türkiye. It reminds the centrality of the EU-Turkey Statement of 2016 in our relations and proposes specific actions for all key areas of cooperation. A High-Level Dialogue on Migration and Security between Commissioner Johansson and the TR Minister of Interior took place on 23 November and engagement will continue.

As provided for in the Action Plan, the EU continues to support regional cooperation among partners in the Southern Neighbourhood, notably Lebanon, Jordan, Egypt.

Since the adoption of the Action Plan, at Council level, MOCADDEM has developed an action file to follow up on the EU Action Plan (matrix)³.

³ WK 16820/2023 INIT.

The EU-Turkey Statement of 18 March 2016 remains the main framework for cooperation on migration along the EMR. After the Statement, the loss of life along the route has drastically decreased, and resettlement opportunities for Syrians have increased. The Statement contributed to the overall decrease of irregular arrivals since 2016. It plays a key role in ensuring that the migration challenge is addressed effectively and jointly by the EU and Türkiye, is in the interest of both sides and remains crucial with a view to saving lives and preventing irregular migration to the EU. Turkey should also implement the Readmission agreement in full and towards all Member States, as well as the bilateral readmission commitments.

The EU remains committed to continuing its engagement with Türkiye. Together with its Member States, and in accordance with the EU-Turkey Statement, the EU will continue to work with Türkiye to provide support to the Syrian refugees and host communities. The EU and its Member States will continue to step up engagement with Türkiye in a Team Europe approach. High-level political and technical dialogue is ongoing with Türkiye on migration and security.

On 29 November 2023, a *Joint Communication by the High Representative and the Commission* was issued on the state of play of EU-Türkiye relations⁴. On migration, the Communication recommends cooperation towards a more effective and mutually beneficial implementation of the 2016 EU-Turkey Statement (incl. Türkiye to resume readmissions and prevent irregular departures more proactively), and continuation of EU support to refugees and host communities as proposed in the mid-term review of the MFF.

⁴ 16280/23

As regards the evolution of the arrivals along the EMR in 2023⁵, the total number of Illegal Border Crossings (IBCs) was 56% higher than in 2022 (with 60 177 IBCs in 2023). In 2023, Syrians were the top nationality recorded (36%), followed by Afghans (16%) and Palestinians (11%). The number of Palestinian IBCs has been mounting throughout the second half of 2023 (in line with a more general increase in numbers along the route in 2023). However, the share of Palestinians among all illegal crossings along the EMR route started to decline in November and remained stable at lower levels in December, suggesting that this flow cannot be directly attributed to the ongoing conflict in Gaza.

Questions

The Commission is invited to:

- *Update on the implementation of the Partnership with Tunisia and on the state of play of the negotiations with Egypt and Mauritania.*
- *Provide its views on the potential for future migration partnerships with third countries.*
- *Provide an update on the implementation of the EU Action Plan on the Eastern Mediterranean route and an outlook of the situation.*

Member States are invited to:

- *Assess the existing migration partnerships with third countries and what support Member States could provide in terms of the partnerships' implementation and to give their views on the way they should be developed in the future (including in terms of procedure, content, and target).*
- *Share their views on the way the flows of irregular arrivals be best tackled along the Eastern Mediterranean route.*

⁵ ISAA report No 392 of 16.02.24.