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NOTE

From: Presidency
To: Permanent Representatives Committee/Council
Subject: Asylum and migration
– *State of play*

Delegations will find in annex the state of play of the files on asylum, legal migration, external dimension of asylum and migration and return.

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 has closely cooperated 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. On this basis, a set of proposals on which negotiations should start or resume soon has been agreed, which includes the Qualification Regulation, the Resettlement Framework, the Reception Conditions Directive and the Eurodac and Screening Regulations. Following this agreement, the Presidency together with the European Parliament plans to organise the first political trilogues on the Eurodac Regulation possibly still this year, while the first trilogues on the Screening Regulation could start early next year.

At the same time, progress has been made on the negotiations of other files in the area of asylum, notably Instrumentalization Regulation and Asylum Procedure regulation.

Way forward on the reform of EU asylum system based on balanced solidarity and responsibility

Based on the outcomes of the informal SCIFA debate and on a number of discussions organised at a technical level, the Czech Presidency, in close cooperation with the incoming Presidencies, developed a proposal for a way forward on the reform of the EU asylum system based on balanced solidarity and responsibility, which was, after the first exchanges of views on the technical level and in SCIFA, presented at the October JHA Council, where Member states supported the continuation

of work at the technical level. Follow-up debates on the technical level and in SCIFA were held and the concept was further elaborated both in the area of solidarity, as well as in the area of responsibility. In view of the Presidency, a significant progress has been achieved on this concept since September, building further on the need for a balanced approach between the principles of solidarity and responsibility. The concept presents various ideas that received a sound support from the majority of Member States and were welcomed throughout the negotiations as possible viable solutions to be considered during the necessary legislative work, notably on the Asylum and Migration Management Regulation (AMMR), the Crisis and Force Majeure Regulation and the border procedure in the Asylum Procedures Regulation (APR). The final version of the concept can be found in the document 15265/22.

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. During the extraordinary Council meeting on 25 November, it was widely supported that the implementation of the Declaration must be sped up.

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 (see the document on the current legislative proposals 15288/22). 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.

External dimension of asylum and migration

Five meetings of the Working Party on External Aspects of Asylum and Migration (EMWP) have been organised under the CZ Presidency: on 15 July, 6 and 28 September, 7 and 30 November 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, the Western Balkan route and the Central and Western Mediterranean - Atlantic route. Moreover, in the framework of the operationalisation of the Pact, the Presidency has examined the implementation of some of the action plans - Tunisia, Nigeria, Niger, Morocco, Bosnia-and-Herzegovina and Iraq – and presented revised versions of the action plans on Pakistan and Egypt. In that framework, the external dimension of the EU agencies ‘mandate (Frontex, EUAA, Europol) and their support in the implementation of the action plans was touched upon. In order to ensure a proper follow-up of these action plans, the Presidency has organised an exchange of views on the evaluation of the way they are implemented. In the same vein, based on the replies by Member States to a Presidency questionnaire, the evaluation of Moadem was discussed with a view to a debate at COREPER level in early January 2023. Furthermore, as a follow-up to the discussions on 9 November at COREPER, a debate took place on the state of play of the financial programming of the external dimension of migration.

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, which was adopted at the Ministerial Conference on 24/25 October 2022. 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.

Five meetings of MOCADDEM (Operational Coordination Mechanism for the External Dimension of Migration Roundtable) were held on 7 and 30 September, 17 October, 10 and 28 November 2022 under the CZ Presidency. The last meeting will be organized on 12 December 2022.

The first meeting focused on the revised action file on Bosnia and Herzegovina and on the revised implementation reports on Iraq, Niger, Tunisia and Nigeria. The latter showed good progress in implementation of planned actions vis-à-vis Nigeria and Niger. Due to the difficult political and economic situation in Iraq and Tunisia, there was less progress to report for these countries.

At the meeting on 30 September, a new action file on Egypt was discussed as well as a draft proposal for a toolbox on instrumentalisation aiming to improve overall preparedness and ensure responsiveness. Both files were further discussed at the meeting on 17 October.

Based on the results of the October JHA Council, the Czech Presidency developed the action file on enhancing engagement and fostering migration cooperation in the Western Balkans that was discussed during the meetings on 10 November and 28 November. The meeting on 28 November also paid attention to implementation reports of action files on Afghanistan, Gambia and operational approach to return. The last meeting on 12 December will be dedicated to the follow-up to the extraordinary Council meeting, especially in terms of the Central Mediterranean. While action files on Egypt and Bosna and Herzegovina and implementing reports for Niger, Nigeria, Tunisia and Iraq were presented to Coreper on 9 November, the remaining work developed under the Czech presidency will be presented to Coreper before the end of the year.

Return

The Presidency has continued the general long-standing efforts to improve implementation of fair, humane and effective returns. The Presidency has been 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. As regards the ongoing Article 25a exercise, the Presidency will submit the draft decision on visa measures against The Gambia to the Council on 8 December 2022. It will continue working to ensure that the Council takes the decision on visa measures against Senegal as quickly as possible; and that the discussion on such measures against Iraq is brought back to the table.

Moreover, the Presidency also supports the work of the EU Return Coordinator and 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.
