

Pilot Initiative on Return to Third Countries

Non-paper of the Commission Services and EEAS:

state of play and next steps in view of discussions in COASI and COAFR

The pilot initiative on return was discussed originally in the JHA Council in March 2014 as a Dutch initiative proposing to use the leverage, available in overall bilateral relations with particular third countries, in order to improve the return rate of irregular migrants from the EU Member States to those countries. Following this discussion, in its June 2014 conclusions on return, the JHA Council endorsed: "launching an initiative on a pilot project concerning a number of selected third-countries of origin [...] [in order] to mobilise all adequate means in the framework of the more for more principle, to stimulate the selected pilot third countries to comply with their international obligations, to improve return rate".

The conclusions invite the Commission and the EEAS to launch the pilot initiative on return (or project, as it was referred to) in cooperation with the EU Member States and on the basis of their input and contributions. The participation of the EU Member States in this initiative is entirely voluntary. It is a prerequisite for an effective approach, however, and in the absence of interest of the Member States, the Commission Services will not implement the initiative with regard to a given third country. The four countries for the exercise (Ghana, Nigeria, Pakistan and Bangladesh) were proposed by the Presidency and endorsed by SCIFA on the basis of various factors, in particular statistics on irregular migration and return.

Preparing the launch of the initiative requires: (1) gathering and analysing the available leverage both at the EU and EU Member State levels (mapping); and (2) on the basis of step 1, deciding which among the four proposed countries are the most suitable for the initiative, and which are the tools that may be used in this context.

The Council conclusions state clearly that the initiative should be carried out on the basis of the more for more principle. The Commission Services and EEAS underline that the gathered information will not be used to impose negative conditionality. This information would serve to demonstrate to the selected third countries the considerable scope and benefits of their relations with the EU and its Member States. On that basis, an exchange of views on return with the third country could be envisaged which should contribute to the improvement of cooperation with the EU in this field. No withdrawal or limitation of current cooperation would be proposed by the Commission Services or EEAS in such exchanges of views. True to the meaning of "more for more", possible additional offers (on top of existing relations) could be envisaged in exchange for improved cooperation on returns, provided the quality of the contributions to the mapping exercise would allow.

The Commission Services, in cooperation with the EEAS, have made an inventory of relations with the four "candidate" countries at the EU level (see Annex 1). In parallel, the Commission Services and EEAS have presented the exercise to relevant Council working

groups and requested input from the EU Member States (during SCIFA meetings on 5 May and 11 July, and meetings of COAFR and COASI on 25 June). Following the contributions from the EU Member States, the Commission Services have prepared an overview, summarising the EU Member States' bilateral relations and return experience with each of the four countries (see Annexes 2 and 3).

The Member States are now requested to further complement the information in Annexes 2 and 3, providing more detail on their relations with the four countries in question, and spelling out clearly their interest in participating in the initiative with regard to any of the countries (the latter request was emphasised particularly in SCIFA on 11 July).

Member States are kindly asked to provide their additional contributions, either during the COAFR/COASI meetings on 1 October, or in writing by 3 October.

If considered preferable by the Member States, the Commission Services and the EEAS would be willing to organise separate ad hoc meetings, dedicated to each third country, together with the interested Member States in order to gather the necessary information on their bilateral relations. This would require that Member States at least express their interest in particular third countries first.

Once the mapping exercise is completed both at the EU and Member State levels, the Commission Services together with the EEAS will distribute the final tables in view of a strategic discussion, both in the geographical groups and in SCIFA, to decide which third countries should be aimed at, and which elements are most suitable to be used in future contacts and exchanges of views with those countries. These choices should be further endorsed by the Council in appropriate formation.

The precise form and manner in which the selected third countries will be approached will be determined at a later stage. This approach will in any event require the close involvement of the EU Delegations and Member States' missions in the third countries concerned.