



EUROPEAN COMMISSION
DIRECTORATE-GENERAL HOME AFFAIRS

Directorate B : Immigration and Asylum
Unit B1 : Immigration and Integration

MIGRAPOL
European Migration Network
Doc 246

**EUROPEAN MIGRATION NETWORK
SPECIFICATIONS FOR
ANNUAL POLICY REPORT 2011**

Final Version: 31st October 2011

Subject: Final Specifications for the EMN Annual Policy Report 2011

These specifications have been developed with a view to the EMN contributing, through its Annual Policy Report activity, to the 2011 reporting exercise for the *méthode de suivi* of the European Pact on Immigration and Asylum and the relevant elements of the Stockholm Programme and its accompanying Action Plan.

Action: EMN NCPs are now requested to undertake the activity, as set out in the Timetable given on Pages 6 and 7. If needed, additional clarifications can be provided on the occasion of the 52nd EMN NCP meeting.

1. Introduction

In accordance with Article 9(1) of Council Decision 2008/381/EC establishing the EMN, each EMN NCP is required to provide every year a report describing the migration and asylum situation in the Member State, which shall include policy developments and statistical data.

To this aim, these common study specifications are for the production of the EMN Annual Policy Report 2011. The specifications are based on the assessment of previous reports and in particular on the lessons learned from drafting the Synthesis Reports. Like for the Annual Policy Report 2010, they have been adapted to contribute to the factual reporting of the tracking method of the European Pact on Immigration and Asylum and of the relevant elements of the Stockholm Programme and its accompanying Action Plan.

I.1 European Pact on Immigration and Asylum

The European Pact on Immigration and Asylum (Annex A¹) was adopted by the European Council of 15-16 October 2008. Building on the progress already achieved over 10 years, the Pact is a further stepping-stone towards a comprehensive EU migration policy. The European Council makes five basic commitments, which will continue to be developed and transposed into concrete measures, in particular in the programme to follow on from the Hague Programme, specifically:

- to organise legal immigration to take account of the priorities, needs and reception capacities determined by each Member State, and to encourage integration;
- to control illegal immigration by ensuring that illegal immigrants return to their countries of origin or to a country of transit;
- to make border controls more effective;
- to construct a Europe of asylum;
- to create a comprehensive partnership with the countries of origin and of transit in order to encourage the synergy between migration and development.

When adopting the Pact, the European Council decided to hold an annual debate on immigration and asylum policies. This annual debate will enable the European Council to monitor implementation, by both the European Union and the Member States, of the Pact and of the programme that will follow on from the Hague Programme.

Subsequently the Pact:

- invited the Commission to present a report to the Council each year, based on Member States' contributions and accompanied, as necessary, by proposals for recommendations on the implementation, by both the European Union and the Member States, of this Pact and of the programme that will follow on from the Hague Programme;
- stated that the debate will also enable the European Council to be kept informed of the most significant developments planned by each Member State in conducting its immigration and asylum policy.

I.2 The Stockholm Programme

“The Stockholm Programme – An open and secure Europe serving and protecting the citizens²,” adopted by the European Council in December 2009, defines the priorities of the European Union in

¹ Also available from <http://register.consilium.europa.eu/pdf/en/08/st13/st13440.en08.pdf>.

² Available from: http://ec.europa.eu/home-affairs/doc_centre/docs/stockholm_program_en.pdf.

the area of migration and asylum, as well as other Justice and Home Affairs issues for the five-year period 2009 - 2014. Continuing on from the Hague Programme, the Stockholm Programme focuses on priorities such as the sustainability of return programmes, as well as the development of legal migration and integration and the protection of unaccompanied minors entering the EU. This programme, in addition to the European Pact on Immigration and Asylum, is considered to be a guiding tool in the future development of asylum and migration policy within the EU.

The purpose of the “Action Plan Implementing the Stockholm Programme³” is to deliver the priorities and objectives outlined in the Stockholm Programme, both at European and global level, ensuring that citizens benefit from progress made in the area of freedom, security and justice. The Action Plan sets out the EU’s action in the next five years, with specific sections (and groups of actions) on the management of the external borders, visa policy, migration policies, asylum policy and the external dimension of migration and asylum

I.3 Commission's Annual Report

The Commission Communication (COM (2009) 266) on the *méthode de suivi* (or "tracking method") for monitoring the implementation of the European Pact on Immigration and Asylum details the methodology chosen for this exercise, with the contribution of the EMN Annual Policy Report used as the main source of information for the Commission's detailed report, summarising the most significant developments for each of the commitments included in the Pact.

Information from other sources shall also be used, with, in particular, Member States required to provide an annual contribution consisting of a short “political” report. As the aforementioned Communication on the tracking method suggests, "*Member States, when providing their annual contribution could, if they consider it appropriate in order to avoid duplication of work, refer to factual information in the annual policy report of the relevant National Contact Point of the European Migration Network.*"

The Commission published its First Annual Report on Immigration and Asylum, covering the year 2009, on 6th May 2010. The Commission’s Annual Report consisted of two parts:

- a Communication⁴ highlighting the main developments over the reporting period, at both EU and Member State level, along with recommendations from the Commission;
- a factual report⁵ (Commission Staff Working Paper) summarising the main actions taken, and the most significant developments planned, again at EU and Member State level, for each of the commitments made in the Pact. This report was primarily based on a synthesis of the EMN NCPs contributions.

The Council conclusions on the follow-up of the European Pact on Immigration and Asylum, adopted on 3rd June 2010,⁶ invited the Commission to continue reporting on the progress made, covering both the implementation of the European Pact on Immigration and Asylum and of the relevant sections of the Stockholm Programme, and its accompanying Action Plan.

³ COM (2010) 171, available from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010DC0171:EN:NOT>.

⁴ COM(2010) 214, available from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0214:FIN:EN:PDF>

⁵ SEC (2010)535, available from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SEC:2010:0535:FIN:EN:PDF>

⁶ 3018th JUSTICE and HOME AFFAIRS Council meeting Luxembourg, 3 June 2010, available from: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/114881.pdf

These conclusions were endorsed by the European Council on 17th June 2010⁷ who also acknowledged the progress made in the implementation of the European Pact on Immigration and Asylum.

The Commission published its Second Annual Report on Immigration and Asylum, covering the year 2010, on 24th May 2011. Similar to the first Annual Report, this report was also composed of a Communication⁸ and of a factual Commission Staff Working Paper,⁹ reporting on progress made in both the implementation of the European Pact on Immigration and Asylum and of the Stockholm Programme and its accompanying Action Plan. Additionally, following the events in the Southern Mediterranean, the report was preceded by a Communication on Migration¹⁰ on 4th May 2011, which set recent and future policy proposals in a framework that takes account of all relevant aspects and allows the EU and its Member States to manage asylum, migration and mobility of third-country nationals in a secure environment.

Following the publication of the Second Annual Report, which was part of a more complete Migration Package,¹¹ the JHA Council adopted Conclusions on Borders, Migration and Asylum Stocktaking and the way forward at its meeting of 9th/10th June 2011.¹² Subsequently, the European Council set orientations for the development of the EU's migration policy, in regard to the governance of the Schengen area, the control of external borders, the development of partnerships with the countries of the Southern Neighbourhood and the completion of the Common European Asylum System by 2012.¹³

I.4 EMN Annual Policy Report 2011

The EMN Annual Policy Report 2011 shall contribute to the report to be prepared by the Commission and presented to the Council in June 2012.

The EMN's report will continue to provide an insight into the most significant political and legislative (including EU) developments, as well as public debates, in the area of migration and asylum. In order to meet the requirements of the méthode de suivi, the format of the Annual Policy Report is similar to the one developed for the EMN Annual Policy Report 2010, enabling reporting on “general” EU and national developments in the Member States in the main body of the report, and specific reporting on the commitments of both the Pact and in the Stockholm Programme in a separate Annex. This approach facilitates the production of the Commission's Annual Report, as well as the production of more coherent and user-friendly National Reports. A Correspondence Table, included in Annex B, structured around the key articles in the Lisbon Treaty concerning Immigration, Border Control and Asylum, provides a detailed overview of the mapping of the Pact's main and sub-commitments to the relevant Stockholm Programme sections and the relevant Stockholm Programme actions.

The EMN Annual Policy Report 2011 will cover the period 1st January 2011 to 31st December 2011 and will be the eighth in a series of such reports. Consistent with previous years, the reports follow two main objectives, which now have to be seen in the context of the Pact and the Stockholm Programme.

⁷ Available from: http://ec.europa.eu/eu2020/pdf/council_conclusion_17_june_en.pdf

⁸ COM(2011) 291 Final, Available from:

http://ec.europa.eu/commission_2010-2014/malmstrom/archive/1_EN_ACT_part1_v8.pdf

⁹ SEC (2011) 620, Final. Available from:

http://ec.europa.eu/commission_2010-2014/malmstrom/archive/1_EN_autre_document_travail_service_part1_v3.pdf

¹⁰ COM(2011) 248, available from http://ec.europa.eu/home-affairs/news/intro/docs/1_EN_ACT_part1_v11.pdf

¹¹ ‘A credible, fair and effective EU Migration Policy’. Available from:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/629>

¹² Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/122508.pdf.

¹³ European Council Conclusions of 23rd and 24th June 2011. Available from: <http://register.consilium.europa.eu/pdf/en/11/st00/st00023.en11.pdf>.

Firstly, each (Member) State shall document the state of implementation of EU legislation and the impact of European policy developments at national level. Secondly, nation-specific significant developments (political, legal, administrative, etc.) in the area of migration and asylum shall be described by each (Member) State. Thirdly, (Member) States are asked to comment on relevant debates.

Another new development for 2011 is that there will be a contribution from Norway which, although not directly implicated in the Pact and Stockholm programme, nevertheless is linked to the EU's migration acquis, notably through Schengen and the long-term residents' Directive. Whilst Norway may not be able to provide information on all aspects of EU acquis, they are requested to provide any relevant information to the extent possible.

The National Reports will be used both to contribute to the Commission's Annual Report on the implementation of the Pact and the relevant elements of the Stockholm Programme and its accompanying Action Plan, and, as per previous reports, to the Synthesis Report, in order to summarise and compare the findings in a comparative perspective useful for policymakers.

In light also of the above and in keeping with the EMN's objectives, particular emphasis should be given in the content of your National Report on aspects/items (e.g. experiences in implementation of legislation, concerns/criticisms from wider society, such as migrant (support) associations, academia), which you would consider as relevant to objectives found in the Pact and measures found in the Stockholm Programme and its Accompanying Working Plan in order to support the work of policymakers, both at (Member) State and EU-level.

The study specifications only request statistical data which is not available through Eurostat in order to quantify, where possible, the explanation of developments and/or to identify trends.

The Synthesis Report, bringing together the main findings from the National Reports within an EU perspective, shall complement the Commission's Annual Report on Immigration and Asylum 2011 and its accompanying Commission Staff Working Paper. It shall do this by focussing primarily only on those developments not reported within the context of the Pact and Stockholm Programme.

I.5 Significant development/debate

In order to facilitate comparability between the findings from the (Member) States, these common specifications also provide guidance on what is considered to be a "*significant development/debate*," namely that this is an event which had been discussed in the national parliament and had been widely reported in the media. The longer the time of reporting in the media, the more significant the development. Similarly, if such developments/debates then led to any proposals for amended or new legislation, this too is considered to be significant. To the extent possible, in order to provide for comparability, each EMN NCP is requested to use this guideline.

However, each EMN NCP is best placed to determine exactly what this is in your (Member) State. For example, this might be an event which occurs or an article which appears in the national newspaper(s), which then leads to a debate in parliament and/or a change in the Minister responsible for immigration and/or asylum and/or integration. Another example might be events, such as the formation of a new lobby group which attracts wide media coverage, following the development and/or entering into force of new legislation. You may also consider that there are different criteria to be used for determining a development as significant, depending on whether it relates to actual legislative developments, to policy developments or to debates in media/civil society.

Given this, in Section 1 of your National Report, you are asked to outline also the methodology, concepts and definitions you have used to determine what was considered to be a significant development/debate, providing also an appropriate reference for each example given.

II. Reference Period

The EMN Annual Policy Report 2011 covers the period from **1st January 2011 – 31st December 2011 inclusive**.

The National Report, covering the period from 1st January 2011 to 31st December 2011 and addressing at least the Annex on the Pact and Stockholm Programme, shall be provided by the end of 2011. The final National Report, addressing all sections, may then be provided by 30th March 2012.

III. Timetable

The Annex on the Pact and Stockholm Programme shall be sent by the **end of 2011** to both Stephen DAVIES (Stephen.davies@ec.europa.eu) and the EMN Service Provider, GHK-COWI (emn@ghkint.com).

In order to meet the deadline required for the publication of the Commission's Annual Report, it is **very important** to respect the timescale given in these specifications.

However, in order to facilitate the process and as done for the 2010 report, each EMN NCP may first submit at least the Annex relevant to the Pact and the Stockholm Programme, and later a complete National Report.

	EMN Annual Policy Report	Commission's Annual Report 2011 on the implementation of the Pact
July 2011	Discussions on approach to follow for 2011 exercise at the 49 th EMN NCP meeting.	
22nd September 2011	Draft specifications and discussion at 50 th EMN NCP meeting.	
Mid-October 2011	Finalisation of specifications and launching of activity.	Request to Member States for their own (political) assessment (through Permanent Representations).
December 2011	Review of progress made, including any clarifications on, the specifications (at time of 52 nd EMN NCP meeting on 15 th December 2011)	
By the end of the year 2011	Provision of National Reports to Commission covering period from 1 st January 2011 to 31 st December 2011 (can only be the Annex concerning the Pact and the Stockholm Programme).	
2nd January 2012		Receipt of the Member States' contributions and start of the internal work on the Commission's Annual Report. Start of the processing of the inputs of the EMN National Annual Policy Reports.
End January 2012		Finalisation of the internal draft of the Commission's Annual Report.

30th March 2012	Provision of the Final completed National Reports (with all sections addressed).	Internal consultation for adoption of Annual Report by Commission and translation.
April/May 2012	Discussion of draft Synthesis Report at EMN NCP meeting.	
May 2012		Adoption of the Commission's Annual Report.
June 2012	Finalisation of Synthesis Report at EMN NCP meeting.	Annual debate at the European Council meeting.

As outlined in the last column of the Table, a political assessment shall be requested directly from the Member States (via the Permanent Representations). In order to facilitate the work of the EMN and of the Member States, EMN NCPs will be informed when this request has been sent to their Permanent Representation so that they may, if desired, work together to provide the two contributions.

IV. Structure

In order to facilitate the production of the Synthesis Report, the National Report should be as concise as possible, focussing only on the *most significant developments in 2011* and *which would be of relevance to policymakers*.

Keep any background information to a minimum, instead providing (hyperlink) references as much as possible. For example, provide, when possible, web address links to legislation/case-law and/or reports referred to in your report.

In order to provide some guide as to the length of the report, an indication of the expected number of pages for each Section is given. Whilst not binding, it is recommended that, as far as possible, these indications are not excessively exceeded. For those EMN NCPs who have not provided a National Report for this activity before, it is recommended to reference the National Reports¹⁴ of another EMN NCP who has previously participated in this EMN activity.

V. Detailed Specifications

The template to follow for the production of your National Report is given below.¹⁵

Section 1 is to introduce the report, setting out the method followed and definitions used.

Section 2 asks for an outline of the general structure of the political system and institutional context relevant for migration and asylum, as well as of the general structure of the legal system.

Section 3 should provide an overview of the general political developments, as well as main policy and legislative debates, broader developments in asylum and migration, plus institutional developments.

Sections 4-9 require a description of specific developments in the main areas of asylum and migration, organised in six headings: Legal migration and integration, Illegal migration and return, Border control, Asylum, Unaccompanied minors and Global approach to migration, which are sub-divided into 13 more specific, thematic, topics / sub-sections. Note that each topic / subsection in Sections 4-9 has been sub-divided into three parts:

- The first optional part relates to any information to set the 'general' context, describing any recent relevant developments or to the situation as it existed before the reference period.

¹⁴ Available from

<http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do?entryTitle=1%2E%20Annual%20Policy%20Reports>.

¹⁵ Whilst Norway may not be able to provide information on all aspects of EU acquis, they are requested to provide any relevant information to the extent possible following these common specifications.

Please note that this part should only be completed if you consider this necessary to clarify the information in the subsequent two parts.

- In the second compulsory part, all relevant developments in the (Member) State, concerning policies, legislative developments, specific debates, etc. are to be described. As demonstrated in Annex D, national developments shall be understood as developments not linked to the EU context, e.g. not covered by the topics of the Pact and/or Stockholm or to EU policy development, and should therefore not repeat information provided in the third part ('developments from the EU perspective').
- On the basis of the information provided in the second part, the third compulsory part should specifically identify those developments at national level to implement EU policy, legislative and financial instruments, or any developments which were the result of actions at EU level. This part should also summarise the main findings presented in the Annex on the Pact and Stockholm Programme commitments (see further below).

There might be some potential duplication between the second and third parts, as the second part will introduce general developments, of which the EU perspective will need to be elaborated in the third part. In keeping with the purpose of the EMN's Annual Policy Reports and tracking method reporting, it will be important to place your national developments within an EU context and to identify each time, in the third part, which of the developments that took place in your (Member) State were the result of the (Member) State's implementation of relevant EU policy, legislation and other instruments.

Whilst it is often the case that legislation follows policy proposals, the two are, of course, very much interlinked. Therefore, for each topic listed / sub-section, you are requested to provide, only when there have been developments, details of the policy and legislative developments, as well as debates in the media and/or by civil society, which have occurred during 2011. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees. In describing these developments, please briefly summarise the *status quo* before the new law, regulation, etc. entered into force.

Finally, it is important to emphasise that the content of the second and third parts should focus only on **significant developments** in **2011** (see Section I.5 above) and which would be of particular **relevance to policymakers**. Therefore, if there have been no such significant developments then simply leave out the relevant (sub-)section.

Section 10 asks for an overview of implementation of EU legislation, in terms of transposition and implementation, experiences and debates.

The **Annex** to the template has been added to specifically report, in a brief and concise manner, on the implementation of the Pact and Stockholm Programme commitments. This Annex shall be used as the EMN's contribution to the Commission's Annual Report. See also Annex B for the Correspondence Table which includes also the resultant conclusions from the (European/JHA) Council on the 2010 Commission Report.

What is needed for the Annex on the Pact and Stockholm Programme commitments is an overview of the policy developments relevant to each commitment, as well as some concrete elements of implementation of this commitment. Like Sections 4-9 of the template, the Annex is divided into six main headings (Legal migration and integration, Illegal migration and return, Border control, Asylum, Unaccompanied minors and Global approach to migration) and 12 more specific, thematic,

topics / sub-sections. Note that the descriptions should only refer to what has been done by your government or public authorities (and not by civil society or NGOs, for example, which can be described under the topics in Sections 4-9).

The **key statistics** that will illustrate each topic of the Annex and be presented in the Commission's Annual Report on Immigration and Asylum will be generated by the Eurostat database, once available. These key statistics are in line with Council Regulation 862/2007 on Community Statistics on migration and international protection and will provide some "headline" statistics in the area of migration, international protection and external border management.

In addition, EMN NCPs are requested to try to provide some statistics (even tentative) which are not available through Eurostat but are relevant for some of the Pact's commitments and for the Stockholm Programme's objectives. We would, therefore, request that you provide, where possible and even if tentative, statistics on any of the following:

- The unemployment rate of third-country nationals;¹⁶
- First residence permits, by reason;¹⁷
- The number of third-country nationals regularised;¹⁸
- The number of third-country nationals being returned as part of forced return measures, the number of third-country nationals being returned voluntarily and, within these, number of third-country who returned as part of an assisted return programme;
- The number of third-country nationals receiving a residence permit as victims of human trafficking;
- The number of traffickers arrested and convicted;
- The number of visas issued (including the number of Schengen visas and national visas);
- The number third-country nationals reallocated and resettled;
- The number of border guards and the number of border guards receiving particular training on international protection; and
- The number of unaccompanied minors not applying for asylum.

Standardised Tables have been added in the Annex to the specification template to provide these statistics. In keeping with the practice of Eurostat, your data should be rounded to the nearest 5.

Please provide these additional (tentative) data initially for the first nine months of 2011, i.e. from January 2011 to September 2011 inclusive. Then, and if possible, provide data for the whole of 2011 at the time of submitting your Final and complete National Report. In addition, for all the additional data that you provide, give the reference for where the data are obtained.

¹⁶ Based on the ILO definition, Eurostat defines *unemployed persons* as persons aged 15 to 74 who: (1) are without work; (2) are available to start work within the next two weeks; and (3) have actively sought employment at some time during the previous four weeks. The *unemployment rate* is the number of people unemployed as a percentage of the labour force. The *labour force* is the total number of people employed plus unemployed. Current deviations from the definition of unemployment in the EU Labour Force Survey: Spain, Italy and United Kingdom: Unemployment is restricted to persons aged 16-74. In Spain and Italy the legal minimum age for working is 16. Employment data used for Italy includes also those above 74. Unemployment rate can be broken by groups of country of citizenship, age groups and sex.

¹⁷ These data are generated by Eurostat, but are usually not available for the publication of the Commission's Annual Report on Immigration and Asylum in May 2012.

¹⁸ There is no current common (legal) definition of regularisation at EU level. EMN NCPs are therefore requested to specify their national definition when providing figures for both case-by-case and/or generalised regularisation and may use the EMN Glossary definition as a reference.

By requesting all EMN NCPs to provide such data for the same time period, it will then be possible to provide an EU-27 overview, plus Norway, as well as better comparability between (Member) States.

In specific cases, when one (Member) State report on figures related to other(s) (Member) State(s) (e.g. resettlement figures) and the figures provided by one (Member) State differed from those provided by another (Member) State, discrepancies will be discussed trilaterally, between the concerned EMN NCPs, the Commission and the EMN Service Provider (GHK-COWI).

In order to assist your gathering of the necessary information, and if needed, each EMN NCP is encouraged to make contact with your relevant Ministry(ies) and other relevant entities (e.g. your corresponding National Contact Point on Integration).

If any clarification is required during the course of preparing your National Report, please contact the EMN Service Provider, GHK-COWI, with the Commission (Stephen Davies) in copy.

[(MEMBER) STATE]

ANNUAL POLICY REPORT 2011**Executive Summary** (2-3 pages)

This should summarise the key findings of your National Report.

1. INTRODUCTION: PURPOSE AND METHODOLOGY FOLLOWED (2-3 pages)

State the aims of the report, as given in these specifications, plus any specific ones established at national level. This is primarily for the benefit of those readers who will see only the National Report, especially in view of the National Reports also including a specific Annex on the Pact and the Stockholm Programme.

1.1 Methodology

This section should include information on how the study was produced and who contributed to the study. Information to be provided should include the following:

- Methods used in identifying and selecting sources of information, databases used and whether the previously given criteria used to define what is considered as a ‘significant development/debate’ was modified in any way;
- An overview of the type and sources of information used, including statistics;
- Which, if any, organisations/institutions/individuals were contacted to obtain the relevant information;
- What problems were encountered while carrying out the study;
- Whether any aspects (or statistics) could not be addressed (or provided) in accordance with these specifications. If alternative information was provided, one should outline how the alternative information should be interpreted in relation to what was requested in these specifications;
- Whether there are any reservations/caveats one should apply to any of the included information and, if so, how.

It is particularly important to provide appropriate detail(s)/reference(s) to developments cited. For example, provide details of the reason(s) why a cited development (e.g. institutional change) occurred to avoid making the information seem anecdotal. Similarly, for media reports, and this is linked to the approach used for describing a significant development/debate, provide details of the rationale followed for describing a particular development.

1.2 Terms and Definitions

To the extent possible, terms and their definitions as given in the EMN Glossary should be used. If this is not possible for some term(s), or they do not exist in the Glossary, then this section should provide the (national) definitions used.

Where different and appropriate, ‘national’ definitions should be compared with definitions used in any relevant EU Directives or other EU legislation. If definitions are the same in national and EU legislation, this should be highlighted.

2. GENERAL STRUCTURE OF POLITICAL AND LEGAL SYSTEM IN [(MEMBER) STATE] (2-3pages)

2.1 General structure of the political system and institutional context

Outline briefly the general structure of the political system and institutional context relevant for migration and asylum, with particular emphasis on any developments in 2011. What are the main Ministries/institutions? Who are the main actors involved?

2.2 General structure of the legal system

Outline briefly the general structure of the legal system in the area of migration and asylum. Which are the relevant laws? On which levels are decisions made? Who are the main actors involved?

*For those EMN NCPs who have completed their National Report on the "Organisation of Asylum and Migration Policies" this can be a very short section as reference can be made to this other report. Also, if this has been done for a previous Annual Policy Report, refer to this and provide a brief summary, including, in particular, **any significant changes** that have occurred in order to provide the general context in which to place the developments given below.*

3. GENERAL DEVELOPMENTS RELEVANT TO ASYLUM AND MIGRATION (5-8 pages)

The purpose of this Section is to set the general context in which the specific developments to be described in Sections 4-9 took place. This includes an overview of relevant political developments, policy and legislative debates, broader developments, which affected multiple areas within asylum and migration, and institutional developments.

3.1 General political developments

Outline the general political developments during the reference period, e.g. elections on regional or national levels, government changes/reshuffles, appointment of new Ministers responsible for asylum, migration and/or integration. Again, this is intended to provide the general context in which to place the specific developments provided later and thus should not go into too much detail.

3.2 Main policy and/or legislative debates

Provide a general overview of the main policy and/or legislative debates that have occurred on migration and asylum issues during 2011. Again, this section is intended to provide the general context in which to place the specific developments provided later and thus should not go into too much detail.

Main policy and/or legislative debates could include, for example, parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers). Examples of what could be included here are the publication (and subsequent debate) of proposals to amend current asylum/migration legislation; the entry into force of new legislation in 2011 and any immediate impact this has had; actions by migrant (support) groups (e.g. hunger strikes).

For those Member States who held the Presidency of the EU during 2011 (Hungary, Poland), but also immediately prior to (Belgium) and after (Denmark) as part of the EU Trio, provide an overview of the main developments and achievements.

3.3 Broader developments in asylum and migration

Describe, if relevant, any broader policy changes which affected multiple areas, themes and topics within asylum and migration (e.g. affecting both Legal Immigration and Asylum, and / or specific elements within these headings), to be described in more details in Sections 4-9.

3.4 Institutional developments

Describe (if applicable) institutional developments that have occurred in 2011, such as any new Ministries, institutions, organisations, agencies or other actors established to deal with migration, asylum, refugee protection or integration issues in the (Member) States. Again, the purpose is to provide the general context in which to place the developments given below and thus should not go into too much detail. If there have been none, then it is not necessary to complete this sub-section.

4. LEGAL IMMIGRATION AND INTEGRATION (4-5 pages)

Referring also to page 7, for this and other Sections 4-9 inclusive, provide in the second part of the sub-sections all relevant developments in your (Member) State, concerning policies, legislative developments, specific debates, etc. within the national perspective. On the basis of the information provided in this second part, the third part should then specifically identify those developments at national level to implement EU policy, legislative and financial instruments, or any developments which were the result of actions at EU level. This part should also summarise the main findings presented in the Annex on the Pact and Stockholm Programme commitments.

4.1. Economic migration

4.1.1 Specific context

Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader's understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2010 and earlier years, if relevant) could be used for this.

4.1.2 Developments within the national perspective

This is an overview of all relevant developments in your (Member) State.

Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2011. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).

As demonstrated in Annex D, national developments shall be understood as developments not linked to the EU context and should therefore not repeat information provided under 'developments from the EU perspective'.

Examples of relevant developments at national level, mentioned by the different EMN NCPs, in 2010 included the impact of the economic crisis on economic migration policies, the identification of the main sectors experiencing labour shortages, etc.

4.1.3 Developments from the EU perspective

Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.

Using also your contributions in the Annex concerning the Pact and the Stockholm Programme, please describe those developments which are the result of the (Member) State's implementation of relevant EU policy, legislation and other instruments, with regard to labour migration, attracting highly qualified third-country nationals, circular and temporary migration, preventing brain drain, improving labour matching and skills recognition, etc.

4.2 Family Reunification

4.2.1 Specific context

Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader's understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2010 and earlier years, if relevant) could be used for this.

4.2.2 Developments within the national perspective

This is an overview of all relevant developments in your (Member) State.

Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2011. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).

As demonstrated in Annex D, national developments shall be understood as developments not linked to the EU context and should therefore not repeat information provided under 'developments from the EU perspective'.

Examples of relevant developments at national level mentioned by the EMN NCPs in 2010 included policy and legislative revisions related to family reunification, possible extension of the scope of national legislation related to family reunification, court judgements, etc.

4.2.3 Developments from the EU perspective

Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.

Using also your contributions in the Annex concerning the Pact and the Stockholm Programme, please describe those developments which are the result of the (Member) State's implementation of relevant EU policy, legislation and other instruments, with regard to regulation of family reunification, the reception capacity of the (Member) States, integration conditions and integration measures of persons coming to the (Member) State for family reasons.

4.3 Other legal migration

4.3.1 Specific context

Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader's understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2010 and earlier years, if relevant) could be used for this.

4.3.2 Developments within the national perspective

This is an overview of all relevant developments in your (Member) State.

Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2011. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).

As demonstrated in Annex D, national developments shall be understood as developments not linked to the EU context and should therefore not repeat information provided under ‘developments from the EU perspective’.

Examples of relevant developments at national level mentioned by the different EMN NCPs in 2010 included changes in residence permits’ procedures and policies, measures encouraging the return of emigrated nationals, improvement of exchanges of and access to information (that were not covered by the Pact’s commitments and the Stockholm programme’s objectives) and several debates, etc.

4.3.3 Developments from the EU perspective

Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.

Using also your contributions in the Annex concerning the Pact and the Stockholm Programme, please describe those developments which are the result of the (Member) State’s implementation of relevant EU policy, legislation and other instruments, with regard to other possibilities and conditions of legal migration, including considerations on the provision of information to third-country nationals.

4.4 Integration

4.4.1 Specific context

Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader’s understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2010 and earlier years, if relevant) could be used for this.

4.4.2 Developments within the national perspective

This is an overview of all relevant developments in your (Member) State.

Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2011. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers). Developments could also include organisations of conferences and/or seminars and publication of surveys.

As demonstrated in Annex D, national developments shall be understood as developments not linked to the EU context and should therefore not repeat information provided under ‘developments from the EU perspective’.

4.4.3 Developments from the EU perspective

Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.

Using also your contributions in the Annex concerning the Pact and the Stockholm Programme, please describe those developments which are the result of the (Member) State's implementation of relevant EU policy, legislation and other instruments, with regard to integration measures and coordination, consultation and information exchanges on integration measures between relevant institutions, agencies and organisations, the insertion of integration in other national policies, involvement of civil society in policymaking and the promotion of democratic values and social cohesion.

4.5 Citizenship and Naturalisation

4.5.1 Specific context

Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader's understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2010 and earlier years, if relevant) could be used for this.

4.5.2 Developments within the national perspective

This is an overview of all relevant developments in your (Member) State.

Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2011. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).

As demonstrated in Annex D, national developments shall be understood as developments not linked to the EU context and should therefore not repeat information provided under 'developments from the EU perspective'.

Examples of relevant developments at national level mentioned by the different EMN NCPs in 2010 also included trends in naturalisation.

4.5.3 Developments from the EU perspective

Where relevant, relate these national developments to the context of the EU.

Please note that the Pact and the Stockholm Programme do not include commitments and objectives related to citizenship and naturalisation. Please describe those developments which are the result of the (Member) State's implementation of relevant EU policy, legislation and other instruments.

5. IRREGULAR IMMIGRATION AND RETURN (3-4 pages)

5.1 Irregular Immigration

5.1.1 Specific context

Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader's understanding of the

subsequent sub-sections. Your previous Annual Policy Reports (2010 and earlier years, if relevant) could be used for this.

5.1.2 Developments within the national perspective

This is an overview of all relevant developments in your (Member) State.

Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2011. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).

As demonstrated in Annex D, national developments shall be understood as developments not linked to the EU context and should therefore not repeat information provided under ‘developments from the EU perspective’.

Examples of relevant developments at national level mentioned by the different EMN NCPs in 2010 included strong emphasis on irregular migration as a national priority, measures and courts ruling with regard to the ‘criminalisation’ of irregular migration, analysis of the situation and living conditions of illegally-staying third-country nationals, debates relating to the removals of third-country nationals, etc.

5.1.3 Developments from the EU perspective

Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.

Using also your contributions in the Annex concerning the Pact and the Stockholm Programme, please describe those developments which are the result of the (Member) State’s implementation of relevant EU policy, legislation and other instruments, with regard to case-by-case regularisation, prevention of irregular migration, implementation of the “Employer Sanction Directive”, implementation and mutual recognition of expulsion decisions, developing information on migration routes and flows, development of the network of liaison officers in countries of origin and transit.

5.2 Return

5.2.1 Specific context

Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader’s understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2010 and earlier years, if relevant) could be used for this.

5.2.2 Developments within the national perspective

This is an overview of all relevant developments in your (Member) State.

Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2011. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).

As demonstrated in Annex D, national developments shall be understood as developments not linked to the EU context and should therefore not repeat information provided under ‘developments from the EU perspective’.

Examples of relevant developments at national level mentioned by the different EMN NCPs in 2010 included figures on return, adjustments to return policies and programmes, legislative and procedural changes to return as well as debates on the legitimacy and conditions of detention and removal of third-country nationals.

5.2.3 Developments from the EU perspective

Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.

Using also your contributions in the Annex concerning the Pact and the Stockholm Programme, please describe those developments which are the result of the (Member) State’s implementation of relevant EU policy, legislation and other instruments, with regard to readmission agreements, policies on assisted voluntary return and reintegration, support received from or provided to FRONTEX with regard to return, participation in joint flights, etc.

5.3 Actions against human trafficking

5.3.1 Specific context

Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader’s understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2010 and earlier years, if relevant) could be used for this.

5.3.2 Developments within the national perspective

This is an overview of all relevant developments in your (Member) State.

Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2011. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).

As demonstrated in Annex D, national developments shall be understood as developments not linked to the EU context and should therefore not repeat information provided under ‘developments from the EU perspective’.

Examples of relevant developments at national level mentioned by the different EMN NCPs in 2010 included a variety of measures to enhance the fight against human trafficking, institutional, legislative and procedural changes, maintenance of telephone hotlines and debates focusing on human trafficking for the purpose of labour exploitation, in addition to sexual exploitation.

5.3.3 Developments from the EU perspective

Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.

Using also your contributions in the Annex concerning the Pact and the Stockholm Programme, please describe those developments which are the result of the (Member) State's implementation of relevant EU policy, legislation and other instruments, with regard to cooperation with third countries to combat human trafficking, awareness raising campaigns, etc.

6. BORDER CONTROL (1-2 pages)

6.1 Control and surveillance at external borders

6.1.1 Specific context

Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader's understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2010 and earlier years, if relevant) could be used for this.

6.1.2 Developments within the national perspective

This is an overview of all relevant developments in your (Member) State.

Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2011. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).

As demonstrated in Annex D, national developments shall be understood as developments not linked to the EU context and should therefore not repeat information provided under 'developments from the EU perspective'.

Examples of relevant developments at national level mentioned by the different EMN NCPs in 2010 included the updating of national strategies and policies, legislative and procedural changes and institutional changes.

6.1.3 Developments from the EU perspective

Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.

Using also your contributions in the Annex concerning the Pact and the Stockholm Programme, please describe those developments which are the result of the (Member) State's implementation of relevant EU policy, legislation and other instruments, with regard to enhancing effective border control, deploying modern technological means, the implementation of the EU entry / exit system, the EU Registered Traveller Programme, the Schengen Information System (SIS II) and European Border Surveillance System, the integration of different kinds of border checks, etc.

6.2 Cooperation with respect to border control

6.2.1 Specific context

Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader's understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2010 and earlier years, if relevant) could be used for this.

6.2.2 Developments within the national perspective

This is an overview of all relevant developments in your (Member) State.

Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2011. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).

As demonstrated in Annex D, national developments shall be understood as developments not linked to the EU context and should therefore not repeat information provided under ‘developments from the EU perspective’.

Examples of relevant developments at national level mentioned by the different EMN NCPs in 2010 were limited to the reference of mixed police patrols and inter-state cooperation.

6.2.3 Developments from the EU perspective

Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.

Using also your contributions in the Annex concerning the Pact and the Stockholm Programme, please describe those developments which are the result of the (Member) State’s implementation of relevant EU policy, legislation and other instruments, with regard to biometric visas, implementation of the Visa Information System (VIS) and the Visa Code, cooperation between (Member) State consular services and the set up of joint consular services for visas, support from other (Member) States received or support provided by your (Member) State to other (Member) States, with regard to border control, and bilateral and multilateral cooperation with third countries to improve border control.

7. INTERNATIONAL PROTECTION, INCLUDING ASYLUM (2-3 pages)

7.1 Specific context

Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader’s understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2010 and earlier years, if relevant) could be used for this.

7.2 Developments within the national perspective

This is an overview of all relevant developments in your (Member) State.

Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2011. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).

As demonstrated in Annex D, national developments shall be understood as developments not linked to the EU context and should therefore not repeat information provided under ‘developments from the EU perspective’.

Many examples of relevant developments at national level were mentioned by the different EMN NCPs in 2010 due to the limited number of Pact’s commitment and Stockholm objectives in the area of international protection. Information provided included trends in asylum applications, main countries of origin of asylum applicants, detailed legislative and policy developments (related to the transposition of EU legislation; to the improvement of the efficiency and quality of the asylum system; to the reception of applicants and/or beneficiaries of international protection, to vulnerable applicants, to the social inclusion and integration of applicants and beneficiaries of international protection, etc); debates and other developments (ranging from court decision, international protection decision-making process, awareness-raising events, participation in ERF projects, resettlement and relocation and assistance to third-countries.

7.3 Developments from the EU perspective

Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.

Using also your contributions in the Annex concerning the Pact and the Stockholm Programme, please describe those developments which are the result of the (Member) State’s implementation of relevant EU policy, legislation and other instruments, with regard to support with the processing of applications and reallocation between (Member) States (in case of disproportionate measures) of beneficiaries of international protection, resettlement and training of border guards on international protection.

8. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS (1-2 page)

8.1 Specific context

Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader’s understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2010 and earlier years, if relevant) could be used for this.

8.2 Developments within the national perspective

This is an overview of all relevant developments in your (Member) State.

Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2011. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).

As demonstrated in Annex D, national developments shall be understood as developments not linked to the EU context and should therefore not repeat information provided under ‘developments from the EU perspective’.

Examples of relevant developments at national level mentioned by the different EMN NCPs in 2010 included legislative, policy and institutional developments, measures related to the care and reception of unaccompanied minors, trends in prominent countries of origin, etc.

8.3 Developments from the EU perspective

Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.

Using also your contributions in the Annex concerning the Pact and the Stockholm Programme, please describe those developments which are the result of the (Member) State's implementation of relevant EU policy, legislation and other instruments, with regard to, for example, the Action Plan on Unaccompanied Minors and the resultant JHA Council conclusions.

9. GLOBAL APPROACH TO MIGRATION (2-3 pages)

9.1 Specific context

Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader's understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2010 and earlier years, if relevant) could be used for this.

9.2 Developments within the national perspective

This is an overview of all relevant developments in your (Member) State.

Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2011. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).

As demonstrated in Annex D, national developments shall be understood as developments not linked to the EU context and should therefore not repeat information provided under 'developments from the EU perspective'.

Examples of relevant developments at national level mentioned by the different EMN NCPs in 2010 included linkage between migration and development in policy-making and involvement in programmes, projects and other initiatives related to migration and development.

9.3 Developments from the EU perspective

Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.

Using also your contributions in the Annex concerning the Pact and the Stockholm Programme, please describe those developments which are the result of the (Member) State's implementation of relevant EU policy, legislation and other instruments, with regard to EU-level or bilateral agreements and/or other forms of cooperation with countries of origin and of transit combining issues related to legal and illegal migration, as well as development, the integration of national migration and development policies, actions in the area of remittances and of diasporas.

10. IMPLEMENTATION OF EU LEGISLATION (4-6 pages)

10.1 Transposition of EU legislation 2011

Summarise the **progress made during 2011 only in the transposition of EU legislation** in the field of migration and asylum into national law and administrative practices during the reference period.

The format to use can, for example, be:

[Directive 2008/115/EC of the European Parliament and of the Council \(common standards and procedures in Member States for returning illegally staying third-country nationals\)](#)

- Transposition required by: 24 December 2011 (In respect of article 13(4): 24 December 2011)
- Status: Transposed through Act xxx/Bill under preparation/Delayed

Relevant text on progress/developments made in this respect.

Annex C provides the complete list of the relevant EU legislation for the asylum/immigration acquis (changes from 2010 are highlighted in Grey). However, if no progress or developments have occurred for particular legislation in 2011 or there is no impact on national legislation then it is **not necessary** to comment on it. Instead, **only when there have been changes or developments** in 2011 in respect to the transposition or implementation of particular legislation which has an impact on national legislation, should details be provided. At the very least, a list of EU legislation that has been transposed into national legislation and/or came into force during 2011, with the corresponding national law(s), should be given.

10.2 Experiences, debates in the (non-) implementation of EU legislation

Detail any **experiences, debates**, both at political level and within wider society (e.g. issues raised by migrant (support) associations, academia) in **the implementation or non-implementation** (in which case outline the reasons for this) of the most significant **EU legislation** in asylum and immigration, both for directives previously (before 2011) transposed into national legislation, as well as those transposed during 2011. Any impact or changes or experience with the entry into force of EU re-admission agreements, including with respect to bilateral agreements which existed before, can also be included.

Include also any inter-(Member) State experiences (good or bad) in the implementation of EU legislation (e.g. differences in treatment of nationals compared to other EU and/or third country nationals, such as the so-called *Belgian route* for family reunification, consequences at national level in exercising of right to free movement). The purpose is to identify any consequences as a result of any different approaches that may be taken by another (Member) State for which a (positive or negative) impact in your (Member) State has been observed.

In particular, this section should identify aspects/topics which might merit further consideration by policymakers.

ANNEX TO NATIONAL ANNUAL POLICY REPORT 2011 ON COMMITMENTS IN THE EUROPEAN PACT AND STOCKHOLM PROGRAMME

The Annex has been structured as a “Questionnaire,” including specific spaces to add text and statistics.

When providing information, it is important to emphasise that the content should be as concise as possible. Moreover, each commitment in relation to the Pact and Stockholm programme should be addressed, as the EMN's contribution shall be the only source of objective information at (Member) State level for the elements it deals with (independently from the (Member) States' political contributions). Also include concrete actions or measures which might be relevant (for example, the opening of a centre of information on immigration). If there has been no significant development then explicitly state it in the relevant section.

You should also foresee liaising, when relevant, with colleagues in your (Member) State who would be responsible for producing the "political" report (requested to be provided to the Commission in mid-November 2011).

Use should also be made of the Correspondence Table given in Annex B of the specifications which shows how the Pact and Stockholm commitments are related. This Table also provides the full text of the commitments. Reference is made in this Annex to the objectives of the Pact (Annex A of specifications) using the format: "I(a)" meaning objective (a) within Part I of the Pact. The objectives have been shortened for the present specifications, but their original wording should be read in order to have the complete description. Similarly, for the Stockholm Programme, the wording of the action has been shortened. Like last year, note that not all Pact commitments are given here, since these call on actions at Union level. The same applies to some of the Stockholm commitments.

What is needed in terms of the Pact contribution is an overview of the policy developments relevant to each objective, as well as some concrete elements of implementation of this commitment. To ensure consistency and to facilitate your work, examples of elements to consider in relation to each Pact objective are given. Note that the Pact section should only refer to what has been done by your government or public authorities (and not by civil society or NGOs, for example, which can be described in the National developments section). If considered necessary, reference may be given in the sub-sections of the Pact to your national legislation which is in conformity with the Pact's objectives but adopted prior to 2011.

Where the Pact objective is related to the implementation of EU legislation, provide details in the relevant parts of Sections 4 – 9 inclusive. Section 10, on the implementation of EU legislation can then be used for additional, more technical information relating to the transposition and implementation of EU legislation in the field of asylum and migration and not covered by the Pact.

The **key statistics** that will illustrate each topic of the Annex and be presented in the Commission's Annual Report on Immigration and Asylum will be generated by the Eurostat database, once available. These key statistics are in line with Council Regulation 862/2007 on Community Statistics on migration and international protection and will provide some

“headline” statistics in the area of migration, international protection and external border management.

In addition, EMN NCPs are requested to try to provide some statistics (even tentative) which are not available through Eurostat but are relevant for some of the Pact’s commitments and for the Stockholm Programme’s objectives. We would, therefore, request that you provide, where possible and even if tentative, statistics on any of the following:

- The unemployment rate of third-country nationals;¹⁹
- First residence permits, by reason;²⁰
- The number of third-country nationals regularised;²¹
- The number of third-country nationals being returned as part of forced return measures, the number of third-country nationals being returned voluntarily and, within these, number of third-country who returned as part of an assisted return programme;
- The number of third-country nationals receiving a residence permit as victims of human trafficking;
- The number of traffickers arrested and convicted;
- The number of visas issued (including the number of Schengen visas and national visas);
- The number third-country nationals reallocated and resettled;
- The number of border guards and the number of border guards receiving particular training on international protection; and
- The number of unaccompanied minors not applying for asylum.

Standardised Tables have been added in the Annex to the specification template to provide these statistics. In keeping with the practice of Eurostat, your data should be rounded to the nearest 5.

Please provide these additional (tentative) data initially for the first nine months of 2011, i.e. from January 2011 to September 2011 inclusive. Then, and if possible, provide data for the whole of 2011 at the time of submitting your Final and complete National Report. In addition, for all the additional data that you provide, give the reference for where the data are obtained.

By requesting all EMN NCPs to provide such data for the same time period, it will then be possible to provide an EU-27 overview, plus Norway, as well as better comparability between (Member) States.

¹⁹ Based on the ILO definition, Eurostat defines *unemployed persons* as *persons aged 15 to 74 who: (1) are without work; (2) are available to start work within the next two weeks; and (3) have actively sought employment at some time during the previous four weeks*. The *unemployment rate* is the *number of people unemployed as a percentage of the labour force*. The *labour force* is the *total number of people employed plus unemployed*. Current deviations from the definition of unemployment in the EU Labour Force Survey: Spain, Italy and United Kingdom: Unemployment is restricted to persons aged 16-74. In Spain and Italy the legal minimum age for working is 16. Employment data used for Italy includes also those above 74. Unemployment rate can be broken by groups of country of citizenship, age groups and sex.

²⁰ These data are generated by Eurostat, but are usually not available for the publication of the Commission’s Annual Report on Immigration and Asylum in May 2012.

²¹ There is no current common (legal) definition of regularisation at EU level. EMN NCPs are therefore requested to specify their national definition when providing figures for both case-by-case and/or generalised regularisation and may use the EMN Glossary definition as a reference.

In specific cases, when one (Member) State report on figures related to other(s) (Member) State(s) (e.g. resettlement figures) and the figures provided by one (Member) State differed from those provided by another (Member) State, discrepancies will be discussed trilaterally, between the concerned EMN NCPs, the Commission and the EMN Service Provider, GHK-COWI.

In order to assist your gathering of the necessary information, and if needed, each EMN NCP is encouraged to make contact with your relevant Ministry(ies) and other relevant entities (e.g. your corresponding National Contact Point on Integration).

LEGAL IMMIGRATION AND INTEGRATION

1. Economic migration

1.1 European Pact on Immigration and Asylum (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Pact for this sub-section are in particular:

I(a) Implement policies for labour migration

Please describe the (planned) introduction of a new labour migration policy or changes to the existing one. Elaborate any new aspects (e.g. introduction of quota, lists of professions, agreement with specific third countries, use of private recruitment services, etc). Specify whether these address any specific groups of migrants and describe any groups which are not addressed under the subsequent commitments in this sub-section. Also consider the effect of the economic crisis on labour migration (e.g. revision of quota, reduction of professions listed, etc).

I(b) increase the attractiveness of the EU for highly qualified workers and further facilitate the reception of students and researchers:

Please describe any (planned) measures to facilitate access of highly qualified workers, students and researchers. Refer to the implementation of the Blue Card Directive. Describe any incentive mechanisms for highly qualified workers, students and researchers on top of the transposition and implementation of EU legislation. Also consider the effect of the economic crisis.

I(c) Do not aggravate the brain drain

Please describe any (planned) measures to favour circular or temporary migration, as well as other measures taken to avoid brain drain, for example awareness raising actions, development of data and indicators on this phenomena, prevention, list of countries and professions subject to brain drain.

1.2 Stockholm Programme (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

I(b) Improving skills recognition and labour matching

Describe any (planned) measures to improve the skills recognition of third-country nationals and labour matching between your (Member) State and third countries (including online employment, etc). Linked to this, describe whether and how your (Member) State analyses its labour market needs / shortages. Also consider the effect of the economic crisis.

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1.3 Key statistics

<i>First residence permits, by reason</i>					
	Total	Family reasons	Education reasons	Remunerated activities reasons	Other reasons
First permits					

<i>Unemployment rates of Member State citizens versus third-country nationals residing in the (Member) State</i>	
	Third-country nationals
Unemployment rate (%)	

2 Family Reunification

2.1 European Pact on Immigration and Asylum (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Pact for this sub-section are in particular:

I(d) To regulate family migration more effectively

Please describe any new policies / legislation in this regard or changes to existing policies and legislation regulating family migration. Consider also your (Member) State's reception capacity and the extent to which the family member's capacity to integrate is being taken into account in the admission procedure, e.g. their knowledge of the country's language, level of education, professional background, other.

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2.2 Stockholm Programme (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

2(b) The Directive on family reunification, the importance of integration measures

Please describe any concrete (planned) measures to further promote the integration of third-country nationals coming for the purpose of family reunification.

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3 Other legal migration

3.1 European Pact on Immigration and Asylum (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Pact for this sub-section are in particular:

I(e) to strengthen mutual information on migration by improving existing instruments where necessary;

Please describe any (planned) sharing and exchanging of information on migration with other (Member) States, through existing networks and other instruments. Note that the European Migration Portal is to be discussed under the commitment below.

I(f) Improve information on the possibilities and conditions of legal migration

Please describe any (planned) measures to improve the provision of information on the possibilities and conditions of legal migration. These could include, for example, information campaigns, websites, specific centres, etc. Also refer to the European Migration Portal. Consider the effects of the economic crisis.

3.2 Stockholm Programme (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Stockholm Programme are similar to the Pact objective above, hence no further information required.

4 Integration

4.1 European Pact on Immigration and Asylum (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Pact for this sub-section are in particular:

I(g) Promote harmonious integration in line with the common basic principles

The common basic principles may be found in the JHA Council Conclusions of 19 November 2004, [doc. 14615/05](#),²² as well as the Commission Communication [COM\(2005\) 389](#).²³

Please describe (planned) measures for the integration of third-country nationals, considering, for example, measures enabling immigrants to acquire a basic knowledge of the host society's language, history, and institutions, "efforts in education" "participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level", access to employment and public and social services, policy development on integration, etc.

I(h) Promote information exchange on best practices in terms of reception and integration

Please describe any relevant activity, e.g. the development of a national website and/or forum on integration, development of information exchanges between institutions and other stakeholders within your (Member) State, etc. Also consider possible contributions to the European Integration Forum and the European website on Integration.

²² Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/82745.pdf.

²³ Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005DC0389:EN:NOT>.

4.2 Stockholm Programme (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

3(b) to incorporate integration issues in a comprehensive way in all relevant policy areas

Please elaborate whether and how integration issues are integrated on other national policies.

3(e) improved consultation with and involvement of civil society

Please describe consultation processes with civil society and their involvement in integration policymaking and measures.

3(f) to enhance democratic values and social cohesion in relation to immigration and integration of immigrants and to promote intercultural dialogue and contacts

Please describe any measures taken in this regard. For example, indicate whether these are included in integration courses and programmes, whether specific activities, e.g. events, have been organised, etc.

ILLEGAL IMMIGRATION AND RETURN

5 Illegal Immigration

5.1 European Pact on Immigration and Asylum (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Pact for this sub-section are in particular:

II(a) only case-by-case regularisation

Please indicate whether any regularisation took place and how in your (Member) State legal status was given to illegally staying third-country nationals. Also provide information on trends with respect to the number of persons regularised.

II(c) ensure that risks of irregular migration are prevented

Please describe your (Member) State's policy concerning preventing irregular migration. Note that information on other relevant measures, such as border control are to be provided in the later sections of this report (see Sections 9 and 10).

II(d) to develop cooperation between Member States, using, on a voluntary basis and where necessary, common arrangements to ensure the expulsion of illegal immigrants

Please describe cooperation with other (Member) States, with regard to the expulsion of persons found to be staying illegally on the territory, including biometric identification of illegal entrants, joint expulsion measures (e.g. flights), etc.

II(g) take rigorous actions and penalties against those who exploit illegal immigrants

Please describe the transposition and operational execution (e.g. prosecution of employers hiring persons illegally staying in your (Member) State) of the “Employer Sanctions Directive,” as well as other relevant actions and developments.

II(h) an Expulsion Decision taken by one Member State (MS) should be applicable throughout the EU and entered into the SIS obliging other MSs to prevent the person concerned from entering or residing

Please describe any relevant developments with regard to expulsion decisions and the principle of mutual recognition of these decisions.

5.2 Stockholm Programme (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

4(j) more effective action against illegal immigration and trafficking in human beings and smuggling of persons by developing information on migration routes as well as aggregate and comprehensive information which improves our understanding of and response to migratory flows

Please describe information collection activities undertaken in your (Member) State to identify migration routes, patterns and other relevant factors relevant to illegal immigration.

4(k) increased targeted training and equipment support

Please describe any training measures and equipment support to combat irregular immigration which are not linked to border control (which is discussed in section 9 below).

4(l) a coordinated approach by Member States by developing the network of liaison officers in countries of origin and transit.

Please describe recent or planned developments with regard to your (Member) State's liaison officers in countries of origin and transit.

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5.3 Key statistics

<i>Third-country nationals regularised</i>	
Third-country nationals regularised	

6 Return**6.1 European Pact on Immigration and Asylum (1-2 paragraphs in the text box created for each commitment)**

The relevant commitments in the Pact for this sub-section are in particular:

II(b) To conclude readmission agreements at EU or bilateral level

Please list the number of bilateral agreements negotiated and achieved during the reference period, specifying their purpose and with which third country. Also list the EU readmission agreements in which your (Member) State took part during the reference period. You could use the following table:

Type of readmission agreement	Third countries involved	Main purpose of the agreement
(EU or bilateral)		

Please only provide information on readmission agreements. Information on other agreements with third countries will need to be added in other sections of the report (e.g. Sections 8 and 13).

II(f) To devise incentive systems to assist voluntary return and to keep each other informed

Please describe (planned) measures to promote voluntary return, assistance provided in voluntary return, provision of information to other (Member) States on person returned.

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6.2 Stockholm Programme (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

4(c) ensuring that the objective of the EU's efforts on readmission should add value and increase the efficiency of return policies, including existing bilateral agreements and practices

Please describe how the bilateral and EU readmission agreements are contributing to the implementation of your (Member) State’s return policy.

4(e) assistance by the Commission and Frontex and Member States on a voluntary basis, to Member States which face specific and disproportionate pressures, in order to ensure the effectiveness of their return policies towards certain third states

Please describe whether your (Member) State has benefited from / has provided any return support in case of specific and disproportionate pressures in your / in another (Member) State. Note that joint return flights are to be discussed under the following commitment.

4(f) increased practical cooperation between Member States, for instance by regular chartering of joint return flights

Please describe practical cooperation with other (Member) States in the area of return, such as the organisation of joint return flights, the preparation of travel documents, etc.

6.3 Key statistics

<i>Third-country nationals ordered to leave and returned</i>			
	Returned as part of forced return measures	Returned voluntarily	Within the third-country nationals returned voluntarily, number of third-country nationals returned as part of an assisted return programme
Third-country nationals			

7 Actions against human trafficking

7.1 European Pact on Immigration and Asylum (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Pact for this sub-section are in particular:

II(e) cooperation with the countries of origin and of transit, in particular to combat human trafficking and to provide better information to communities under threat

Please describe any (planned) actions at national level to fight human trafficking and incorporation of third countries within them, awareness raising actions in third countries addressing communities at risk, etc. Please only refer to cooperation with regard to combating human trafficking. Information on other types of cooperation will need to be provided in other sections of the report (e.g. Sections 10 and 13).

7.2 Stockholm Programme (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Stockholm are similar to the Pact commitments, hence no further description is required.

7.3 Key statistics

<i>Third-country nationals receiving a residence permit as victims of human trafficking</i>	
Third-country nationals	

<i>Traffickers arrested and convicted</i>		
	Arrested / otherwise involved in a criminal proceeding	Convicted
Traffickers		

BORDER CONTROL**8 Control and surveillance at external borders****8.1 European Pact on Immigration and Asylum** (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Pact for this sub-section are in particular:

III(a) more effective control of the external land, sea and air borders:

Please describe any relevant (planned) developments to ensure more effective control, such as reinforcing border control staff, providing training, increasing overall resources. Note that technological means are to be described under the Pact commitment below.

III(e) deploy modern technological means for border control:

Please describe any new technological equipment purchased and used during the reference period, including IT systems, surveillance equipment, automated border controls and fast track lanes, etc. If possible, also make reference to any developments relevant to the EU entry / exit system, the EU Registered Traveller Programme, the Schengen Information System (SIS II) and European Border Surveillance System.

8.2 Stockholm Programme (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

7(i) invites the Member States and the Commission to explore how the different types of checks carried out at the external border can be better coordinated, integrated and rationalised with a view to the twin objective of facilitating access and improving security.

Please describe any relevant (planned) actions taken to better coordinate different types of border checks (e.g. automated and non-automated, fast-track and non fast-track) at the external borders.

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8.3 Key statistics

<i>Visas issued</i>			
	Total Visas	Schengen Visas	National Visas
Visas			

9 Cooperation with respect to border control

9.1 European Pact on Immigration and Asylum (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Pact for this sub-section are in particular:

III(b) generalise the issue of biometric visas, improve cooperation between MSs' consulates and set up joint consular services for visas:

Please describe (planned) developments in relation to biometric visas, for example the share of visas issued which are biometric, regions covered, pilot measures and testing, etc, also referring to the Visa Information System (VIS).

With regard to cooperation between (Member) State consular services and the set up of joint consular services for visas, please describe any relevant progress in this area, for example listing the visa representation agreements signed and the (Member) States involved (please specify whether you (Member) State represents these (Member) States or vice versa.

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III(d) solidarity with MS subjected to disproportionate influxes of immigrants

Please describe whether your (Member) State has benefited from / has provided any support with regard to border control in case of specific and disproportionate pressures in your / in another (Member) State. Also provide information on your (Member) State's relevant participation in FRONTEX, by type of activity (e.g. joint operations). Note that information on other forms of support with respect to disproportionate influxes are to be provided in other sections (e.g. section 7).

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III(f) intensify cooperation with the countries of origin and of transit in order to strengthen border control

Please list any new or planned agreements, and other forms of bilateral and multilateral cooperation with third countries, specifying which countries, specifically in order to strengthen the control of external borders and to combat illegal immigration. This could

include the provision of border equipment, training of border guards, etc. Please note that wider / more comprehensive agreements are to be described under section 13 addressing the Global Approach to Migration.

9.2 Stockholm Programme (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

6(a) The European Council encourages the Commission and Member States to take advantage of the entry into force of the Visa Code and the gradual roll-out of the VIS

Please describe the progress of implementation of the Visa Code and VIS, if not already provided under Pact Commitment III(b) above.

ASYLUM

10 International Protection

10.1 European Pact on Immigration and Asylum (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Pact for this sub-section are in particular:

IV(c) solidarity with MS which are faced with specific and disproportionate pressures on their national asylum systems:

Please provide information on support provided to (Member) States experiencing specific and disproportionate pressures on their national asylum systems, with regard to the processing of requests for international protection. This could include seconding staff and sending resources or equipment.

Please describe any action undertaken with regard to the reallocation from (Member) States experiencing specific and disproportionate pressures of beneficiaries of international protection to other (Member) States. This relates to intra-EU movements, for example, as part of EU projects.

IV(d) strengthen cooperation with the Office of the United Nations High Commissioner for Refugees to ensure better protection for people outside the territory of European Union Member States who request protection, in particular by moving, on a voluntary basis, towards the resettlement within the European Union

Please describe resettlement activities to your (Member) State of people placed under the protection of the Office of the UNHCR in third countries, specifying from which countries.

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IV(e) MS are invited to provide the personnel responsible for external border controls with training in the rights and obligations pertaining to international protection

Please describe the *provision or planning of provision of such training (and in which way, number and percentage of border control staff trained)...*

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10.2 Key statistics

<i>Third-country nationals reallocated and resettled to your (Member) States</i>			
	Total	Reallocated	Resettled
Third-country nationals			

<i>Training of border guards on asylum</i>		
	Total number of border guards	Border guards who received training
Border guards		

UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

11 Unaccompanied Minors (and other vulnerable groups)

11.1 European Pact on Immigration and Asylum

No specific commitments are included.

11.2 Stockholm Programme (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

5(a) develop an action plan, to be adopted by the Council, on unaccompanied minors which underpins and supplements the relevant legislative and financial instruments and combines measures directed at prevention, protection and assisted return

Please describe any developments in relation to unaccompanied minors at national and international levels.

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11.3 Key statistics

<i>Unaccompanied minors</i>	
Number of unaccompanied minors	

GLOBAL APPROACH TO MIGRATION**12 External cooperation / global approach to migration****12.1 European Pact on Immigration and Asylum (1-2 paragraphs in the text box created for each commitment)**

The relevant commitments in the Pact for this sub-section are in particular:

V(a) conclude EU-level or bilateral agreements with the countries of origin and of transit containing clause on legal and illegal migration as well as development

Please provide information on any (planned) EU level or bilateral agreements (e.g. Mobility Partnerships), which are in addition to those mentioned under Sections 1.1, Pact commitment I(a) Implement policies for labour migration; 7.1, Pact commitment II(b) To conclude readmission agreements; and 11, Pact commitment III(f) intensify cooperation with the countries of origin and of transit in order to strengthen border control. These could include wider, more comprehensive agreements covering various elements related to legal and illegal migration, as well as return. List them, including the third countries with which they have been concluded and their content. In case of bilateral agreements, also indicate whether the Commission was informed.

An example table is presented below.

Type of agreement	Third countries involved	Main purpose of the agreement
(EU or bilateral)		

V(b) offer the nationals of partner countries to the East and South of Europe opportunities for the legal immigration

Please indicate whether, in relation to the labour migration policy and related developments set out in Section 1.1, whether any of these favour labour and circular migration and specify which third countries from the East and South of Europe.

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V(c) cooperation with the countries of origin and of transit in order to deter or prevent illegal immigration

Please describe any cooperation, in addition to the cooperation outlined in Pact commitment V(a) above, Sections 8, Pact commitment II(e) cooperation with the countries of origin and of transit, in particular to combat human trafficking and section 11, Pact commitment III(f) intensify cooperation with the countries of origin and of transit in order to strengthen border control, which has focused on deterring or preventing illegal immigration. This may include concrete cooperation activities, capacity building and agreements.

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V(d) More effective integration of migration and development policies

Please describe any relevant activity, for example studies and development of such approach, solidarity development projects, etc.

V(e) promote co-development actions and support instrument for transferring migrants' remittances

Please describe any relevant developments and activities in the area of remittances, including financial support to such actions, implementation of an instrument for transferring migrants' remittances, etc.

12.2 Stockholm Programme (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

11(h) how diaspora groups may be further involved in EU development initiatives, and how EU Member States may support diaspora groups in their efforts to enhance development in their countries of origin

Please provide information on a possible national policy or actions with regard to supporting diaspora groups in enhancing development in their countries of origin.

Annex A: European Pact on Immigration and Asylum

In the last half-century, the political and civilisational project that underlay the establishment and deepening of the European Union has achieved considerable progress. One of the most remarkable benefits of this enterprise is the creation of a wide area of free movement that now covers most of Europe. This development has provided an unprecedented increase in freedom for European citizens and nationals of third countries, who travel freely across this common territory. It is also a major factor for growth and prosperity. Recent and future enlargements of the Schengen Area are further strengthening the freedom of movement for individuals.

International migration is a reality that will persist as long as there are differentials of wealth and development between the various regions of the world. It can be an opportunity, because it is a factor of human and economic exchange, and also enables people to achieve what they aspire to. It can contribute decisively to the economic growth of the European Union and of those Member States which need migrants because of the state of their labour markets or of their demography. Not least, it provides resources for the migrants and their home countries, and thus contributes to their development. The hypothesis of zero immigration is both unrealistic and dangerous.

In December 2005, the European Council adopted the Global Approach to Migration, and considers it still relevant. It reaffirms its conviction that migration issues are an integral part of the EU's external relations and that any harmonious and effective management of migration must be comprehensive, and consequently address the organisation of legal migration and the control of illegal immigration as ways of encouraging the synergy between migration and development. The European Council is convinced that the Global Approach to Migration can only make sense within a close partnership between the countries of origin, transit and destination.

The European Union, however, does not have the resources to decently receive all the migrants hoping to find a better life here. Poorly managed immigration may disrupt the social cohesion of the countries of destination. The organisation of immigration must consequently take account of Europe's reception capacity in terms of its labour market, housing, and health, education and social services, and protect migrants against possible exploitation by criminal networks.

The creation of a common area of free movement also brings Member States new challenges. One Member State's actions may affect the interests of the others. Access to the territory of one Member State may be followed by access to the others. It is consequently imperative that each Member State take account of its partners' interests when designing and implementing its immigration, integration and asylum policies.

EU Member States have sought for some twenty years to bring their policies in these areas closer together. The European Council welcomes the progress already made in this direction: abolition of internal border controls across most of Europe, adoption of a common visa policy, harmonisation of external border controls and asylum standards, alignment of certain conditions of legal immigration, cooperation in controlling illegal immigration, establishment of the Frontex agency, and setting up of dedicated funds for solidarity between Member States. The European Council particularly welcomes the major advances achieved under the Tampere (1999-2004) and Hague (2004-2009) programmes, which it undertakes to implement fully.

In line with the values that have consistently informed the European project and the policies implemented, the European Council solemnly reaffirms that migration and asylum policies must comply with the norms of international law, particularly those that concern human rights, human dignity and refugees.

Although real progress has been achieved on the path to a common immigration and asylum policy, further advances are necessary.

Convinced that a consistent approach is essential so as to include the management of migration among the European Union's global objectives, the European Council considers that the time has come, in a spirit of mutual responsibility and solidarity between Member States and of partnership with third countries, to give a new impetus to the definition of a common immigration and asylum policy that will take account of both the collective interest of the European Union and the specific needs of each Member State.

In this spirit and in the light of the Commission's communication of 17 June 2008, the European Council has decided to solemnly adopt this European Pact on Immigration and Asylum. Aware that full implementation of the Pact is likely in certain areas to require changes to the legal framework, and in particular to the treaty bases, the European Council makes five basic commitments, which will continue to be transposed into concrete measures, in particular in the programme to follow on from the Hague programme in 2010:

Annex A: European Pact on Immigration and Asylum

- to organise legal immigration to take account of the priorities, needs and reception capacities determined by each Member State, and to encourage integration;
- to control illegal immigration by ensuring that illegal immigrants return to their countries of origin or to a country of transit;
- to make border controls more effective;
- to construct a Europe of asylum;
- to create a comprehensive partnership with the countries of origin and of transit in order to encourage the synergy between migration and development.

*
* * *

I. Organise legal immigration to take account of the priorities, needs and reception capacities determined by each Member State, and to encourage integration

The European Council considers that legal immigration should be the result of a desire on the part of both the migrant and the host country to their mutual benefit. It recalls that it is for each Member State to decide on the conditions of admission of legal migrants to its territory and, where necessary, to set their number. Any quotas involved might be implemented in partnership with the countries of origin. The European Council calls on Member States to implement an immigration policy that is both managed, particularly with respect to all labour market needs, and concerted, given the impact it may have on other Member States. The European Council stresses the importance of adopting a policy that enables fair treatment of migrants and their harmonious integration into the societies of their host countries.

To that end, the European Council agrees:

- (a) to invite Member States and the Commission to implement policies for labour migration, with due regard to the *acquis communautaire* and Community preference, bearing in mind potential human resources within the European Union, and using the most appropriate resources, which take account of all the needs of the labour market of each Member State, pursuant to the conclusions of the European Council of 13 and 14 March 2008;
- (b) to increase the attractiveness of the European Union for highly qualified workers and take new measures to further facilitate the reception of students and researchers and their movement within the EU;
- (c) to ensure, in encouraging temporary or circular migration, pursuant to the conclusions of the European Council of 14 December 2007, that those policies do not aggravate the brain drain;
- (d) to regulate family migration more effectively by inviting each Member State, in compliance with the European Convention for the Protection of Human Rights and Fundamental Freedoms, to take into consideration in its national legislation, except for certain specific categories, its own reception capacities and families' capacity to integrate, as evaluated by their resources and accommodation in the country of destination and, for example, their knowledge of that country's language;
- (e) to strengthen mutual information on migration by improving existing instruments where necessary;
- (f) to improve information on the possibilities and conditions of legal migration, particularly by putting in place the instruments needed for that purpose as soon as possible;
- (g) to invite Member States, in line with the common principles approved by the Council in 2004, to establish ambitious policies, in a manner and with resources that they deem appropriate, to promote the harmonious integration in their host countries of immigrants who are likely to settle permanently; those policies, the implementation of which will call for a genuine effort on the part of the host countries, should be based on a balance between migrants' rights (in particular to education, work, security, and public and social services) and duties (compliance with the host country's laws). They will include specific measures to promote language-learning and access to employment, essential factors for integration; they will stress respect for the identities of the Member States and the European Union and for their fundamental values, such as human rights, freedom of opinion, democracy, tolerance, equality between men and women, and the compulsory schooling of children. The European Council also calls upon the Member States to take into account, by means of appropriate measures, the need to combat any forms of discrimination to which migrants may be exposed;

- (h) to promote information exchange on best practice implemented, in line with the common principles approved by the Council in 2004, in terms of reception and integration, and on EU measures to support national integration policies.

II. Control illegal immigration in particular by ensuring that illegal immigrants return to their countries of origin or to a transit country

The European Council reaffirms its determination to control illegal immigration. It recalls its attachment to the effective application of three basic principles:

- greater cooperation between Member States and the Commission and the countries of origin and of transit in order to control illegal immigration under the Global Approach to Migration is a necessity;
- illegal immigrants on Member States' territory must leave that territory. Each Member State undertakes to ensure that this principle is effectively applied with due regard for the law and for the dignity of the persons involved, giving preference to voluntary return, and each Member State shall recognise the return decisions taken by another Member State;
- all States are required to readmit their own nationals who are staying illegally on the territory of another State.

To that end, the European Council agrees:

- (a) to use only case-by-case regularisation, rather than generalised regularisation, under national law, for humanitarian or economic reasons;
- (b) to conclude readmission agreements at EU or bilateral level with those countries with which this is necessary, so that each Member State has the legal instruments to ensure that illegal immigrants are expelled; the effectiveness of EU readmission agreements will be evaluated; negotiating directives that have not succeeded should be reviewed; Member States and the Commission will consult closely when future EU readmission agreements are negotiated;
- (c) to ensure that the risks of irregular migration are prevented within the framework of the modalities of the policies for the entry and residence of third-country nationals or, where appropriate, other policies, including the modalities of the framework for freedom of movement;
- (d) to develop cooperation between Member States, using, on a voluntary basis and where necessary, common arrangements to ensure the expulsion of illegal immigrants (biometric identification of illegal entrants, joint flights, etc.);
- (e) to step up cooperation with the countries of origin and of transit, under the Global Approach to Migration, in order to control illegal immigration, in particular to follow with them an ambitious policy on police and judicial cooperation to combat international criminal organisations engaged in trafficking migrants and in human trafficking, and to provide better information to communities under threat so as to avoid the tragedies that can occur, particularly at sea;
- (f) to invite Member States, specifically with the support of Community instruments, to devise incentive systems to assist voluntary return and to keep each other informed on this point in order to prevent the fraudulent return to the European Union of those who receive such aid;
- (g) to invite Member States to take rigorous action, also in the interest of the immigrants, by way of dissuasive and proportionate penalties against those who exploit illegal immigrants (employers, etc.);
- (h) to put into full effect the Community provisions pursuant to which an expulsion decision taken by one Member State is applicable throughout the European Union, and, within that framework, an alert for such a decision entered in the Schengen Information System (SIS) obliges other Member States to prevent the person concerned from entering or residing within their territory.

III. Make border controls more effective

The European Council recalls that each Member State is responsible for the controls on its section of the external border. That control, giving access to a common area of free movement, is exercised in a spirit of joint

Annex A: European Pact on Immigration and Asylum

responsibility on behalf of all Member States. Conditions for granting visas outside the external border should contribute fully to the integrated management of that border. Those Member States whose geographical location exposes them to influxes of immigrants, or whose resources are limited, should be able to count on the effective solidarity of the European Union.

To that end, the European Council agrees to:

- (a) invite Member States and the Commission to mobilise all their available resources to ensure more effective control of the external land, sea and air borders;
- (b) generalise the issue of biometric visas as from 1 January 2012 at the latest, as a result of the Visa Information System (VIS), immediately improve cooperation between Member States' consulates, pool resources as far as possible and gradually set up, on a voluntary basis, joint consular services for visas;
- (c) give the Frontex agency, with due regard for the role and responsibilities of the Member States, the resources to fulfil its mission of coordinating the control of the external border of the European Union, to cope with crisis situations and to undertake, at the request of Member States, any necessary operations, whether temporary or permanent, in accordance, in particular, with the Council conclusions of 5 and 6 June 2008. In the light of the results of an evaluation of the agency, its role and operational resources will be strengthened and a decision may be taken to create specialised offices to take account of the diversity of situations, particularly for the land border to the East and the sea border to the South: creating such offices should on no account undermine the unity of the Frontex agency. Ultimately, the possibility of setting up a European system of border guards may be examined;
- (d) give fuller consideration, in a spirit of solidarity, to the difficulties of those Member States subjected to disproportionate influxes of immigrants and, to that end, invite the Commission to submit proposals;
- (e) deploy modern technological means to ensure that systems are interoperable and to enable the effective integrated management of the external border, in line with the conclusions of the European Council on 19 and 20 June 2008 and of the Council on 5 and 6 June 2008. From 2012, depending on the Commission's proposals, the focus should be on establishing electronic recording of entry and exit, together with a fast-track procedure for European citizens and other travellers;
- (f) intensify cooperation with the countries of origin and of transit in order to strengthen control of the external border and to combat illegal immigration by increasing the European Union's aid for the training and equipping of those countries' staff responsible for managing migration flows;
- (g) improve the modalities and frequency of the Schengen evaluation process in accordance with the Council conclusions of 5 and 6 June 2008.

IV. Construct a Europe of asylum

The European Council solemnly reiterates that any persecuted foreigner is entitled to obtain aid and protection on the territory of the European Union in application of the Geneva Convention of 28 July 1951 relating to the Status of Refugees, as amended by the New York Protocol of 31 January 1967, and other relevant treaties. The European Council welcomes the progress achieved in recent years as a result of the implementation of common minimum standards with a view to introducing the Common European Asylum System. It observes, however, that considerable disparities remain between one Member State and another concerning the grant of protection and the forms that protection takes. While reiterating that the grant of protection and refugee status is the responsibility of each Member State, the European Council considers that the time has come to take new initiatives to complete the establishment of a Common European Asylum System, provided for in the Hague programme, and thus to offer a higher degree of protection, as proposed by the Commission in its asylum action plan. A sustained dialogue should be conducted with the Office of the United Nations High Commissioner for Refugees in this new phase. The European Council stresses that the necessary strengthening of European border controls should not prevent access to protection systems by those people entitled to benefit under them.

To that end, the European Council agrees to:

- (a) establish in 2009 a European support office with the task of facilitating the exchange of information, analyses and experience among Member States, and developing practical cooperation between the administrations in charge of examining asylum applications. That office will not have the power to

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examine applications or to take decisions but will use the shared knowledge of countries of origin to help to bring national practices, procedures, and consequently decisions, into line with one another;

- (b) invite the Commission to present proposals for establishing, in 2010 if possible and in 2012 at the latest, a single asylum procedure comprising common guarantees and for adopting a uniform status for refugees and the beneficiaries of subsidiary protection;
- (c) establish procedures, in the case of crisis in a Member State faced with a massive influx of asylum-seekers, to enable the secondment of officials from other Member States to help that State and the demonstration of effective solidarity with that State by mobilising existing EU programmes more rapidly. For those Member States which are faced with specific and disproportionate pressures on their national asylum systems, due in particular to their geographical or demographic situation, solidarity shall also aim to promote, on a voluntary and coordinated basis, better reallocation of beneficiaries of international protection from such Member States to others, while ensuring that asylum systems are not abused. In accordance with those principles, the Commission, in consultation with the Office of the United Nations High Commissioner for Refugees where appropriate, will facilitate such voluntary and coordinated reallocation. Specific funding under existing EU financial instruments should be provided for this reallocation, in accordance with budgetary procedures;
- (d) strengthen cooperation with the Office of the United Nations High Commissioner for Refugees to ensure better protection for people outside the territory of European Union Member States who request protection, in particular by:
 - moving, on a voluntary basis, towards the resettlement within the European Union of people placed under the protection of the Office of the United Nations High Commissioner for Refugees, particularly as part of regional protection programmes;
 - inviting the Commission, in liaison with the Office of the United Nations High Commissioner for Refugees, to present proposals for cooperation with third countries in order to strengthen the capacities of their protection systems;
- (e) invite the Member States to provide the personnel responsible for external border controls with training in the rights and obligations pertaining to international protection.

V. Create a comprehensive partnership with the countries of origin and of transit to encourage the synergy between migration and development

Recalling its conclusions of December 2005, December 2006 and June 2007, the European Council reaffirms its attachment to the Global Approach to Migration, which was the inspiration for the Euro-African conferences in Rabat and Tripoli in 2006 and the Euro-African summit in Lisbon in 2007. It is convinced that this approach, which addresses the organisation of legal migration, the control of illegal immigration, and the synergy between migration and development for the benefit of all the countries concerned and of the migrants themselves, is a highly relevant approach to the East and South of Europe. Migration must become a major component in Member States' and EU external relations, which presupposes examination of the quality of the existing dialogue with each third country on migration.

The European Council undertakes, on this basis, to support the development of the countries involved and with them to build a close partnership encouraging the synergy between migration and development.

To that end, the European Council agrees to:

- (a) conclude EU-level or bilateral agreements with the countries of origin and of transit containing, as appropriate, clauses on the opportunities for legal migration adapted to the labour market situation in the Member States, the control of illegal immigration, readmission, and the development of the countries of origin and of transit; the European Council invites the Member States and the Commission to inform and consult each other on the objectives and limits of such bilateral agreements, and on readmission agreements;
- (b) encourage Member States, as far as they are able, to offer the nationals of partner countries to the East and South of Europe opportunities for legal immigration adapted to the labour market situation in Member States, enabling those nationals to acquire training or professional experience and accumulate savings that they can use for the benefit of their home countries. The European Council invites Member

Annex A: European Pact on Immigration and Asylum

States to encourage in this context forms of temporary or circular migration, in order to prevent a brain drain;

- (c) pursue policies of cooperation with the countries of origin and of transit in order to deter or prevent illegal immigration, in particular by capacity-building in those countries;
- (d) integrate migration and development policies more effectively by examining how such policies may benefit the regions of origin of immigration, in coherence with other aspects of development policy and the Millennium Development Goals. The European Council invites Member States and the Commission in this context to focus, within the sectoral priorities identified with the partner countries, on solidarity development projects that raise the living standards of citizens, for example in the areas of nutrition, health care, education, vocational training and employment;
- (e) promote co-development actions that enable migrants to take part in the development of their home countries. The European Council recommends that Member States support the adoption of specific financial instruments for transferring migrants' remittances securely and more cheaply to their countries for the purposes of investment and welfare insurance;
- (f) firmly implement the partnership between the European Union and Africa agreed in Lisbon in December 2007, the conclusions of the first Euro-Mediterranean ministerial meeting on migration held in Albufeira in November 2007 and the Rabat action plan and to that end call on the second Euro-African ministerial conference on migration and development in Paris in autumn 2008 to decide on practical measures; develop, in accordance with its conclusions of June 2007, the Global Approach to Migration to the East and South-east of Europe, and, in this respect, welcome the initiative of a ministerial conference on this topic in April 2009 in Prague; continue to make use of the existing political and sectoral dialogues, particularly with the countries of Latin America, the Caribbean and Asia, in order to consolidate mutual understanding of what is at stake in the field of migration and intensify current cooperation;
- (g) speed up the deployment of the key tools of the Global Approach to Migration (migration balances, cooperation platforms, partnerships for mobility and circular migration programmes), to ensure a balance between the migration routes from the South and those from the East and South-east and take account of the lessons learned in these matters when negotiating EU and bilateral agreements on migration and readmission with countries of origin and of transit, as well as Pilot Mobility Partnerships;
- (h) ensure when implementing these various actions that they are consistent with other aspects of the EU's development cooperation policy, particularly the European Consensus on Development of 2005, and other policies, particularly the neighbourhood policy.

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* *

The European Council invites the European Parliament, the Council, the Commission and the Member States, each for their own part, to take the decisions necessary for the implementation of this Pact in order to develop a common immigration and asylum policy. The programme which will be the successor of the Hague programme in 2010 will, in particular, enable the Pact to be transposed further into practical actions.

It has decided, for its part, to hold an annual debate on immigration and asylum policies. To that end, it invites the Commission to present a report to the Council each year, based on Member States' contributions and accompanied, as necessary, by proposals for recommendations, on the implementation, by both the Union and its Member States, of this Pact and of the programme that will follow on from the Hague programme. This annual debate will also enable the European Council to be kept informed of the most significant developments planned by each Member State in conducting its immigration and asylum policy.

To prepare for this debate, the European Council invites the Commission to propose a tracking method to the Council.

Finally, the European Council reaffirms the need to find appropriate resources to meet the requirements arising from immigration and asylum policies and implementation of the Global Approach to Migration.

Annex B: EMN Annual Policy Report 2011 Correspondence Table²⁴

This Table covers the relevant Lisbon Treaty²⁵ articles, Pact²⁶ main commitments, Stockholm Programme²⁷ headings, Pact sub-commitments and Stockholm sub-commitments plus actions called for by the JHA²⁸ and European Council²⁹

Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
<p><u>Article 79</u></p> <p>1. The Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings.</p> <p>2. For the purposes of paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures in the following areas:</p>	<p>I. Legal immigration – integration</p> <p>Main commitment: Organise legal immigration to take account of the priorities, needs and reception capacities determined by each Member State, and to encourage integration</p>	<p>I a) to invite Member States and the Commission to implement policies for labour migration, with due regard to the acquis communautaire and Community preference, bearing in mind potential human resources within the European Union, and using the most appropriate resources, which take account of all the needs of the labour market of each Member State, pursuant to the conclusions of the European Council of 13 and 14 March 2008;</p> <p>I(b) to increase the attractiveness of the EU for highly qualified workers and take new measures to further facilitate the reception of students and researchers and their movement within the EU;</p>	<p>1. A concerted policy in keeping with national labour-market requirements (Section 6.1.3)</p>	<p>1(a) invites the Commission and the Council to continue to implement the Policy Plan on Legal Migration;</p> <p>1(b) invites the Commission and the Council to evaluate existing policies that should, <i>inter alia</i>, improve skills recognition and labour matching between the European Union and third countries and the capacity to analyze labour market needs, the transparency of European on-line employment and recruitment information, training, information dissemination, and skills matching in the country of origin;</p> <p>1(c) invites the Commission to assess the impact and effectiveness of measures adopted in this area with a view to determining whether there is a need for consolidating existing legislation, including regarding categories of workers currently not covered by Union legislation;</p>	<p>The Council recalls that Member States remain responsible for the number of third-country nationals they admit for employment purposes in accordance with Article 79(5) of the TFEU and, in this connection, also have regard to their reception capacities, the needs of their labour markets, and the principle of Union preference. The Council also believes that properly managed legal migration has a role to play in the framework of the Europe 2020 Strategy. The Council therefore welcomes the progress that has been made to date on the legislative proposals concerning intra-corporate transferees and seasonal workers, as well as the Single Permit Directive, and will seek to bring negotiations on those measures to a successful conclusion together with the European Parliament. [JHA Council]</p>

²⁴ Specific Actions required by Council, Commission and/or Member States are identified with the relevant entity(ies) in **bold**, underlined, e.g. **Commission**. Comparable Pact/Stockholm (sub-)commitments are aligned horizontally.

²⁵ Available from http://europa.eu/lisbon_treaty/full_text/index_en.htm.

²⁶ Available from <http://register.consilium.europa.eu/pdf/en/08/st13/st13440.en08.pdf>. The text is taken verbatim from the Pact and thus still has references to "Community" rather than "Union."

²⁷ Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:en:PDF>.

²⁸ Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/122508.pdf.

²⁹ Available from Available from: <http://register.consilium.europa.eu/pdf/en/11/st00/st00023.en11.pdf>

Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
<p>(a) the conditions of entry and residence, and standards on the issue by Member States of long-term visas and residence permits, including those for the purpose of family reunification;</p> <p>(b) the definition of the rights of third-country nationals residing legally in a Member State, including the conditions governing freedom of movement and of residence in other Member States;</p> <p>(c) illegal immigration and unauthorised residence, including removal and repatriation of persons residing without authorisation;</p> <p>(d) combating trafficking in persons, in particular women and children.</p> <p>3. The Union may conclude agreements with third countries for the readmission to their countries of origin or provenance of third-country nationals who do not or who no longer fulfil the conditions for</p>		<p>I(c) to ensure, in encouraging temporary or circular migration, pursuant to the conclusions of the European Council of 14 December 2007, that those policies do not aggravate the brain drain;</p> <p>I d) to regulate family migration more effectively by inviting each Member State, in compliance with the European Convention for the Protection of Human Rights and Fundamental Freedoms, to take into consideration in its national legislation, except for certain specific categories, its own reception capacities and families' capacity to integrate, as evaluated by their</p>	<p>2. Proactive policies for migrants and their rights (Section 6.1.4)</p>	<p>1(d) Efforts to promote concerted mobility and migration with countries of origin should be closely linked with efforts to promote the development of opportunities for decent and productive work and improved livelihood options in third countries in order to minimise the brain drain (Section 6.1.2.).</p> <p>Invites the Commission to submit proposals for:</p> <p>2(a) consolidation of all legislation in the area of immigration, starting with legal migration, which would be based on an evaluation of the existing <i>acquis de l'Union</i> and include amendments needed to simplify and/or, where necessary, extend the existing provisions and improve their implementation and coherence;</p> <p>2(b) evaluation and, where necessary, review of the directive on family reunification, taking into account the importance of integration measures</p>	

Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
<p>entry, presence or residence in the territory of one of the Member States.</p> <p>4. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories, excluding any harmonisation of the laws and regulations of the Member States.</p> <p>5. This Article shall not affect the right of Member States to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work, whether employed or self-employed.</p>		<p>resources and accommodation in the country of destination and, for example, their knowledge of that country's language;</p> <p>I(e) to strengthen mutual information on migration by improving existing instruments where necessary;</p> <p>I(f) to improve information on the possibilities and conditions of legal migration; particularly by putting in place the instruments needed for that purpose as soon as possible;</p> <p>I(g) to invite Member States, in line with the common principles approved by the Council in 2004, to establish ambitious policies, in a manner and with resources that they deem appropriate, to promote the harmonious integration in their host countries of immigrants who are likely to settle permanently those policies, the implementation of which will call for a genuine effort on the part of the host countries, should be based on a balance between migrants' rights (in particular to education, work, security, and public and social services) and duties (compliance with the host country's laws). They will include specific measures to promote language-learning and access to employment, essential factors for</p>	<p>3. Integration (Section 6.1.5)</p>	<p>2(c) invites the Commission to consider how existing information sources and networks can be used more effectively to ensure the availability of the comparable data on migration issues with a view to better informing policy choices, which also takes account of recent developments; (Section 6.1.3, A concerted policy in keeping with national labour-requirements)</p>	<p>The Council likewise stresses the importance of building an inclusive society by integrating legally resident third country nationals as part of a dynamic two-way process. The Council takes note of the outcome of the Conference on Promoting Migrant Integration through Media and Intercultural Dialogue held in Budapest on 16-18 May 2011. The Council also looks forward to the Commission's forthcoming Communication on a European Agenda for Integration against the background of the new competences created by the Treaty on the Functioning of the European Union. [JHA Council]</p>

Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
		<p>integration; they will stress respect for the identities of the Member States and the EU and for their fundamental values, such as human rights, freedom of opinion, democracy, tolerance, equality between men and women, and the compulsory schooling of children. The European Council also calls upon the Member States to take into account, by means of appropriate measures, the need to combat any forms of discrimination to which migrants may be exposed;</p> <p>I(h) to promote information exchange on best practice implemented, in line with the common principles approved by the Council in 2004, in terms of reception and integration, and on EU measures to support national integration policies.</p>		<p>Invites the Commission to support Member States' efforts:</p> <p>3(a) through the development of a coordination mechanism involving the Commission and the Member States using a common reference framework, which should improve structures and tools for European knowledge exchange,</p> <p>3(b) to incorporate integration issues in a comprehensive way in all relevant policy areas,</p> <p>3(c) towards the identification of joint practices and European modules to support the integration process, including essential elements such as introductory courses and language classes, a strong commitment by the host community and the active participation of immigrants in all</p>	

Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
				<p>aspects of collective life,</p> <p>3(d) towards the development of core indicators in a limited number of relevant policy areas (e.g. employment, education and social inclusion) for monitoring the results of integration policies, in order to increase the comparability of national experiences and reinforce the European learning process,</p> <p>3(e) for improved consultation with and involvement of civil society, taking into account integration needs in various policy areas and making use of the European Integration Forum and the European website on Integration,</p> <p>3(f) to enhance democratic values and social cohesion in relation to immigration and integration of immigrants and to promote intercultural dialogue and contacts at all levels.</p>	
	<p>II. Illegal immigration Main commitment: Control illegal immigration in particular by ensuring that illegal immigrants return to their countries of origin or to a transit country</p>	<p>II(a) to use only case-by-case regularisation, rather than generalised regularisation, under national law, for humanitarian or economic reasons;</p> <p>II(b) to conclude readmission agreements at EU or bilateral level with those countries with which this is necessary, so that each Member State has the legal instruments to ensure that</p>	<p>4. Effective policies to combat illegal immigration (Section 6.1.6)</p>	<p>4(a) improving the exchange of information on developments at national level in the area of regularisation, with a view to ensuring consistency with the principles of the Pact on Asylum and Migration,</p> <p>4(b) the conclusion of effective and operational readmission agreements, on a case-by-case</p>	<p>The Council will also continue to give high priority to the fight against illegal immigration. The Council believes that effective return policy and readmission agreements and arrangements remain the key for this purpose together with implementation of EU legislation such as the Return Directive and the Employers Sanctions Directive. The Council also stresses the importance of practical cooperation by way of joint</p>

Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
		<p>illegal immigrants are expelled; the effectiveness of EU readmission agreements will be evaluated; negotiating directives that have not succeeded should be reviewed; Member States and the Commission will consult closely when future EU readmission agreements are negotiated;</p> <p>II (c) to ensure that the risks of irregular migration are prevented within the framework of the modalities of the policies for the entry and residence of third-country</p>		<p>basis at EU or bilateral level, 4(c) ensuring that the objective of the EU's efforts on readmission should add value and increase the efficiency of return policies, including existing bilateral agreements and practices,</p> <p>4(d) the presentation by the Commission of an evaluation, also of ongoing negotiations, during 2010 of the EC readmission agreements and propose a mechanism to monitor their implementation. The Council should define a renewed, coherent strategy on readmission on that basis, taking into account the overall relations with the country concerned, including a common approach towards third countries that do not cooperate in readmitting their own nationals,</p> <p>4(e) assistance by the Commission and Frontex and Member States on a voluntary basis, to Member States which face specific and disproportionate pressures, in order to ensure the effectiveness of their return policies towards certain third states,</p>	<p>return operations coordinated by FRONTEX. [JHA Council]</p>

Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
		<p>nationals or, where appropriate, other policies, including the modalities of the framework for freedom of movement;</p> <p>II (d) to develop cooperation between Member States, using, on a voluntary basis and where necessary, common arrangements to ensure the expulsion of illegal immigrants (biometric identification of illegal entrants, joint flights, etc.);</p> <p>II (e) to step up cooperation with the countries of origin and of transit, under the Global Approach to Migration, in order to control illegal immigration, in particular to follow with them an ambitious policy on police and judicial cooperation to combat international criminal organisations engaged in trafficking migrants and in human trafficking, <See also II(b) and (d) , III(f) and V(c)> and to provide better information to communities under threat so as to avoid the tragedies that can occur, particularly at sea;</p> <p>II (f) to invite Member States, specifically with the support of Community instruments, to devise incentive systems to assist voluntary return and to keep each other</p>		<p>4(f) increased practical cooperation between Member States, for instance by regular chartering of joint return flights, financed by Frontex and the verification of the nationality of third-country nationals eligible for return, and the procurement from third countries of travel documents,</p> <p>4(g) The European Council invites the Commission to examine whether ad hoc cooperation agreements with specific third countries to be identified by the Council could be a way of enhancing the fight against trafficking and smuggling of persons and making proposals to that end. In particular, such agreements could involve full use of all leverage available to the Union, including the use of existing financing programmes, cooperation in the exchange of information, judicial cooperation and migration tools. (Section 7.3 plus Section 4.4.2)</p> <p>Focus should be placed on:</p> <p>4(h) encouraging of voluntary return, including through the development of incentive systems, training, reintegration</p>	

Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
		<p>informed on this point in order to prevent the fraudulent return to the EU of those who receive such aid;</p> <p>II(g) to invite Member States to take rigorous action, also in the interest of the immigrants, by way of dissuasive and proportionate penalties against those who exploit illegal immigrants (employers, etc.);</p> <p>II(h) to put into full effect the Community provisions pursuant to which an expulsion decision taken by one Member State is applicable throughout the EU, and, within that framework, an alert for such a decision entered in the Schengen Information System (SIS) obliges other Member States to prevent the person concerned from entering or residing within their territory.</p>		<p>and subsidies, and by using the possibilities offered by existing financial instruments,</p> <p>4(i) Member States to put into full effect the Union provisions pursuant to which a return decision issued by one Member State is applicable throughout the European Union and the effective application of the principle of mutual recognition of return decisions by recording entry bans in the SIS and facilitating exchange of information;</p> <p>4(j) more effective action against illegal immigration and trafficking in human beings and smuggling of persons by developing information on migration routes as well as aggregate and comprehensive information which improves our understanding of and response to migratory flows, promoting cooperation on surveillance and border controls, facilitating readmission by promoting support measures for return and reintegration, capacity building</p>	

Annex B: Correspondence Table

Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
				<p>in third countries,</p> <p>4(k) increased targeted training and equipment support,</p> <p>4(l) a coordinated approach by Member States by developing the network of liaison officers in countries of origin and transit.</p>	
	N/A	N/A	<p>5. Unaccompanied Minors (Section 6.1.7 plus 2.3.2)</p>	<p>5(a) develop an action plan, to be adopted by the Council, on unaccompanied minors which underpins and supplements the relevant legislative and financial instruments and combines measures directed at prevention, protection and assisted return. The action plan should underline the need for cooperation with countries of origin, including cooperation to facilitate the return of minors, as well as to prevent further departures. The action plan should also examine practical measures to facilitate the return of the high number of unaccompanied minors that do not require international protection, while recognising that the best interests for many may be their reunion with their families and development in their own social and cultural environment.</p>	
<p>Article 77</p> <p>1. The Union shall develop a policy with a view to:</p>	<p>III. Border Control Main commitment: Make border controls more effective</p>	<p>III(a) invite Member States and the Commission to mobilise all their available resources to ensure more effective control of the external land, sea and air borders;</p>			<p>The Council reaffirms that facilitating legal access to the territory of the Member States while in parallel taking measures to counteract illegal immigration, cross-border crime and</p>

Annex B: Correspondence Table

Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
<p>(a) ensuring the absence of any controls on persons, whatever their nationality, when crossing internal borders;</p> <p>(b) carrying out checks on persons and efficient monitoring of the crossing of external borders;</p> <p>(c) the gradual introduction of an integrated management system for external borders.</p> <p>2. For the purposes of paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures concerning:</p> <p>(a) the common policy on visas and other short-stay residence permits;</p> <p>(b) the checks to which persons crossing external borders are subject;</p> <p>(c) the conditions under which nationals of third countries shall have the</p>		<p>III(b) generalise the issue of biometric visas as from 1 January 2012 at the latest, as a result of the Visa Information System (VIS), immediately improve cooperation between Member States' consulates, pool resources as far as possible and gradually set up, on a voluntary basis, joint consular services for visas;</p>	<p>6. Visa Policy (Section 5.2)</p>	<p>6(a) The European Council encourages the Commission and Member States to take advantage of the entry into force of the Visa Code and the gradual roll-out of the VIS in order to intensify regional consular cooperation by means of regional consular programmes which could include, in particular, the establishment of common visa application centres where necessary on a voluntary basis.</p> <p>6(b) invites the Commission and Council to continue to explore the possibilities created by the conclusion of visa facilitation agreements with third countries in appropriate cases,</p> <p>6(c) invites the Commission to keep the list of third countries whose nationals are or are not subject to a visa requirement under regular review in accordance with appropriate criteria relating e.g. to illegal immigration, public policy and security, which take account of the Union's internal and external policy objectives,</p> <p>6(d) invites the Commission to strengthen its efforts to ensure the</p>	<p>maintaining a high level of security are twin objectives of the integrated border management.</p> <p>The Council is committed to the further development of a balanced visa policy in order to effectively tackle illegal migration as well as enhance the mobility of bona fide travellers. In this regard, the Council takes note of the Commission's recent proposal to amend Council Regulation (EC) No.539/2011 in order to make provision, inter alia, for a visa safeguard clause. The Council also notes the substantial progress made by the Commission and Member States in the developments of the Visa Information System, which will allow the start of operations in October 2011. In case of visa liberalisation, the Council stresses the importance of a continued monitoring mechanism in appropriate cases which covers inter alia border management, document security, combating organised crime and corruption, effective implementation of readmission agreements and management of migration flows between the EU and the countries concerned. [JHA Council]</p> <p>The Council also underlines that the issue of visa reciprocity should remain</p>

Annex B: Correspondence Table

Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
<p>freedom to travel within the Union for a short period;</p> <p>(d) any measure necessary for the gradual establishment of an integrated management system for external borders;</p> <p>(e) the absence of any controls on persons, whatever their nationality, when crossing internal borders.</p> <p>3. If action by the Union should prove necessary to facilitate the exercise of the right referred to in Article 20(2)(a), and if the Treaties have not provided the necessary powers, the Council, acting in accordance with a special legislative procedure, may adopt provisions concerning passports, identity cards, residence permits or any other such document. The Council shall act unanimously after consulting the European Parliament.</p> <p>4. This Article shall not affect the competence of</p>		<p>III(c) give the Frontex agency, with due regard for the role and</p>	<p>7.Integrated management of the</p>	<p>principle of visa reciprocity and prevent the (re)introduction of visa requirements by third countries towards any Member State and to identify measures which could be used prior to imposing the visa reciprocity mechanism towards those third countries.</p> <p>6(e) The European Council, with a view to creating the possibility of moving to a new stage in the development of the common visa policy, while taking account of Member States competences in this area, invites the Commission to present a study on the possibility of establishing a common European issuing mechanism for short term visas. The study could also examine to what degree an assessment of individual risk could supplement the presumption of risk associated with the applicant’s nationality.</p> <p>6(f) invites the Commission to prepare a study on the possibility and usefulness of developing a European system of travel authorisation and, where appropriate, to make the necessary proposals. (Section 5.1, Integrated management of the external borders)</p> <p>7(a) requests the Commission to put forward proposals no later</p>	<p>high on the agenda. [JHA Council]</p> <p>The Council recalls that the responsibility for the control and</p>

Annex B: Correspondence Table

Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
<p>the Member States concerning the geographical demarcation of their borders, in accordance with international law.</p>		<p>responsibilities of the Member States, the resources to fulfil its mission of coordinating the control of the external border of the European Union, to cope with crisis situations and to undertake, at the request of Member States, any necessary operations, whether temporary or permanent, in accordance, in particular, with the Council conclusions of 5 and 6 June 2008.</p> <p>In the light of the results of an evaluation of the agency, its role and operational resources will be strengthened and a decision may be taken to create specialised offices to take account of the diversity of situations, particularly for the land border to the East and the sea border</p>	<p>external borders (Section 5.1)</p>	<p>than early 2010 to clarify the mandate and enhance the role of FRONTEX, taking account of the results of the evaluation of the Agency and the role and responsibilities of the Member States in the area of border control. Elements of these proposals could contain preparation of clear common operational procedures containing clear rules of engagement for joint operations at sea, with due regard to ensuring protection for those in need who travel in mixed flows, in accordance with international law; increased operational cooperation between Frontex and countries of origin and transit and examination of the possibility of regular chartering financed by Frontex In order to promote the proper enforcement of the applicable statutory framework for Frontex operations, the Commission should consider including a mechanism for reporting and recording incidents that can be satisfactorily followed up by the relevant authorities,</p> <p>7(b) invites FRONTEX itself to consider, within its mandate, establishing regional and/or specialised offices to take account of the diversity of situations, particularly for the land border to the East and the sea border to the South; creating such</p>	<p>surveillance of the external borders lies with Member States which, in performing this function, are also acting in the common interest of all Member States. FRONTEX also has a key role to play in supporting Member States and in coordinating the response to increased migratory pressures on the external borders as well as in promoting increased operational cooperation. The Council welcomes the deployment of RABIT operations and joint operations. Joint operations should be further developed in cooperation with relevant third countries of origin and transit where necessary. The Council recalls that necessary funds, technical and human resources should be provided in order to continue and step up these activities where required. The Council also welcomes the progress that has been made on the proposal to amend the FRONTEX Regulation which will enhance the operational capabilities of the Agency. The Council now looks forward to the successful conclusion of negotiations on the matter with the European Parliament. [JHA Council]</p> <p>The Council invites FRONTEX to continue to provide assistance to Member States in protecting sections of the external border subject to exceptionally high migratory pressures. [JHA Council]</p>

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Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
		<p>to the South: creating such offices should on no account undermine the unity of the Frontex agency.</p> <p>Ultimately, the possibility of setting up a European system of border guards may be examined;</p> <p>III(d) give fuller consideration, in a spirit of solidarity, to the difficulties of those Member States subjected to disproportionate influxes of immigrants and, to that end, invite the Commission to submit proposals; <See also IV(c)></p>		<p>offices should on no account undermine the unity of the Frontex agency; before creating such offices, Frontex should report to the Council on its intentions,</p> <p>7(c) invites the Commission to initiate a debate on the long-term development of FRONTEX. This debate should include, as was envisaged in the Hague programme, the feasibility of the creation of a European system of border guards,</p>	<p>The functioning of Frontex and other agencies needs to be continuously monitored to ensure their continued efficiency in assisting Member States in managing external borders, in fighting illegal immigration and in dealing with refugees. Frontex will cooperate with the third countries concerned. The European Council welcomes the agreement reached on the revision of the Frontex Regulation, which will increase the effectiveness of that Agency's operational capacities. In line with the Stockholm Programme, the framework for cooperation between national border guards will be further developed, notably by promoting common training and the sharing of capacities and standards. The Commission, in close cooperation with Frontex, is invited to present further ideas in that respect by the end of the year. [European Council]</p> <p>Noting the difficult situation currently faced by some Member States, the European Council reaffirms the need for genuine and practical solidarity towards the Member States most affected by migratory flows. The EU and Member States will continue to provide the necessary operational and</p>

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Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
		<p>III(e) deploy modern technological means to ensure that systems are interoperable and to enable the effective integrated management of the external border, in line with the conclusions of the European Council on 19 and 20 June 2008 and of the Council on 5 and 6 June 2008. From 2012, depending on the Commission's proposals, the focus should be on establishing electronic recording of entry and exit, together with a fast-track procedure for European citizens and other travellers;</p>		<p>7(d) The European Council calls on the Commission and Member States to ensure that the SIS II and the VIS system now become fully operational in keeping with the timetables to be established for that purpose. Before creating new systems, an evaluation of these and existing systems should be made and the difficulties encountered when they were set up should be taken into account. The setting up of an administration for large IT systems could play a central role in the possible development of IT systems in the future.</p> <p>7(e) invites the Commission present proposals for an entry/exit system alongside a fast track registered traveller programme with a view to such a system becoming operational as soon as possible,</p> <p>7(f) The European Council invites the Commission to make the necessary proposals to achieve the</p>	<p>financial support as the situation evolves, building on the measures agreed by the Council on 11 April 2011. The necessary funds and technical and human resources will be provided in order to continue and, where required, step up activities in support of those Member States. [European Council]</p> <p>These efforts will also be strengthened by pushing forward rapidly with work on “smart borders”, to ensure that new technologies are harnessed to meet the challenges of border control. In particular, an entry/exit system and a registered travellers' programme should be introduced. The European Council welcomes the agreement reached on the agency for the operational management of large-scale IT systems in the area of freedom, security and justice. [European Council]</p> <p>In order to ensure that Europe's external borders are effectively managed and that the same standards apply everywhere, all relevant instruments must be used in an optimal manner and be adapted where necessary. The European Border Surveillance System will be further developed as a matter of priority in order to become operational by 2013 and allow Member States' authorities carrying out border surveillance activities to share operational information and improve cooperation. [European Council]</p>

Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
		<p>III(f) intensify cooperation with the countries of origin and of transit in order to strengthen control of the external border and to combat illegal immigration by increasing the European Union's aid for the training and equipping of those countries' staff responsible for managing migration flows; <See also II(b) and (d) and V(a) and (c)></p> <p>III(g) improve the modalities and frequency of the Schengen evaluation process in accordance with the Council conclusions of 5 and 6 June 2008.</p>		<p>objectives related to the European Border Surveillance System (Eurosur). (Section 5.1)</p> <p>7(g) invites the Council and the Commission to support enhanced capacity building in third countries so that they can control efficiently their external borders.</p> <p>7(h) considers that the evaluation of the Schengen area will continue to be of key importance and that it therefore should be improved by strengthening the role of Frontex in this field,</p>	<p>In line with the Council conclusions of 9/10 June 2011, the enforcement of common rules, in particular through the Schengen evaluation system, should be further improved and deepened so as to be able to give an efficient response to future challenges. An effective and reliable monitoring and evaluation system is necessary to ensure that this is the case. The future Schengen evaluation system will provide for the strengthening, adaptation and extension of the criteria based on the EU acquis. The evaluation should be EU-based and involve experts from the Member States, the Commission and competent agencies. The Commission is invited to regularly report on the results of evaluations and where necessary propose measures to respond to any deficiencies which are identified. [European Council]</p>

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Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
					<p>A mechanism should be introduced in order to respond to exceptional circumstances putting the overall functioning of Schengen cooperation at risk, without jeopardising the principle of free movement of persons. It should comprise a series of measures to be applied in a gradual, differentiated and coordinated manner in order to assist a Member State facing heavy pressure at the external borders. These could include inspection visits and technical and financial support, as well as assistance, coordination and intervention from Frontex. As a very last resort, in the framework of this mechanism, a safeguard clause could be introduced to allow the exceptional reintroduction of internal border controls in a truly critical situation where a Member State is no longer able to comply with its obligations under the Schengen rules. Such a measure would be taken on the basis of specified objective criteria and a common assessment, for a strictly limited scope and period of time, taking into account the need to be able to react in urgent cases. This will not affect the rights of persons entitled to the freedom of movement under the Treaties. The Commission is invited to submit a proposal for such a mechanism in September. [European Council]</p> <p>[See 7(d) to (g) above]</p>
				7(i) invites the Commission to	

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Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
				<p>continue to examine the issue of automated border controls and other issues connected to rendering border management more efficient. This includes also the European Council inviting Member States and the Commission to explore how the different types of checks carried out at the external border can be better coordinated, integrated and rationalised with a view to the twin objective of facilitating access and improving security.</p>	
<p><u>Article 78</u></p> <p>1. The Union shall develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of <i>non-refoulement</i>. This policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties.</p>	<p>IV. Asylum Main commitment: Construct a Europe of asylum</p>				<p>Recent developments have put European asylum policy under strain. Safe and efficient asylum procedures are needed for people in need of protection. This requires in turn that the EU acquis in this field be fully applied. It is crucial that the Common European Asylum System (CEAS) be completed by 2012, based on high protection standards combined with fair and effective procedures capable of preventing abuses and allowing for rapid examination of asylum applications in order to ensure the sustainability of the system. The recent presentation by the Commission of modified proposals relating to the asylum procedures directive and to the reception conditions directive should provide a new basis for negotiations to begin on two important building blocks of the CEAS. Changes should not, as a result, encourage the submission of unfounded claims or increase overall</p>

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Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
<p>2. For the purposes of paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures for a common European asylum system comprising:</p> <p>(a) a uniform status of asylum for nationals of third countries, valid throughout the Union;</p> <p>(b) a uniform status of subsidiary protection for nationals of third countries who, without obtaining European asylum, are in need of international protection;</p> <p>(c) a common system of temporary protection for displaced persons in the event of a massive inflow;</p> <p>(d) common procedures for the granting and withdrawing of uniform asylum or subsidiary protection status;</p> <p>(e) criteria and mechanisms for determining which</p>		<p>IV(a) establish in 2009 a European support office with the task of facilitating the exchange of information, analyses and experience among Member States, and developing practical cooperation between the administrations in charge of examining asylum applications. That office will not have the power to examine applications or to take decisions but will use the shared knowledge of countries of origin to help to bring national practices, procedures, and consequently decisions, into line with one another;</p> <p>IV(b) invite the Commission to present proposals for establishing, in 2010 if possible and in 2012 at the latest, a single asylum procedure comprising common guarantees and for adopting a uniform status for refugees and the beneficiaries of subsidiary protection;</p>	<p>8. A common area of protection (Section 6.2.1)</p>	<p>8(a) Subject to a report from the Commission on the legal and practical consequences, the European Union should seek accession to the Geneva Convention and 1967 Protocol.</p> <p>8(b) invites the Council and the European Parliament to intensify the efforts to establish a common asylum procedure and a uniform status in accordance with Article 78 TFEU for those who are granted asylum or subsidiary protection by 2012 at the latest,</p> <p>8(c) invites the Commission to</p>	<p>costs for Member States. These negotiations should now be taken forward with diligence on the basis of a balanced overall approach encompassing all proposals on the table in order to meet the other key objectives set out. [European Council]</p> <p>The Council welcomes the inauguration of the European Asylum Support Office and calls on the Office to play a key role in strengthening practical cooperation, further aligning the practices of Member States and in reinforcing their capacities and providing operational support in case of particular pressure on their asylum and reception systems. It welcomes in this connection the deployment of the EASO asylum expert teams to Greece in order to assist the implementation of its National Action Plan on asylum and migration management. [JHA Council]</p>

Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
<p>Member State is responsible for considering an application for asylum or subsidiary protection;</p> <p>(f) standards concerning the conditions for the reception of applicants for asylum or subsidiary protection;</p> <p>(g) partnership and cooperation with third countries for the purpose of managing inflows of people applying for asylum or subsidiary or temporary protection.</p> <p>3. In the event of one or more Member States being confronted by an emergency situation characterised by a sudden inflow of</p>		<p>IV(c) establish procedures, in the case of crisis in a Member State faced with a massive influx of asylum-seekers, to enable the secondment of officials from other Member States to help that State and the demonstration</p>	<p>9. Sharing of responsibilities and solidarity between the Member States (Section 6.2.2)</p>	<p>consider, once the second phase of the CEAS has been fully implemented and on the basis of an evaluation of the effect of that legislation and of the EASO, the possibilities for creating a framework for the transfer of protection of beneficiaries of international protection when exercising their acquired residence rights under EU law,</p> <p>8(d) invites the Commission to undertake a feasibility study on Eurodac as a supporting tool for the entire CEAS, while fully respecting data protection rules,</p> <p>8(e) invites the Commission to consider, if necessary, in order to achieve the CEAS, proposing new legislative instruments on the basis of an evaluation,</p> <p>8(f) invites the Commission to finalise its study on the feasibility and legal and practical implications to establish joint processing of asylum applications.</p> <p>Invites the Commission to examine the possibility for:</p> <p>9(a) developing the mechanism for sharing responsibility between the Member States</p>	<p>The European Council welcomes the extension of the pilot project on a voluntary basis for beneficiaries of international protection in Malta. It looks forward to the Commission communication on intra-EU solidarity</p>

Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
<p>nationals of third countries, the Council, on a proposal from the Commission, may adopt provisional measures for the benefit of the Member State(s) concerned. It shall act after consulting the European Parliament.</p>		<p>of effective solidarity with that State by mobilising existing EU programmes more rapidly. For those Member States which are faced with specific and disproportionate pressures on their national asylum systems, due in particular to their geographical or demographic situation, solidarity shall also aim to promote, on a voluntary and coordinated basis, better reallocation of beneficiaries of international protection from such Member States to others, while ensuring that asylum systems are not abused. In accordance with those principles, the Commission, in consultation with the Office of the United Nations High Commissioner for Refugees where appropriate, will facilitate such voluntary and coordinated reallocation. Specific funding under existing EU financial instruments should be provided for this reallocation, in accordance with budgetary procedures;</p>		<p>while assuring that asylum systems are not abused, and the principles of the CEAS are not undermined,</p> <p>9(b) creating instruments and coordinating mechanisms which will enable Member States to support each other in building capacity, building on Member States own efforts to increase their capacity with regard to their national asylum systems,</p> <p>9(c) using, in a more effective way, existing EU financial systems aiming at reinforcing internal solidarity,</p> <p>9(d) the EASO to evaluate and develop procedures that will facilitate the secondment of officials in order to help those Member States facing particular pressures of asylum seekers.</p> <p>9(e) invites the EASO to develop methods to better identify those who are in need of international protection in mixed flows, and to cooperate with Frontex wherever possible. (Section 5.1, Integrated management of the external borders)</p> <p>9(f) EASO should further develop a common educational platform for national asylum officials, building on in particular the</p>	<p>later this year. [European Council]</p>

Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
		<p>IV(d) strengthen cooperation with the Office of the United Nations High Commissioner for Refugees to ensure better protection for people outside the territory of EU Member States who request protection, in particular by:</p> <p>- moving, on a voluntary basis, towards the resettlement within the EU of people placed under the protection of the Office of the UNHCR, particularly as part of</p>	<p>10. The external dimension of asylum (Section 6.2.3)</p>	<p>European Asylum Curriculum (EAC).</p> <p>10(a) The EASO should be fully involved in the external dimension of the CEAS.</p> <p>10(b) invites the Council and the Commission to enhance capacity building in third countries, in particular their capacity to provide effective protection, and to further develop and expand the idea of Regional Protection Programmes, on the basis of the forthcoming evaluations. Such efforts should be incorporated into the Global Approach to Migration, and should be reflected in national poverty reduction strategies and not only be targeting refugees and internally displaced persons but also local populations.</p> <p>10(c) invites the Council and the Commission to find ways to strengthen EU support for the UNHCR,</p> <p>10(d) invites the Council, the European Parliament and the Commission to encourage the voluntary participation of Member States in the joint EU resettlement scheme and increase the total number of resettled refugees, taking into</p>	<p>The Council takes note of the outcome of the Ministerial Conference of 12 May 2011 organised by the Commission in relation to the extension of the pilot project for the relocation from Malta of beneficiaries of international protection on a voluntary basis. The Council notes that further pledges are welcomed. [JHA Council]</p>

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Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
		<p>regional protection programmes;</p> <p>- inviting the Commission, in liaison with the Office of the UNHCR, to present proposals for cooperation with third countries in order to strengthen the capacities of their protection systems;</p> <p>IV(e) invite the Member States to provide the personnel responsible for external border controls with training in the rights and obligations pertaining to international protection. <see also III(a) and (c)></p>		<p>consideration the specific situation in each Member State,</p> <p>10(e) invites the Commission to report annually to the Council and the European Parliament on the resettlement efforts made within the EU, to carry out a mid-term evaluation during 2012 of the progress made, and to evaluate the joint EU resettlement programme in 2014 with a view to identifying necessary improvements,</p> <p>10(f) invites the Commission to explore, in that context and where appropriate, new approaches concerning access to asylum procedures targeting main transit countries, such as protection programmes for particular groups or certain procedures for examination of applications for asylum, in which Member States could participate on a voluntary basis.</p> <p>10(g) EASO should further develop a common educational platform for national asylum officials, building on in particular the European Asylum Curriculum (EAC).</p>	<p>The Council also underlines that the strategic use of refugee resettlement on a voluntary basis should be further examined. The Council takes note in this connection of the outcome of the Ministerial Conference of 12 May in relation to resettlement from North Africa. [JHA Council]</p> <p>The Council recalls the commitment to strengthen the external dimension of EU asylum policy. The Council stresses the importance of Regional Protection Programmes for this purpose and welcomes the Commission's intention to implement a Regional Protection Programme for North Africa encompassing Egypt, Tunisia and Libya. The Council also underlines the importance of assisting other third countries to develop their capacity to provide effective protection. [JHA Council]</p>

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Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
	<p>V. Global Approach to migration Main commitment: Create a comprehensive partnership with the countries of origin and of transit to encourage the synergy between migration and development</p>				<p>The Commission is invited to present its evaluation of the Global Approach to Migration, setting the path towards a more consistent, systematic and strategic policy framework for our relations with all relevant third countries, and including concrete proposals for the development of the Union's key partnerships, giving priority to the Union's neighbourhood as a whole. [European Council]</p> <p>The Council confirms that the Global Approach to Migration should continue to serve as the general framework for the external relations of the European Union in the field of migration. The Council looks forward to the results of the evaluation of the Global Approach which is being carried out by the Commission and which is intended to lead to a more coherent, systematic and strategic policy framework for dialogue and cooperation with third countries in the area of migration, including the management of migration flows, with an enhanced thematic and geographic balance, supported by effective instruments and appropriate tools. The Council equally believes that the Global Approach should continue to be aimed at the Southern, Eastern and South-Eastern neighbourhood of the Union as a priority. Other selected significant source and transit countries of migration flows should remain or become engaged in comprehensive dialogues in line with the three pillars of the Global Approach. [JHA Council]</p>

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Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
		<p>V(a) conclude EU-level or bilateral agreements with the countries of origin and of transit containing, as appropriate, clauses on the opportunities for legal migration adapted to the labour market situation in the Member States, the control of illegal immigration, readmission, and the development of the countries of origin and of transit; the European Council invites the Member States and the Commission to inform and consult each other on the objectives and limits of such bilateral agreements, and on readmission agreements;</p>	<p>11. Consolidating, developing and implementing the EU Global Approach to Migration (Section 6.1.1 & 6.1.2 plus Section 7)</p>	<p>11(a) continued and expanded use of the Mobility partnership instrument as the main strategic, comprehensive and long-term cooperation framework for migration management with third countries, adding value to existing bilateral frameworks. Success in implementing these partnerships requires improved coordination and substantial capacity-building efforts in countries of origin, transit and destination. The European Council calls for further development of the Mobility partnership instrument, while</p>	<p>The Council will continue to monitor the situation in the Southern Neighbourhood, including migratory developments. The Council welcomes the progress that has already been made on taking forward the short term measures identified in its conclusions of 11 April 2011 on the management of migration from the Southern Neighbourhood and calls for an intensification of the efforts to take forward those measures. The Council also welcomes the Commission Communication on a dialogue for migration, mobility and security with the Southern Mediterranean as an important contribution to the development of the medium and long term strategy for the region which the European Council and Council has called for. [JHA Council]</p>

Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
		<p>V(b) encourage <u>Member States</u>, as far as they are able, to offer the nationals of partner countries to the East and South of Europe opportunities for legal immigration adapted to the labour market situation in Member States, enabling those nationals to acquire training or professional experience and accumulate savings that they can use for the benefit of their home countries. The European Council invites <u>Member States</u> to encourage in this context forms of temporary or circular migration, in order to prevent a brain drain; <See also I(a) to (f)></p> <p>V(c) pursue policies of cooperation with the countries of origin and of transit in order to deter or prevent illegal immigration, in particular by capacity-building in those countries; <See also II(b) (e) and (d) and III(f)></p>		<p>respecting their voluntary nature. Partnerships should be flexible and responsive to the needs of both the EU and the partner countries, and should include cooperation on all areas of the Global Approach,</p> <p>See 1(b) above.</p> <p>11(b) more efficient use of the Union's existing cooperation instruments to increase the capacity of partner countries, with a view to ensuring well-functioning infrastructures and sufficient administrative capacity to handle all aspects of migration, including improving their capacity to offer adequate protection and increasing the benefits and opportunities created by mobility.</p>	

Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
		<p>V(d) integrate migration and development policies more effectively by examining how such policies may benefit the regions of origin of immigration, in coherence with other aspects of development policy and the Millennium Development Goals. The European Council invites Member States and the Commission in this context to focus, within the sectoral priorities identified with the partner countries, on solidarity development projects that raise the living standards of citizens, for example in the areas of nutrition, health care, education, vocational training and employment;</p> <p>V(e) promote co-development actions that enable migrants to take part in the development of their home countries. The European Council recommends that Member States support the adoption of specific financial instruments for transferring migrants' remittances securely and more cheaply to their countries for the purposes of investment and welfare insurance;</p>		<p>11(c) The European Council recognises the need for increased policy coherence at European level in order to promote the positive development effects of migration within the scope of the EU's activities in the external dimension and to align international migration more closely to the achievement of the Millennium Development Goals. The European Council calls on the Council to ensure that it acts in a coordinated and coherent manner in this field.</p> <p>11(d) The European Council underlines the need to take further steps to maximise the positive and minimise the negative effects of migration on development in line with the Global Approach on Migration. Effective policies can provide the framework needed to enable countries of destination and origin and migrants themselves to work in partnership to enhance the effects of international migration on development.</p> <p>11 (e) Council invites the Commission to submit proposals before 2012 on how to further ensure efficient, secure and low-cost remittance transfers, and enhance the development impact</p>	<p>A consistent and strategic policy is required to manage mobility in a secure environment. The objective must be to address the root causes of migration at a structural level. To that end, and in the framework of the European</p>

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Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
		<p>V(f) firmly implement the partnership between the EU and Africa agreed in Lisbon in December 2007, the conclusions of the first Euro-Mediterranean ministerial meeting on migration held in Albufeira in November 2007 and the Rabat action plan and to that end call on the second Euro-African ministerial conference on migration and development in Paris in Autumn 2008 to decide on practical measures; develop, in accordance with its conclusions of June 2007, the Global Approach to Migration to the East and South-east of Europe, and, in this respect, welcome the initiative of a ministerial conference on this topic in April 2009 in Prague; continue to make use of the existing political and sectoral dialogues, particularly with the countries of Latin America, the Caribbean and Asia, in order to consolidate mutual understanding of what is at stake in the field of migration and intensify current cooperation;</p>		<p>of remittance transfers, as well as to evaluate the feasibility of creating a common EU portal on remittances to inform migrants about transfer costs and encourage competition among remittance service providers,</p> <p>11(f) The implementation of the Global Approach needs to be accelerated by the strategic use of all its existing instruments and improved by increased coordination. A balance between the three areas (promoting mobility and legal migration, optimising the link between migration and development, and preventing and combating illegal immigration) should be maintained. The principal focus should remain on cooperation with the most relevant countries in Africa and Eastern and South-Eastern Europe. Dialogue and cooperation should be further developed also with other countries and regions such as those in Asia and Latin America on the basis of the identification of common interests and challenges (See also Section 7.5 of Stockholm Programme)</p>	<p>Neighbourhood Policy, partnerships will be developed with the countries of the Southern and Eastern Neighbourhood. [European Council]</p> <p>The Council welcomes the priority being accorded to establishing a dialogue for migration, mobility and security between the EU and the Southern Mediterranean countries in keeping with the Global Approach to Migration and as part of the EU's engagement with the countries concerned in the framework of an enhanced European Neighbourhood Policy and the Partnership for Democracy and Shared Prosperity initiative. The Council endorses the suggestion that such a dialogue should begin with Tunisia, Egypt and Morocco in the first instance and, when conditions permit, Libya and also welcomes the focus on capacity building measures. The Council reiterates that such a dialogue should have a mutually beneficial outcome and also recalls in this connection its strong view that cooperation should be developed in the relevant fields on the basis of a performance-based approach which would ensure appropriate conditionality and support partner countries ready to work with the EU on asylum, migration and border management, including the prevention of illegal migration, the return and readmission of irregular migrants. [JHA Council]</p>

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Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
					<p>As a first step, as proposed in the Commission's recent communication, a wide-ranging structured dialogue on migration, mobility and security will be established with those countries, with the aim of delivering tangible benefits for them as well as for the European Union. Such dialogues should begin as a matter of urgency with partner countries willing and able to engage constructively on these matters. Mobility Partnerships will be differentiated according to partner countries' individual merits; be agreed with each partner country separately; be conditional on efforts and progress made in all areas (migration, readmission, mobility and security); and include an efficient monitoring mechanism. Ways should be sought to increase the share of funding devoted to those areas, within the existing envelopes. [European Council]</p> <p>The Council underlines the need to enhance cooperation with all Eastern Partnership countries based on the progress already achieved. Cooperation in the area of borders, migration and asylum as well as concrete guidance and assistance provided to these third countries will help meet the Global Approach. [JHA Council]</p> <p>The Council believes that Member States should play a full part in those dialogues which should make use of all elements of the Global Approach toolbox, including Mobility</p>

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Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
		<p>V(g) speed up the deployment of the key tools of the Global Approach to Migration (migration balances, cooperation platforms, partnerships for mobility and circular migration programmes), to ensure a balance between the migration routes from the South and those from the East and South-east and take account of the lessons learned in these matters when negotiating EU and bilateral agreements on migration and readmission with countries of origin and of transit, as well as Pilot Mobility Partnerships;</p> <p>V(h) ensure when implementing these various actions that they are consistent with other aspects of the EU's development cooperation policy, particularly the European Consensus on Development of 2005, and other policies, particularly the neighbourhood policy.</p>		<p>11(g) strategic, evidence based and systematic use of all available instruments of the EU Global Approach to Migration - migration profiles, migration missions, cooperation platforms on migration and development and Mobility partnerships - for long-term cooperation on all dimensions of this policy in close partnership with selected third countries along priority migratory routes,</p> <p>See 11(c) above.</p> <p>11(h) how diaspora groups may be further involved in EU development initiatives, and how EU Member States may support diaspora groups in their efforts to enhance development in their countries of origin,</p> <p>11(i) ways to further explore the concept of circular migration</p>	<p>Partnerships, and take appropriate account of the overall external policy of the EU towards the countries concerned. [JHA Council]</p>

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Lisbon Treaty (TFEU)	Pact main commitments	Pact sub-commitments	Stockholm Programme	Stockholm sub-commitments	JHA/European Council conclusions
				<p>and study ways to facilitate orderly circulation of migrants, either taking place within, or outside, the framework of specific projects or programmes including a wide-ranging study on how relevant policy areas may contribute to and affect the preconditions for increased temporary and circular mobility.</p> <p>11(j) The connection between climate change, migration and development needs to be further explored, and the European Council therefore invites the Commission to present an analysis of the effects of climate change on international migration, including its potential effects on immigration to the European Union.</p>	

Annex C: Relevant JHA Acquis³⁰

This Annex provides the complete list of the relevant EU legislation for the asylum/immigration acquis including in 2011 (changes from 2010 are highlighted in grey).

The following key has been used to indicate when the legislation below was adopted:

- ✓ Instruments published in 2011
- ★ Instruments published in 2010
- ⌘ instruments published in 2009
- ◆ instruments published in 2008
- ❖ instruments published in 2007
- instruments published in 2006
- instruments published in 2005
- instruments published in 2004
- instruments published in 2003
- instruments published in 2002
- all instruments until 31.12.2001

³⁰ This Annex currently includes all changes up to 7th September 2011 inclusive. EMN NCPs will be informed of further updates in due course. The complete JHA acquis, up to and including October 2009, is available from http://ec.europa.eu/home-affairs/doc_centre/intro/doc_intro_en.htm.

I. ASYLUM

A. Legislative acts adopted after entry into force of the Amsterdam Treaty (1st May 1999)

- Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (OJ L 326 of 13 December 2005, p. 13);
- ▶ Council Decision 2004/927/EC of 22 December 2004 providing for certain areas covered by Title IV of Part Three of the Treaty establishing the European Community to be governed by the procedure laid down in Article 251 of that Treaty (OJ L 396 of 31 December 2004 p. 45)³¹;
- ❖ Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" and repealing Council Decision 2004/904/EC (OJ L 144 of 6 June 2007, p. 1)³²;
- ❖ Commission Decision (2007/599/EC) of 29 November 2007 implementing Decision No 573/2007/EC of the European Parliament and the Council as regards the adoption of the strategic guidelines 2008 to 2013 (OJ L326, 12 December 2007, p.29);
- ◆ Commission Decision 2008/22/EC of 19 December 2007 laying down rules for the implementation of Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund³³ (OJ L 7 of 10 January 2008, p. 1);
- ⌘ Commission Decision 2009/533/EC of 9 July 2009 amending Decision 2008/22/EC of 19 December 2007 laying down rules for the implementation of Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund³⁴ (OJ L 179 of 10 July 2009, p. 62);
- ★ Commission Decision 2010/163/EC of 8 March 2010 amending Decision 2008/22/EC of 19 December 2007 laying down rules for the implementation of Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund³⁵ (OJ L 69 of 19 March 2010, p. 16);

³¹ This instrument is also mentioned under the section on "immigration".

³² See also "ERF I" Decision: Council Decision 2000/596/EC of 28 September 2000 establishing a European Refugee Fund (OJ L 252 of 6 October 2000, p.12) and Commission Decision 2002/307/EC of 18 December 2001 laying down detailed rules for the implementation of Council Decision 2000/596/EC as regards management and control systems and procedures for making financial corrections in the context of actions co-financed by the European Refugee Fund (notified under document number C(2001) 4372) (OJ L 106 of 23 April 2002, p. 11). See also "ERF II": Council Decision 2004/904/EC of 2 December 2004 establishing the European Refugee Fund for the period 2005 to 2010 (OJ L 381 of 28 December 2004 p. 52) and Commission Decision 2006/399/EC of 20 January 2006 laying down detailed rules for the implementation of Council Decision 2004/904/EC as regards the eligibility of expenditure within the framework of actions co-financed by the European Refugee Fund implemented in the Member States³² (OJ L 162 of 14 June 2006, p. 1), Commission Decision 2006/400/EC of 20 January 2006 laying down detailed rules for the implementation of Council Decision 2004/904/EC as regards procedures for making financial corrections in the context of actions co-financed by the European Refugee Fund³² (OJ L 162 of 14 June 2006, p. 11) and Commission Decision 2006/401/EC of 20 January 2006 laying down detailed rules for the implementation of Council Decision 2004/904/EC as regards Member States management and control systems, and rules for the administrative and financial management of projects co-financed by the European Refugee Fund³², (OJ L 162 of 14 June 2006, p. 20).

³³ Notified under document number C(2007)6396.

³⁴ Notified under document number C(2009)5251.

³⁵ Notified under document number C(2010)1210.

- ★ Decision No 458/2010/EU of the European Parliament and of the Council of 19 May 2010 amending Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013 by removing funding for certain Community actions and altering the limit for funding such actions (OJ L 129 of 28 May 2010, p. 1);
- ✓ Commission Decision 2011/152/EU of 3 March 2011 amending Decision 2008/22/EC laying down rules for the implementation of Decision No 573/2007/EC of the European Parliament and of the Council establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund (notified under document C(2011) 1290), (OJ L 62, 9.3.2011, p. 46–59);
- Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation (OJ L 378 of 27 December 2006, p. 41) – Thematic Programme on cooperation with third countries in the areas of migration and asylum (Article 16)³⁶;
- ▶ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (OJ L 304 of 30 September 2004, p. 12);
- Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ L 50 of 25 of February 2003, p.1);
 - Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ L 222 of 5 September 2003, p. 1);
- Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers (OJ L 31 of 6 February 2003, p. 18);
- o Council Decision 2002/817/EC of 23 September 2002 on the conclusion of the Convention between the European Community and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) concerning aid to refugees in the countries in the Near East (2002 to 2005) (OJ L 281 of 19 October 2002, p. 10);
- o Council Decision 2002/223/EC of 19 December 2001 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) concerning additional funding in 2001 under the current EC-UNRWA Convention for the years 1999 to 2001 (OJ L 075 of 16 March 2002, p. 46);
- Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212 of 7 August 2001, p. 12);
- Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 316 of 15 December 2000, p. 1);
 - o Council Regulation (EC) No 407/2002 of 28 February 2002 laying down certain rules to implement Regulation (EC) No 2725/2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 62 of 5 March 2002, p. 1);
- Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381 of 28 December 2006, p. 4)³⁷;

³⁶ This instrument is also mentioned under the section on "immigration".

³⁷ This instrument is also mentioned under the section on "Schengen (horizontal issues / SIS)".

- Regulation (EC) No 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates (OJ L 381 of 28 December 2006, p. 1)³⁸;
- ❖ Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199 of 31 July 2007, p. 23)³⁹.
 - ★ Commission Regulation (EU) No 351/2010 of 23 April 2010 implementing Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection as regards the definitions of the categories of the groups of country of birth, groups of previous usual residence, groups of next usual residence and groups of citizenship (OJ L 104 of 24 April 2010, p. 37);
- ★ Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office (OJ L 132 of 29 May 2010, p. 11).

B. International Agreements

- ✓ Council Decision 2011/349/EU of 7 March 2011 on the conclusion of a Protocol between the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland, (OJ L 160, 18.6.2011, p. 37–38);
- ◆ Council Decision 2008/147/EC of 28 January 2008 on the conclusion on behalf of the European Community of the Agreement between the European Community and the Swiss Confederation, concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland (OJ L 53 of 27 February 2008, p. 3);
 - ◆ Agreement between the European Community and the Swiss Confederation, concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland (OJ L 53 of 27 February 2008, p. 5);
- Council Decision 2006/188/EC of 21 February 2006 on the conclusion of an Agreement between the European Community and the Kingdom of Denmark extending to Denmark the provisions of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national and Council Regulation (EC) No 2725/2000 concerning the establishment of “Eurodac” for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 66 of 8 March 2006, p. 37);
 - Agreement between the European Community and the Kingdom of Denmark extending to Denmark the provisions of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national and Council Regulation (EC) No 2725/2000 concerning the establishment of “Eurodac” for the comparison of fingerprints for the effective application of the Dublin Convention, 21 February 2006 (OJ L 66 of 8 March 2006, p. 38)⁴⁰;
- Council Decision 2006/167/EC of 21 February 2006 on the conclusion of a Protocol to the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway, concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway (OJ L 57 of 28 February 2006, p. 15);
 - Protocol to the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway, concerning the criteria and mechanisms for establishing the State responsible for

³⁸ This instrument is also mentioned under the section on “Schengen (horizontal issues / SIS)”.

³⁹ This instrument is also mentioned under the section on “immigration”.

⁴⁰ Information concerning the entry into force of the Agreement between the European Community and the Kingdom of Denmark extending to Denmark the provisions of Council Regulation (EC) No 343/2003 and Council Regulation (EC) No 2725/2000 concerning the establishment of Eurodac (OJ L 96 of 5 April 2006, p. 9).

- examining a request for asylum lodged in a Member State or in Iceland or Norway (OJ L 57 of 28 February 2006, p. 16);
- Council Decision 2001/258 of 15 March 2001 concerning the conclusion of an Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or Iceland or Norway (OJ L 93 of 3 April 2001, p. 38);
 - Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway (OJ L 93 of 3 April 2001, p. 40).
 - ⌘ Council Decision 2009/487/EC of 24 October 2008 on the conclusion of a Protocol between the European Community, The Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and the mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland (OJ L 161 of 24 June 2009, p. 6);
 - ⌘ Protocol between the European Community, The Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and the mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland (OJ L 161 of 24 June 2009, p. 8);
 - ⌘ Council decision 2009/478/EC of 6 April 2009 on the signing and the provisional application of the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver (OJ L 169 of 30 June 2009, p. 1);
 - ⌘ Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver (OJ L 169 of 30 June 2009, p. 3);
 - ⌘ Council Decision 2009/896/EC of 30 November 2009 on the conclusion of the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver (OJ L 321 of 8 December 2009, p. 38);
 - ⌘ Council decision 2009/478/EC of 6 April 2009 on the signing and the provisional application of the Agreement between the European Community and Barbados on the short-stay visa waiver (OJ L 169 of 30 June 2009, p. 9);
 - ⌘ Agreement between the European Community and Barbados on the short-stay visa waiver (OJ L 169 of 30 June 2009, p. 10);
 - ⌘ Council Decision 2009/898/EC of 30 November 2009 on the conclusion of the Agreement between the European Community and Barbados on the short-stay visa waiver (OJ L 321 of 8 December 2009, p. 40);
 - ★ Information relating to the entry into force of the agreement between the European Community and Barbados on the short-stay visa waiver (OJ L 56 of 6 March 2010, p. 1);
 - ⌘ Council decision 2009/478/EC of 6 April 2009 on the signing and the provisional application of the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver (OJ L 169 of 30 June 2009, p. 16);
 - ⌘ Agreement between the European community and the Republic of Mauritius on the short-stay visa waiver (OJ L 169 of 30 June 2009, p. 17);
 - ⌘ Council Decision 2009/899/EC of 30 November 2009 on the conclusion of the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver (OJ L 321 of 8 December 2009, p. 41);
 - ★ Information relating to the entry into force of the agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver (OJ L 56 of 6 March 2010, p. 1)

- ⌘ Council decision 2009/478/EC of 6 April 2009 on the signing and the provisional application of the Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver (OJ L 169 of 30 June 2009, p. 23);
 - ⌘ Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver (OJ L 169 of 30 June 2009, p. 24);
 - ⌘ Council Decision 2009/897/EC of 30 November 2009 on the conclusion of the Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver (OJ L 321 of 8 December 2009, p. 39);
 - ★ Information relating to the entry into force of the agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver (OJ L 56 of 6 March 2010, p. 1);
- ⌘ Council decision 2009/478/EC of 6 April 2009 on the signing and the provisional application of the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver (OJ L 169 of 30 June 2009, p. 30);
 - ⌘ Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver (OJ L 169 of 30 June 2009, p. 31);
 - ⌘ Council Decision 2009/900/EC of 30 November 2009 on the conclusion of the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver (OJ L 321 of 8 December 2009, p. 42);
 - ★ Information relating to the entry into force of the agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver (OJ L 56 of 6 March 2010, p. 1);
- ⌘ Council decision 2009/478/EC of 6 April 2009 on the signing and the provisional application of the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver (OJ L 169 of 30 June 2009, p. 37);
 - ⌘ Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver (OJ L 169 of 30 June 2009, p. 38);
 - ⌘ Council Decision 2009/901/EC of 30 November 2009 on the conclusion of the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver (OJ L 321 of 8 December 2009, p. 43).

Indicative list of agreements, conventions and protocols to which the new Member States must indirectly accede⁴¹

- Convention relating to the Status of Refugees (Geneva, 28 July 1951)⁴²;
- Protocol relating to the Status of Refugees (New-York, 31 January 1967).

C. Other acts adopted before entry into force of the Amsterdam Treaty (1st May 1999)⁴³

- Council Resolution 97/C 221/03 of 26 June 1997 on unaccompanied minors who are nationals of third countries (OJ C 221 of 19 July 1997, p. 23);
- Council Decision (97/420/JHA) of 26 June 1997 on monitoring the implementation of instruments adopted concerning asylum (OJ L 178 of 7 July 1997, p. 6);

⁴¹ This list contains Conventions for which the obligation to accede is not explicit, but results from the binding force of the EU Treaty itself or of secondary legislation, from Council Conclusions or from Article 10 TEC.

⁴² Mentioned in the Treaty. Furthermore linked to the *acquis inter alia* through the Dublin and the Eurodac Regulations.

⁴³ Relevant insofar as the later legislation has not replaced them.

- Joint Position (96/196/JHA) of 4 March 1996 defined by the Council on the basis of Article K.3 of the Treaty on European Union on the harmonized application of the definition of the term 'refugee' in Article 1 of the Geneva Convention of 28 July 1951 relating to the status of refugees (OJ L 63 of 13 of March 1996, p. 2);
- Council Decision (96/198/JHA) of 4 March 1996 on an alert and emergency procedure for burden-sharing with regard to the admission and residence of displaced persons on a temporary basis (OJ L 063 of 13 of March 1996, p. 10);
- Council Decision of 23 November 1995 on publication in the Official Journal of the European Communities of acts and other texts adopted by the Council in the field of asylum and immigration (OJ C 274 of 19 of September 1996, p. 1);
- Council Resolution of 25 September 1995 on burden-sharing with regard to the admission and residence of displaced persons on a temporary basis (OJ C 262 of 7 October 1995, p. 1);
- Council Resolution of 20 June 1995 on minimum guarantees for asylum procedures (OJ L 274 of 19 September 1996, p. 13);
- Resolution adopted 30 November 1992 on a harmonised approach to questions concerning host third countries: Document WG I 1283;
- Resolution adopted 30 November 1992 on manifestly unfounded applications for asylum: Document WG I 1282 REV 1;
- Conclusions adopted the 30 November 1992 concerning countries in which there is generally no serious risk of persecutions: Document WG I 1281.

EXTERNAL BORDERS

A. Conventions to which accession is obligatory

None

B. Joint Actions, Joint Positions (Maastricht Treaty); Common Positions, Framework Decisions and Decisions (Amsterdam Treaty) Instruments adopted under the TEC

- Joint Position 96/622/JHA of 25 October 1996 defined by the Council on the basis of Article K.3 (2) (a) of the Treaty on European Union, on pre-frontier assistance and training assignments (OJ L 281 of 31 October 1996, p. 1);
- Joint Action 98/700/JHA of 3 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning the setting up of a European Image Archiving System (FADO - False and Authentic Documents) (OJ L 333 of 9 December 1998, p. 4);
- Council Decision 2000/261/JHA of 27 March 2000 on the improved exchange of information to combat counterfeit travel documents (OJ L 81 of 1 April 2000, p.1);
 - ▶ Commission Decision C(2004)248 of 5 February 2004 on the management and monitoring of the Schengen Facility;
 - ▶ Council Directive 2004/82/EC of 29 April on the obligation of carriers to communicate passenger data (OJ L 261 of 6 August 2004, p. 24)⁴⁴;
 - ▶ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349 of 25 November 2004, p. 1);

⁴⁴ This instrument is also mentioned under the section on "Fight against illegal migration and return".

- ❖ Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers (OJ L 199 of 31 July 2007, p. 30);
 - Council Decision (2005/358/EC) of 26 April 2005 designating the seat of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, (OJ L 114 of 4 May 2005, p. 13);
- ❖ Council Decision 2007/511/EC of 15 February on the conclusion, on behalf of the Community, and on the provisional application of the Arrangement between the European Community and the Republic of Iceland and the Kingdom of Norway on the modalities of the participation by those States in the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 188 of 20 July 2007, p. 15);
- ❖ Council Decision 2007/512/EC of 15 February on the signing, on behalf of the Community, and on the provisional application of the Arrangement between the European Community and the Republic of Iceland and the Kingdom of Norway on the modalities of the participation by those States in the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 188 of 20 July 2007, p. 17);
 - ❖ Arrangement between the European Community and the Republic of Iceland and the Kingdom of Norway on the modalities of the participation by those States in the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 188 of 20 July 2007, p. 19);
- ▶ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385 of 29 December 2004, p. 1);
 - Commission Decision of 28 February 2005 laying down the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States (C(2005) 409 final);
 - Commission decision of 28 June 2006 laying down the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States (C (2006) 2909);
 - ⌘ Regulation (EC) No 444/2009 of the European Parliament and of the Council of 28 May 2009 amending Council Regulation (EC) No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 142 of 6 June 2009, p. 1);
- Regulation (EC) N° 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across the borders (Schengen Borders Code) (OJ L 105 of 13 April 2006, p. 1)⁴⁵;
 - ◆ Regulation (EC) No 296/2008 of the European Parliament and of the Council of 11 March 2008 amending Regulation (EC) No 562/2006 establishing a Community Code on rules governing the movement of persons across borders (Schengen Borders Code), as regards the implementing powers conferred on the Commission (OJ L 97 of 9 April 2008, p. 60);
 - ⌘ Regulation (EC) No 81/2009 of the European Parliament and of the Council of 14 January 2009 amending Regulation (EC) No 562/2006 as regards the use of the Visa Information System (VIS) under the Schengen Borders Code (OJ L 35 of 4 February 2009, p. 56);

⁴⁵ Regulation (EC) No 562/2006 repealed from the date of its entry into force (a) the Common Manual (OJ C313 of 16 December 2002, p. 97), including its annexes; (b) the decisions of the Schengen Executive Committee of 26 April 1994 (SCH/Com-ex (94) 1, rev 2), 22 December 1994 (SCH/Com-ex (94)17, rev. 4) and 20 December 1995 (SCH/Com-ex (95) 20, rev. 2); (c) Annex 7 to the Common Consular Instructions; (d) Council Regulation (EC) No 790/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance (OJ L 116 of 26 April 2001, p. 5), modified by Decision 2004/927/CE OJ L 396 of 31 December 2004, p. 45); (e) Council Decision 2004/581/EC of 29 April 2004 determining the minimum indications to be used on signs at external border crossing points (OJ L 261 of 6 August 2004, p. 119); (f) Council Decision 2004/574/EC of 29 April 2004 amending the Common Manual (OJ L 261 of 6 August 2004, p. 36); (g) Council Regulation (EC) No 2133/2004 of 13 December 2004 on the requirement for the competent authorities of the Member States to stamp systematically the travel documents of third country nationals when they cross the external borders of the Member States and amending the provisions of the Convention implementing the Schengen agreement and the Common Manual to this end (OJ L 369 of 16 December 2004, p. 5).

- ★ Regulation (EU) No 265/2010 of the European Parliament and of the Council of 25 March 2010 amending the Convention Implementing the Schengen Agreement and the Regulation (EC) No 562/2006 as regards movement of persons with a long stay visa (OJ L 85 of 31 March 2010, p. 1);
- ★ Council Decision of 26 April 2010 supplementing the Schengen Borders Code as regards the surveillance of the sea external borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 111 of 4 May 2010, p. 20);
- Commission Recommendation of 6 November 2006 establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons (C(2006) 5186 final);
 - ◆ Commission Recommendation of 25 June 2008 amending the Recommendation establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons (C (2006) 5186 final) (C (2008) 2976 final);
- Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention (OJ L 405 of 30 December 2006, p. 1. Corrigendum published in OJ L 29 of 3 February 2007, p. 3);
- ❖ Decision No 574/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" (OJ L 144 of 6 June 2007, p. 22);
 - ❖ Commission Decision (2007/599/EC) of 27 August 2007 implementing Decision No 574/2007/EC of the European Parliament and of the Council as regards the adoption of strategic guidelines for 2007 to 2013 (OJ L 233 of 6 September 2007, p. 3);
 - ◆ Commission Decision (2008/456/EC) of 5 March 2008 laying down the rules for the implementation of Decision No 574/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund (notified under number C(2008) 789 final, OJ L 167 of 27 June 2008, p. 1);
- ⌘ Commission Decision 2009/538/EC of 10 July 2009 amending Decision 2008/456/EC of 5 March 2008 laying down the rules for the implementation of Decision No 574/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund⁴⁶ (OJ L 180 of 11 July 2009, p. 20);
- ★ Commission Decision 2010/69/EU of 8 February 2010 amending Decision 2008/456/EC of 5 March 2008 laying down the rules for the implementation of Decision No 574/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund⁴⁷ (OJ L 36 of 9 February 2010, p. 30);
- ✓ Commission Decision 2011/148/EU of 2 March 2011 amending Decision 2008/456/EC laying down rules for the implementation of Decision No 574/2007/EC of the European Parliament and of the Council establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund (notified under document C(2011) 1160), (OJ L 61, 8.3.2011, p. 28–41);

⁴⁶ Notified under document number C(2009) 5373.

⁴⁷ Notified under document number C(2010) 694.

- ✓ Council Decision 2011/305/EU of 21 March 2011 on the conclusion, on behalf of the European Union, of an Agreement between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein on supplementary rules in relation to the External Borders Fund for the period 2007 to 2013, (OJ L 137, 25.5.2011, p. 1–2).

C. Other European Union Instruments and documents

- Council Recommendation 98/C 189/02 of 28 May 1998 on the provision of forgery detection equipment at ports of entry to the European Union (OJ C 189 of 17 June 1998, p. 19);
- Resolution 2000/C 310/01 of the representatives of the governments of the Member States, meeting within the Council of 17 October 2000 supplementing the Resolutions of 23 June 1981, 30 June 1982, 14 July 1986 and 10 July 1995 as regards the security characteristics of passports and other travel documents (OJ C 310 of 28 October 2000, p. 1);
- ⌘ Council Decision 2009/917/JHA of 30 November 2009 on the use of information technology for customs purposes (OJ L 323 of 10 December 2009, p. 20).

VISA

A. Conventions to which accession is obligatory

None

B. Joint Actions, Joint Positions (Maastricht Treaty); Common Positions, Framework Decisions and Decisions (Amsterdam Treaty) Instruments adopted under the TEC⁴⁸

- Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, of 14 July 1995, p. 1);
 - o Council Regulation (EC) No 334/2002 of 18 February 2002 amending Regulation (EC) No 1683/95 laying down a uniform format for visas (OJ L 53 of 23 February 2002, p. 7);
 - o Commission Decision of 7 February 1996 and Commission Decision of 3 June 2002 laying down further technical specifications for the uniform format for visas (not published);
 - ◆ Council Regulation (EC) No 856/2008 of 24 July 2008 amending Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 235 of 2 September 2008, p. 1);
- Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81 of 21 March 2001, p. 1);
 - Council Regulation (EC) No 2414/2001 of 7 December 2001 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement (OJ L 327 of 12 December 2001, p. 1);
 - Council Regulation (EC) No 453/2003 of 6 March 2003 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 69 of 6 March 2003, p. 10)⁴⁹;

⁴⁸ See also, for information purpose, Council Regulation (EC) No 1295/2003 of 15 July 2003 relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2004 Olympic or Paralympic Games in Athens (OJ L 183 of 20 July 2003, p. 1) and Regulation (EC) No 2046/2005 of the European Parliament and of the Council of 14 December 2005 relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2006 Olympic and/or Paralympic Winter Games in Turin (OJ L 334 of 20 December 2005, p. 1).

⁴⁹ See also Communication from the Commission pursuant to Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement as amended by Regulation (EC) No 2414/2001 of 7 December 2001 (OJ C 68 of 21 March 2003, p.1).

- Council Regulation (EC) No 851/2005 of 2 June 2005 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement as regards the reciprocity mechanism (OJ L 141 of 4 June 2005, p. 3)⁵⁰;
- Statement on Council Regulation (EC), No 851/2005 of 2 June 2005 amending Regulation (EC) No 539/2001 as regards the reciprocity mechanism (OJ L 185 of 16 July 2005, p. 1);
- Council Regulation (EC) No 1932/2006 of 21 December 2006 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 405 of 30 December 2006, p. 23. Corrigendum published in OJ L 29 of 3 February 2007, p. 10);
- ⌘ Council Regulation (EC) No 1244/2009 of 30 November 2009 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 336 of 18 December 2009, p. 1);
- Council Decision (2003/330/EC) of 19 December 2002 on declassifying the Schengen consultation network (technical specifications) (OJ L 116 of 13 May 2003, p. 22);
- ❖ Council Decision 2007/519/EC of 16 July 2007 amending Part 2 of the Schengen consultation network (technical specifications) (OJ L 192 of 24 July 2007, p. 26);
- ❖ Council Decision (2007/866/EC) of 6 December 2007 amending Part I of the Schengen consultation network (technical specifications) (OJ L 340 of 22 December 2007, p. 92);
- ◆ Council Decision 2008/910/EC of 27 November 2008 amending Parts 1 and 2 of the Schengen consultation network (technical specifications) (OJ L 328 of 6 December 2008, p. 38);
- ✓ Council Decision 2011/369/EU of 9 June 2011 amending the Schengen consultation network (technical specifications) OJ L 166, 25.6.2011, p. 22–25;
- o Common Consular Instructions on visas for the diplomatic missions and consular posts (OJ C 313 of 16 December 2002, p. 1 and OJ C 326 of 22 December 2005, p. 1)⁵¹;
 - Council Decision 2003/454/EC of 13 June 2003 amending Annex 12 of the Common Consular Instructions and Annex 14a of the Common Manual on visa fees (OJ L 152 of 20 June 2003, p. 82);
 - Council Decision 2003/585/EC of 28 July 2003 amending Annex 2, Schedule A, of the Common Consular Instructions and Annex 5, Schedule A, of the Common Manual on the visa requirements for holders of Pakistani diplomatic passports (OJ L 198 of 6 August 2003, p. 13);

⁵⁰ See related notifications: notification by the Czech Republic concerning visa reciprocity (OJ C 163 of 5 July 2005, p. 1); notifications concerning visa reciprocity by the Slovak Republic, Estonia, Latvia, Lithuania, Greece, Germany, Czech Republic, Poland, Slovenia, Portugal, Cyprus, Malta, Hungary, Italy and Finland (OJ C 251 of 11 October 2005, p. 1); notification by Denmark concerning visa reciprocity (OJ C 277 of 10 November 2005, p. 1); notification by Sweden concerning visa reciprocity (OJ C 277 of 10 November 2005, p. 2); notification by the Republic of Austria concerning visa reciprocity (OJ C 277 of 10 November 2005, p. 2); notification by Iceland concerning visa reciprocity (OJ C 310 of 8 December 2005, p. 1); notification by the Slovak Republic concerning visa reciprocity (OJ C 327 of 23 December 2005, p. 1); notification by the Republic of Estonia concerning visa reciprocity (OJ C 327 of 23 December 2005, p. 2); notification by Estonia concerning visa reciprocity (OJ C 27 of 3 February 2006, p. 1); notification by Bulgaria concerning visa reciprocity (OJ C 75 of 3 April 2007, p. 5); notification by Romania concerning visa reciprocity (OJ C 75 of 3 April 2007, p. 6); notification by Romania concerning visa reciprocity (OJ C 19 of 25 January 2008, p. 1); notification by Bulgaria concerning visa reciprocity (OJ C 62 of 7 March 2008, p. 2); notification by Romania concerning visa reciprocity (OJ C 161 of 25 June 2008, p. 2); notification by Romania concerning visa reciprocity (OJ C 161 of 25 June 2008, p. 3).

⁵¹ Publication of the Common Consular Instructions as adopted by the Executive Committee established by the Convention implementing the Schengen Agreement including subsequent modifications (Council Decision 2001/329/EC of 24 April 2001 updating part VI and Annexes 3, 6 and 13 of the Common Consular Instructions and Annexes 5(a), 6(a) and 8 to the Common Manual (OJ L 116 of 26 April 2001, p. 32); Council Decision 2001/420/EC of 28 May 2001 on the adaptation of Parts V and VI and Annex 13 of the Common Consular Instructions on Visas and Annex 6a to the Common Manual with regard to long-stay visas valid concurrently as short-stay visas, (OJ L 150 of 6 June 2001, p. 47); Council Decision 2002/44/EC of 20 December 2001 amending Part VII and Annex 12 to the Common Consular Instructions and Annex 14a to the Common Manual (OJ L 20 of 23 January 2002, p. 5); Council Decision 2002/354/EC of 25 April 2002 on the adaptation of Part III of, and the creation of an Annex 16 to, the Common Consular Instructions (OJ L 123 of 9 May 2002, p. 50); Council Decision 2002/585/EC of 12 July 2002 on the adaptation of parts III and VIII of the common consular instructions, (OJ L 187 of 16 July 2002, p. 44); Council Decision 2002/586/EC of 12 July 2002 on the amendment of part VI of the common consular instructions (OJ L 187 of 16 July 2002, p. 48). A proposal for a Regulation of the European Parliament and of the Council amending the Common Consular Instructions on visas for diplomatic missions and consular posts in relation to the introduction of biometrics including provisions on the organisation of the reception and processing of visa applications was presented by the Commission on 31 May 2006 (COM(2006)269 final).

- Council Decision 2003/586/EC of 28 July 2003 on the amendment of Annex 3, Part I, of the Common Consular Instructions and Annex 5a, Part I, of the Common Manual on third country nationals subject to airport visa requirements (OJ L 198 of 6 August 2003, p. 15);
- ◆ Council Decision (2008/374/EC) of 29 April 2008 amending Annex 3, Part I, to the Common Consular Instructions on third-country nationals subject to airport visa requirements (OJ L 129 of 17 May 2008, p. 46);
- ◆ Council Decision (2008/859/EC) of 4 November 2008 amending Annex 3, Part I, of the Common Consular Instructions on third country nationals subject to airport visa requirements (OJ L 303 of 14 November 2008, p. 19);
- ▶ Council Decision 2004/14 of 22 December 2003 amending the third subparagraph (Basic criteria for examining applications) of Part V of the Common Consular Instructions 22.12.2003 (OJ L 5 of 9 January 2004, p. 74);
- ▶ Council Decision 2004/15 of 22 December 2003 amending point 1.2 of Part II of the Common Consular Instructions and drawing up a new Annex thereto (OJ L 5 of 9 January 2004, p. 76);
- ▶ Council Decision 2004/16 of 22 December 2003 on downgrading Annex 5 to the Common Consular Instructions and the corresponding Annex 14b to the Common Manual and on declassifying Annexes 9 and 10 to the Common Consular Instructions and the corresponding Annexes 6b and 6c to the Common Manual (OJ L 5 of 9 January 2004, p. 78);
- ▶ Council Decision 2004/17 of 22 December 2003 amending Part V, point 1.4, of the Common Consular Instructions and Part I, point 4.1.2 of the Common Manual as regards inclusion of the requirement to be in possession of travel medical insurance as one of the supporting documents for the grant of a uniform entry visa (OJ L 5 of 9 January 2004, p. 79);
- Council Decision 2006/440/EC of 1 June 2006 amending Annex 12 to the Common Consular Instructions and Annex 14a to the Common Manual on the fees to be charged corresponding to the administrative costs of processing visa applications (OJ L 175 of 29 June 2006, p. 77);
- Council Decision (2006/684/EC) of 5 October 2006 amending Annex 2, Schedule A, to the Common Consular Instructions on the visa requirements for holders of Indonesian diplomatic and service passports (OJ L 208 of 12 October 2006, p. 29);
- ◆ Council Decision 2008/905/EC of 27 November 2008 amending Annex 13 to the Common Consular Instructions on filling in visa stickers (OJ L 327 of 5 December 2008, p. 19); Council Decision 2008/972/EC of 18 December 2008 amending Annex 13 to the Common Consular Instructions on filling in visa stickers (OJ L 345 of 23 December 2008, p. 88);
- ◆ Council Decision 2008/972/EC of 18 December 2008 amending Annex 13 to the Common Consular Instructions on filling in visa stickers (OJ L 345 of 23 December 2008, p. 88);
- ⌘ Council Decision (2009/171/EC) of 10 February 2009 amending Annex 2, Schedule A, to the Common Consular Instructions on the visa for the diplomatic missions and consular posts, in relation to visa requirements for holders of Indonesian diplomatic and service passports (OJ L 61 of 5 March 2009, p. 17);
- ⌘ Regulation (EC) No 390/2009 of the European Parliament and of the Council of 23 April 2009 amending the Common Consular Instructions on visas for diplomatic missions and consular posts in relation to the introduction of biometric including provisions on the organisation of the reception and processing of visa applications (OJ L 131 of 28 May 2009, p. 1);
- ★ Council Decision 2010/50/EU of 25 January 2010 amending Annex 2, Schedule A, to the Common Consular Instructions on visas for the diplomatic missions and consular posts, in relation to visa requirements for holders of diplomatic passports from Saudi Arabia (OJ L 26 of 30 January 2010, p. 22);
- o Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form (OJ L 53 of 23 February 2002, p. 4);
- o Commission Decision of 12 August 2002 laying down the technical specifications for the uniform format for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form (not published);

- o Council Regulation No 1030/2002/EC of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157 of 15 June 2002, p. 1)
- o Commission Decision of 14 August 2002 laying down the technical specifications for the uniform format for residence permits for third country nationals (not published);
- ◆ Council Regulation (EC) No 380/2008 of 18 April 2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals (OJ L 115 of 29 April 2008, p. 1);
- Council Regulation 693/2003/EC of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual (OJ L 99 of 17 April 2003, p. 8);
- Council Regulation No 694/2003 of 14 April 2003 on uniform formats for Facilitated Transit Documents (FTD and Facilitated Rail Transit Documents (FRTD) provided for in Regulation (EC) No 693/2003 (OJ L 99 of 17 April 2003, p. 15);
- ▶ Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS) (OJ L 213 of 15 June 2004, p. 5. Corrigendum published in OJ L 271 of 30 September 2006, p. 85);
 - Commission Decision (2006/648/EC) of 22 September 2006 laying down the technical specifications on the standards for biometric features related to the development of the Visa Information System, (OJ L 267 of 27 September 2006, p. 41);
 - Commission Decision (2006/752/EC) of 3 November 2006 establishing the sites for the Visa Information System during the development phase (OJ L 305 of 4 November 2006, p. 13);
 - ◆ Commission Decision 2008/602/EC of 17 June 2008 laying down the physical architecture and requirements of the national interfaces and of the communication infrastructure between the central VIS and the national interfaces for the development phase (OJ L 194 of 23 July 2008, p. 3);
 - ◆ Commission Decision 2008/602/EC of 17 June 2008 laying down the physical architecture and requirements of the national interfaces and of the communication infrastructure between the central VIS and the national interfaces for the development phase (OJ L 194 of 23 July 2008, p. 3)
 - ◆ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218 of 13 August 2008, p. 60);
 - ⌘ Commission Decision 2009/377/EC of 5 May 2009 adopting implementing measures for the consultation mechanism and the other procedures referred to in article 16 of Regulation (EC) No 767/2008 of the European Parliament and of the Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 117 of 12 May 2009, p. 3);
 - ⌘ Commission Decision 2009/756/EC of 9 October 2009 laying down specifications for the resolution and use of fingerprints for biometric identification and verification in the Visa Information System (OJ L 270 of 15 October 2009, p. 14)⁵²;
 - ★ Commission Decision 2010/49/EC of 30 November 2009 determining the first regions for the start of operations of the Visa Information System (VIS) (notified under document C(2009) 8542) (OJ L 23 of 27 January 2010, p. 62);
 - ★ Commission Decision 2010/260/EU of 4 May 2010 on the Security Plan for the operation of the Visa Information System (OJ L 112 of 5 May 2010, p. 25);
- ◆ Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218 of 13 August 2008, p. 129)
- Council Decision 2005/367/CE of 14 April 2005 authorising Member States to ratify in the interests of the Community the Seafarer's Identity Document Convention of the International Labour Organisation (Convention 185) (OJ L 136 of 30 May 2005, p. 1);

⁵² Notified under document C(2009) 7435.

- Decision No 895/2006/EC of the European Parliament and of the Council of 14 June 2006 introducing a simplified regime for the control of persons at the external borders based on unilateral recognition by the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia of certain documents as equivalent to their national visas for the purposes of transit through their territories (OJ L 167 of 20 June 2006, p. 1)⁵³;
- Decision No 896/2006/EC of the European Parliament and of the Council of 14 June 2006 establishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein for the purpose of transit through their territory (OJ L 167 of 20 June 2006, p. 8)⁵⁴;
 - ◆ Decision No 586/2008 of the European Parliament and of the Council of 17 June 2008 amending Decision No 896/2006/EC establishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein for the purpose of transit through their territory (OJ L 162 of 21 June 2008, p. 27);
 - ◆ Decision No 582/2008 of the European Parliament and of the Council of 17 June 2008 introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Bulgaria, Cyprus and Romania of certain documents as equivalent to their national visas for the purposes of transit through their territories (OJ L 161 of 20 June 2008, p. 30);
 - ❖ Council Decision 2007/340/EC of 19 April 2007 on the conclusion of the Agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas to the citizens of the European Union and the Russian Federation (OJ L 129 of 17 May 2007, p. 25);
 - ❖ Council Decision 2007/821/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Albania on the facilitation of the issuance of visas (OJ L 334 of 19 December 2007, p. 84);
 - ❖ Council Decision 2007/822/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and Bosnia and Herzegovina on the facilitation of the issuance of visas (OJ L 334 of 19 December 2007, p. 96);
 - ❖ Council Decision 2007/823/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Montenegro on the facilitation of the issuance of visas (OJ L 334 of 19 December 2007, p. 108);
 - ❖ Council Decision 2007/824/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Former Republic of Macedonia on the facilitation of the issuance of visas (OJ L 334 of 19 December 2007, p. 120);
 - ❖ Council Decision 2007/825/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Serbia on the facilitation of the issuance of visas (OJ L 334 of 19 December 2007, p. 136);
 - ❖ Council Decision 2007/826/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas (OJ L 334 of 19 December 2007, p. 168);
 - ❖ Council Decision 2007/840/EC of 29 November 2007 on the conclusion of the Agreement between the European Community and Ukraine on the facilitation of the issuance of visas (OJ L 332 of 18 December 2007, p. 66);
 - ✓ Council Decision 2011/117/EC of 18 January 2011 on the conclusion of the Agreement between the European Union and Georgia on the facilitation of the issuance of visas, (OJ L 52, 25.2.2011, p. 33–33);
- ⌘ Regulation (EC) No 810/2009 of the European parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243 of 15 September 2009, p. 1).

⁵³ Also relevant for visas.

⁵⁴ Also relevant for visas.

C. Other European Union Instruments and documents

- Council Recommendation 96/C 80/01 of 4 March 1996 relating to local consular cooperation regarding visas (OJ C 80 of 18 March 1996, p. 1);
- Council Recommendation 1999/C 140/01 of 29 April 1999 on the provisions for the detection of falsified documents in the visa departments of representations abroad and in the offices of domestic authorities dealing with the issue or extension of visas (OJ C 140 of 20 May 1999, p. 1);
- Council Decision (2004/265/EC) of 8 March concerning the conclusion of the Memorandum of Understanding between the European Community and the National Tourism Administration of the People's Republic of China (ADS) (OJ L 83 of 30 March 2004, p. 12);
- ▶ Commission Recommendation 2004/645/EC of 16 September 2004 on the implementation by the consular offices of the Member States of the Memorandum of Understanding between the European Community and the National Tourism Administration of the People's Republic of China on visa and related issues concerning tourist groups from the People's Republic of China (ADS) (notified under document number C(2004) 2886) (OJ L 296 of 21 September 2004, p. 23);
- Recommendation of the European Parliament and of the Council 2005/761/EC of 28 September 2005 to facilitate the issue by the Member States of uniform short-stay visas for researchers from third countries travelling within the Community for the purpose of carrying out scientific research (OJ L 289 of 3 November 2005, p. 23);
- Council Recommendation (2005/762/EC) of 12 October 2005 to facilitate the admission of third-country nationals to carry out scientific research in the European Community (OJ L 289 of 3 November 2005, p. 26).

IMMIGRATION

ADMISSION

A. Legislative acts adopted after entry into force of the Amsterdam Treaty (1st May 1999)

- ❖ Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199 of 31 July 2007, p. 23)⁵⁵;
- ❖ Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation (OJ L 378 of 27 December 2006) – Thematic Programme on cooperation with third countries in the areas of migration and asylum (Article 16)⁵⁶;
- Council Decision 2006/688/EC of 5 October 2006 on the establishment of a mutual information mechanism concerning Member States' measures in the areas of asylum and immigration (OJ L 283 of 14 October 2006, p. 40);
- Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research (OJ L 289 of 3 November 2005, p. 15);
- ▶ Council Decision 2004/927/EC of 22 December 2004 providing for certain areas covered by Title IV of Part Three of the Treaty establishing the European Community to be governed by the procedure laid down in Article 251 of that Treaty (OJ L 396 of 31 December 2004, p. 45)⁵⁷;
- ▶ Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (OJ L 375 of 23 December 2004, p. 12);

⁵⁵ This instrument is also mentioned under the section on "asylum".

⁵⁶ This instrument is also mentioned under the section on "asylum".

⁵⁷ This instrument is also mentioned under the section on "asylum".

- ▶ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (Text with EEA relevance) (OJ L 158 of 30 April 2004, p. 77)⁵⁸;
- Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long term residents (OJ L 16 of 23 of January 2004, p. 44);
- ✓ Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection Text with EEA relevance (OJ L 132, 19.5.2011, p. 1–4);
- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 251 of 3 October 2003, p. 12);
- o Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157 of 15 June 2002, p. 1);
- ◆ Council Decision 2008/381/EC of 14 May 2008 establishing a European Migration Network (OJ L 131 of 12 May 2008, p. 7);
 - ⌘ Commission Decision 2009/350/EC of 28 April 2009 on the request by Ireland to accept Council Decision 2008/381/EC establishing a European Migration Network (notified under document number C(2009) 2708) (OJ L 108 of 29 April 2009, p. 53);
- ❖ Council Decision N° 2007/435/EC of 25 June 2007 establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows, (OJ L 168 of 28 June 2007, p. 18);
 - ❖ Commission Decision (2007/599/EC) of 21 August 2007 implementing Council Decision 2007/435/EC as regards the adoption of strategic guidelines for 2007 to 2013 (C(2007)3926);
 - ◆ Commission Decision (2008/457/EC) of 5 March 2008 laying down the rules for the implementation of Council Decision 2007/435/EC establishing the European Fund for the integration of third-country nationals the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund (OJ L167, 27 June 2008, p. 69);
- ⌘ Commission Decision 2009/534/EC of 9 July 2009 amending Decision 2008/457/EC of 5 March 2008 laying down the rules for the implementation of Council Decision 2007/435/EC establishing the European Fund for the integration of third-country nationals the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund⁵⁹ (OJ L179 of 10 July 2009, p. 64);
- ★ Commission Decision 2010/173/EC of 22 March 2010 amending Decision 2008/457/EC of 5 March 2008 laying down the rules for the implementation of Council Decision 2007/435/EC establishing the European Fund for the integration of third-country nationals the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund⁶⁰ (OJ L75 of 23 March 2010, p. 35);
- ✓ Commission Decision 2011/151/EU of 3 March 2011 amending Decision 2008/457/EC laying down rules for the implementation of Council Decision 2007/435/EC establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund (notified under document C(2011) 1289) (OJ L 62, 9.3.2011, p. 32–45);

⁵⁸ This instrument is also mentioned under the section on "EU citizenship".

⁵⁹ Notified under document number C(2009) 5251.

⁶⁰ Notified under document number C(2010) 1713.

- ⌘ Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (OJ L 155 of 18 June 2009, p. 17).

B. Other acts adopted before entry into force of the Amsterdam Treaty (1st May 1999)⁶¹

- Joint principles for the exchange of data in CIREFI: Doc 9987/98 CIREFI 48;
- Council Resolution 97/C 221/03 of 26 June 1997 on unaccompanied minors who are nationals of third countries (OJ C 221 of 19 July 1997, p. 23);
- Joint action adopted by the Council on the basis of Article K.3.2.b of the Treaty on European Union concerning travel facilities for school pupils from third countries resident in a Member State (OJ L 327 of 19 December 1994, p. 1);
- Council Resolution of 30 November 1994 relating to the limitations on the admission of third-country nationals to the territory of the Member States for the purpose of pursuing activities as self-employed persons (OJ C 274 of 19 September 1996, p. 7);
- Council Conclusions of 30 November 1994 on the organization and development of the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (Cirefi) (OJ C 274 of 19 September 1996, p. 50)⁶²;
- Council Resolution of 20 June 1994 on limitation on admission of third-country nationals to the territory of the Member States for employment (OJ C 274 of 19 September 1996, p. 3).

FIGHT AGAINST ILLEGAL MIGRATION AND RETURN

A. Legislative acts adopted after entry into force of the Amsterdam Treaty (1st May 1999)

- Council Decision 2005/267/EC of 16 March 2005 establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services (OJ L 83 of 1 April 2005, p. 48);
 - Commission Decision of 15 December 2005 laying down detailed rules for the implementation of Council Decision 2005/267/EC establishing a secure web-based Information and Co-ordination Network for Member States' Migration Management Services (C(2005)5159);
- ▶ Council Decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders (OJ L 261 of 6 August 2004, p. 28);
- ▶ Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data (OJ L 261 of 6 August 2004, p. 24)⁶³;
- ✓ Commission Decision 2011/502/EU of 10 August 2011 on setting up the Group of Experts on Trafficking in Human Beings and repealing Decision 2007/675/EC (OJ L 207, 12.8.2011, p.14-21);
- ✓ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, (OJ L 101, 15.4.2011, p. 1–11);
- ▶ Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (OJ L 261 of 6 August 2004, p. 19);
- ▶ Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network (OJ L 64 of 2 of March 2004, p. 1);

⁶¹ Relevant insofar as the later legislation has not replaced them.

⁶² Also relevant for expulsion.

⁶³ This instrument is also mentioned under the section on "External borders".

- Commission Decision of 29 September 2005 (2005/687/EC) on the format for the report on the activities of immigration liaison officers networks and on the situation in the host country in matters relating to illegal immigration (notified under document number C (2005) 1508 (OJ L 264 of 8 of October 2005, p. 8);
- ✓ Regulation (EU) No 493/2011 of the European Parliament and of the Council of 5 April 2011 amending Council Regulation (EC) No 377/2004 on the creation of an immigration liaison officers network, OJ L 141, 27.5.2011, p. 13–16;
- Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air, (OJ L 321 of 06 of December 2003, p. 26);
- o Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (OJ L 328 of 5 December 2002, p. 1)⁶⁴;
- o Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence (OJ L 328 of 5 December 2002, p. 4);
- Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 (OJ L 187 of 10 of July 2001, p. 45);
- Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals (OJ L 149 of 02 of June 2001, p. 34);
 - ▶ Council Decision 2004/191/EC of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals (OJ L 60 of 27 of February 2004, p. 55);
- ❖ Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" (OJ L 144 of 6 June 2007, p. 45);
 - ❖ Commission Decision (2007/837/EC) of 30 November 2007 implementing Decision No 575/2007/EC of the European Parliament and of the Council as regards the adoption of strategic guidelines for 2008 to 2013 (OJ L 330 of 15 December 2007, p. 48);
 - ◆ Commission Decision (2008/458/EC) of 5 March 2008 Laying down the rules for the implementation of Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund (OJ L167, 27 June 2008, p. 135);
 - ⌘ Commission Decision 2009/614/EC of 23 July 2009 amending Decision 2008/458/EC laying down the rules for the implementation of Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund⁶⁵ (OJ L 210 of 14 August 2009, p. 36);
 - ★ Commission Decision 2010/70/EU of 8 February 2010 amending Decision 2008/458/EC laying down the rules for the implementation of Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund⁶⁶ (OJ L 36 of 9 February 2010, p. 32);
 - ✓ 2011/177/EU: Commission Decision of 2 March 2011 amending Decision 2008/458/EC laying down rules for the implementation of Decision No 575/2007/EC of the European Parliament and of the Council establishing the European Return Fund for the period 2008 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' as regards Member States' management

⁶⁴ This instrument is also mentioned under the section on "organised crime, fraud and corruption".

⁶⁵ Notified under document number C(2009) 5453.

⁶⁶ Notified under document number C(2010) 695.

and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund (notified under document C(2011) 1159), (OJ L 77, 23.3.2011, p. 32–45);

- ◆ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member-States for returning illegally staying third-country nationals (OJ L 348, 24 December 2008, p. 98);
- ⌘ Council Directive 2009/52/EC of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally-staying third country nationals (OJ L 168 of 30 June 2009, p. 24).

B. International Agreements

- ❖ Council Decision 2007/341/EC of 19 April 2007 on the conclusion of the Agreement between the European Community and the Russian Federation on readmission (OJ L 129 of 17 May 2007, p. 38);
 - ❖ Agreement between the European Community and the Russian Federation on readmission (OJ L 129 of 17 May 2007, p. 40);
- Council Decision 2006/619/EC of 24 July 2006 on the conclusion, on behalf of the European Community, of the Protocol to prevent, suppress and punish trafficking in human beings, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime concerning the provisions of the Protocol, in so far as the provisions of the Protocol fall within the scope of Part III, Title IV of the Treaty establishing the European Community (OJ L 262 of 22 September 2006, p. 51);
- Council Decision 2006/617/EC of 24 July 2006 on the conclusion, on behalf of the European Community, of the Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations Convention against Transnational Organised Crime concerning the provisions of the Protocol, in so far as the provisions of the Protocol fall within the scope of Part III, Title IV of the Treaty establishing the European Community (OJ L 262 of 22 September 2006, p. 34);
- Council Decision 2005/809/EC of 7 November 2005 concerning the conclusion of the Agreement between the European Community and the Republic of Albania on the readmission of persons residing without authorization (OJ L 304 of 23 November 2005, p. 14);
 - Agreement between the European Community and the Republic of Albania on the readmission of persons residing without authorisation (OJ L 124 of 17 May 2005, p. 22);
 - Information relating to the entry into force of the Agreement between the European Community and the Republic of Albania on the readmission of persons residing without authorisation (OJ L 96 of 5 April 2006, p. 9);
- Council Decision 2005/372/EC of 3 March 2005 concerning the conclusion of the Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on the readmission of persons residing without authorisation (OJ L 124 of 17 May 2005, p. 41);
 - Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on the readmission of persons residing without authorisation (OJ L 124 of 17 May 2005, p. 43);
 - Information relating to the entry into force of the Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on the readmission of persons residing without authorisation (OJ L 138 of 1 June 2005, p. 17);
- ▶ Council Decision 2004/424/EC of 21 April 2004 concerning the conclusion of the Agreement between the European Community and the Macao Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation (OJ L 143 of 30 April 2004, p. 97);
 - ▶ Agreement between the European Community and the Macao Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation (OJ L 143 of 30 April 2004, p. 99);
 - ▶ Information concerning the entry into force of the Agreement between the European Community and the Macao Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation (OJ L 258 of 5 August 2004 p. 17);

- Council Decision 2004/80/EC of 17 December 2003 concerning the conclusion of the Agreement between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation (OJ L 17 of 24 of January 2004, p. 23);
 - ▶ Agreement between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation (OJ L 17 of 24 of January 2004, p. 25);
 - ▶ Information on the entry into force of the Agreement between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation (OJ L 64 of 2 March 2004, p. 38);
- ❖ Council Decision 2007/839/EC of 29 November 2007 concerning the conclusion of the Agreement between the European Community and Ukraine on readmission of persons - Agreement between the European Community and Ukraine on the readmission of persons (OJ L 332 of 18 December 2007, p. 46);
- ❖ Council Decision 2007/817/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the former Yugoslav Republic of Macedonia on the readmission of persons residing without authorisation - Agreement between the European Community and the former Yugoslav Republic of Macedonia on the readmission of persons residing without authorisation (OJ L 334 of 19 December 2007, p. 1);
- ❖ Council Decision 2007/818/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Montenegro on the readmission of persons residing without authorisation - Agreement between the European Community and the Republic of Montenegro on the readmission of persons residing without authorisation (OJ L 334 of 19 December 2007, p. 25);
- ❖ Council Decision 2007/819/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation - Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation (OJ L 334 of 19 December 2007, p. 45);
- ❖ Council Decision 2007/820/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorisation - Agreement between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorisation (OJ L 334 of 19 December 2007, p. 65);
- ✓ Council Decision 2011/118/EU of 18 January 2011 on the conclusion of the Agreement between the European Union and Georgia on the readmission of persons residing without authorisation, (OJ L 52, 25.2.2011, p. 45–46);
- ✓ Agreement between the European Union and Georgia on the readmission of persons residing without authorisation, (OJ L 52, 25.2.2011, p. 47–65).

C. Other acts adopted before entry into force of the Amsterdam Treaty (1st May 1999)⁶⁷

- Council Decision on the inclusion of model readmission clauses in Community agreements and in agreements between the European Community, its Member States and third countries. Doc. 13409/99 MIGR 69;
- Council Resolution of 4 December 1997 on measures to be adopted on the combating of marriages of convenience (OJ C 382 of 16 December 1997, p. 1);
- Council Decision (97/340/JHA) of 26 May 1997 on the exchange of information concerning assistance for the voluntary repatriation of third-country nationals (OJ L 147 of 5 June 1997, p. 3);

⁶⁷ Relevant insofar as the later legislation has not replaced them.

- Council Recommendation of 27 September 1996 on combating the illegal employment of third-country nationals (OJ C 304 of 14 October 1996, p. 1);
- Council Conclusions of 4 March 1996 concerning readmission clauses for future mixed agreements: Documents 4272/96 ASIM 6 et 5457/96 ASIM 37;
- Council Recommendation of 22 December 1995 on concerted action and cooperation in carrying out expulsion measures (OJ C 5 of 10 January 1996, p. 3);
- Council Recommendation of 22 December 1995 on harmonizing means of combating illegal immigration and illegal employment and improving the relevant means of control (OJ C 5 of 10 January 1996, p. 1);
- Council Recommendation of 24 July 1995 on the guiding principles to be followed in drawing up protocols on the implementation of readmission agreements (OJ C 274 of 19 September 1996, p. 25);
- Council Recommendation of 30 November 1994 concerning the adoption of a standard travel document for the expulsion of third-country nationals (OJ C 274 of 19 September 1996, p. 18);
- Council Recommendation of 30 November 1994 concerning a specimen bilateral readmission agreement between a Member State and a third country (OJ C 274 of 19 September 1996, p. 20);
- Recommendation of the 1st June 1993 concerning checks on and expulsion of third country nationals residing or working without authorisation: Document WGI 1516;
- Recommendation of 30 November 1992 regarding practices followed by Member States on expulsion: Document WGI 1266;
- Recommendation of the 30 November 1992 concerning transit for the purpose of expulsion: Document WGI 1266.

SCHENGEN (HORIZONTAL ISSUES) / SIS⁶⁸

- Council Decision 1999/435/EC of 20 May 1999 concerning the definition of the Schengen acquis for the purpose of determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decision which constitute the acquis (OJ L 176 of 10 July 1999, p. 1);
- The Schengen acquis as referred to in Article 1(2) of Council Decision 1999/435/EC of 20 May 1999 (OJ L 239 of 22 September 2000, p. 1);
- Council Decision 1999/436/EC of 20 May 1999 determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the Schengen acquis (OJ L 176 of 10 July 1999, p. 17);
- Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two states with the implementation, application and development of the Schengen acquis (OJ L 176 of 10 July 1999, p. 31);
- Council Decision 1999/439/EC of 17 May 1999 on the conclusion of the agreement with the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis (OJ L 176 of 10 July 1999, p. 35);
- Council Decision 2000/29/EC of 28 June 1999 on the Agreement with the Republic of Iceland and the Kingdom of Norway on the establishment of rights and obligations between Ireland and the United Kingdom of Great Britain and Northern Ireland on the one hand, and the Republic of Iceland and the Kingdom of Norway on the other, in areas of the Schengen acquis which apply to these States (OJ L 15 of 20 January 2000, p. 1);
- Decision No 1/1999 of the EU/Iceland and Norway Mixed Committee established by the agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway

⁶⁸ Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 (OJ L 187 of 10 July 2001, p. 45) is listed under the section on migration.

concerning the latter's association in the implementation, application and development of the Schengen acquis adopting its Rules of Procedure (OJ C 211 of 23 July 1999, p. 9);

- ▶ Amended by Decision No 1/2004 of the EU/Iceland and Norway Mixed Committee established by the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association in the implementation, application and development of the Schengen acquis (OJ C 308 of 14 December 2004, p. 1);
- Council Decision 2000/777/EC of 1 December 2000 on the application of the Schengen acquis in Denmark, Finland and Sweden, and in Iceland and Norway (OJ L 309 of 9 December 2000, p. 24);
- Council Decision 1999/848/EC of 13 December 1999 on the full application of the Schengen acquis in Greece (OJ L 327 of 21 December 1999, p. 58);
- Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis (OJ L 131 of 01 June 2000, p. 43);
- o Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64 of 7 March 2002, p. 20);
 - ▶ Council Decision (EC) 2004/926 of 22 December 2004 on the putting into effect of parts of the Schengen acquis by the United Kingdom of Great Britain and Northern Ireland (OJ L 395 of 31 December 2004, p. 70);
 - ❖ Council Decision of 6 December 2007 (2007/801/EC) on the full application of the provisions of the Schengen acquis in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 323 of 8 December 2007, p. 34);
 - ◆ Council Decision (2008/146/EC) of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation, on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53 of 27 February 2008, p. 1);
 - ◆ Council decision 2008/149/JHA of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation, on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53 of 27 February 2008, p. 50);
 - ◆ Council Decision (2008/261/EC) of 28 February 2008 on the signature, on behalf of the European Community, and on the provisional application of certain provisions of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 83, 26.3.2008, p. 3);
 - ◆ Council Decision (2008/262/EC) of 28 February 2008 on the signature, on behalf of the European Union, and on the provisional application of certain provisions of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 83, 26.3.2008, p.5. Corrigendum published in OJ L 110, of 22 April 2008, p. 16);
- ✓ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, relating to the abolition of checks at internal borders and movement of persons, (OJ L 160, 18.6.2011, p. 19–20);
- ▶ Decision N° 1/2004 of the EU/Switzerland Mixed Committee established by the Agreement concluded between the European Union, the European Community and the Swiss Confederation concerning the latter's association in the implementation, application and development of the Schengen acquis of 26 October 2004 adopting its Rules of Procedure (OJ C 308 of 14 December 2004, p. 2);

- ◆ Decision No 1/2008 of the EU/Switzerland Mixed Committee established by the Agreement concluded between the European Union, the European Community and the Swiss Confederation concerning the latter's association in the implementation, application and development of the Schengen acquis of 28 February 2008 amending its Rules of Procedure (OJ L 83, 26.3.2008, p. 37);
- Council Decision 2000/586/JHA of 28 September 2000 establishing a procedure for amending Articles 40(4) and (5), 41(7) and 65(2) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders (OJ L 248 of 3 October 2000, p. 1);
- Council Decision 2000/645/EC of 17 October 2000 correcting the Schengen acquis as contained in Schengen Executive Committee SCH/Com-ex (94)15 rev (OJ L 272 of 25 October 2000, p. 24);
- Council Decision 2000/641/JHA of 17 October 2000 establishing a secretariat for the joint supervisory data-protection bodies set up by the Convention on the Establishment of a European Police Office (Europol Convention), the Convention on the Use of Information Technology for Customs Purposes and the Convention implementing the Schengen Agreement on the gradual abolition of checks at the common borders (Schengen Convention) (OJ L 271 of 24 October 2000, p. 1);
- Council Decision 2003/725/JHA of 2 October 2003 amending the provisions of Article 40(1) and (7) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders (OJ L 260 of 11 October 2003, p. 37);
- Council Decision 2000/265/EC of 27 March 2000 on the establishment of a financial regulation governing the budgetary aspects of the management by the Deputy Secretary-General of the Council, of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the communication infrastructure for the Schengen environment, "SISNET" (OJ L 85 of 6 April 2000, p. 12);
- Council Decision 2000/664/EC of 23 October 2000 amending Decision 2000/265/EC on the establishment of a financial regulation governing the budgetary aspects of the management by the Deputy Secretary-General of the Council of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the communication infrastructure for the Schengen environment, "SISNET" (OJ L 278 of 31 October 2000, p. 24);
 - Council Decision 2003/171/EC of 27 February 2003 amending Decision 2000/265/EC on the establishment of a financial regulation governing the budgetary aspects of the management by the Deputy Secretary-General of the Council, of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the communication infrastructure for the Schengen environment, "Sisnet" (OJ L 69 of 13 March 2003, p. 10);
- ⌘ Council Decision 2009/915/EC of 30 November 2009 amending Council Decision 2000/265/EC of 27 March 2000 on the establishment of a financial regulation governing the budgetary aspects of the management by the Deputy Secretary-General of the Council, of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the communication infrastructure for the Schengen environment, "SISNET" (OJ L 323 of 10 December 2009, p. 9);
- Council Decision 2003/836/EC of 27 November 2003 on the repeal of the Financial Regulation governing the budgetary aspects of the management by the Secretary-General of the Council, of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the "Help Desk Server" of the Management Unit and of the Sirene Network Phase II (OJ L 318 of 3 December 2003, p. 23);
- ◆ Council Regulation (EC) No 1104/2008 of 24 October 2008 on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) (OJ L 299 of 8 November 2008, p. 1);
 - ⌘ Commission Decision 2009/720/EC of 17 September 2009 laying down the date for the completion of migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) (OJ L 257 of 30 September 2009, p. 26);
 - ★ Council Regulation (EU) No 541/2010 of 3 June 2010 amending Regulation (EC) No 1104/2008 on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) (OJ L 155 of 22 June 2010, p. 19);

- ◆ Council Decision 2008/839/JHA of 24 October 2008 on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) (OJ L 299 of 8 November 2008, p. 43);
- ⌘ Commission Decision 2009/724/JHA of 17 September 2009 laying down the date for the completion of migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) (OJ L 257 of 30 September 2009, p. 41);
- ★ Council Regulation (EU) No 542/2010 of 3 June 2010 amending Decision 2009/724/JHA on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) (OJ L 155 of 22 June 2010, p. 23);
- ❖ Commission Decision (2007/170/EC) of 16 March 2007 laying down the network requirements for the Schengen Information System II (1st pillar) (OJ L 79 of 30 March 2007, p. 20);
- ❖ Commission Decision (2007/171/EC) of 16 March 2007 laying down the network requirements for the Schengen Information System II (3rd pillar) (OJ L 79 of 20 March 2007, p. 29);
- Council Decision 2003/835/EC of 27 November 2003 on the repeal of the decision authorising the Secretary-General of the Council in the context of the integration of the Schengen acquis into the framework of the European Union to act as representative of certain Member States for the purposes of concluding contracts relating to the installation and the functioning of the "Help Desk Server" of the Management Unit and of the Sirene Network Phase II and to manage such contracts (OJ L 318 of 3 December 2003, p. 22);
- ▶ Council Regulation (EC) No 378/2004 of 19 February 2004 on procedures for amending the Sirene Manual (OJ L 64 of 2 March 2004, p. 5);
 - ▶ Council Decision 2004/201/JHA of 19 February 2004 on procedures for amending the Sirene Manual (OJ L 64 of 2 March 2004, p. 45);
 - Commission Decision 2006/757/EC of 22 September 2006 on amending the Sirene Manual (OJ L 317 of 16 November 2006, p. 1);
 - Commission Decision 2006/758/EC of 22 September 2006 on amending the Sirene Manual (OJ L 317 of 16 November 2006, p. 48);
- ✓ Commission Implementing Decision 2011/406/EU of 1 July 2011 amending the SIRENE Manual (notified under document C(2011) 4574) (OJ L 186, 15.7.2011, p. 1–37);
- ◆ Council Decision 2008/422/EC of 5 June 2008 on declassifying Annex 4 to the SIRENE Manual adopted by the Executive Committee established by the Convention implementing the Schengen Agreement of 14 June 1985 (1990 Schengen Convention) (OJ L 149 of 7 June 2008, p. 78);
- ▶ Council Regulation (EC) No 871/2004 of 29 April 2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 162 of 30 April 2004, p. 29);
- Council Decision 2005/451/JHA of 13 June 2005 fixing the date of application of certain provisions of Regulation (EC) No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 158 of 21 June 2005, p. 26);
- Council Decision 2005/728/JHA of 12 October 2005 fixing the date of application of certain provisions of Regulation (EC) No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 273 of 19 October 2005, p. 26);
- Council Decision (2006/628/EC) of 24 July 2006 fixing the date of application of Article 1(4) and (5) of Regulation No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 256 of 20 September 2006, p. 15);
- Regulation (EC) No 1160/2005 of 6 July 2005 amending the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders, as regards access to the Schengen Information System by the services in the Member States responsible for issuing registration certificates for vehicles (Text with EEA relevance) (OJ L 191 of 22 July 2005, p. 18);
- Council Decision 2005/211/JHA of 24 February 2005 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 068 of 15 March 2005, p. 44);

- Council Decision 2005/719/JHA of 12 October 2005 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 271 of 15 October 2005, p. 54);
- Council Decision 2005/727/JHA of 12 October 2005 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 273 of 19 October 2005, p. 25);
- Council Decision 2005/728/JHA of 12 October 2005 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 273 of 19 October 2005, p. 26);
- Council Decision 2006/228/JHA of 9 March 2006 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 81 of 18 March 2006, p. 45);
- Council Decision 2006/229/JHA of 9 March 2006 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 81 of 18 March 2006, p. 46);
- Council Decision 2006/631/JHA of 24 July 2006 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 256 of 20 September 2006, p. 18);
- ❖ Council Decision (2007/471/EC) of 12 June 2007 on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 179 of 7 July 2007, p. 46);
- Regulation (EC) No 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates (OJ L 381 of 28 December 2006, p. 1)⁶⁹;
- Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381 of 28 December 2006, p. 4)⁷⁰;
- ❖ Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 205 of 7 August 2007, p. 63);
- ★ Commission Decision 2010/261/EU of 4 May 2010 on the Security Plan for the Central SIS II and the Communication Infrastructure (OJ L 112 of 5 May 2010, p. 31);
- ❖ Council Decision (2007/472/EC) of 25 June 2007 amending the Decision of the Executive Committee set up by the 1990 Schengen Convention, amending the Financial Regulation on the costs of installing and operating the technical support function for the Schengen Information System (C.SIS) (OJ L 179 of 7 July 2007, p. 50);
- ◆ Council Decision 2008/328/EC of 18 April 2008 amending the Decision of the Executive Committee set up by the 1990 Schengen Convention, amending the Financial Regulation on the costs of installing and operating the technical support function for the Schengen Information System (C.SIS) (OJ L 113 of 25 April 2008, p. 21);
- ⌘ Council Decision 2009/914/EC of 30 November 2009 amending the Decision of the Executive Committee set up by the 1990 Schengen Convention, amending the Financial Regulation on the costs of installing and operating the technical support function for the Schengen Information System (C.SIS) (OJ L 323 of 10 December 2009, p. 6);
- ★ Council Decision 2010/32/EC of 30 November 2009 amending the Decision of the Executive Committee set up by the 1990 Schengen Convention, amending the Financial Regulation on the costs of installing and operating the technical support function for the Schengen Information System (C.SIS) (OJ L 14 of 20 January 2010, p. 9);

⁶⁹ This instrument is also mentioned under the section on "asylum".

⁷⁰ This instrument is also mentioned under the section on "asylum".

- ◆ Council Regulation (EC) No 189/2008 of 18 February 2008 on the tests of the second generation Schengen Information System (SIS II) (OJ L 57 of 1 March 2008, p. 1);
- ◆ Council Decision 2008/173/EC of 18 February 2008 on the tests of the second generation Schengen Information System (SIS II) (OJ L 57 of 1 March 2008, p. 14. Corrigendum published in L 24 of 28 January 2009, p. 34);
- ◆ Commission Decision 2008/333/EC of 4 March 2008 adopting the SIRENE Manual and other implementing measures for the second generation Schengen Information System (SIS II) (notified under document number C(2008) 774) (OJ L 123 of 8 May 2008, p. 1);
- ◆ Commission Decision 2008/334/JHA of 4 March 2008 adopting the SIRENE Manual and other implementing measures for the second generation Schengen Information System (SIS II) (OJ L 123 of 8 May 2008, p. 39);
- ◆ Council Decision 2008/421/EC of 5 June 2008 on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Swiss Confederation (OJ L 149 of 7 June 2008, p. 74. Corrigendum published in OJ L 61 of 5 March 2009, p. 19).
- ◆ Council Decision 2008/903/EC of 27 November 2008 on the full application of the provisions of the Schengen acquis in the Swiss Confederation (OJ L 327 of 5 December 2008, p. 15).
- ✓ Council Decision 2011/352/EC of 9 June 2011 on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Principality of Liechtenstein (OJ L 160, 18.6.2011, p. 84–87).

Annex D: Virtual example description of a topic**4.1. Economic migration****4.1.1 Specific context**

Since 2008, a specific policy is in place to promote immigration of highly-skilled persons, students and researchers from other EU or third countries. Several improvements were introduced to facilitate and speed up the admission process. The national programme implementing this policy, entitled “Y”, was launched in 2009, in close cooperation with employer organisations from relevant industrial sectors, universities and several large companies. This included the development of a website advertising specific employment, study and research opportunities. More details on the policy and programme can be found in the Annual Policy Report 2009 for [(Member) State].

4.1.2 Developments within the national perspective

The initial plans, put forward in January 2011, to include a strand for (medium-)skilled immigrants in programme “Y”, specifically to address the growing demand in the social and medical care sectors, have been put on hold in July 2011. At present, unemployment in these sectors is increasing and, especially at political level, it was considered premature to develop any initiatives to increase immigration in these sectors. Relevant employer organisations are, however, insisting that the stagnation of the demand is only temporary and that the demand is still expected to increase exponentially in the coming years.

4.1.3 Developments from the EU perspective

As reported in detail in Section 1 of the Annex to this National Report on the commitments in the European Pact and Stockholm Programme, the policy and programme to attract highly-skilled immigrants continued, which contributed to an increase of persons participating in programme “Y” from around 10 000 in 2010 to nearly 13 000 in 2011. Following a survey launched amongst the participants, a particular success factor of the programme appears to be the direct support provided by companies to immigrants with regard to their settlement, including the application for a permit, registration with social security and healthcare systems. A second strength, emerging from the survey, related to the specific information provided on employment opportunities, as this allowed (potential) immigrants to actively search for a job or university position which matched their interests, skills and qualifications.

A specific new strand was introduced in 2011, which specifically facilitates temporary immigration of persons working in the IT sector. Temporary migration is perceived as the best solution for a sector which is subject to continuous fluctuation of the demand for labour. Whilst initially this strand foresaw the entry of up to 2 000 immigrants, as a result of the current economic crisis, this target was adjusted to 1 000 in September 2011. At present, the government is discussing the possible expansion of the temporary immigration strand to other sectors, which despite the economic crisis are still having a high demand for labour, such as the medical sector. However, it is possible that the current overall plans to substantially cut down public financing may lead to a reduction of healthcare funding, which is likely to negatively influence employment in the medical sector.

The final draft legislative acts transposing Directive 2009/50/EC (EU Blue Card) were discussed in the national parliament in January 2011. The *[Name(s)] Act* was adopted in February 2011, for entry into force on *[Date]*.
