



Council of the
European Union

**Brussels, 24 March 2015
(OR. en)**

**8598/09
EXT 1**

**MIGR 41
LIBYE 1**

PARTIAL DECLASSIFICATION

of document: 8598/09

dated: 8 April 2009

new status: Public

Subject: EU-Libya Cooperatiion on Readmission

Delegations will find attached the partially declassified version of the above-mentioned document.



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 8 April 2009

**8598/09
EXT 1 (12.03.2015)**

RESTREINT UE

**MIGR 41
LIBYE 1**

NOTE

from : Maltese delegation

to : High Level Working Group on Asylum and Migration (HLWG)

Subject : EU-Libya Cooperation on Readmission

Delegations will find attached a note from the Maltese delegation on the above subject.

EU-Libya Cooperation on Readmission

The Seville European Council of 21/22 June 2002 establishes "the importance of ensuring the cooperation of countries of origin and transit in joint management and in border control as well as on readmission. Such readmission by third countries should include that of their own nationals unlawfully present in a Member State and, under the same conditions, that of other countries' nationals who can be shown to have passed through the country in question.

Cooperation should bring results in the short and medium term".¹

The October 2004 the General Affairs and External Relations Council "recalled its conclusions of November 2002 that that cooperation with Libya on migration is essential and urgent". This was followed up by other Council Decisions². The number of illegal immigrants departing from Libya into Europe has continued to increase with a major impact on the southern Member States.³ A step change in the level of the EU's work with Libya on the fight against illegal migration and in particular with regard to readmission is urgently needed.

¹ The Seville Conclusions urged that any future cooperation, association or equivalent agreement which the European Community concludes with any country should include a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration

² The Global Approach to Migration: Priority Actions focusing on Africa and the Mediterranean in December 2005 underlined the importance to agree an EU-Libya Action Plan on migration as early as possible in 2006; this has not yet materialised. The Council conclusions of October 2007 refer to migration as an area of mutual interest in the context of the discussions on an EU-Libya framework agreement.

³ For example 2008 has registered a record arrival in Malta of illegal immigrants (2,775) arriving by sea or being rescued and bought ashore; The 2008 figures show a 63 per cent increase over the total for 2007 (1,702). Figures for 2009 (758) mark a new trend of arrivals in the winter months compared to previous years.

The European Pact on Migration and Asylum puts migration as an integral part of the EU's external relations. It underlines the need to synergise all possible instruments and community mechanisms - including legal, technical and financial assistance - to ensure effective readmission. The Pact calls for "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" and further states that "Global Approach to Migration can only make sense within a close partnership between the countries of origin, transit and destination"⁴. The comprehensive integration of the Union's immigration policy in its relations with third countries needs to be taken forward, utilising *all the instruments* available to the Union *to the full*.

NOT DECLASSIFIED FROM THIS POINT UNTIL THE END OF THE DOCUMENT

(page 5)

⁴ The European Pact on Asylum and Migration, European Council on 15-16 October 2008 (page 7)