

EXPLANATORY MEMORANDUM ON EUROPEAN UNION DOCUMENTS

Report from the Commission to the European Parliament, the European Council and the Council: Third Progress Report on the Partnership Framework with third countries under the European Agenda on Migration

Submitted by the Foreign and Commonwealth Office on 16 March 2017.

SUBJECT MATTER

1. The attached report updates the European Parliament, European Council and the Council on the progress made under the EU's Partnership Framework approach since the previous progress report was published in December 2016.
2. In response to the unprecedented migratory flows into the European Union and the associated humanitarian crisis, the Partnership Framework approach was agreed at the June 2016 European Council. The Commission wants to embed migration priorities, particularly on returns and readmission, in its relationships with third countries and to deploy the full range of EU and Member States policies and instruments to this end. Five countries were initially chosen for migration 'compacts': Ethiopia, Niger, Nigeria, Mali, and Senegal. So far, the Commission judges that there has been, at best, limited improvement in return rates for these countries.
3. In response to the December European Council Conclusions and Member States' inputs, the Commission has now broadened its geographic approach under the Partnership Framework. Though it has not agreed any new 'compacts', the Commission is pursuing different models of enhanced engagement on migration with a wider range of countries. This Progress Report includes sections on the Central Mediterranean route (through Libya or Egypt into Italy) and Asia.
4. The Report also references the EU's Action Plan on Returns, noting that improvements to legal and administrative processes within the EU (as well as in third countries) are essential for making progress. Deployments of EU Migration Liaison Officers to key partner countries should also improve cooperation.
5. **Niger:** Niger is a key transit country for migrants travelling from West Africa to Libya and on to Europe. It has shown the most progress to date: with lower numbers transiting through Agadez; increased numbers of voluntary returns from Niger; and good cooperation with Nigerien law enforcement authorities. The Commission is aware that lower transit numbers may partly reflect the displacement of the migration routes, and is carrying out two assessment missions.
6. **Nigeria:** Nigeria's cooperation on returns and readmission is uneven across the EU. Negotiations on an EU-Nigeria Readmission Agreement are making little progress; the UK is not opting in as we already have a bilateral MOU with Nigeria.

7. **Senegal:** There have been limited results so far in Senegal. The Commission notes that most Member States face difficulties identifying and redocumenting migrants to return.
8. **Mali:** The return rate of migrants from Mali continues to be low for the EU. As a result of Nigerien anti-smuggling activities, Mali risks becoming an alternative major transit route. The Commission identifies better border management and anti-smuggling work as immediate priorities.
9. **Ethiopia:** The internal political situation remains difficult. The Commission reports that concrete progress on returns is still very slow. An EU-supported jobs compact will provide 100,000 jobs for Ethiopians and refugees; this compact was developed by DFID with the Ethiopian authorities and we are also providing bilateral funds.
10. **Central Mediterranean:** The Commission details initial steps taken to implement the Malta Declaration agreed at the informal Summit in Malta on 3 February 2017. The Malta Declaration and the Maltese Presidency's associated Implementation Plan sets out actions to be taken in North Africa, particularly Libya, including: search and rescue, disrupting smuggling activity, migrant protection, and border management. The Commission has committed to accelerating the completion of 5000 voluntary returns from Libya, working with the International Organisation for Migration (IOM).
11. **Asia:** The Commission notes very limited progress on returns to Afghanistan, Pakistan, and Bangladesh. The Commission also notes that an EU technical visit to Iran in February 2017 was a first step towards establishing the comprehensive migration dialogue agreed in April 2016.
12. The Annex to the report provides a list of actions and next steps in each of the five priority countries, in addition to the detail within the report itself.

SCRUTINY HISTORY

13. An Explanatory Memorandum on the Second Progress Report: First Deliverables on the Partnership Framework with third countries under the European Agenda on Migration was submitted for Parliamentary Scrutiny on 21 December 2016. The House of Commons European Scrutiny Committee cleared the documents as "not legally or politically important" on 18 January 2017 (ESC 38393, 26th Report, Session 2016/17). The House of Lords Select Committee on the European Union cleared the documents on 12 January 2017 at the Chairman's sift.
14. An Explanatory Memorandum on the First Progress Report on the Partnership Framework with third countries under the European Agenda on Migration was submitted for Parliamentary Scrutiny on 9 November 2016. The House of Commons European Scrutiny Committee cleared the documents as "not legally or politically important" on 7 December 2016 (ESC 38177, 22nd Report, Session 2016/17). The House of Lords Select Committee on the European Union cleared the documents on 16 November 2016 at the Chairman's sift.

MINISTERIAL RESPONSIBILITY

15. The Secretary of State for Foreign and Commonwealth Affairs is the Minister with overall responsibility for UK policy on the EU's Common Foreign and Security Policy. The Home Secretary has overall responsibility for migration policy. The Chancellor of the Exchequer and the Secretary of State for International Development also have an interest.

INTEREST OF THE DEVOLVED ADMINISTRATIONS

16. The UK's Foreign Affairs policy is a reserved matter under the UK's devolution settlements and no devolved administration interests arise. The devolved administrations have therefore not been consulted in the preparation of this EM.

LEGAL AND PROCEDURAL ISSUES

17. There are no legal or procedural issues. This is not a proposal for legislation.

APPLICATION TO THE EUROPEAN ECONOMIC AREA

18. None.

SUBSIDIARITY

19. Given the international nature of illegal migration, a more coherent and coordinated EU approach with third countries should enhance the ability to respond effectively.

POLICY IMPLICATIONS

20. On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation.
21. The United Kingdom welcomes the Commission's view that migration issues should be an important element of the EU's relations with third countries, and that the EU's approach should include a broad range of relevant EU policies and instruments. We broadly welcome the proposed improved coordination of bilateral and European Union activities.
22. On the five priority countries, we welcome the progress made tackling migrant smugglers and traffickers in Niger, and the continued focus on anti-smuggling and border management in both Niger and Mali. On Nigeria, we remain concerned by the increased volume of Nigerians crossing the Central Mediterranean in 2016. We welcome the Commission's observation that substantial progress on returns also depends on EU Member States making their own legal and administrative processes more effective.

23. We agree that the Partnership Framework 'compact' model should not divert the attention of the EU and Member States from taking forward enhanced work with other key countries, as well as comprehensive regional and route-based partnerships, and so welcome the wider focus adopted since the previous report. We welcome the Commission's acknowledgement of the benefits of working alongside the Malta Declaration, the Valletta Action Plan, the G5 Sahel, and the Emergency Trust Fund for Africa. The UK will continue to engage on the migration agenda bilaterally with a range of source and transit countries, as well as working closely with the Khartoum Process. We welcome the Commission's focus on Libya, particularly its commitment to voluntary returns from Libya. We also welcome the Commission's ambition to work towards a formal EU-Egypt migration dialogue.

CONSULTATION

24. No consultation with outside bodies is currently planned.

REGULATORY IMPACT ASSESSMENT

25. Not applicable.

FINANCIAL IMPLICATIONS

26. We believe EU funding instruments have the flexibility to respond to unforeseen financing needs, and welcome the intention to reprioritise existing financing to support stability and address the root causes of migration.
27. We welcomed the Commission's proposed External Investment Plan (EIP) to boost private investment and job creation in African countries. The European Parliament is currently considering the proposals.
28. The EU uses a range of financing instruments to support the implementation of the Partnership Framework. The most significant is the circa €2.5 billion EU Emergency Trust Fund for Africa (EUTF).
29. In January 2017, the Commission proposed that €200 million under the EUTF would be mobilised in 2017 for North Africa with a priority focus on migration-related projects concerning Libya.

TIMETABLE

30. The Commission will next report on progress in June 2017.



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