



**COUNCIL OF
THE EUROPEAN UNION**

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LIMITE

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RELEX 248

NOTE

from: Presidency

to: Council (Justice and Home Affairs)

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Subject : Afghanistan return plan

1. Conclusion no. 30 from the Seville summit concerns the comprehensive plan to combat illegal immigration. In the conclusion it is stated, that "The European Council calls on the Council and the Commission, within their respective spheres of responsibility, to attach top priority to the following measures contained in the plan." Afterwards five measures are mentioned. One of these reads:
 - "as regards expulsion and repatriation policies, adoption by the end of the year, of the components of a repatriation programme based on the Commission Green Paper; those components should include the best possible facilities for early return to Afghanistan."

2. On the basis of a note from the Danish Presidency, a general debate on the Afghanistan return plan was held at the informal Justice and Home Affairs Ministerial meeting in Copenhagen on 13-14 September 2002 and at the meeting of the JHA Council on 14-15 October 2002.

3. The subject was also debated in the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) on 25-26 September 2002 and 5-6 November 2002.
4. On 21 November 2002, the **Permanent Representatives Committee** recorded a broad agreement on the text of the Afghanistan return plan, with a request from the Commission to modify the wording of point 32 relating to the funding of the plan.

Point 32 has been revised by the Presidency following the Permanent Representatives Committee meeting.

5. **The Council** is invited to adopt the draft plan, which is attached to this note as an annex.

DRAFT ON THE EU PLAN FOR RETURN TO AFGHANISTAN**I. Introduction**

1. Recalling the Seville summit conclusions which called for the adoption by the end of the year of the components of a repatriation programme based on the Commission Green Paper including the best possible facilities for early return to Afghanistan,
2. Taking into account the objectives laid down in conclusions by the General Affairs Council¹ on 22 – 23 July 2002 on Afghanistan and in particular the implementation of the Bonn Agreement,
3. Noting that the draft plan for return to Afghanistan should be seen in the context of the creation of a general EU return programme which is also in progress,
4. Acknowledging the positive developments in Afghanistan over the last year including the formation of the Afghanistan Transitional Administration,
5. Considering that at the present time return to Afghanistan from the EU should be initiated, and that the status of Afghans who decide not to avail themselves of voluntary repatriation shall continue to be governed by relevant national legislation in full respect of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol,
6. Acknowledging the important active role that can be played by Member States individually as well as by the Community as a whole,

¹ Doc. 11041/1/02 REV 1 COASI 8

7. Acknowledging the important role that return can play in terms of much needed human resources and capacity building in Afghanistan,
8. Expressing its willingness and interest to play an active assisting role therein,

The Council has adopted the following plan:

II. EU Return Plan to Afghanistan

9. The main purpose of the plan is to follow up on the request from the Seville summit to create “the best possible facilities for early return to Afghanistan.” The plan identifies where coordination at European level will have the greatest impact and where complementarity of Member State and Community actions can be sought. At the same time the plan will seek to retain a maximum amount of flexibility.

III. General provisions of the plan

Scope and entry into force

10. The scope of the EU Return Plan to Afghanistan is through practical cooperation between Member States and the Commission to provide for the best possible facilities for early return to Afghanistan without hindering other existing or future return initiatives. The plan will focus on pre-departure, travel related and post arrival measures. The plan will enter into force as soon as possible and no later than in the spring of 2003. The return plan shall be reviewed within one year of entry into force. It is acknowledged that there will be a continuous review of the situation on the ground, especially with regard to any major deterioration, through the below established co – ordination mechanisms.

Return model

11. The return of Afghans shall first and foremost take place at their freely expressed wish based on their knowledge of the situation in intended places of return and any options for continued stay in the European Union. Afghans, who do not have protection needs or compelling humanitarian needs justifying prolongation of their stay in Member States, but who nevertheless, after the passage of reasonable time, continue to refuse to avail themselves of a voluntary return programme, may be subjected to forced return by those Member States wishing to do so.

Participants

12. Participants are the Commission and Member States.

Target group

13. Afghans residing legally in one of the participating Member States who wish to return to Afghanistan or who are illegally present or can no longer legally remain there (e.g. asylum seekers who have received an enforceable final rejection of their claim) taking into account point 11.

Partnership with relevant Afghan authorities

14. The return plan should be based on a partnership with the relevant Afghan authorities. The Commission and the EU Presidency shall establish the relevant information exchange with these authorities, and the Council Special Representative in Afghanistan shall in cooperation with the head of the Commission representation in Afghanistan ensure acceptance of the plan by the Afghan authorities.

Other involved parties

15. It will be important also to liaise with other relevant parties such as the UNAMA structure and especially UNHCR. IOM will also be an important party.

Responsibility sharing and implementation

16. The plan is based on a sharing of responsibility between the Commission and Member States. The responsibility for implementing the plan rests mainly with Member States whereas the role of the Commission is of a more coordinative nature.
17. In order to facilitate the implementation of the return plan the Commission and participating Member States shall appoint national contact points in the competent authorities. These contact points shall inter alia be used for exchange of information and for arrangement of joint flights where appropriate.

Vulnerable groups

18. In all phases of return to Afghanistan special attention shall be paid to ensure that vulnerable groups receive adequate assistance and care.

Afghanistan Coordination Return Group

19. In order to secure coordination of the return effort an Afghanistan Coordination Return Group (ACRG) with participating Member States as members and chaired by the European Commission shall be set up. The tasks of ACRG shall be to:
- exchange information on national return arrangements, including return/reintegration packages,
 - prepare the entry into force of the return plan
 - secure a smooth implementation of the plan taking into account the reception facilities and the absorption capacity on the ground
 - develop pre-departure, travel related and post-arrival measures through determining the contents and coordination of the measures mentioned in points 20 – 31
 - advise on the spending of funds in connection with points 28 –31.

IV. Pre-departure measures

Selection of returnees and pace of returns

20. The identification of returnees and the pace of return shall take into consideration the best available information of the situation on the ground, the possibilities of matching returns with reconstruction efforts and the partnership between EU and the Transitional Government of Afghanistan. Consultation with relevant international organisations especially within the UNAMA structure will also be of vital importance.

Information for returnees

21. Member States shall before departure from the sending state - in order to facilitate the best possible course of events and to allow for return to take place in safety and with dignity and in full knowledge of the facts - provide the returnees with objective and accurate information relevant to their repatriation and reintegration in Afghanistan including awareness counselling on mines and unexploded ordnance.

Travel documents

22. Member States shall procure the necessary travel documents for returnees. Provided that the relevant Afghan authorities agree the EU Laissez-Passer may be used.

Repatriation/reintegration packages

23. Member States shall – in accordance with national legislation – provide returnees with suitable return/reintegration packages.

V. Travel related measures

Transportation costs

24. Member States shall defray all reasonable costs in connection with the transport of returnees and their baggage to Afghanistan in accordance with national legislation.

Joint flights and transit arrangements

25. Joint flights may be arranged by Member States. Coordination with relevant service providers to this end will be undertaken within the framework of the ACRG. The same applies for the arrangement – where relevant – of suitable transit facilities, including necessary permits and accommodation.

26. Arrangement of joint flights may where appropriate be contracted to relevant international organisations.

VI. Post-arrival measures

Coordination with relevant bodies

27. The Commission shall together with Member States arrange for the necessary planning, coordination and information exchange in Afghanistan in relation to points 28 - 31 with the relevant Afghan authorities and with international organisations and NGOs engaged in protection and/or reconstruction.

Reception facilities

28. In good time prior to the first returns the appropriate reception facilities for returnees in transit to their intended destinations shall be put in place in Kabul. The facilities shall include full board and lodging. Stays at reception facilities shall be as short as possible and generally not more than 3 days after arrival.

Information for returnees

29. The appropriate up to date information shall be given to returnees upon arrival and before they proceed to their intended destinations. The information shall include security information and information on the state of reconstruction of the local community information as well as adequate counselling regarding risks of mines and unexploded ordnance.

Transport in Afghanistan

30. The appropriate onward transport and - where relevant - escort of returnees and their baggage to the intended destination of the returnees in Afghanistan shall be provided.

Reintegration assistance

31. Where feasible – arrangements for support of necessary and appropriate vocational skills training as well as employment-generating programmes for Afghans in return areas shall be undertaken.

Funding

32. Taking into consideration the principles of sound financial management, the annual economic costs concerning the measures mentioned in points 28-31 shall be defrayed by the European Community up to the running costs per month mentioned in the addendum to this document.

Further funding by the European Community may be made available if considered necessary by and recommended by the Afghanistan Coordination Return Group (ACRG).
