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**ADDENDUM TO "I/A" ITEM NOTE**

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from:	General Secretariat of the Council
to:	Permanent Representatives Committee / Council
Subject:	Joint Declaration on a Mobility Partnerships between the European Union and the Republic of Moldova

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The Republic of Moldova, the European Community, and the participating Member States of the European Union, namely the Republic of Bulgaria, the Republic of Cyprus, the Czech Republic, the French Republic, the Hellenic Republic, the Federal Republic of Germany, the Republic of Hungary, the Italian Republic, the Republic of Lithuania, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden (hereinafter referred to as "the Signatories");

ACTING within the existing framework for their cooperation, in particular the European Neighbourhood Policy and the Partnership and Cooperation Agreement signed on 28 November 1994, as well as the EU/Republic of Moldova European Neighbourhood Policy Action Plan agreed on the 22 February 2005;

NOTING the benefits and opportunities that a well managed migration can bring to migrants and to the Signatories alike;

CONFIRMING their commitment to improving facilitation of movement of persons between the Republic of Moldova and the European Union, whilst working to ensure better management of migration flows, including preventing and reducing illegal migration flows;

RECALLING the Global Approach to Migration adopted by the Council of the European Union, the European Commission communication on circular migration and mobility partnerships between the European Union and third countries, presented on 16 May 2007, the Council conclusions of 18 June 2007 on extending and enhancing the Global Approach to Migration and the Council conclusions on mobility partnerships and circular migration in the framework of the Global Approach to Migration adopted on 10 December 2007;

CONSIDERING the existing migration-related bilateral agreements between the Republic of Moldova and some of the Member States;

REAFFIRMING the strong commitment of the Signatories to the full and effective implementation of the agreements of 10 October 2007 concerning the facilitation of the issuance of visas, on the one hand, and the readmission of persons residing without authorisation, on the other hand, which both entered into force on 1 January 2008;

HAVE DECIDED on a Mobility Partnership based on reciprocity. The Mobility Partnership will have the purpose of facilitating legal migration including circular and temporary migration, in particular for development purposes, within the limits of the respective competences of the Signatories and taking into account their labour market and socio-economic situation, establishing cooperation on migration and development, and preventing and combating illegal immigration and trafficking in and smuggling of human beings, as well as promoting an effective readmission and return policy, while respecting human rights and the relevant international instruments for the protection of refugees and taking into account the situation of individual migrants and the socio-economic development of the Signatories.

To this end, they will ENDEAVOUR to develop further their dialogue and cooperation on migration issues, and in particular along the following lines:

## **Mobility, legal migration and integration**

1. To promote a better framework for legal mobility, supported by more information, integration and protection for migrants, and to reduce the risks of illegal migration and the danger of trafficking in human beings, while matching labour market opportunities, fully respecting Member States' competences in this field and taking into account the different labour market situations in the Republic of Moldova and the Member States;
2. To inform potential migrants on ways of legal migration to the European Union and legal employment, staying, studying and working conditions in the Member States, as well as on the dangers of undocumented migration and illegal work; to provide information about employment opportunities, the labour market situation and migration policies in the Republic of Moldova and in the European Union; to promote pre-departure training and facilitation for temporary workers, and to explore possibilities for the circular migration of workers;
3. To strengthen the Moldovan institutional capacity to manage migration, including on asylum and refugee protection in accordance with the Regional Protection Programme, through training, exchange of experts and best practices. The focus should be on legislative actions, institutional and operational development, and the promotion and implementation of migration policies;
4. To further consider the social protection of legal migrants, including by means of bilateral social protection agreements;
5. To deepen their dialogue on visa issues, and to improve their consular capacities and cooperation, including through initiatives such as common visa application centres, considering the appointment of labour and migration attachés in the main destination countries, and consolidation of the Information Centres created for the Moldovan citizens abroad, within the diplomatic and consular missions of the Republic of Moldova ;

## Migration and development

6. To support voluntary return, sustainable reintegration of returning migrants, and tailored circular migration schemes; to inform Moldovan citizens abroad about the labour market situation and work opportunities in their home country, as well as return possibilities; to build up cooperation on the training of returning migrant workers and to promote the transfer of social security benefits; to develop entrepreneurship and build a legal framework in the field of small and medium enterprises; and to address the social dimension of migration in the country of origin;
7. To prevent, reduce and counteract the negative effects of the brain drain and brain waste, including through return policies targeting specific categories of Moldovan migrants and through adoption of codes of ethical recruitment, and through the promotion of the return and temporary migration of highly-skilled Moldovan citizens; to facilitate the recognition of skills and qualifications, exchange of students, researchers and specialists, training and temporary exchange and work programmes, including with the assistance of ETF (the EU agency European Training Foundation);
8. To enhance cooperation with Moldovan communities abroad, strengthening the links with the diaspora and reaching out for its support; to work on the financial sector to create the conditions for boosting the diaspora's investment in their home country through twinning projects, loan and transfer facilitation and targeted remittance schemes enhancing the development impact of migrant workers' money transfers;

## **Border management, identity and travel documents, fight against illegal migration and trafficking in human beings**

9. To enhance Signatories' efforts to fight illegal migration and trafficking in human beings, to strengthen border management capacities and cross-border cooperation; to strengthen the security of travel documents, identity documents and residence permits, and to fully cooperate on return and readmission;
10. To facilitate twinning projects and Member States initiatives in the field of border management, taking into account the role of Frontex (the European Agency for the Management of Operational Cooperation at the External Borders of the European Union) as a facilitator and coordinator of operational cooperation in the field of border security management between Member States and third countries;
11. To promote the development of extensive operational cooperation between Frontex and the Border Guard Service of the Republic of Moldova within the framework of a working arrangement to counter illegal migration and related cross-border crime by means of border control, and to strengthen security at the borders between EU Member States and the Republic of Moldova.

### **Implementation**

12. The Mobility Partnership is conceived as a long term framework based on political dialogue and cooperation, which will be developed on the basis of the existing relationship between the Republic of Moldova and the European Community and its Member States in the framework of their Partnership and Cooperation Agreement and the European Neighbourhood Policy, and will evolve over time.

13. The EU intends to contribute to implementing the partnership through Community and Member States' initiatives, within the limits of their respective competences, in conformity with the applicable procedures and with due regard for the principle of Community preference. The Community agencies, in particular Frontex, will be involved, as appropriate, in the implementation of the partnership. The partnership remains open to any other Member State wishing to participate.
14. In order to determine the issues of common interest and needs linked to migration, the Signatories intend to further develop their dialogue and consultation, in a spirit of partnership, and the migration profile of the Republic of Moldova. They intend to meet at least twice a year at the appropriate level, in the framework of the existing structure for dialogue and cooperation, in order to reconsider the priorities and further develop the partnership if need be. The Signatories intend to cooperate, at an operational level in the field, to further improve coordination between them for the implementation of this partnership, including by incorporating relevant partners and actors present in the Republic of Moldova through a cooperation platform as appropriate.
15. With a view to implementing the Mobility Partnership, the Signatories confirm their intentions with regard to the initiatives set out in the Annex, subject to their available financial means. They intend to ensure good coordination of their respective efforts. They intend to update the Annex with proposed activities on a regular basis.
16. Whenever appropriate, the Signatories will conduct an evaluation of the current partnership.

17. The provisions of this joint declaration are not designed to create legal rights or obligations under international law.

Done in... on ...

For the Republic of Moldova,

For the European Community,

For the Republic of Bulgaria,

For the Republic of Cyprus,

For the Czech Republic,

For the French Republic,

For the Federal Republic of Germany

For the Hellenic Republic,

For the Republic of Hungary,

For the Italian Republic,

For the Republic of Lithuania,

For the Republic of Poland,

For the Portuguese Republic,

For Romania,

For the Slovak Republic,

For the Republic of Slovenia,

For the Kingdom of Sweden,

## **Annex on proposed activities**

In the framework of their Mobility Partnership, the Participants confirm their intention to take the following initiatives:

### 1. Monitoring of migration flows

Objective: Analysing the migration flow in order to determine the needs and necessities

- i. *Migration profile* - Proposal to elaborate and update, in cooperation with the Republic of Moldova and other partners, including ETF, a comprehensive monitoring mechanism which will offer detailed information on migratory flows and stocks, as well as on the impact of migration on the Moldovan labour market in general, and on its skills pool in particular. It will be an important sustainable tool for the drafting of policies. ETF proposes to provide a methodological tool for analysing the skill levels of potential and returning migrants.

### 2. Consolidation of the National Migration Management System

Objective: Strengthening the institutional capacities of the Moldovan institutions dealing with migration aspects

- i. *Horizontal support* -Proposal by the Kingdom of Sweden (hereinafter referred to as "Sweden") to extend the Söderköping process until 2012 in order to consolidate the results and progress of this cooperation thus far, and to consider expansion of the Process to include other issues which the Republic of Moldova (and the other Member States) may deem necessary/important within the framework for the Mobility Partnership. Proposal by the Federal Republic of Germany (hereinafter referred to as "Germany") and Romania to offer horizontal support for capacity building in the area of migration, integration and asylum with the following components: fact finding, asylum management, migration/integration/reintegration management, border control and international cooperation.

- ii. *Legal migration* - Proposal by the Hellenic Republic to organise a technical training workshop on residence permit and work permit legislation for civil servants from the Republic of Moldova. Proposal by the Republic of Hungary (hereinafter referred to as "Hungary") to provide capacity building in the area of residence of foreigners (seminars, information exchange, study trips).
- iii. *Illegal migration* - Proposal by the Republic of Poland (hereinafter referred to as "Poland") to develop seminars and study visits on detention and reception of foreigners and on illegal migration/trafficking in human beings. Proposal by the Czech Republic to provide training to trainers in border management, and by the Slovak Republic (hereinafter referred to as "Slovakia") to provide training to police officers in combating illegal migration.
- iv. *Asylum policy* - Proposal by Hungary and Slovakia to offer training and expert support for asylum policy in the Republic of Moldova, taking into account the aims of the Regional Protection Programme. Proposal by Republic of Slovenia to exchange knowledge, experiences and best practices within the framework of existing projects.
- v. *Sharing of knowledge and best practices* - Proposal by the Czech Republic, Hungary, Poland, Romania, Slovakia and Sweden to organize study visits and exchange of experience between the respective offices. The Italian Republic (hereinafter referred to as "Italy") will train public officials. Proposal by Republic of Slovenia to exchange knowledge, experiences and best practices within the framework of existing projects.
- vi. *Border control* - Proposal that German and EU experts evaluate, together with the Republic of Moldova, the structure and organization of its border control authority in order to further improve it and implement basic principles of integrated border control according to EU standards. Proposal by Hungary to offer assistance to the institutionalized system of border management at local level, and at state level, and to provide assistance in the development of the integrated border management system in Moldova. In both cases assistance will be provided through the sharing of information and best practice in the field of document security, working out recommendations on the improvement of infrastructure (ICT hard/software) for information exchange.

- vii. *Documents security* - Proposal by the Portuguese Republic (hereinafter referred to as "Portugal") to provide technical assistance and training in the area of document security and fraud. Poland and Hungary propose to participate in the project "Strengthening Capacities and Cooperation in the Identification of Forged and Falsified Travel Documents at the Republic of Moldova-Romania border", which is run in conjunction with the International Centre for Migration Policy Development.

3. Information on legal migration and assistance for returning migrants

Objective: Informing potential migrants about ways of legal migration to the European Union and legal employment in the Member States, as well as about the risks of illegal migration, and assistance for returning migrants.

The initiatives proposed in this section will be considered for implementation on a mutually agreed basis and taking duly into account the socio-economic situation of the Republic of Moldova.

- i. *Strengthening the Republic of Moldova capacity to manage labour and return migration* - Proposal by the Republic of Bulgaria (hereinafter referred to as "Bulgaria"), the Republic of Cyprus, Hungary, the Republic of Lithuania, Italy, Germany, the Hellenic Republic, Poland, Romania, Slovakia, and Sweden to cooperate in providing information on routes for legal migration to the EU, legal employment in the EU Member States, dangers and negative effects of illegal migration as well as return to and reintegration in the Republic of Moldova.

It would in particular address the following:

- Information on legal entry and stay in the Member States and in the Schengen area;
- Information on the dangers of smuggling and trafficking in human beings;
- Employment referral mechanisms, job counselling, mediation and information on work opportunities in cooperation with the employment services of certain participating Member States;
- Information/dissemination of information for returnees and assistance for socio-professional reintegration in the Republic of Moldova;
- Small business set-up assistance schemes in the Republic of Moldova;
- Support for codevelopment projects.

The initiative would be anchored within the national administration of the Republic of Moldova, which would ensure its sustainability. The Republic of Moldova would hold the ownership of the initiative, and Member States involved in individual activities would provide support.

- ii. *Integration facilitation* - Proposal by the Hellenic Republic and Italy to offer pre-departure training for Moldovans planning to migrate. Proposal by Italy to elaborate and disseminate a handbook on entry procedures and integration policies.
- iii. *Website on legal migration* - Proposal by the Hellenic Republic, Poland, Germany (for remittances) and the Republic of Lithuania (for EURES) to create a website on legal migration. They will coordinate this tool with the European immigration portal.

#### 4. Labour migration schemes

Objective: Offering better access to Member States labour markets

The initiatives proposed in this section will be considered for implementation on a mutually agreed basis and taking duly into account the socio-economic situation of the Republic of Moldova.

- i. *Horizontal support* - Proposal by Romania together with the Veneto Region to launch an initiative on active measures in support of labour migration and development for the benefit of the Republic of Moldova.
- ii. *Circular migration schemes* - Proposal by the Czech Republic and the Republic of Cyprus to offer circular migration projects which include support for the reintegration of returning migrants (the initiative will be partly carried out through the initiative under point 3.i).
- iii. *Bilateral agreements* - Proposal by Bulgaria to sign an Agreement on the Regulation of Labour Migration with the Republic of Moldova in 2008. Proposal by Romania to conclude with the Republic of Moldova a convention on local border traffic.

- iv. *Access to the labour market* - Proposal by Italy to further implement its project providing support for potential entrants to the Italian labour market, as it will promote sector-specific projects for Moldovans. Proposal by Sweden to develop a pilot project to disseminate information in the Republic of Moldova about the impending Swedish labour migration reform as regards recruitment of workers from third countries in certain sectors. Proposal by Poland to offer admission to the Polish labour market for temporary work without the need to obtain a work permit. It is the intention that these proposals will be in part supported through the activities foreseen underpoint 3.i).

## 5. Voluntary return and reintegration schemes

Objective: Promoting the voluntary return of migrants, notably highly-skilled migrants, in order to counteract the brain drain

- i. *Support for voluntary return projects* - Proposal by Germany to support voluntary return projects addressing social affairs, the labour market, supply of medical services, information campaigns and network-building. Proposal by Romania to support the improvement of the administrative capacity of the Republic of Moldova in relation to the reintegration of migrants.
- ii. *Transfer of social security benefits* - Proposal by Romania to support the strengthening of the administrative capacity of the authorities of the Republic of Moldova for ensuring the transfer of social security benefits, especially through training of staff, the final goal being the social protection of the migrant workers.

## 6. Diaspora consolidation and co-development

Objective: Strengthening the link of the Moldovan communities abroad with their home-country and promoting co-development projects

- i. *Horizontal Support* - Proposal by the European Commission to strengthen the development dimension of migration. Proposal by the Republic of Moldova to consider strengthening the activities of the Information Centres for the Moldovan migrants in the Moldovan diplomatic missions.
- ii. *Extended absences* - Proposal by Germany to offer Moldovans who legally reside in Germany, and who meet the relevant conditions, special leave for extended absences without loss of rights of residence.
- iii. *Remittances* - Proposal by Romania together with the Veneto Region in Italy to design a Financial Instrument for Self-Employment and Small Business Development with a view to encouraging migrants to invest remittances, particularly in local communities, and to return to the Republic of Moldova. Proposal by Germany to extend the remittances website [www.geldtransfer.de](http://www.geldtransfer.de), launched as part of the G8 Conference on Remittances in late November 2007 in Berlin. Proposal by Sweden to facilitate exchange of experience and study visits on development policy (including policy training on remittances).
- iv. *Capacity building of consular personnel* - Proposal by Hungary to strengthen the capacity of consular personnel in the Republic of Moldova through exchanges of experts and training on the legal and institutional requirements for the consular protection of citizens and on exploring and cultivating the links with Moldovan communities abroad.

## 7. Social protection of migrants and their families

Objective: Promoting the transfer of social security benefits and addressing the social dimension of migration in the sending country.

- i. *Administrative capacity of the Republic of Moldova* - Proposal by Romania to work towards strengthening the administrative capacity of the authorities of the Republic of Moldova in relation to transfers of social security benefits.

- ii. *Bilateral agreements* - Proposal by Bulgaria to sign a Treaty on Social Insurance with the Republic of Moldova in 2008. Proposal by Romania to sign a bilateral agreement with the Republic of Moldova in the field of social security.
- iii. *Social dimension of migration* - Proposal by Italy to address the social dimension of migration in the sending country, especially by focusing on teenagers and by supporting centres/operators that provide assistance to teenagers left in country by migrant parents.

8. Development of the Moldovan labour market

Objective: Optimizing the labour market of the Republic of Moldova, promoting student and professional exchanges and improving the economic conditions for returning migrants

- i. *Horizontal support* - Proposal by the Czech Republic to continue its project to develop the Moldovan labour market. Proposal by Sweden to continue the implementation of two projects: the first is to reform vocational training; the second is to, together with experts from Romania and Lithuania, strengthen support for the Moldovan public employment service. Proposal by the European Commission to strengthen the development dimension of migration.
- ii. *Strengthening the capacity of higher education institutions* - Proposal by the Republic of Moldova to promote the quality of its higher education institutions and the university exchanges with, among others, Portugal. The European Commission intends to continue promoting the participation of Moldovan students and researchers in the Erasmus Mundus exchange programme. Proposal by Romania to continue and extend its programmes offering scholarships and other facilities to students from the Republic of Moldova.

- iii. *Labour market matching* - The intention of the Moldovan public employment services to provide incentives regarding local job opportunities for its citizens, notably the young, and to improve labour market matching with the support of Sweden. Proposal by the Czech Republic to support private and small enterprises, in particular to create labour opportunities in rural regions. Romania is interested in carrying out bilateral projects in the field of small and medium sized enterprises, promoting the creation of job opportunities in the field of tourism and rural development.
- iv. *Bilateral recognition* - Within the framework of the partnership, the Signatories intend to promote bilateral recognition of skills and qualifications. ETF will contribute to the policy debate on qualification recognition issues and labour market matching.

## 9. Visa and readmission

Objective: Further strengthening the dialogue and cooperation on visa issues and readmission

- i. *Common Visa Application Centre* - To promote the enlargement of the Common Visa Application Centre with interested Member States, whereby the Hungarian diplomatic mission in Chişinău would represent them in issuing uniform short-stay visas to those applicants who wish to travel through or stay in their country, in accordance with part II, 1.2 of the Common Consular Instructions. Proposal on further development of the Common Visa Application Centre by information activities (on issues such as legal ways to enter and stay in the European Union and Schengen area) and by developing working relations with the information centres in Balti and Cahul, as well as by taking part in the initiative proposed under point 3.i.

10. Cooperation in border management, identity and travel documents, fight against illegal/irregular migration and trafficking in human beings

Objective: Fighting irregular migration and the trafficking in human beings

- i. *Horizontal support* - Proposal by Portugal to sign in 2009 a bilateral agreement between the competent authorities of both countries for cooperation in the field of exchange of information, technical assistance and training in the areas of document security and fraud, border control and trafficking in human beings. Proposal by the French Republic to continue its support for the programme to prevent and combat trafficking in human beings and to assist the victims of smuggling.
- ii. *Border Management* - Proposal that the Border Guard Service of the Republic of Moldova undertake the appropriate measures for the steady improvement of its border management, and cooperate with Frontex on the implementation of the operational arrangement they mutually agreed to conclude, which would cover activities in the field of information exchange and risk analysis, training, research and development, coordination of joint operational measures, an active discussion on the improvement of technical equipment and technological upgrading at the borders, development of best practices as well as improving the operational interoperability between the border guard organisations of the EU Member States and the Republic of Moldova. Hungary proposes to participate in practical cooperation at local level. Germany proposes to offer an audit of the Moldovan border control structure. The Czech Republic proposes to support the capacitating of the border migration structures.
- iii. *Capacity building* - Joint proposal by Frontex and the Republic of Moldova, to implement the “Frontex Common Core Curriculum for Border Guard basic training”, to translate and broadly implement the “Advanced level training program on falsified documents” within the Moldovan Border Guard Service, and to ensure that both resources are updated on a regular basis. These efforts should take into account the experiences gained and lessons learned from the EU Border Assistance Mission (EUBAM).

- iv. *Document security* - Proposal by the Republic of Moldova to set up and keep up to date an action plan for the steady improvement of travel and identity document security, including through the use of biometric data. Germany and Portugal propose to provide technical assistance to the Republic of Moldova. The European Commission proposes to provide assistance on biometric passports.
  
  - v. *Migrant smuggling and trafficking in human beings* - Proposal that the Republic of Moldova ensure the effective implementation of the Palermo Convention and its relevant protocols.
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