

JOINT DECLARATION
ON A MOBILITY PARTNERSHIP
BETWEEN THE REPUBLIC OF AZERBAIJAN
AND THE EUROPEAN UNION
AND ITS PARTICIPATING MEMBER STATES

The Republic of Azerbaijan, the European Union, and the participating Member States of the European Union, namely the Republic of Bulgaria, the Czech Republic, the French Republic, the Republic of Lithuania, the Kingdom of the Netherlands, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (hereinafter referred to as "the Signatories");

ACTING within the existing framework for cooperation, in particular the 1999 EU-Azerbaijan Partnership and Cooperation Agreement and the 2006 EU-Azerbaijan European Neighbourhood Policy Action Plan;

RECALLING that negotiations for an Association Agreement with Azerbaijan are taking place since 2010, to replace the current Partnership and Cooperation Agreement;

STRESSING the benefits and opportunities that well-managed migration and mobility can bring to both migrants and the Signatories;

REAFFIRMING the shared commitment to facilitate the mutually beneficial movement of persons between Azerbaijan and the European Union, whilst ensuring better management of these migration flows, including the prevention and combatting of irregular migration in accordance with applicable international standards;

RECALLING the EU Global Approach to Migration and Mobility, adopted by the Council of the European Union in May 2012, the European Commission Communication on circular migration and mobility partnerships between the European Union and third countries of 2007 and the respective Council conclusions adopted in December 2007, the European Commission Communication on Strengthening Justice and Home Affairs within the Eastern Partnerships and the respective Council conclusions adopted in December 2011, and taking account of the Joint Declaration of the 2009 Prague Eastern Partnership Summit and the Joint Declaration of the 2011 Warsaw Eastern Partnership Summit;

RECALLING the EU Migration Mission to Azerbaijan conducted on 16-17 June 2011 with the purpose of strengthening the dialogue on migration issues between Azerbaijan and the EU;

RECOGNISING the existing migration-related bilateral agreements and arrangements as well as cooperation agreements between Azerbaijan and some of the Member States;

REAFFIRMING the strong commitment of the Signatories to conclude and effectively implement future agreements concerning the facilitation of the issuance of visas and the readmission of persons residing without authorisation;

ACTING without prejudice to the competences of the EU and of the EU Member States as laid down in the Treaty on the Functioning of the European Union;

HAVE DECIDED to establish a Mobility Partnership (MP) based on reciprocity. The EU-Azerbaijan MP will be based on a partnership, with the purpose of

- better managing legal and labour migration, including circular and temporary migration, within the limits of the respective competences of the Signatories and taking into account their labour market and socio-economic situation;
- preventing and combating irregular migration, including smuggling of migrants and trafficking in human beings, including by promoting an effective return and readmission policy, in accordance with fundamental rights as well as international law, including refugee protection and human rights obligations;
- promoting international protection and enhancing its external dimension, and
- maximising the development impact of migration and mobility, while respecting human rights and international norms regarding persons in need of protection, and taking account of the perspective of individual migrants as well as the socio-economic situation of the Signatories.

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

Migration management

1. To enhance the capacity to monitor migration, in particular by strengthening Azerbaijan 's capacity to manage migration, including through deepening inter-agency cooperation and coordination for effective exchanging information, as well as in the field of improving the legal framework and monitoring its implementation, especially through qualified human resources' development; to support the establishment and regular updating of Azerbaijan's migration profile and to develop the legal and technical framework on migration related data collection and management, including cooperation with national institutions and European agencies such as the European Agency for the Management of the Operational Cooperation at the External Borders of the Member States of the European Union (Hereafter referred to as FRONTEX) on the basis of the Working Arrangement between FRONTEX and Azerbaijan and the European Training Foundation (hereafter referred to as ETF).

Mobility, legal migration and integration

2. To promote a better framework for legal and labour mobility, including through the facilitation of temporary and circular migration, supported by more information and concrete and effective initiatives as well as protection of migrants;
3. To inform potential migrants on opportunities for legal migration, including labour migration, and on requirements for legal stay, including opportunities for studying in the EU Member States; to explore the possibilities of promoting labour migration and developing legal frameworks relating to employment conditions for migrants, while matching labour market opportunities, fully respecting Signatories' competences in this field and taking into account the different labour market situations and needs in Azerbaijan and the EU Member States'; to provide information on job opportunities, the labour market situation and migration policies in Azerbaijan and in the European Union;

4. To implement pre-departure training, especially in the area of vocational education and training and language training; to promote or establish exchange programmes and joint programmes in the area of vocational education and training and higher education, including academic and professional mobility schemes;
5. To further strengthen the social protection of legal migrants and members of their families, including by promoting the negotiation and signature of bilateral agreements on social protection;
6. To deepen the dialogue and cooperation on visa issues, notably through the conclusion and effective implementation of the EU-Azerbaijan Visa Facilitation Agreement, and to improve Azerbaijan's and EU Member States consular capacities, including through stepping up cooperation between EU Member States' diplomatic missions in Azerbaijan or ensuring their representation by other already present EU Member States' consular post.

Fight against irregular immigration and trafficking in human beings, readmission, security of identity and travel documents, border management

7. To enhance Signatories' efforts to fight further irregular migration and trafficking in human beings, to strengthen the implementation of the integrated border management, including through further improvement of border surveillance and border management capacities and cross-border cooperation, according to the best international standards; to strengthen the security of travel documents, identity documents and residence permits, and to fully cooperate on return and readmission;
8. To develop effective mechanisms and concrete initiatives for preventing and combating irregular migration, including through actions aiming at raising public awareness;

9. To enhance operational cooperation on return, including through the conclusion and effective implementation of the EU-Azerbaijan Readmission Agreement and implementing joint programmes on these issues;
10. To enhance the security of identity documents as well as to facilitate the authentication of citizens through introduction of the fingerprints searching systems as well as of the multifunctional electronic identification cards;
11. To improve the joint fight against irregular migration and related cross border crime through joint operational measures including the exchange of information, best practices and risk analysis as well as improving the operational interoperability between the relevant border guard organisations of the EU Member States and Azerbaijan. In this context, the European Agency for the Management of the Operational Cooperation at the External Borders of the Member States of the European Union (Hereafter referred to as FRONTEX) may be involved in this partnership, as and when appropriate.

Migration and development

12. To prevent, reduce and counteract the negative effects of the brain drain and brain waste, including through return policies targeting in particular skilled Azerbaijan migrants and taking into consideration best standards of ethical recruitment; to facilitate the recognition of skills and qualifications, to develop labour-matching tools, to enhance exchange of students, researchers and specialists, training and temporary exchange and work programmes, including with the assistance of ETF;
13. To promote and support voluntary return and sustainable reintegration of returning migrants through implementation of specific joint programmes offering training, possibilities to improve migrants' employment qualifications and assistance in finding jobs; to provide joint specific programmes devoted to protection of and assistance for vulnerable categories of returning migrants; to develop entrepreneurship and build a legal framework in the field of small and medium enterprises;

14. To enhance cooperation with Azerbaijan communities abroad, including through the support to programmes creating the conditions for boosting Azerbaijan's migrants investment in their country of origin, including efforts to facilitate cheap and secure transfer of remittances and maximize their development impact; to cooperate further in the field of double taxation and exploring options for portability of certain rights; to involve Azerbaijan's migrants in sustainable return or circular migration activities.

Asylum and international protection

15. To strengthen the capacity of Azerbaijan's government to implement an asylum policy and provide international protection according to best EU and international standards;
16. To facilitate the reception of asylum seekers and submission of asylum requests through the development of specific simplified procedures, in particular for those with special needs.

Implementation

17. The Mobility Partnership is conceived as a long term co-operation framework in line with the Global Approach to Migration and Mobility and based on political dialogue and cooperation, which will be developed on the basis of the existing relationship between Azerbaijan and the European Union and its Member States in the framework of their Partnership and Cooperation Agreement, or its successor agreement, and the Eastern Partnership, and will evolve over time;
18. The EU intends to contribute to implementing the partnership through EU and its Member States' initiatives, within the limits of their respective competences, in conformity with the applicable procedures and with due regard for the principle of EU preference. The EU agencies, in particular ETF and FRONTEX, may be involved, as appropriate, in the implementation of the partnership. The partnership remains open to any other EU Member State wishing to participate;

19. In order to determine the issues of common interest and needs linked to migration and asylum, the Signatories intend to further develop their dialogue and consultation, in a spirit of partnership;
20. The Signatories intend to meet at least twice a year at the appropriate level, in the framework of the existing structure for dialogue and cooperation, including the EU-Azerbaijan Subcommittee on Justice, Freedom, Security and Human Rights and Democracy, in order to follow the implementation of the partnership, reconsider the priorities and further develop the partnership if need be;
21. The Signatories intend to cooperate, at an operational level in the field, to further ensure coordination between them and avoid overlapping of activities for the implementation of this partnership, including by incorporating relevant partners and actors present in Azerbaijan through a cooperation platform as appropriate;
22. 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 and – on the EU side – respecting the division of competences between the Union and its Member States and in conformity with the applicable procedures. They intend to ensure good coordination of their respective efforts. They intend to update the Annex with proposed activities on a regular basis;
23. Whenever appropriate, the Signatories will conduct an evaluation of the current partnership.
24. The provisions of this joint declaration are not designed to create legal rights or obligations under international law.

Done at Brussels on the fifth day of December in the year two thousand and thirteen.

The Republic of Azerbaijan, the European Union, and the participating Member States of the European Union, namely the Republic of Bulgaria, the Czech Republic, the French Republic, the Republic of Lithuania, the Kingdom of the Netherlands, the Republic of Poland, the Republic of Slovenia, the Slovak Republic,

For the Republic of Azerbaijan



For the European Union



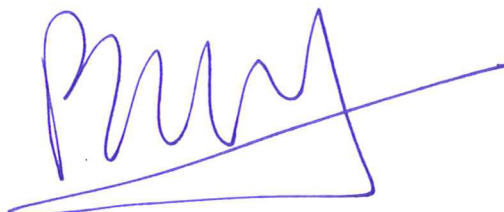
For the Republic of Bulgaria



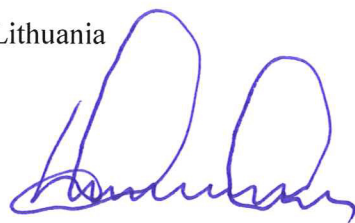
For the Czech Republic



For the French Republic



For the Republic of Lithuania



For the Kingdom of the Netherlands



For the Republic of Poland



For the Republic of Slovenia



For the Slovak Republic



Annex
to the Joint Declaration on a Mobility Partnership
between the Republic of Azerbaijan and the European Union and its Member States

In the framework of the Mobility Partnership, the Signatories confirm their intention to undertake the initiatives listed in this Annex subject to their available financial means and, on the EU side, also respecting the division of competences between the Union and its Member States and in conformity with the applicable procedures.

The Signatories are committed to ensuring good coordination of their respective efforts.

The Signatories intend to update this Annex on a regular basis, when necessary.

I) Migration management

Objective: To support the capacity to monitor migration, in particular by strengthening Azerbaijan's capacity to manage migration.

- Strengthening capacity to develop analytical and statistical reports on migration flows;
- Improving the Azerbaijani database on migration;
- Strengthening migration management through, *inter alia*, updating of Migration Profile;
- Promoting best practices of the European Union Member States on the determination of the need for skilled workers;
- Monitoring migration flows from Azerbaijan to the European Union; and
- Exchanging experience on labour management and forecasting.

II) Mobility, legal migration and integration

Objective: To promote a better framework for legal and labour mobility, including through the facilitation of temporary and circular migration, 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 irregular migration; to implement pre-departure training; to promote student and professional exchanges; recognition of academic and professional qualifications and exchange of information on European Qualification Framework and national qualification legislation; social protection of regular migrants.

- Building capacity of authorities responsible for migration management, including in the area of information campaigns addressed to potential migrants and concerning matters such as legal ways of migration, migrant rights and responsibilities in countries of destination as well as potential risks of irregular migration;
- Exchanging information on opportunities for legal migration, including circular migration;
- Publishing and disseminating information in Azerbaijani language on immigration rules and regulations applied in the European Union;
- Cooperating in the area of the facilitation of recognition of migrants qualifications;
- Learning the experience of European Union Member States on integration, reintegration and social protection of migrant workers;
- Facilitation of circular migration of students and researchers; and
- Raising awareness on the European Qualification Framework among students and researchers.

III) Fight against irregular migration and trafficking in human beings, readmission, identity and travel documents' security, border management

Objective: To develop effective mechanisms and concrete initiatives for preventing and combating irregular migration, effectively implement readmission and reintegration procedures, enhance the security of identity documents and improve border surveillance and border management capacities

- Strengthening of capabilities in detection of forged and falsified documents;
- Promoting of best practices on management of return and readmission;
- Promoting of best practices in the field of combating trafficking in human beings;
- Cooperating on activities in the field of border security, including in the framework of Integrated Border Management;
- Cooperating on the reinforcement of border surveillance and border management capacities, provision of equipment and training, including on document checking;
- Learning best standards on automated control and biometric systems applied in border crossing points; and
- Training of trainers for border service personnel.

IV) Migration and development

Objective: To promote the positive synergies between migration and development, to prevent, reduce and counteract the negative effects of the brain drain and brain waste; to facilitate the smooth reintegration into Azerbaijan's labour market of Azerbaijan citizens returning home and the recognition of skills and qualifications acquired abroad for their own benefit and the development of Azerbaijan, particularly by promoting migrants entrepreneurship.

- Developing sustainable programmes aimed at reintegration of returning migrants, including support to migrant entrepreneurs and creation of micro business.

V) Asylum and international protection

Objective: To strengthen the capacity of Azerbaijan's government to implement an asylum policy and provide international protection according to best international standards and fully in line with relevant international instruments.

- Learning the experiences of European Union Member States on asylum procedures, including interviewing of asylum seekers and quality assessment of interviews, country of origin information, decision-making and criteria on granting asylum and methodology for assessment the quality of decisions, with particular emphasis for the needs of vulnerable persons;
 - Studying the forms of subsidiary and temporary protection applied in European Union Member States;
 - Learning the experience of European Union Member States on addressing social needs of persons who have obtained the refugee status or are beneficiaries of subsidiary protection, their integration into the host society, and procedures for their naturalisation; and
 - Studying the rules and procedures applied in the framework of EURODAC, including procedures concerning collection of fingerprints, registration of personal data of asylum seekers in a database and the handling of such a database.
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