

# Migration

## - How CSDP can support

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with a foreword of:

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**Imprint:**

Publication of the Federal Ministry of Defence and Sports of the Republic of Austria

**Editor:** Sven Biscop, Jochen Rehr

**Published by:** European Security and Defence College (ESDC), EGMONT – The Royal Institute for International Relations and the Directorate for Security Policy of the Federal Ministry of Defence and Sports of the Republic of Austria

**Photo credits for the front page:** Janossy Gergely / Shutterstock.com

**Layout:** Lukas Bittner, Bureau for Security Policy of the Federal Ministry of Defence and Sports, Vienna

**Printed and bound by:**

Armed Forces Printing Centre, Vienna/Austria, 2016

BMLVS 16-XXXXX ISBN: 987-3-XXXXXXXX-XXXXXXX

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## FOREWORD

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H.E. Hans Peter Doskozil  
Federal Minister of Defence and Sports  
of the Republic of Austria

In 2015, Austria was confronted with an unprecedented flow of asylum seekers and refugees, especially along the Western Balkans route. Since this challenged our capabilities, Austria called for EU action, including CSDP measures, as early as September 2015. A few EU measures have since been taken, but more should follow. Additionally, CSDP measures have exclusively focused on the central Mediterranean route.

After accepting more than 100 000 asylum seekers in 2015, and more than one million refugees crossing Austrian territory, we were forced to adopt national measures in 2016 to slow down the flow of refugees. With the help of partner countries in the Western Balkans, it was possible to close the Western Balkans route on 9 March 2016. At the same time, the EU brokered an agreement with Turkey to prevent refugees from entering the EU from Turkey via the Greek islands, as well as to stop networks of smugglers from exploiting refugees desperate to get to Europe.

Both measures resulted in a significant decrease of refugees arriving in Europe, but the crisis is not over yet. Therefore, Austria would still like to see more measures implemented. Specifically, a civil-military mechanism at EU level, ideally supported by all Member States, should be established to deal with rapid changes in the numbers of refugees arriving in Europe. Assistance should

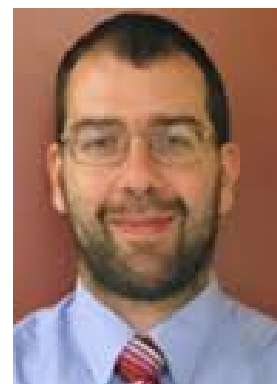
be available to EU Member States, as well as to immediate neighbours. Additionally, the EU should support bilateral and regional measures in order to nurture the population's sense of security.

Currently, on average, 100 refugees a day arrive via the Western Balkans route and, unfortunately, the numbers seem to be rising. Therefore, Austria has been cooperating very closely with its partners in the Central European Defence Cooperation (CEDC) since the closure of the Western Balkans route. The ultimate goal is to urge the EU to implement measures proposed by CEDC, especially in case the agreement with Turkey fails and the closure of the Western Balkans route is no longer intact.

Among the measures agreed upon was the organisation of a seminar on migration, as well as an expert workshop to discuss the problem and possible solutions. Today, I am proud to present the contents of the seminar, as well as the results of the workshop. I hope they will guide us in taking the best and most informed decisions possible in our management of the migration crisis. Now is the time to be proactive and prove that the EU has enormous potential if all Member States work together to achieve a common goal.

I wish the EU, our citizens and the people seeking refuge and shelter all the best.

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During the past year, the EU has been confronted with an unprecedented flow of refugees and migrants along the Balkan routes, and even before this, we had to contend with huge numbers crossing the Mediterranean to reach our shores. Unfortunately we had to acknowledge that the EU and its Member States were insufficiently prepared to successfully meet the challenges of the migration crisis.

In spring 2016, the Central European Defence Cooperation (CEDC)<sup>1</sup> drew up an option paper entitled 'Options aimed at supporting migration management with a special focus on the protection of the EU's external border and on humanitarian aid'. In this paper, thought was given to how CSDP instruments could be better used to complement the manifold efforts of Member States and the EU in tackling the effects of irregular migration, but also in preventing the root causes of migration in the first place.

Austria and the Egmont – Royal Institute for International Relations organised a panel discussion on migration, which was held on 13 September 2016 in the Egmont Palace in Brussels. The event aimed to deepen the discussion on the way forward and give new momentum to the implementation of pragmatic solutions. All EU

Member States and EU institutions were invited to send participants to the event, which was followed by a closed workshop session. The activity was conducted under the umbrella of the European Security and Defence College.

We would like to thank the following persons and entities, who made this publication possible:

- The Austrian Ministry of Defence and Sports, in particular the Defence Policy Director, Maj Gen Johann Frank and his team;
- The Austrian Military Representative in Brussels, Lt Gen Günter Höfler, and his staff;
- The staff of the Egmont Institute, headed by H.E. Marc Otte;
- The European Security and Defence College;
- The staff of the Austrian Armed Forces Printing Centre directed by ADir. Roman Bartholomay;
- The English editing service of the General Secretariat of the Council.

We hope that this publication will contribute to the discussion on how to tackle the migration crisis.

<sup>1</sup> The Central European Defence Co-operation is a platform which brings together Austria, Croatia, Czech Republic, Slovakia, Slovenia and Hungary. Poland has an observer status. The CEDC was founded in 2010 with a rotating presidency. In 2016, Austria chairs this platform.









**CHAPTER 1:  
Migration  
–How CSDP can support**



# MIGRATION – WHERE WE ARE AND WHERE WE COULD HEAD FOR

by Jochen Rehl, national expert at the European Security and Defence College



The High Representative Federica Mogherini on board of the flagship EUNAVFOR MED Operation Sophia, ITS Cavour



In his speech on the ‘State of Union 2016’<sup>1</sup>, the President of the European Commission, Jean-Claude Juncker, said that we should start our reflection with a sense of realism and with great honesty.

*First of all, we should admit that we have many unresolved problems in Europe. There can be no doubt about this. ...*

*Secondly, we should be aware that the world is watching us. ...*

*Thirdly, we should recognise that we cannot solve all our problems with one more speech. Or with one more summit.<sup>2</sup>*

This is also a good starting point for the topic of migration, which highlights the inextricable link between internal and external security. In the past few years we have seen a massive influx of migrants, including asylum seekers and refugees, and realised that no single country can face this challenge alone.

Migration is not necessarily the biggest challenge in Europe and for Europe, but the migration challenge is very present in our daily discussions, in the mass media and on the streets. Hence the public put it on the agenda of our politicians, who - since then - having been seeking common solutions.

Migration is not a seasonal phenomenon; the pressure will likely stay. Our systems were not built with this scenario in mind. Therefore we are seeing overstretching of capacity, loss of trust and credibility in our democratic governments and as a result the rise of populist political parties taking advantage of this situation. Moreover, the solidarity between EU member states, which is eloquently laid down in Article 2<sup>3</sup> and Article 3(5)<sup>4</sup> of the Treaty on European Union, seems to have been weakened. This results in a decrease in cohesion inside the Union.

Our answers to the migration challenge must be comprehensive, credible and strategic. We should not forget our values or our interests. How the Union will tackle the migration crisis will be the stress test for the structures in Brussels and the capitals.

1 Jean-Claude Juncker: The State of the Union 2016. Towards a better Europe – A Europe that protects, empowers and defends. Publications Office of the European Union, 2016.

2 Jean-Claude Juncker, p. 7.

3 Article 2 TEU: ‘The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.’

4 Article 3(5) TEU: ‘In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.’

## How can we manage migration?

Migration is an issue combining humanitarian aspects, employment, social welfare, security and many other areas. The main responsibility for managing it lies with the EU member states. The European Commission and its agencies are performing well, but much more has to be done. And the EU has not stood idle in the face of this crisis. Making use of all the policy tools at its disposal, a number of important actions have been launched for a coordinated and coherent European response. A new approach to better manage migration through the establishment of partnership frameworks was set out at the European Council on 28-29 June, fully embedding the issue of migration in the EU’s overall foreign policy.

The European Global Strategy, which was welcomed at the same Council meeting, states very clearly, that ‘*Together with countries of origin and transit, we will develop common and tailor-made approaches to migration featuring development, diplomacy, mobility, legal migration, border management, readmission and return. We will work with our international partners to ensure shared global responsibilities and solidarity.*’<sup>5</sup>

Common Security and Defence Policy (CSDP), a member state tool to manage external crises, is most probably not the main instrument to tackle this complex issue. But it should remain part of the comprehensive crisis management toolbox, and we should examine how CSDP instruments could complement current activities. In a number of theatres the EU has already deployed CSDP missions and operations with the objective of complementing other EU efforts to address irregular migration, in particular in the Central Mediterranean and the Sahel.

At the same time we should also be aware that CSDP is meant to be deployed outside EU territory<sup>6</sup>; hence assistance and support to other EU member states via CSDP is not currently possible in our legal framework.

Securing the external borders of EU and its member states is one key policy area of the Commission under which numerous initiatives have been launched. The European Agenda on Migration<sup>7</sup>, the European Border

5 European External Action Service: Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union’s Foreign and Security Policy. June 2016. p. 28. [https://eeas.europa.eu/top\\_stories/pdf/eugs\\_review\\_web.pdf](https://eeas.europa.eu/top_stories/pdf/eugs_review_web.pdf)

6 Article 42(1) TEU: ‘The common security and defence policy shall be an integral part of the common foreign and security policy. It shall provide the Union with an operational capacity drawing on civilian and military assets. The Union may use them on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter. The performance of these tasks shall be undertaken using capabilities provided by the Member States.’

7 A European Agenda on Migration. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Brussels, 13 May 2015. COM(2015)

and Coast Guard Regulation<sup>8</sup>, Smart Borders and EUROSUR are amongst the significant measures taken to reinforce the management of European borders.

And when we come to the point where we are willing to deploy a CSDP mission and/or operation, we should pay attention to the existing structures, instruments and mechanisms outside the CSDP scope, ensuring they are not duplicated or hindered in their valuable work.

Nevertheless, some of the existing instruments and structures are currently being reinforced (e.g. the European Border and Coast Guard) and in the short-to mid-term, shortfalls could be identified. CSDP tools could be used to fill these gaps and thereby **support the civilian entities**.

## CSDP has proved to be useful

**CSDP is already being used** and has proved to be a useful tool in assisting the EU and its Member States in the management of migration flows. Needless to say, it is only one of the tools at the EU's disposal to address the migration challenge. In many CSDP missions and operations, migration is implicitly or explicitly mentioned in the mandates. Tasks include supporting host countries by providing training and advice for military and security forces, building institutions for the sustainable rule of law, and thus building local capacity with the main objective of creating the conditions for economic growth and prosperity. EUFOR ALTHEA, EUCAP SAHEL NIGER, EUNAVFOR MED SOPHIA, EUTM MALI and many more could be listed as examples.

Nevertheless, as CSDP mainly focuses on the security aspects of the EU's support to our partner countries in managing migratory flows at their borders, there are several key areas in which CSDP support could have an added value. CSDP missions and operations could work alongside the European Border and Coast Guard as well as other specialised EU agencies to enhance border protection and maritime security with the objective of fighting cross-border crime and disrupting smuggling networks and thus saving more lives.

Possible areas of enhanced CSDP support as described above could be:

- **border surveillance** and prevention of uncontrolled border crossings, in particular for land and sea borders;
- **processing of irregular migrants**, in particular by providing training and technical assistance as well as

240 final. [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication\\_on\\_the\\_european\\_agenda\\_on\\_migration\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf)

<sup>8</sup> A European Border and Coast Guard and effective management of Europe's external borders. Communication from the Commission to the European Parliament and the Council. Strasbourg, 15 December 2015. COM(2015) 673 final. <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015DC0673&from=EN>

- capacity building for the so-called 'hotspots';
- **law enforcement activities** against smugglers' networks by strengthening intelligence sharing;
- **security sector reform** in countries either of origin or transit.

A certain amount of time is needed between a fully-fledged CSDP mission or operation being launched and starting to fully deliver its support. This could be an issue in a rapidly changing situation where smugglers are fast to respond and adapt to any law enforcement action. It could therefore be worth considering whether existing crisis management procedures and mechanisms could be used more rapidly and flexibly. Alternatively, should the members states decide that CSDP should play a more active role in providing support to our partners, an entirely new mechanism for more rapid CSDP deployment could be designed for cases where urgent assistance or flexibility would be needed – as some member states have already called for in the course of the current crisis.

## How can we help EU member states in need?

One way could be to establish a **clearing-house function** at EU level in order to have a clear picture of the national, bilateral, multilateral and regional initiatives. Additionally, the clearing house could gather requests from member states and forward them to entities which could offer support. The question remains open as to where this clearing-house function should be located; at the European Commission (e.g. DG HOME), the External Action Service (e.g. CMPD or EUMS) or one of the relevant agencies.

Another possible solution could be to refer to **Article 222 of the Treaty on the Functioning of the European Union**. The so-called 'solidarity clause' has a solid legal basis and covers natural and man-made disasters as well as terrorism (both prevention and consequence management). The procedure and structures for its implementation are in place and could be used immediately. The Union must mobilise all the instruments at its disposal, including the military resources made available by the member states.

## Conclusion

The abovementioned proposals were developed by experts from EU member states and the EU institutions in the margins of the panel discussion on migration, held at the Egmont Palace. The driving factor for implementing one proposal or another is political will. Legal obligations are man-made and can be changed in the same way as they were created. Solutions must bear in mind the humanitarian dimension of the migration crisis, European values and the European population eager to see results.



The root causes of the migration challenge must also be addressed, and better today than tomorrow. In general, the security situations in the countries of origin are not at the top of the list. There we find economic and personal reasons for migration. And one core element in addressing the root causes has to be education. Without giving young people in the countries of origin or transit a credible vision for their future, the migration flow will never end.

We have to act now and we have to be innovative in our thinking. The former Secretary General of the European External Action Service, Pierre Viemont, advocates

the same, saying it is *'time to be ambitious'*. Jean-Claude Juncker said in his speech that the next twelve months are the crucial time in which to deliver a better Europe. Therefore we are in need of

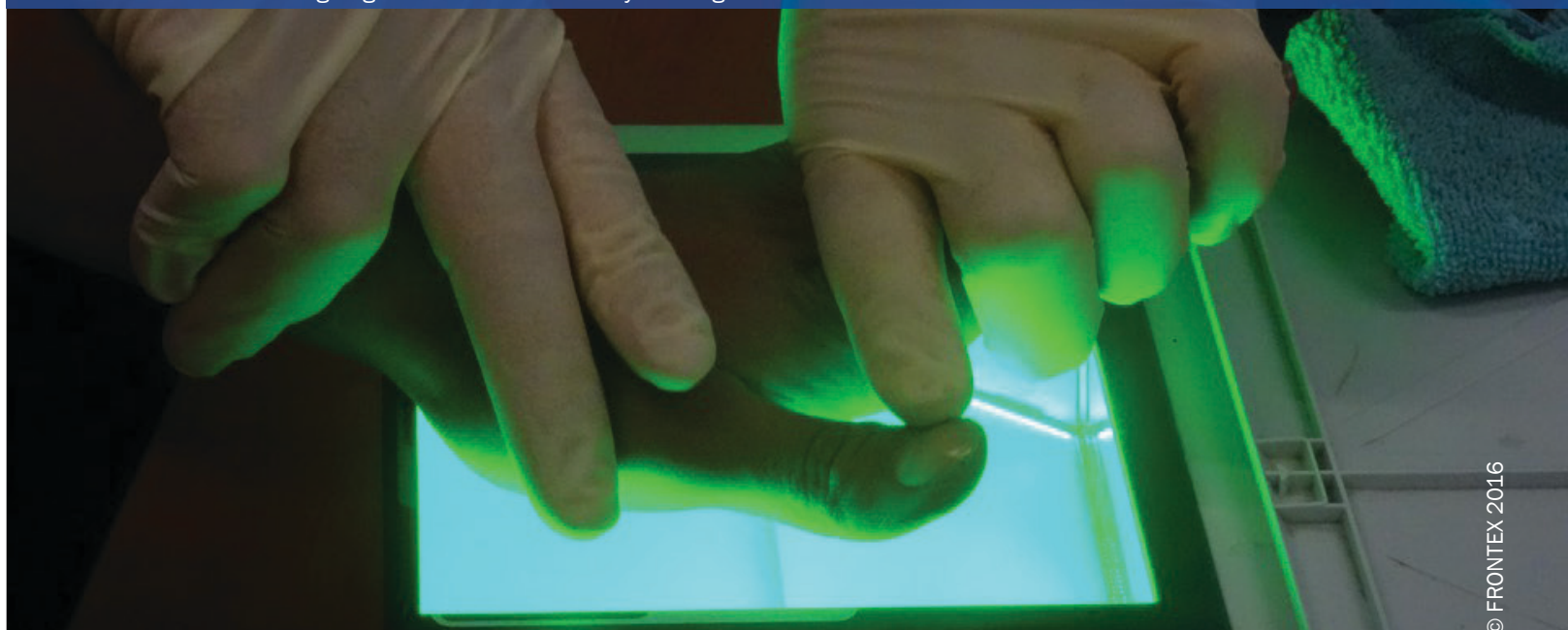
- *'a Europe that protects;*
- *a Europe that preserves the European way of life;*
- *a Europe that empowers our citizens;*
- *a Europe that defends at home and abroad; and*
- *a Europe that takes responsibility.'*<sup>10</sup>

9 Pierre Viemont: Migration in Europe. Bridging the Solidarity Gap. Carnegie Endowment for International Peace. Washington/Brussels, September 2016. p. 23. [http://carnegieendowment.org/files/Vimont\\_Migration\\_fulltext.pdf](http://carnegieendowment.org/files/Vimont_Migration_fulltext.pdf)  
10 Jean-Claude Juncker, p. 9.



Above: Soldiers of the Austrian Armed Forces are deployed to help with the influx of thousands of refugees. Their tasks include humanitarian aid as well as border controls.

Below: FRONTEX Officers in the Hotspots in Greece and Italy helping national authorities to determine the nationality of the incoming migrants in order to identify and register them.



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# OPENING REMARKS FOR THE PANEL DISCUSSION ON MIGRATION, 13 SEPTEMBER 2016

by Lieutenant General Günter Höfler, Military Representative of Austria to EU



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Excellencies, Generals, Admirals, Ladies and Gentlemen, dear colleagues,

May I welcome you to this panel discussion on migration, followed by a workshop here in the beautiful Egmont Palace in Brussels.

Since the summer of 2015, the European Union has been confronted with an unprecedented, complex and serious crisis which has affected more and more Member States. Thousands of refugees and migrants have tried to reach Europe.



At the beginning the Central Mediterranean Route was the main focus. Later on the refugee/migrant flow shifted to the Eastern Mediterranean - Western Balkans Route.

This refugee/migration crisis has increasingly acquired an internal and external dimension, influencing security and stability inside the European Union Member States, and it has become of increasing concern to our citizens.

The refugee/migration management has become a top priority on the agenda of many of our politicians, and is – besides terrorism – almost a daily topic in the media of the countries affected.

In 2015, more than one million refugees and migrants crossed the Austrian borders, and in 2015 alone Austria accepted approximately 100,000 refugee/migrants. While a few EU measures have been taken, CSDP measures have focused exclusively on the Central Mediterranean Route.

The continuously ongoing refugee/migrant flow has forced Member states, organised in regional co-operative partnerships such as the Central European Defence Cooperation (CEDC), to adopt national measures in order to reduce and slow down the refugee/migration flow. This has led to a cessation on the Western Balkans Route and earlier this year to an agreement between the EU and Turkey.

In principle, refugee/migration management is mainly the responsibility of civilian authorities, and of the EU institutions. But reality shows that civilian resources are often insufficient and very quickly reach their capacity limit. And we know that this crisis is not over yet, the problem is still there and it will remain.

Austria believes that we, the European Union, should mobilize all means and tools available by implementing a comprehensive approach, and this means including CSDP efforts. One of the primary goals should be to contain and control the refugee/migration flow towards the European borders.

Here we see **two approaches**, which may be further considered:

First, **measures at an EU level**. The core issue in this regard is the installation of a **civil-military mechanism** which will enable the EU to respond swiftly and adequately if an EU Member State or another country **in its immediate neighbourhood** is affected. From our point of view, this mechanism should contain **civilian, police and military capacities** that are held in readiness to be able to respond quickly and as the situation requires if the countries affected request support.

Second, **measures at the bilateral and sub-regional levels**. Austria, for example, is engaged in bilateral support for Hungary on efforts to secure the border between Hungary and Serbia and is active in the framework of the Central European Defence Cooperation (CEDC), proposing and implementing measures in the area of migration. In this framework, it would be useful to deliberate **how bilateral and sub-regional measures can be supported by the EU**, for example through the provision of reconnaissance, information, and financial and political support.

In principle, Europe, the EU Member States together, have strong military capabilities. They have to be used to protect our borders, our citizens and to assist the different organisations and institutions and mechanisms at EU level. The military has the structure, the potential, the equipment and the personnel ready at short notice to give support if necessary, but the task must be given by the political authorities.

I think we should change our mindset by using more military capabilities to tackle one of the biggest problems Europe currently faces. In this regard I want to refer to the new European Global Strategy which opens up and creates in the chapter “Security and Defence” possibilities to use military instruments for current and future challenges, both in an internal and in an external dimension.

If there is a transnational/cross-border problem/crisis, the citizens of the Member States affected will expect proper action by their authorities and at the same time by the EU institutions. **Europe’s capacity and solidarity when it comes to assisting Member States is being put to the test. Our citizens want clear, credible, sustainable and visible results; and they want them fast.**

The comprehensive approach is an acknowledged strength of the European Union. It can provide governance, assistance, training, capacity building and security; instruments which are suitable when it comes to dealing the refugee/migration challenges.

In this context CSDP is not the principal tool in the crisis management toolbox; but it is part of the toolbox. And CSDP is a Member States’ tool, which requires political decisions. These decisions are needed in order to use CSDP instruments to handle the refugee/migration crisis in Europe.

**But we need to be clear – proper action has to be taken now !**



# MIGRATION AND CSDP – A ROLE FOR THE MILITARY?

by General Mikhail Kostarakos, Chairman of the EU Military Committee





The *'halcyon days'* are over. What was described as a *'period of peace and stability unprecedented in European history'*<sup>1</sup> has been succeeded by times of fluidity, volatility, turbulence and instability. The security environment along Europe's eastern and southern borders has severely deteriorated. We live in challenging, or *'interesting times'*, as a well-known expression has it.<sup>2</sup>

The ongoing conflicts in our immediate neighbourhood and in the regions beyond have dramatically altered the security climate. Protracted conflicts, the collapse of state institutions, economic downturn, political, ethnic or religious persecution by authoritarian regimes or terrorist organisations, high rates of unemployment; each one of these reasons and their cumulative effects force millions of people to flee their homes, seeking shelter and a better life either in safer parts of their own countries or escaping abroad to an uncertain future. This exodus results in massive flows of refugees and immigrants, swelling the numbers of those already documented and expected. The enormous pressure suddenly placed on the EU's frontier Member States, namely Greece and Italy, tested the limits of the existing infrastructure and state institutions as well as the cohesion of those societies.

The phenomenon of migration evolved from a challenge to European countries into something dangerously close to the threshold of becoming a threat to the European Union, as the immense dimensions it suddenly acquired have put the Union's fundamental values, such as unity and solidarity, under enormous stress, or even called them into question. Consequently, it is inadequate to address migration as just a humanitarian crisis with internal (to the EU) dimensions whilst failing to acknowledge its external dimensions.

The European Union's response to this challenge encompasses all the unique characteristics of the Union: it is multi-level, multi-layered and multi-dimensional. It mobilises and uses all available policies and instruments. Therefore, the military instrument could not be absent. EUNAVFOR MED Operation Sophia is a well-designed, gradually evolving operation that builds experience and a knowledge base before proceeding to take on additional and more demanding tasks. Its mandate was recently extended until 27 July 2017, and two support tasks were added by the European Council, namely, training the Libyan Coastguard and Navy and contributing to the implementation of the UN arms embargo on the high seas off the coast of Libya. These additional tasks represent a move forward in EU military involvement in addressing

the migration challenge. The operation will continue to perform its original tasks, helping disrupt the business model of human smuggling and trafficking networks in the Southern Central Mediterranean and preventing the further loss of life at sea; tasks, that are arguably focused on managing and reducing the migratory flows, by elevating the risk factor for the smugglers.

The additional tasks, however, are of a different nature: they are aimed at capacity building and denying the various armed groups easy access to the means used to spread terror and chaos. This is an evolution in the military domain's contribution to tackling migration, moving from short-term managerial tasks to mid-term substantive ones. It is also an acknowledgement of the wide range of tasks the military can perform.

In the Aegean Sea, migratory flows reached unprecedented levels in 2015. The EU response was prompt and decisive. Although Germany and Greece turned to NATO for military assistance in order to manage the monitoring of these flows, this was largely due to the fact that it was necessary to involve Turkey, a non-EU NATO member. FRONTEX, already active in the Aegean, contributed to this effort, sharing its extensive experience with NATO. Nevertheless, it was the implementation of the EU-Turkey Statement that effectively put a stop to the continued flows.

Contrary to popular belief, Operation Sophia is not the sole EU military effort to address migration. It is the only executive operation and as such, it attracts the spotlight of publicity; and rightfully so. Each one of the lives saved in the waters of the South Central Mediterranean is a compliment to the humanitarian nature of the EU and underscores its determination to uphold its fundamental values.

At the same time, our training missions in the Central African Republic, Mali and Somalia continue to work quietly and methodically to strengthen the foundations of the local security institutions, making them modern and accountable. These very institutions will assume responsibility for creating a safe and secure environment for citizens and prepare favourable conditions for development to return to these countries. Building locally-owned capacity to provide sustainable security both locally and regionally is one, if not the most important, prerequisite for development to flourish. Success in this will remove some of the pressures that lie behind irregular migration.

From a military point of view, the next and most decisive step in tackling migration is to dismantle the smugglers' *'operational triangle'*<sup>3</sup>. From the starting point of just

1 Council of the European Union: The European Security Strategy. A secure Europe in a better World. European Communities, 2009. P 27.

2 *'May you live in interesting times'*, often referred to – mistakenly – as a Chinese curse.

3 A triangle composed of opportunity, capability and

denying the various criminal organisations and networks the opportunity to take advantage of *people in despair* and depriving them of some of their means, we focus on denying them exactly their precise *raison d'être*: the very existence of *people in despair*. To achieve that, we need to transform the vulnerable into *people with hope*. People who will no longer seek of ways to flee their country because they have no viable alternative there. People who will choose to stay and work to fulfil their dreams instead of setting out on a perilous journey with an uncertain end. This is a comprehensive approach from a military perspective to stem the current immense and uncontrolled migratory flows and return them to normal and manageable levels; flows that will be channelled through legal avenues mutually agreed and formally established between the European Union and the respective countries of origin.

The described end-state is revealing of the civilian-military dimension of the challenge. Our training missions

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intent. The removal of any side of the triangle is a deal breaker for the criminal operations. The initial stages of EUNAVFOR MED Operation Sophia obstructed the opportunity and capability sides of the triangle.

in Africa, in cooperation and in conjunction with other actors on the ground, be they EU civilian actors, the United Nations or others, contribute to the achievement of this very end-state. It is not an easy task and certainly not one with a foreseen end-date.

Through continuous monitoring of our performance and of local needs as they develop, we are able to make appropriate changes in order to remain as relevant and supportive of the overall effort as possible, within the limits of our mandates. The results achieved so far strengthen our persistence and our commitment to the objective.

The recently presented EU Global Strategy puts a new, totally justified emphasis on CSDP. The tools that will put flesh on the strategy's bones are mostly available. They need to be better applied, skilfully conducted, fine-tuned and complemented by additional tools in specific areas where a gap has been identified or an unforeseen need has arisen.

It has been argued that *'Common Security and Defence Pol-*



A SAR Operation conducted by Portuguese vessel off Lesbos as Part of the FRONTEX Mission Poseidon Rapid Intervention 2016



icy has come closer to the European borders<sup>4</sup>. This should not come as a surprise. The European Union's Security Strategy is explicit in stating that '[t]he European Union will promote peace and guarantee the security of its citizens and territory<sup>5</sup>'. CSDP missions and operations serve exactly this purpose, deployed at the heart of instability, addressing its root causes and mitigating the consequences before they reach the European borders.

Building upon the provisions of the founding Treaties, a deepened cooperation in the military domain among Member States will provide the European Union with an upgraded and more effective instrument in its toolbox, to meet the expectations of the European citizens and the objectives set.

4 Anne Bakker et al.: *A Stronger CSDP: Deepening Defence Cooperation*. Clingendael Report. January 2016. P 3. <https://www.clingendael.nl/sites/default/files/A%20Stronger%20CSDP%20January%202016.pdf>

5 European External Action Service: *Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign and Security Policy*. June 2016. P 7.



EUNAVFOR MED operation Sophia is but one element of a broader EU comprehensive response to the migration issue, which seeks to address not only its physical component, but also its root causes as well including conflict, poverty, climate change and persecution.





# MIGRATION: THREAT OR OPPORTUNITY?

by Dirk DUBOIS, Head of the European Security and Defence College



Arguably, few pictures in recent years have had as great an impact on the world's conscience as that of the drowned three-year-old, Alan Kurdi, washed up on the beach of one of Turkey's luxury tourist resorts. Whether his father was - as alleged - himself a human smuggler does not lessen the tragedy. It opened the eyes of the West to the humanitarian disaster caused by mass migration along our south-eastern borders. All of a sudden, migration became a huge media show with populist right-wingers and 'naïve do-gooders' opposing each other over what both sides call an 'unprecedented event', with both sides using the mass media to stir up emotions. Facts and figures rarely play a part in the debate.

## Migrant, asylum-seeker or refugee

First of all, is this an 'unprecedented event'? The truth is that migration has caused empires to rise and fall for as long as mankind has existed. From the end of the 16<sup>th</sup> century until at least the middle of the 20<sup>th</sup> century, mass migration from Europe populated the American continent and large parts of Oceania. The Roman Empire collapsed partly as a result of the pressure of migration. Is then at least the scale of the current crisis unique? In 2014, the number of refugees rose to 14.4 million. A further 5.1 million registered refugees are cared for in some 60 camps across the Middle East by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which was set up in 1949 to care for displaced Palestinians (source: UNHCR). In absolute numbers, we have never had as many refugees since the Second World War. However the world population has more than tripled in that period!

Both historically and currently, the reasons for deciding to leave one's country and family have rarely differed. The first reason falls into the category of 'the grass is always greener on the other side of the fence'. People migrate because they hope to find better economic conditions abroad, because they want to study in a different country, or to join their families who have already migrated to another country. Many of these people simply step on a plane with the necessary documents and start their new lives.

However one aspect has changed in the past decades: modern communications make it far easier to stay in touch with the 'old country'. That may be a good thing, but it also reduces the incentive to integrate into the new society. By listening to the news and watching what is happening on the internet, they maintain a far closer link with their home country, making them potentially vulnerable to nationalistic or religious propaganda.

Of course some migrants do not use official channels to reach their new country, but cross borders illegally. Nevertheless, this does not necessarily mean they are 'illegals', as populists like to call them. They are still entitled to their human rights, to protection against racism, random prosecution, etc., even if they entered the country illicitly. The only thing that is illegal in this situation are the human traffickers who make a fortune by exploiting the misery and hopes of these migrants.

Refugees are a special category of migrants consisting of those who have been forced to flee their country due to persecution, war, or violence. They have a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group. Most likely, they cannot return home or are afraid to do so. War and ethnic, tribal and religious violence are leading causes of refugees fleeing their countries (<http://www.unrefugees.org/what-is-a-refugee/>). Note that there is a subjective element in this definition. There is no need to prove real persecution, a well-founded fear suffices. After fleeing their country of origin or residence, and until another country agrees to protect them, these people are called asylum-seekers. Once protection is granted by another country, they obtain the extra protection granted by the 1951 Convention Relating to the Status of Refugees, the additional Protocol of 1967 and the Resolution 2198 (XXI) adopted by the United Nations General Assembly<sup>1</sup>. The cornerstone of this treaty is the principle of 'non-refoulement', whereby refugees may not be sent back to a place where they would be in danger.

The special status of refugee is by definition a temporary one. The convention provides for a number of reasons to end the protection afforded by this special status. One of them reads: *'He can no longer, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality'*<sup>2</sup>. Or in other words: when his country of origin is again a stable and secure place, the person ceases to be a refugee, since he need no longer fear persecution. This is often forgotten by pressure groups, who believe that someone who is well integrated into our society should not be sent home. However the degree of integration is immaterial, e.g. when the person has deliberately chosen not to acquire a new nationality, which is another reason cited in the treaty for ending the status of refugee.

1 See UNHCR: Convention and Protocol relating to the Status of Refugees. December 2010. <http://www.unhcr.org/3b66c2aa10>

2 Convention and Protocol. P 15.

## The economic implications of migration

Further discussion is needed on the economic implications of migration and refugees. On the one hand, economists point out that vast numbers of immigrants will be needed in Europe to keep our economy afloat in the long term, while on the other hand, populists vilify immigration with their chants of ‘These migrants are taking away your jobs! They are undermining our social security!’

Here again, the truth can be difficult to discern when emotions run high. It is true that some migrants do indeed enter the job market and take jobs. On the other hand they also create jobs for others, become self-employed, pay taxes and contribute to the social security system.

It is up to the politicians to find the right balance. One former senior official working for the Belgian immigration service once said: *‘to be able to be generous, you have to be very strict’*. In other words, you cannot afford to hand out money unconditionally, you can only give special protection to those who really need it. Human rights treaties<sup>3</sup> grant certain rights to refugees and to migrants in general, but there are no rules as to how that protection should be provided. Paying cash to migrants simply attracts more migrants, as we have seen in the way some migrants ‘shop’ for the best benefits. As soon as the rules in one EU country are tightened, migrants and asylum seekers head for other, more profitable countries.

So while on the one hand, we need immigrants to keep our economy growing in the midst of a declining population, on the other hand we need to keep the immigration rate at a sustainable level. One way of doing that is to create conditions in the country of origin under which the benefits of migration do not outweigh the risks. In other words, create a safer and more prosperous neighbourhood for the EU, including in sub-Saharan Africa and the Middle East. Another approach to be considered is to reduce the population explosion in those regions. By experience we know that is best achieved by educating women and girls so that they can take control of their own lives. However, here we hit cultural boundaries and resistance. Would today’s problem be as large if we had invested the money we now spend to keep migrants out on development and education?

<sup>3</sup> See in particular the European Convention on Human Rights as amended by Protocols Nos. 11 and 14 and supplemented by Protocols Nos. 1, 4, 6, 7, 12 and 13. [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf)

## The values trap

The biggest challenge posed by migration is that we lose out of sight the values we have promoted for so long. Human rights, freedom of movement, freedom of opinion, religion and of speech, the right to a fair trial, all of these values which we claim to be corner stones of our Western civilisation are being questioned. Why? Because of a relatively low number of radicalists that have abused the migration flows to attack us on our own soil? Or is it rather because it suits the agenda of some politicians to create fear and undermine civil liberties in order to get more power?

If we throw away our civil liberties because a small number of hot-heads attack our system, we have already lost. Creating a police state is not the correct answer. In my personal view, too many people gave their lives last century to stop this kind of thinking for us to go down that path ever again! You cannot at the same time claim moral superiority of the West and deny basic rights to all other nationalities!

## Conclusion

The migration issue is not unprecedented, but it is highly mediated and therefore politicised. The European Union is still hugely attractive to people from outside. It is and remains a prosperous and peaceful area with huge economic opportunities. The number of refugees and migrants is however a challenge to handle and to integrate. On the other hand, we also need a good number of these refugees to keep our economies on track.

The real challenge is to regulate the migration flow by better using our resources at EU level. We have to offer migrants, including refugees and asylum seekers, the opportunity for a better life, preferably in their region of origin. That way, they will not take uncalculated risks to come here. We have to avoid raising unfounded expectations. A good way to do this is to send information teams to the country or region of origin to tell people what they can and cannot expect. If we achieve that, we can be liberal in our support to the real refugees, those who have to fear for their lives.

At the same time, we need to give the migrants who can be objectively useful to our economies the opportunity to safely and legally enter our part of the world. However, just as certainly, an unregulated flow of migration may just topple our way of life, just as surely as it helped cause the demise of the Roman Empire. This is a balancing act that we simply need to get right.



In 2015, EU+ countries recorded 1 392 155 applications for international protection (or 2 676 applicants per million inhabitants). This is the highest level recorded since harmonised EU-level data collection began in 2008.

Repeated and first-time applicants in the EU+, 2011-2015

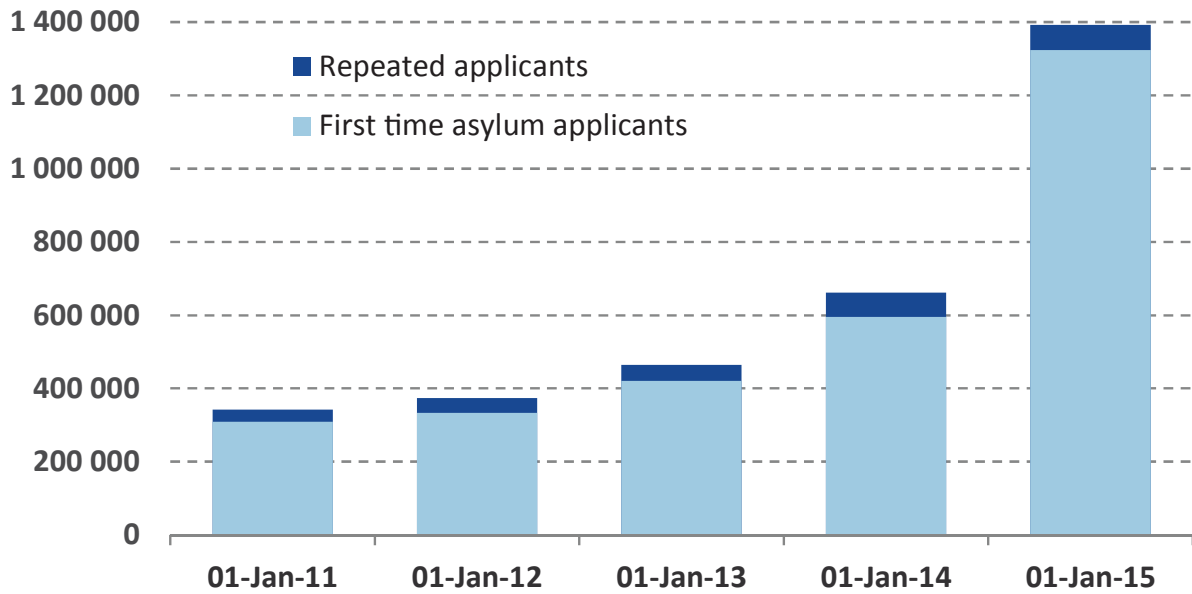


Figure 1: Applicants in the EU+ doubled in 2015 compared to 2014

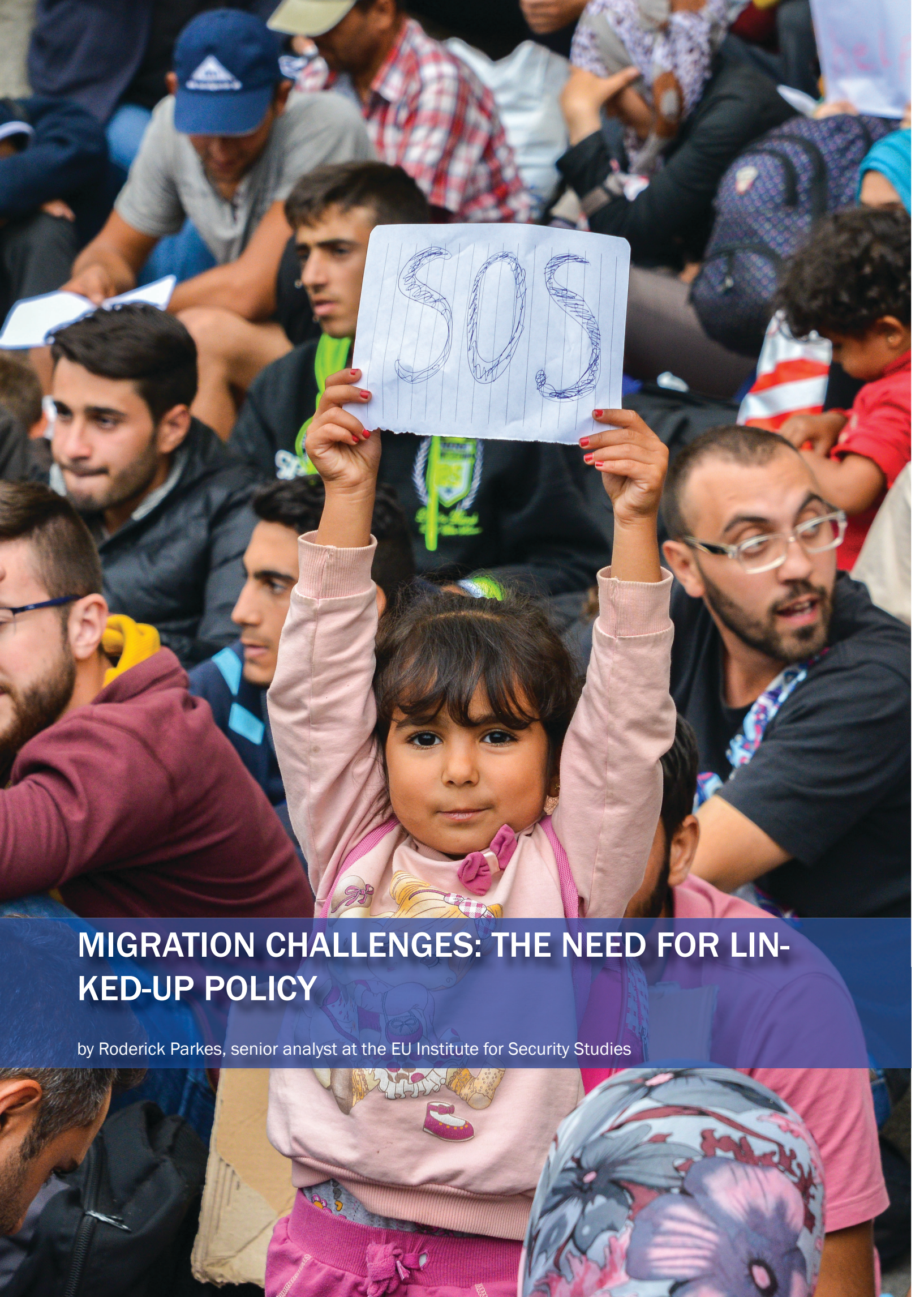
Source: Annual Report on the Situation of Asylum in the European Union 2015; p. 10f



Clashes with migrants at the Greek-Macedonian border, November 28, 2015, near Idomeni, Greece

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# MIGRATION CHALLENGES: THE NEED FOR LINKED-UP POLICY

by Roderick Parkes, senior analyst at the EU Institute for Security Studies



Looking ahead to 2017, most migration analysts paint a gloomy picture. They predict the failure of the full range of migration policies which the EU has put in place across Africa and Eastern Europe over the last two years: they envision massive flows of people fleeing the fighting in Ukraine; they foresee an increase through Libya of people fleeing violence in, say, Gabon or Nigeria; they almost uniformly expect the EU-Turkey deal to collapse, with Ankara flooding the Aegean with migrants; and they believe the Western Balkans will become a migration buffer-zone, with migration flows destabilising the region, with some states fragmenting (Bosnia and Herzegovina) whilst others eye expansion (Albania, say).

In other words, they expect 2017 to be a kind of '2015 redux', in which the weakness of the EU response is unmasked. Some of their predictions may even prove correct. But consider this trickier scenario: what if the measures the EU put in place in 2015-16 more or less hold? In that case it is the unexpected consequences of these small successes which should concern us. The EU has begun the laborious process of linking up its policies for migration, defence and foreign affairs over the course of the last two years. But the EU's 'forward defensive posture' is only half done, and there are all sorts of inconsistencies and weaknesses. In order to give you an idea of the kinds of complex problems we might face from our partial successes, consider the following five mini-scenarios.

#### **Five mini migration scenarios for 2017: the problem with success**

**Scenario 1:** Let's begin in the Horn of Africa and Eritrea, the source of much migration to Europe. By 2017 the EU has, let's say, succeeded with some of the goals of its Khartoum Process, and Asmara has relinquished its oppressive conscription policy, and has stopped extorting money from citizens who escape to Europe. The effect of the EU's success? Chaos: the regime in Eritrea, by circumscribing army service, has created a pool of underemployed young men. The loss of revenues from the European diaspora has deprived the regime of a financial lifeline. And foreign investors, previously attracted to Eritrea by the promise of unpaid labour from army conscripts, are pulling out. Tensions grow across the region, as borders are militarised. People undertake ever more risky migrations: young Eritrean migrants en route to Europe cannot face returning to families who depend on them, and take the deadly journey north. Their families back in Eritrea have stopped getting any information from them (have they drowned?) and risk the journey themselves.

**Scenario 2:** Next, go north-west to North Africa and a small port town on the Egyptian coast. Let's say that, by 2017, the EU has achieved some success in the region. In

Libya, for example, the EU naval mission has, against the odds, succeeded in pushing on land and is creating order in this ungoverned space. Working smoothly with FRONTEX, the EU mission has begun training the coastguard. It has resurrected the maritime radar system destroyed by NATO bombs five years ago, and it has returned the Libyan Coastguard vessels impounded in Italy. And the effect of the EU's success? The displacement of migration routes. The thousands of Eritrean, Nigerian or Malian migrants sitting in Libya now seek alternative routes to Europe. Tunisia and Algeria militarise their borders, effectively pushing the migrants into Egypt. Cairo refuses to share information with the EU about the growth of smuggling networks in its port towns. Together with Sudan – another notoriously tough negotiator – Egypt is using the uncertainty to squeeze huge concessions from the EU to control migration flows.

**Scenario 3:** Now Ankara. Throughout 2017, and despite all the gloomy predictions, the EU-Turkey deal has held. Despite a small but steady increase in the numbers of migrants coming through the Aegean after the attempted coup, the flows are manageable. So another success. But why is the deal holding, and what are the effects? Reports from Turkey in early 2017 suggest that Ankara is keen to begin integrating the Syrian refugees into Turkish society, but out of self-interest. For the governing AKP, Syrians are useful tools for ethnic engineering (the government is relocating Syrians to Kurdish areas) and electoral engineering (it is turning the refugees into a loyal future clientele for the party). All this does not prevent Ankara demanding its pound of flesh from Europe for keeping the migrants under control: Erdogan wants the return of political refugees from Europe. He wants visa freedom, but principally for the naturalised Syrian refugees. He cracks down on official Turkish passport holders, who would normally be the first to benefit from the new freedom.

**Scenario 4:** Now let's go to a busy border-crossing point between the EU and the Western Balkans. In 2017, the EU has succeeded in maintaining the visa-free relations with its Western Balkan neighbours. It has unblocked the backlogs of traffic which appeared in 2015-2016, not least thanks to the introduction of smart, new automated border systems. But, on an otherwise uneventful afternoon, a man is caught at the border smuggling a small amount of radioactive material into Europe. He is caught, moreover, not by any clever new smart border system but by old-fashioned racial profiling, of the kind the EU has been trying to stamp out amongst border guards. The amount he is carrying is so negligible that it would not show up on any of the clever new scanning systems. Nor, indeed, would it make a very effective dirty bomb. But he knows that the fear of radioactivity would have been enough to put people off travelling through

the major international airport which was the intended target of his terrorist attack.

**Scenario 5:** Last stop: the main square of a major city in the heart of the EU. In 2017, the EU has – say - succeeded in launching a major programme here to help Syrian refugees return home voluntarily. The programme is taking advantage of the peace process in place in Syria. The European media features photographs taken at the local airport: they picture the same young Syrian men who arrived en masse in 2015 now queueing up at the check-in desk. But then the journalists begin asking the obvious question: where are the women and children? It turns out the young male returnees are leaving behind in Europe the wives, children and elderly family members who joined them in the course of 2016. The young male breadwinners will return to danger zones in Syria and Iraq, whilst their families remain in safety. As this becomes known, European citizens take to the streets to protest in favour of a more forceful returns policy. At the same time, the US and Russia begin to complain about the destabilising influx into Syria of all these young men from Europe, and demand that the EU divert resources from the migration crisis to Syrian reconstruction.

### 4-3-2-1: Europe's real roadmap

These mini-scenarios illustrate well the need for a linked-up policy approach. This would allow the EU to maintain a proper 'forward defence' when it comes to migration, and to close many of the gaps and inconsistencies which its emergency response has created over the last year. The goal for the EU over the next 12 months thus has to be to turn any short-term successes and stop-gap solutions into a coherent long-term response. But, as so often in the EU, the debate about how to link up policy tools is rather more advanced than the question of why and the question of what the goal of our policies might be. Today, we in the EU have all sorts of roadmaps in place for linking migration management with CSDP, trade, development and diplomacy. But the destination of these roadmaps is unclear - the guiding rationale for these 'comprehensive' or 'joined-up' policy approaches tends to be nothing more than a set of fluffy values and principles which are supposed to provide some sort of long-term compass for desk officers and practitioners.

It would be customary at this point to end with a vague call for ministers to provide political leadership on migration and border affairs. But let me do you the courtesy of providing some thoughts on what that leadership might entail: Why not, at least for a moment, go back to that notion of a 'roadmap', because this is no abstract thing: we really are dealing with the map of Europe. The Schengen project fundamentally rewrote the map of Europe, thanks to its advanced toolbox for border management. Schen-

gen made border management a dull technical affair – a real achievement in this highly political field. But Schengen's main legacy today is the gap it has created between home affairs technicians, who still define border standards, and the diplomats and defence ministers who deal with the growing geopolitical fallout. Border and migration management is a geopolitical again, with a proliferation of buffers, barriers and population movements. So if we're talking about a 'joined-up policy', then it is worth closing that gap between our home affairs technicians and our geo-strategists.

We again live on a continent where political divisions take on actual physical form. Put another way: if Europeans are politically divided over how to manage issues of migration and border management, then this will leave a physical mark. Already, the citizens of one EU member state have voted to 'take back control of their borders', and more divisions will surely follow. If we zoom out a bit, we can see how these mini-scenarios might begin to impact on the map of Europe and its near abroad. Consider this last scenario, the so-called '4-3-2-1 map' of a divided Europe, and then consider how to prevent it from materialising

In 2017, the broader map of Europe splits four ways: to the West, there is the Schengen area (now deepened in order to give tanks and troops freer movement to frontline states), to the East the Eurasian Economic Union (where Russia leverages the remittance-dependence of its neighbours to bind them to it), to the South a MENA region that is increasingly border-free and lawless; and, throughout, there is a scattering of buffer zones such as the Western Balkans.

In place of the EU's common border regime, there will be three competing EU border systems: a regime for the EU's hard maritime southern border with the Mediterranean designed to keep out the millions of migrants amassing in North Africa; an eastern land border designed to permit only local mobility between neighbours like Ukraine and Poland; and a north-western regime for dealing with the flow of high-skilled labour into the air hubs of Frankfurt or Charles de Gaulle.

The EU divides two ways around competing refugee regimes: northern member states use the EU system to spread their refugee standards southwards, and southern member states seek material support from when it comes to asylum processing, with no strings attached.

And the EU's free movement of labour system gains a single hard core of Eurozone states, looking for a safety valve for youth unemployment, whilst non-Euro members make their own arrangements.



## Five mini migration scenarios for 2017

**Scenario 5:**  
European Union


**Scenario 4:**  
Western Balkans

**Scenario 3:**  
Turkey

**Scenario 2:**  
Egyptian coast

**Scenario 1:**  
Horn of Africa and Eritrea





**CHAPTER 2:**  
**Food for Thought and  
Declaration**



**DE/NL Food for Thought-Paper****Tapping the full potential of CSDP in the field of migration**

At FAC on 12 October, Ministers discussed the external dimension of the ongoing migration crisis over lunch. Ministers identified three priorities: the common control of external borders, the establishment of a registration mechanism and returns / readmissions. Relevant Council conclusions were adopted. They explicitly refer to CSDP as an important tool of the external dimension of the EU migration policy.

These references clearly show that there is no systematic approach to the use of CSDP in the field of migration. Furthermore, the use of this tool remains far beyond its potential. However, we need a realistic approach on what CSDP missions can do in the field of migration - and what they cannot achieve. In particular, it must be clear that CSDP missions are a crises management instrument and not a long-term programme. CSDP is an important element and, at the same time, only one part of an overall and comprehensive approach.

A thematic **Political Framework for Crisis Approach** (PFCA) on the causes for migration and on options of how to deal with it could be a useful next step – the discussions we had over the last weeks and months demonstrated our lack of proper understanding who is doing what by which means aiming at which specific objective. Furthermore, the EU's toolbox is vast. We need to grasp a better understanding when and where we should make use of our specific instruments. Therefore, we would like to task the EEAS and the COM to prepare a thematic PFCA on key migration routes. Such a PFCA should be built on earlier work and PFCAs, and could look into potential options for additional regional initiatives.

Against this background this paper aims at providing some thoughts on how CSDP missions could be developed further in order to become an essential pillar of the EU migration policy. In order to give migration aspects more relevance in CSDP, the following steps should be taken: (1) reinforcing existing training and capacity-building activities; (2) broadening permanent regional presence in order to gain a better overview on migration developments; (3) enabling partners; and (4) establishing a horizontal CSDP migration mission.

**1. Reinforce existing missions with migration instruments (EUCAP Sahel Niger, EUCAP Sahel Mali, EUBAM Libya, SOPHIA)**

- CSDP Missions have encompassed a variety of approaches and tools for crisis management and stabilization. They range from the training of security forces and the support for the rule of law, to the provision of a military or civilian presence to safeguard elections or to monitor border arrangements and ceasefire agreements, to the fight against piracy or other forms of organised crime.
- Tackling migration is a complex task. Starting from mitigating the causes of migration in the countries of origin, to the destabilizing challenges faced by transit countries when trying to separate legal from irregular migration up to managing our European borders responsibly.

13 November 2015

- Through CSDP, we have started in the countries of origin and transit by adapting EUCAP Sahel Niger and preparing to adapt EUCAP Sahel Mali. We are working on the European borders through SOPHIA. Even though the future of EUBAM Libya is at the moment uncertain, a reactivation would perhaps also offer possibilities.
- In order to reinforce our CSDP tools existing relevant CSDP missions should be evaluated. If and where appropriate, mandates should be broadened in scope. For instance, it might be useful to enlarge the field of activity of an existing mission to new activities in order to make the performance more effective in the field of migration. We should consider increasing resources by enlarging training programmes in order to maximize the missions' impetus.

## **2. Multiply regional permanent CSDP presence (“satellite”) and regional centers (“Model Agadez”)**

- **Broadening the CSDP network:** The CSDP Mission EUCAP Sahel Niger has already been adapted and now includes a permanent presence in Agadez, which is primarily responsible for gathering information on migrant routes and relevant actors. It should be thoroughly evaluated to what extent establishing additional “satellites” could be a way to enlarge the permanent CSDP presences in West Africa.
- **Creating synergies:** Under the chapeau of the European Commission migration in Agadez (a migration hub in Niger) is being addressed by a regional multi-purpose centre, which is a pilot case for possible other regional centers planned by the EU. The multi-purpose centre is a project of the European Commission. It is due to be up and running by summer 2016. It builds on existing structures of the IOM (International Organization for Migration) in Agadez and works in close cooperation with UNHCR. The multi-purpose centre primarily aims at informing migrants about the risks of and possible alternatives to irregular migration. It also seeks to provide emergency help / shelter for refugees and to facilitate voluntary returns to countries of origin. It does not, however, accept or process asylum applications. In order to create additional impact both the “satellites” and the COM multi-purpose centres should join forces in the spirit of the comprehensive approach.

## **3. Capacity building in Support of Security and Development (CBSD) as instrument for migration management**

- With a view to potential added value of CBSD for migration management and integrated border management, CBSD should be mainstreamed into the mandates of relevant CSDP missions and operations, as well as in EU country or regional strategies including by fostering the role of EU Delegations in this regard.
- In this sense, we strongly urge the EEAS and the European Commission to take forward the Joint Communication “Capacity building in support of security and development - Enabling partners to prevent and manage crises” and to increase efforts for its concrete implementation.

13 November 2015

- The Council Conclusions on CSDP of May 2015 and EC Conclusions of June 2015 set forth next steps on a joint policy approach. We reaffirm the implementation process outlined in the CSDP Council conclusions, including in view of the FAC in November, and the need for coherent, well-coordinated and systematic implementation of all components of CBSD.
- We note the importance of continuing to follow the “learning by doing” approach, also with regard to cooperation with partners for migration and integrated border management.

#### **4. A horizontal CSDP Mission with new tasks to tackle migration**

- The migration flows towards the EU call on all actors to act in a comprehensive fashion. The European Commission, FRONTEX and all classical border management actors are undertaking a massive effort. For CSDP to play a bigger role it would need to be able to respond quickly and with a range of capabilities in a wide region of origin and transit countries. It would need to do this in very close cooperation with the relevant internal agencies and with the EU delegations on the spot. If we are innovative and think outside the traditional CSDP box we can explore and develop new ways of making best use of CSDP in this context, building on the frameworks for cooperation that already exist with FRONTEX and EUROPOL.
- In this light, we should explore whether a horizontal CSDP mission specifically for migration issues, with its HQ in the EU itself, could serve to rapidly deploy expertise to third countries to assist in analyzing and addressing specific issues that affect migration flows into the EU. This may also be a useful mechanism to respond to requests for support from third countries, for example as part of the outcome of the Valetta summit.



**Declaration of the CEDC-countries,  
plus  
Republic of Macedonia, Republic of Serbia, Montenegro**

**„Options aimed at supporting migration management with a special focus on  
the protection of the EU’s external border and on humanitarian aid“**

We, the Ministers of the Defence of the Central European Defence Co-operation (CEDC), together with our colleagues from the countries of the Western Balkans, participating in the Defence Ministers’ Meeting held in Vienna on 1 April 2016 and having involved Germany and Greece through consultations,

- Recalling the efforts envisaged for a common EU solution for the current migration crisis as elaborated in key policy documents;
- Underlining the fact that the Greece border represents the external border of the EU which automatically means that border protection has to be defined as a common task to be executed by the EU;
- Sharing the understanding that a determined and coordinated approach is necessary to bring about the permanent cessation of irregular migration flows along the Balkan route, to disrupt the business model run by human smugglers, and to guarantee the protection of the external borders;
- Emphasising the important role of Macedonia and acknowledging the efforts made by Greece with regard to the management of migration flows;
- Taking into consideration the EU perspective of the Western Balkan states, which is strongly supported;
- Recognising the need to use all relevant available resources, including those within the framework of the Common Security and Defence Policy (CSDP);
- Strictly observing the rules of international law, national law and EU legislation while doing so;
- Sharing the understanding that a strong and capable FRONTEX as well as other relevant EU agencies are crucial for an efficient protection of the EU’s external border;
- Taking note of the statement depicted in the Dutch-German Food-for-Thought paper „Tapping the full potential of CSDP in the field of migration“ which advocates the implementation of a horizontal CSDP mission to tackle migration;
- Reaching agreement on the appropriateness of providing – on a voluntary basis and in compliance with national legislations – support to the protection of the EU’s external border, employing both civil and military capabilities, to temporarily augment broader EU efforts;

agreed in the context of migration crisis



on the following principles and measures:

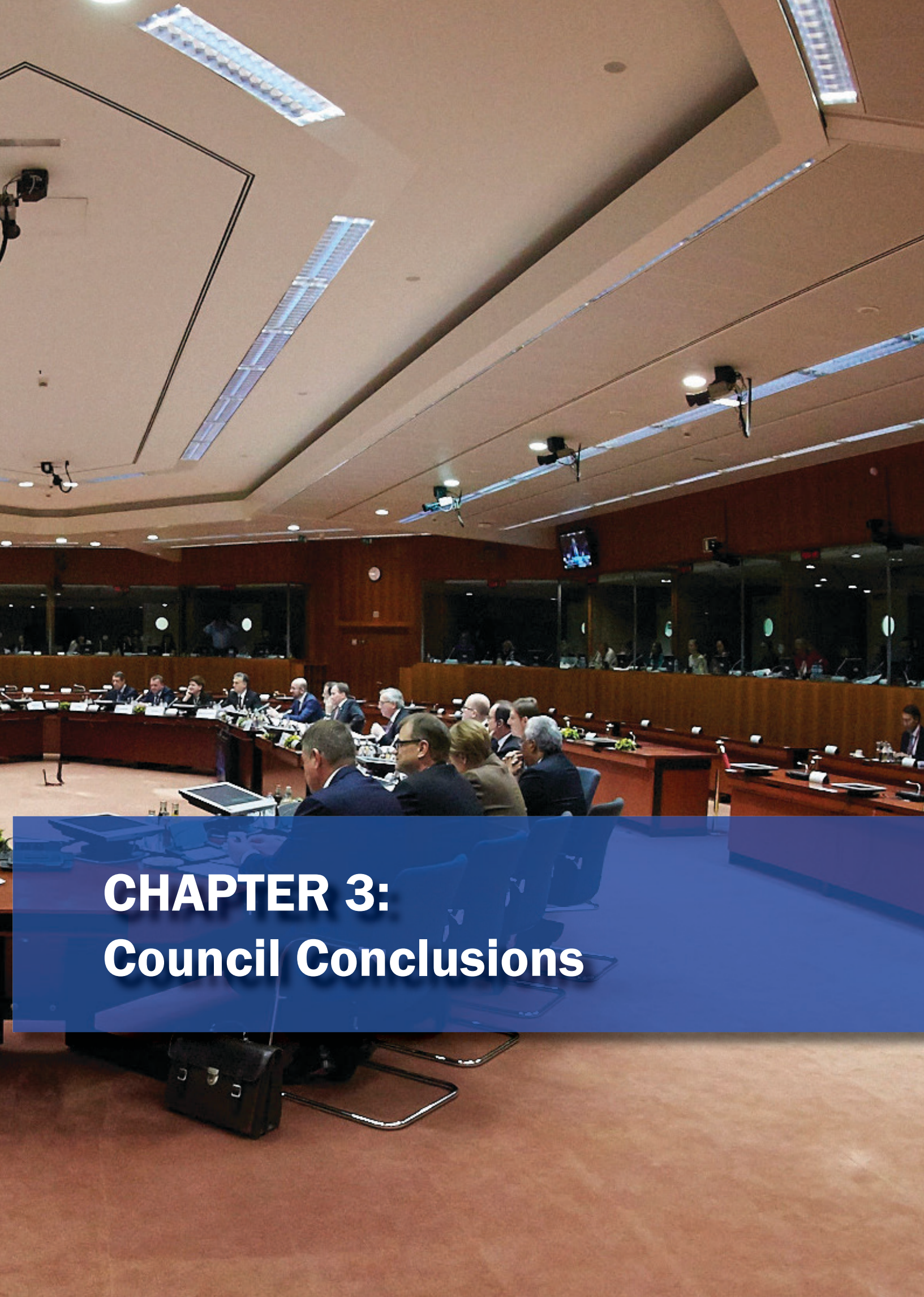
- 1) Our utmost goal is the efficient protection of the EU's external border. In order to achieve that aim an effort to provide military support (personnel as well as equipment and materiel) might be required.
- 2) The irregular migration flow in South East Europe has to be permanently stopped and the routes have to remain closed.
- 3) We express our willingness to offer a joint and coordinated response by providing – on a voluntary basis and in compliance with national legislations – support to the protection of the EU's external border, employing both civil and military capabilities, to temporarily augment broader EU efforts (e.g. by establishing a civil-military bridging mission).
- 4) If a country affected is about to reach its capacity limit in providing humanitarian support for migrants, the signatory states of this declaration will - upon request, on a voluntary basis and under the control of the respective civil authorities – provide material assistance and/or operational civil-military support. That applies in particular for Macedonia, but for other South East European countries as well in case the migration routes shift.
- 5) Provision and exchange of intelligence information will be intensified in order to support the assessment of the development of migration flows and their respective potentials and also to combat terrorist activities. In addition, special emphasis will be placed on the registration of unaccompanied minors (including the acquisition and storage of biometric data).
- 6) The EU Commission is encouraged to carry out intensified negotiations regarding readmission agreements with third countries. CEDC States will offer active support for the implementation of such readmission operations - according to the respective national legislation and resources available.
- 7) The use of military assets, including the use of military transport aircraft, could be regarded as an important element of a comprehensive repatriation programme.
- 8) The importance of NATO's maritime activity in the Aegean Sea is recognised and NATO will be invited to share its expertise gained from that activity and also to effectively support CEDC measures wherever appropriate and possible.
- 9) Implementing a suitable "Clearing House Mechanism"  
The overriding aim is to provide an overview of the requirements of the Western Balkan states affected in order to meet their demands in a transparent way while, at the same time, avoiding duplications. In addition, lessons learnt and experiences made from current missions on the territories of the countries involved (incl. assistance operations) should be shared.

As the current CEDC presidency Austria will initially assume a coordinating role. Austria will keep the EU and multinational partners informed about progress being made and integrate them into further activities.









# **CHAPTER 3: Council Conclusions**



## Council conclusions on migration

1. The Council supports an active, comprehensive and geographically balanced EU external migration policy in accordance with the European Agenda on Migration and European Council conclusions of 25 and 26 June. A broader foreign and security policy approach is essential to strengthen cooperation with countries of origin and transit aiming at addressing root causes of and preventing irregular migration, including smuggling and trafficking, protecting persons in need of international protection, respecting the right to seek asylum, ensuring effective return and readmission, and maximising the development impact of well-managed migration and mobility. This requires working more closely with partners to stabilize fragile countries, tackling conflict, political violence, human rights violations, dire socio-economic situation and lack of good governance which fuel irregular migration and forced displacement. Such cooperation must be based on dialogue, ownership and shared responsibility.

2. Accordingly, the Council welcomes preparations for the Valletta Summit on 11 and 12 November, in close cooperation with African partners, and the high level conference addressing the pressing challenges of the Western Balkans route, taking note of the Hungarian offer to host this conference in Budapest. It will further contribute to the ongoing preparation of these meetings at its next session, following an update from the High Representative. The Council welcomes ongoing contacts and high-level dialogues with key partners on migration issues, including the recent meeting of the High Representative with the Foreign Affairs Ministers of the G5 Sahel. The Council also recalls its decision to step up cooperation with key countries and regional and international partners, including the UN, along the major migratory routes. It underlines the role EU delegations and Member States' missions play in presenting EU migration policy and enhancing cooperation on these matters.

3. The Council reiterates that migration priorities should be further mainstreamed into relevant European Union instruments and policies, including in the framework of the development and European neighbourhood policies. Coherence and synergies between different policy fields, such as Common Foreign and Security Policy/Common Security and Defence Policy, justice and home affairs, human rights, development cooperation, trade and employment, is key. It also stresses the importance of adequate funding with a view to ensuring the effectiveness and sustainability of the implementation of relevant policies. The impact that migration has on the EU and countries of origin, transit and destination needs to be adequately reflected and addressed in the implementation of the European external policy.

4. The Council notes that the implementation of a comprehensive migration policy is a joint undertaking and shared responsibility for EU institutions and Member States. The Council is ready to work together with the High Representative and the Commission in their efforts to carry forward a more active, comprehensive and effective external migration policy of the European Union.

5. It calls on the High Representative and the Commission to report back to the October Foreign Affairs Council with concrete proposals to support the implementation of the external dimension of the European Agenda on Migration, taking into account the European Council statement of 23 April and its conclusions of 25 and 26 June, and ensuring coherence between internal and external policies to best effect.

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PRESS RELEASE

789/15  
09/11/2015

## Council Conclusions on Measures to handle the refugee and migration crisis

The Council, in full cooperation with the Commission, having in mind the necessity to safeguard the functioning of the Schengen area and to reduce migratory pressures, agreed the following measures to implement fully the orientations already agreed by the European Council and the Council in compliance with EU

*acquis*

. It decided:

1. to encourage Member States and relevant third countries to intensify ongoing efforts to substantially increase reception capacities, for which the Council welcomes rapid identification by the Commission of additional financial support for affected countries and for the UNHCR;
2. that the establishment of hotspots in Italy and Greece will be intensified, with support of the Member States, the Commission, Frontex and EASO, so that all of these function by end of November 2015 as previously agreed;
3. that all participating Member States will speed up the relocation process, notably by communicating their capacities for first relocations and by nominating as appropriate relocation liaison officers to Italy and Greece, preferably by 16 November 2015. In parallel, Italy and Greece will substantially accelerate the preparatory steps necessary for relocation. The Council and the Commission support Italy and Greece in their decisions to register migrants before further handling their case on the mainland, in particular with Eurodac machines provided by Member States. Member States endeavour to fill by 16 November 2015 the remaining gaps in the calls for contribution from Frontex and EASO, which will simplify the profiles required and the appointing procedures;
4. that Member States, with the full support of the Commission and Frontex, will substantially improve the return rate. Member States should also provide return experts for the pool of European Return Liaison Officers for rapid deployment;
5. that Member States, to overcome the potential lack of cooperation of migrants as they arrive into the European Union and while fully respecting the fundamental rights and the principle of non-refoulement, will make use of possibilities provided by the EU *acquis*, such as (1) asylum procedures at borders or transit zones; (2) accelerated procedures; (3) non-admissibility of subsequent asylum applications by the individuals concerned; (4) coercive measures, including, as a last resort, detention for a maximum period necessary for the completion of underlying procedures. In addition to existing guidelines on systematic fingerprinting, the Commission is invited to issue, in cooperation with EASO and Frontex, further practical guidance on the consequences of the registering obligations in the light of the Dublin rules, the relocation decisions and the international readmission obligations.

Furthermore, the Council agrees to explore the concept of processing centres in countries where the hotspot approach has not been implemented, supported by the Commission and relevant EU agencies, in order to organise access to international protection and/or for the purpose of return;

6. to fully support the Commission in pursuing contingency planning of humanitarian assistance for the Western Balkans, in light of the approaching winter. The Union civil protection mechanism should be used to the maximum possible extent. The Council encourages Member States to provide further assistance through this mechanism;

7. as regards controls for entry and exit at external borders, to assist the Member States concerned in respecting their legal obligation to perform adequate controls, to manage and to regain controls of the external borders and increase coordination of actions relating to border management. This will involve a range of supporting measures by Frontex, gradually extending, as necessary, to the deployment of Rapid Border Intervention Teams (RABITs) in accordance with EU rules;

8. to support the upscaling by 1 December 2015 of the *Poseidon*

Sea Joint Operation in Greece within the current operational plan;

9. to conduct at the December Justice and Home Affairs Council, on the basis of the 8<sup>th</sup> bi-annual reporting by the Commission, a thorough debate on the functioning of the Schengen area (1 May 2015 - 31 October 2015) and on the lessons learned from temporary reintroductions of controls at internal borders;

10. to invite Europol to accelerate the establishment of the *European Migrant Smuggling Centre* (EMSC) to strengthen its capacity to support Member States in better preventing and fighting against migrant smuggling. The EMSC will encompass the Joint Operational Team (JOT)

*Mare*

initiative and further extend Europol actions

, including with a focus on the Western Balkans area, in close cooperation with all relevant EU agencies, and in particular Frontex and Eurojust. The swift and effective deployment of officers at the hotspots on key migratory routes should be a component of this approach;

11. to invite Member States, in coordination with the Commission, to set up by 1 December 2015 a network of single operational contact points on migrant smuggling, as set out in the EU Action Plan against Migrant Smuggling 2015-2020, while stepping up their efforts to intensify investigation and prosecution of migrant smugglers and traffickers;

12. to continue examining pending legislative proposals on a crisis relocation mechanism and on safe countries of origin as already planned, as well as on other priority actions such as on the adaptation of the Dublin system and on the gradual establishment of an integrated management system for external borders;

13. to invite the Commission and the High Representative to press for practical results on return and readmission in their bilateral dialogues, notably during the upcoming high-level meetings with Afghanistan, Morocco, Nigeria, Pakistan, Tunisia and Turkey. By its next meeting on 3-4 December, the Council expects a first progress report on these dialogues. This will allow to exchange views on the appropriate incentive packages to be used

*vis-à-vis*

third countries;

14. that the first European Migration Liaison Officers (EMLOs) should be deployed as a matter of priority to Ethiopia, Niger, Pakistan and Serbia by the end of January 2016;

15. to reiterate the importance of Member States' resettlement activities to address the migration crisis, noting progress on this so far including at EU level. The Council agrees that further efforts should be made to enhance resettlement opportunities with an emphasis on certain priority third countries. It invites the Commission to continue its work on resettlement as a matter of priority;

16. in order to secure concrete steps on border control, on the prevention of irregular migration and on the fight against trafficking and smuggling of migrants, to support accelerating the fulfilment of the visa liberalisation roadmap with Turkey towards all participating Member States and the full implementation of the readmission agreement, in the context of the enhanced cooperation foreseen in the action plan;

17. to define, as a matter of urgency, a common information strategy addressed to asylum seekers, migrants, smugglers and traffickers aiming at (1) discouraging migrants to embark on perilous journey and to have recourse to smugglers, (2) explaining how EU rules on the management of external borders and international protection operate, including resettlement, relocation and return, (3) disseminating counter-narratives to the ones being used by the traffickers and smugglers of migrants, (4) informing about criminal prosecutions against traffickers and smugglers and (5) informing about return operations. As part of an information strategy geared at reducing pull factors, it should be clearly explained that migrants must register in their first Member State of arrival; that, under EU law, asylum seekers have no right to choose the Member State responsible for examining their application; and that migrants without a need of protection will be swiftly returned. Furthermore, a clear message should be passed that migrants cannot refuse to cooperate with the relevant national authorities. Henceforth, all necessary measures will be taken by Member States to prevent, deter and draw the consequences of such movements and non-cooperation. The Commission will pull together in the coming days a dedicated team from all relevant institutional actors to deliver on these objectives and will inform about the implementation at the Council meeting on 3-4 December 2015;

18. to support the Presidency's decision to upgrade the activation of the Integrated Political Crisis Response (IPCR) from information-sharing to full activation mode including by providing information to feed the ISAA process, by contributing to the identification of operational gaps and by supporting communication activities, thereby improving political coordination and decision-making process at EU level. In this framework, on the basis of the needs and gaps identified in the ISAA reports, roundtables will be convened regularly for the management of the migration crisis, bringing together appropriate expertise in order to allow a timely policy coordination and response at EU level, in particular on the implementation of interlinked measures on borders, reception capacities, hotspots and returns, on financial and human resources pledges and on operational and logistical priorities.

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**Brussels, 23 May 2016  
(OR. en)**

**9111/16**

**COAFR 138  
RELEX 412  
ACP 71  
DEVGEN 96  
ASIM 76  
JAI 397  
COPS 154  
MAMA 82  
COWEB 43**

**OUTCOME OF PROCEEDINGS**

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From:	General Secretariat of the Council
On:	23 May 2016
To:	Delegations
No. prev. doc.:	8933/16, 9242/16
Subject:	External aspects of migration - Council Conclusions (23 May 2016)

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Delegations will find in the annex the Council conclusions on external aspects of migration, as adopted by the Council at its 3466th meeting held on 23 May 2016.

**ANNEX**

**Council conclusions on external aspects of migration**

1. The Council stresses the need to further strengthen the work on the external dimension of migration policy and reaffirms its commitment to a comprehensive and geographically balanced approach on migration on the basis of the European Agenda on Migration, European Council conclusions and Council conclusions of 12 October 2015 and 12 May 2016 in full respect of international law and human rights. The Council recalls the steps taken by the EU and its Member States in integrating migration as a permanent and structural component of EU foreign policy. While implementation of agreed actions should form the core of the EU approach, the Council welcomes Member States' calls and initiatives for further, collective strengthened EU action towards third countries.

2. In this respect the Council remains confident that a strong, ambitious and well coordinated European foreign policy will give the EU essential tools to effectively deal with the current and future migratory challenges. This will require effective use of all relevant EU tools and instruments as well as adequate financing.



3. In view of the June European Council, the Council stresses the urgency of strengthening the EU's common approach. The Council highlights the need to accelerate the work related to the external aspects of the European Agenda on Migration, the High-Level Dialogues promoted by the HRVP, the tailor-made country packages prepared by the Commission services and the EEAS, the Valletta Action Plan, the Declaration of the High-level Conference on the Eastern Mediterranean - Western Balkans Route, and welcomes the presentation of innovative proposals by all Member States, including the "Migration Compact" proposed by Italy. The Council will also continue to look into the proposal by Hungary on "Schengen 2.0" In addition, it recalls the Council conclusions of 12 May 2016 on the EU approach to forced displacement and development.

4. Noting the constructive outcome of the High-Level Dialogues on Migration, the Council reconfirms that pooling EU added value with Member States' engagement and contributions is a good way to make progress on specific country dialogues. This is also demonstrated by the direct engagement of the Presidency and of individual Member States in support of the HRVP, jointly with the work taken forward by the Commission. On this basis, it is crucial that the EU and Member States further consolidate and take forward this joint way of addressing common challenges and maximising the impact of their collective work. In this regard, engagement with third countries must be closely coordinated. The Council will regularly take stock of the progress made.

5. The Council continues to support the joint work on the tailor-made country packages, in particular for a number of key partner countries in Africa and Asia, within the framework of the High-Level Dialogues and drawing on incentive packages to produce results. Country-packages should clearly specify mutual commitments by the EU and its Member States and by partners. It recalls the importance of promoting a coherent reorientation of EU and MS external action instruments, including through joint programming and blending facilities, in order to support external action on migration.

6. The Council reiterates the importance of full implementation of the Valletta Action Plan and recalls the agreement made in Valletta to deliver results in all five pillars of the action plan and in all three regions (Northern Africa, Sahel region/Lake Chad, Horn of Africa). It welcomes the rapid approval of projects worth € 751M in the Africa Emergency Trust Fund and underlines the need to ensure its balanced and comprehensive implementation in line with the principles of effectiveness, partnership and complementarity as well as the interest of the EU in better cooperation on return and readmission. The Council looks forward to strengthen the work, in close partnership with African countries, through concerted transparent and strategic policy dialogue (including the Khartoum and Rabat processes), in particular through an expert level stock taking meeting in June on the implementation of the Valletta Action Plan and the Senior Officials' Meeting in 2017, and invites the Strategic Board of the Trust Fund to provide further strategic guidance. The Council will follow closely the implementation of the Valletta Action Plan and invites the HR and the Commission to report on progress made at a forthcoming Council.

7. The Council also recalls the importance of the security-development nexus and the importance of implementing swiftly the Capacity Building in support of Security and Development (CBSD) initiative as part of the solution.

8. Within this holistic approach, cooperation on return and readmission forms an important element of a broader and balanced cooperation with partner countries. The Council recalls the need for full and effective implementation of existing readmission agreements towards all participating Member States. Negotiations already mandated by the Council and ongoing negotiations on readmission agreements must be accelerated and concluded as soon as possible, in close coordination with the Member States. The Council, in close cooperation with the Commission, is committed to enhanced and more effective cooperation on return with key countries of origin and transit, in particular with Pakistan, Afghanistan and Bangladesh, and welcomes the Commission's recommendation to authorise the opening of negotiations on a readmission agreement between the EU and the Republic of Nigeria. The Council recalls all relevant legal obligations in relation to the ACP countries under the Cotonou Agreement. In this respect, cooperation with countries of origin and transit may cover also the identification of people in need of protection and assisted voluntary return programmes for stranded migrants.

The Council recalls the need for cooperation on migration with all third countries, such as Iraq, that are key in managing the current irregular migration flows.

9. The combination of dialogues, missions and instruments outlined above must lead to visible improvement in the cooperation with key partner countries. This approach, as part of a strategic and operational plan, based on concrete short, medium and long-term measures, should be a central part of the external aspects of the European Agenda on Migration and the further preparations of the June European Council.

The Council underlines the importance of the management of the external borders of the EU and the Schengen Area.

10. The Council welcomes the work done on the Eastern Mediterranean route to manage the large refugee and irregular migration flows along the Western Balkans route and underlines the importance of further decisive steps taken in the implementation of the 18th March EU-Turkey statement. Continued close cooperation with Turkey within the established framework is helping to remove the incentive for migrants and asylum seekers to pursue irregular routes to the EU which put their lives at risk. The decrease of the migratory flows must be sustainable. In this context, active exchange of information, coordination and cooperation inside the EU and with third countries has shown its effectiveness and should be continued, including assistance in addressing overall challenges related to migration. It is important to remain vigilant with regard to the Eastern Mediterranean route and also use the framework of regional processes (the Budapest and Prague processes) to better manage migration flows.

All relevant EU instruments should be used to counter organized criminal human trafficking, to dismantle the network of people smugglers and to address the humanitarian crisis by restoring a safe and orderly management of migratory flows, as appropriate.

In addition, the Council reaffirms its support to Jordan, Lebanon and Iraq, and reiterates the call for pledges to be disbursed promptly and EU Compacts for Jordan and Lebanon to be finalised to enhance support to refugees and host communities in both countries.



11. Regarding the Central Mediterranean route, the Council highlights the need to use the broad range of tools available to manage flows in cooperation with third countries of origin and transit as part of an EU regional approach to migration, including via CSDP instruments. In particular, it highlights the importance of the work to be undertaken at the request of and in partnership with the Libyan Government of National Accord on a comprehensive approach to manage migration, which includes the fight against smugglers and traffickers, as well as capacity building and training of Libyan coastguard and Navy as one of the two further supporting tasks to be implemented by EUNAVFOR MED Operation Sophia. Work will be carried forward to this end to amend the mandate of EUNAVFOR MED Operation Sophia as well as the possible setting up of an increased civilian CSDP presence in Libya, including on border management assistance, in addition to existing EU funded capacity building projects.

While retaining the focus on the core mandates of the current CSDP missions and operations in the Sahel region, work can be continued on how they can contribute to increasing overall stability and security and to enhancing border management capabilities in the region.

Work on the Central Mediterranean migration route will be carried out in the immediate term in close cooperation with UNHCR and IOM and with countries of origin and transit in order to ensure protection of those in need, dignified reception of stranded migrants and return of irregular migrants, including assisted voluntary return and reintegration projects, including in Niger, building on existing ongoing work.

Further options in the context of migration challenges should be considered including on capacity building, strengthening border management, sharing information and fighting terrorism and organised crime.

12. Taking into account positive achievements, the Council recalls the importance of continuing and reinforcing cooperation with third countries of the Western Mediterranean route, including through bilateral and multilateral initiatives.

13. While it is important to address the management of the ongoing migratory flows in the immediate and short term, the Council reiterates the importance of tackling the root causes of irregular migration and forced displacement, including through conflict prevention and resolution in order to better manage mixed migratory flows. Taking into account the complex range of causes underlying migratory movements, building strong partnerships based on mutual trust with countries of origin, transit and host third countries with sustained long term policies and making full use of existing processes and programmes is crucial. The Council underlines the importance of information and prevention campaigns in third countries on risk of smuggling and human trafficking. The Council remains extremely vigilant as regards possible new routes for irregular migration and calls for appropriate measures that might be necessary in that respect. In addition, it is necessary to address migration not only as a short term phenomenon but also as a long-term challenge and opportunity.

14. The Council recalls that the world is facing the highest scale of forced displacement since WWII, with more than 60 million refugees and IDPs. The management of mixed migratory flows is not only a European, but a global responsibility, which calls for collective commitments and solutions. It requires countries of origin, transit and destination to forge genuine partnerships, on the basis of enhanced mutual support and solidarity, and an equitable and balanced responsibility-sharing within the international community. The EU will continue to advocate strongly for the respect of international law, including international humanitarian law, refugee law, notably the principle of non-refoulement, and international human rights law.

15. In this context, the Council underlines the importance of the global events related to migratory movements and the refugee crisis, such as the World Humanitarian Summit and the high level events taking place at the margins of the UN General Assembly in September 2016. At these events, the EU and its Member States are ready to actively engage towards an equitable and balanced responsibility-sharing within the international community.



European Council

**Brussels, 28 June 2016  
(OR. en)**

**SN 58/16**

**NOTE**

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Subject: **European Council Conclusions (paragraphs 1 to 22)**

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**I. MIGRATION**

1. Further to the decision to fully apply the Schengen Borders Code and the implementation of the EU-Turkey statement of 18 March 2016, crossings from Turkey to the Greek islands have sharply decreased and have now almost come to a halt. It is important to continue working actively to further stabilise the situation and to ensure a sustainable solution. The legislation recently adopted by Turkey on the treatment of both Syrians and other nationalities allows for the return of migrants to Turkey in full respect of the provisions on inadmissibility under the Asylum Procedures Directive. Considerable progress has been made by both sides to implement the full range of action points contained in the EU-Turkey statement and the European Council looks forward to further determined action. The European Council recalls the need to provide continued support to Western Balkan countries, including in their fight against smugglers, and to remain vigilant about potential developments regarding other routes so as to be able to take rapid and concerted action. Further action is required to accelerate the implementation of the existing relocation and resettlement schemes.
2. In the Central Mediterranean, flows of predominantly economic migrants remain at the same level as last year. The flows must be reduced, thus saving lives and breaking the business model of smugglers. The relevant security procedures must be fully applied to ensure full control over external borders. Delivering rapid results in preventing illegal migration and returning irregular migrants requires an effective Partnership Framework of cooperation with



individual countries of origin or transit. This will contribute towards the implementation of the Valletta Action Plan, which should be stepped up. Building on the Commission communication, the EU will put into place and swiftly implement this Framework based on effective incentives and adequate conditionality, starting with a limited number of priority countries of origin and transit, with the following objectives:

- to pursue specific and measurable results in terms of fast and operational returns of irregular migrants, including by applying temporary arrangements, pending the conclusion of full-fledged readmission agreements;
- to create and apply the necessary leverage, by using all relevant EU policies, instruments and tools, including development and trade;
- to also mobilise elements falling within Member States' competence and to seek synergies with Member States in relations with the specific countries.

Cooperation on readmission and return will be a key test of the partnership between the EU and these partners.

3. The High Representative, including in her role as Vice-President of the Commission, will lead the implementation of this new approach and ensure close and effective coordination between the EU institutions and services and the Member States, with a view to concluding the first compacts before the end of the year. The Council and the Commission will regularly monitor the process, assess its results and report to the European Council.
4. All relevant instruments and sources of funding should be mobilised in a coherent manner in support of the approach set out above. The Council is invited to rapidly examine the proposals made by the Commission to that effect. In addition:
  - the European Investment Bank's initiative in the Southern Neighbourhood and Western Balkan countries, as a first step in the new framework of cooperation, will help to foster investment in partner countries and has our full support. To implement this initiative swiftly, the Council is asked to rapidly explore how to provide the required resources;
  - the Commission is invited to present by September 2016 a proposal for an ambitious External Investment Plan, which should be examined as a matter of priority by the European Parliament and the Council.

Complementarity among all the above initiatives must be ensured.

5. The approach set out above will be dynamic and will be extended if necessary to other countries or regions to reflect migration flows.
6. The EU and its Member States will continue to address the root causes of illegal migration, in close cooperation and in a spirit of mutual ownership with the countries of origin.
7. Ahead of the upcoming G20 Summit and the UN General Assembly High-Level meeting on large movements of refugees and migrants, the European Council recalls that migration is a global challenge that requires a strong response from the international community.
8. The European Council will continue to address and monitor all aspects of the EU's comprehensive approach to the migration challenge, as set out in the European Council conclusions of October 2015, and to define the general political directions and priorities. Recalling the need to reinforce the control of the EU's external borders to meet both migration and security objectives, it welcomes the political agreement between the European Parliament and the Council on the European Border and Coast Guard proposal and asks for its swift adoption and rapid implementation.







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# **CHAPTER 4:** **Communications of the Euro-** **pean Commission**

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Brussels, 13.5.2015  
COM(2015) 240 final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL  
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**A EUROPEAN AGENDA ON MIGRATION**



## **I. Introduction**

Throughout history, people have migrated from one place to another. People try to reach European shores for different reasons and through different channels. They look for legal pathways, but they risk also their lives, to escape from political oppression, war and poverty, as well as to find family reunification, entrepreneurship, knowledge and education. Every person's migration tells its own story. Misguided and stereotyped narratives often tend to focus only on certain types of flows, overlooking the inherent complexity of this phenomenon, which impacts society in many different ways and calls for a variety of responses. This Agenda brings together the different steps the European Union should take now, and in the coming years, to build up a coherent and comprehensive approach to reap the benefits and address the challenges deriving from migration.

The immediate imperative is the duty to protect those in need. The plight of thousands of migrants putting their lives in peril to cross the Mediterranean has shocked us all. As a first and immediate response, the Commission put forward a ten point plan for immediate action. The European Parliament and the European Council have lent their support to this plan and Member States have also committed to concrete steps, notably to avert further loss of life.

The response was immediate but insufficient. This cannot be a one-off response. Emergency measures have been necessary because the collective European policy on the matter has fallen short. While most Europeans have responded to the plight of the migrants, the reality is that across Europe, there are serious doubts about whether our migration policy is equal to the pressure of thousands of migrants, to the need to integrate migrants in our societies, or to the economic demands of a Europe in demographic decline.

To try to halt the human misery created by those who exploit migrants, we need to use the EU's global role and wide range of tools to address the root causes of migration. Some of these are deep-seated but must be addressed. Globalisation and the communication revolution have created opportunities and raised expectations. Others are the consequence of wars and crises from Ukraine to the Middle East, Asia and North Africa. The impact of global poverty and conflict do not end at national frontiers.

Europe should continue to be a safe haven for those fleeing persecution as well as an attractive destination for the talent and entrepreneurship of students, researchers and workers. Upholding our international commitments and values while securing our borders and at the same time creating the right conditions for Europe's economic prosperity and societal cohesion is a difficult balancing act that requires coordinated action at the European level.

This calls for a set of core measures and a consistent and clear common policy. We need to restore confidence in our ability to bring together European and national efforts to address migration, to meet our international and ethical obligations and to work together in an effective way, in accordance with the principles of solidarity and shared responsibility. No Member State can effectively address migration alone. It is clear that we need a new, more European approach. This requires using all policies and tools at our disposal – combining internal and external policies to best effect. All actors: Member States, EU institutions, International Organisations, civil society, local authorities and third countries need to work together to make a common European migration policy a reality.

## **II. Immediate action**

The first part of this European Agenda on Migration responds to the need for swift and determined action in response to the human tragedy in the whole of the Mediterranean. The European Council statement of 23 April 2015<sup>1</sup> and the European Parliament Resolution a few days later,<sup>2</sup> illustrated the consensus for rapid action to save lives and to step up EU action.<sup>3</sup>

This swift response must also serve as the blueprint for the EU's reaction to future crises, whichever part of the common external border comes under pressure from East to West and from North to South.

### *Saving lives at sea*

Europe cannot stand by whilst lives are being lost. Search and rescue efforts will be stepped up to restore the level of intervention provided under the former Italian 'Mare Nostrum' operation. To triple the budget for the **Frontex joint-operations Triton and Poseidon**, the Commission has already presented an amending budget for 2015 and will present its proposal for 2016 by the end of May. When implemented, this will expand both the capability and the geographical scope of these operations, so that Frontex can fulfil its dual role of coordinating operational border support to Member States under pressure, and helping to save the lives of migrants at sea<sup>4</sup>. In parallel to this increase in EU funding, assets (ships and aircrafts) are being deployed by several Member States. This welcome solidarity will need to be maintained for as long as the migratory pressure persists. The new Triton Operational Plan will be presented by the end of May.<sup>5</sup>

### *Targeting criminal smuggling networks*

The criminal networks which exploit vulnerable migrants must be targeted. The High Representative/Vice President (HR/VP) has already presented options for possible **Common Security and Defence Policy (CSDP) operations** to systematically identify, capture and destroy vessels used by smugglers. Such action under international law will be a powerful demonstration of the EU's determination to act.

More will be done to pool and better **use information to identify and target smugglers**. Europol will immediately strengthen its recently established joint maritime information operation (JOT MARE) – and its focal point on migrant smuggling. The result will be a single

<sup>1</sup> Special meeting of the European Council, 23 April 2015 – statement: <http://www.consilium.europa.eu/en/press/press-releases/2015/04/23-special-euco-statement/>. This part of The European Agenda on Migration incorporates and further develops the initiatives included in the Roadmap that the Commission presented as a follow up to the Statement of the European Council of 23 April.

<sup>2</sup> [http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2015/2660\(RSP\)](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2015/2660(RSP)).

<sup>3</sup> The Union's common policy on asylum, immigration, visa and external border controls is based on Title V (Area of freedom, security and Justice) of the Treaty on the functioning of the European Union (TFEU). Under Protocols 21 and 22 to the Treaties, the United Kingdom, Ireland and Denmark shall not take part in the adoption by the Council of proposed measures pursuant to Title V TFEU. The United Kingdom and Ireland may notify the Council, within three months after a proposal or initiative has been presented, or at any time after its adoption, that they wish to take part in the adoption and application of any such proposed measure. At any time Denmark may, in accordance with its constitutional requirements, notify the other Member States that it wishes to apply in full all relevant measures adopted on the basis of Title V TFEU.

<sup>4</sup> This support is in addition to the substantial assistance available to these Member States from Home Affairs funds of which Italy is the major beneficiary in absolute terms and Malta in per capita terms.

<sup>5</sup> As Triton and Poseidon are Frontex-coordinated operations which relate to the protection of external borders, they build on the Schengen *acquis* in which Ireland and the United Kingdom do not participate (see footnote 25 below). This fact does not exclude the United Kingdom vessels from participating in Search and Rescue operations, in the Mediterranean, in coordination by Triton and Poseidon.



entry point for inter-agency cooperation on smuggling.<sup>6</sup> Frontex and Europol will also develop profiles of vessels which could be used by smugglers, following patterns to identify potential vessels and monitor their movements. Finally, Europol will identify illegal internet content used by smugglers to attract migrants and refugees, and request its removal.

### *Responding to high-volumes of arrivals within the EU: Relocation*

Member States' asylum systems today face unprecedented pressure and, with the summer arriving, the flow of people to frontline Member States will continue in the months to come. The EU should not wait until the pressure is intolerable to act: the volumes of arrivals mean that the capacity of local reception and processing facilities is already stretched thin. To deal with the situation in the Mediterranean, the Commission will, by the end of May, propose triggering the emergency response system envisaged under Article 78(3) TFEU<sup>7</sup>. The proposal will include a temporary distribution scheme for persons in clear need of international protection to ensure a fair and balanced participation of all Member States to this common effort. The receiving Member State will be responsible for the examination of the application in accordance with established rules and guarantees. A redistribution key based on criteria such as GDP, size of population, unemployment rate and past numbers of asylum seekers and of resettled refugees can be found in the Annex.

This step will be the precursor of a lasting solution. The EU needs a permanent system for sharing the responsibility for large numbers of refugees and asylum seekers among Member States. The Commission will table a legislative proposal by the end of 2015 to provide for a mandatory and automatically-triggered relocation system to distribute those in clear need of international protection within the EU when a mass influx emerges.<sup>8</sup> The scheme will take account of the efforts already made on a voluntary basis by Member States.

Pending the implementation of these two measures, Member States will need to show solidarity and redouble their efforts to assist those countries on the frontline.

### *A common approach to granting protection to displaced persons in need of protection: Resettlement*

In addition to the relocation of those already on EU soil, the EU has a duty to contribute its share in helping displaced persons in clear need of international protection. This is a joint responsibility of the international community, with the United Nations High Commissioner for Refugees (UNHCR) given the task of identifying when people cannot stay safely in their own countries. Such vulnerable people cannot be left to resort to the criminal networks of smugglers and traffickers. There must be safe and legal ways for them to reach the EU. The UNHCR has endorsed a target of 20,000 resettlement places for the EU per year by the year 2020.<sup>9</sup> Some Member States have already made a major contribution to global resettlement efforts. But others offer nothing – and in many cases they are not making an alternative contribution in terms of receiving and accepting asylum requests or helping to fund the efforts of others.

<sup>6</sup> The European Maritime Security Agency, the European Fisheries Control Agency and Eurojust should also contribute to this work.

<sup>7</sup> This proposal would not apply to Denmark and would apply to the United Kingdom and Ireland only if they make use of their respective "opt-in" right (see footnote 3).

<sup>8</sup> On the scope of such proposal see footnote 3.

<sup>9</sup> Statement of UNHCR Deputy Director, Progress Report on Resettlement, Meeting of the Standing Committee of the Executive Committee of the High Commissioner's Programme, Geneva, 26-28 2012.

By the end of May, the Commission will make a Recommendation proposing an **EU-wide resettlement scheme to offer 20,000 places**. This scheme will cover all Member States, with distribution criteria that can be found in the Annex, such as GDP, size of population, unemployment rate and past numbers of asylum seekers and of resettled refugees, and will take account of the efforts already made on a voluntary basis by Member States. The EU budget will provide dedicated funding of **an extra EUR 50 million** in 2015/2016 to support this scheme. If necessary this will be followed up with a proposal for a binding and mandatory legislative approach beyond 2016.<sup>10</sup> In addition to this common effort, the Commission calls on Member States to make use of the existing possibilities offered under the Asylum Migration and Integration Fund and pledge further resettlement places under their national programming, with the funding swiftly adjusted.

In addition, Member States should use to the full the other legal avenues available to persons in need of protection, including private/non-governmental sponsorships and humanitarian permits, and family reunification clauses.

#### *Working in partnership with third countries to tackle migration upstream*

The EU can also take immediate action to intervene upstream in regions of origin and of transit. The Commission and the European External Action Service (EEAS) will work together with partner countries to put in place concrete measures to prevent hazardous journeys.

First, the EU should step up its support to the countries bearing the brunt of displaced refugees. **Regional Development and Protection Programmes** will be set up or deepened, starting in North Africa and the Horn of Africa, as well as by building on the existing one in the Middle East. EUR 30 million will be made available in 2015/2016 and should be complemented by additional contributions from Member States.

Second, **a pilot multi-purpose centre will be set up in Niger** by the end of the year. Working with the International Organisation for Migration (IOM), the UNHCR and the Niger authorities, the centre will combine the provision of information, local protection and resettlement opportunities for those in need. Such centres in countries of origin or transit will help to provide a realistic picture of the likely success of migrants' journeys, and offer assisted voluntary return options for irregular migrants.

Third, migration will become a specific component of ongoing **Common Security and Defence Policy (CSDP)** missions already deployed in countries like Niger and Mali, which will be strengthened on border management. A dedicated summit will be organised in Malta in the autumn with key partners, including the African Union, to develop a common approach with the region addressing the causes of irregular migration and the protection of people in need, as well as smuggling and trafficking of people.

This work will be closely connected to broader political initiatives to promote stability. Of particular importance is the action led by the HR/VP to address the situation in **Libya**, with full support to the UN-led efforts to encourage the process of setting up of a Government of National Unity. Persistent efforts to address the crisis in **Syria** have been accompanied by €3.6 billion in humanitarian, stabilisation and development assistance inside Syria and to help Syrian refugees in countries like Lebanon, Jordan, Turkey and Iraq. These are only some of the most obvious of political crises which will have a profound impact on migration to the EU in the months to come. Close attention will also be paid to our eastern partners, the Western Balkans and Asia fostering existing cooperation frameworks.

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<sup>10</sup> On the scope of such proposal see footnote 3.



*Using the EU's tools to help frontline Member States*

More will be done to help deal with the immediate challenge faced by Member States in the frontline of migrant arrivals.

First, the Commission will set up a new **'Hotspot'** approach, where the European Asylum Support Office, Frontex and Europol will work on the ground with frontline Member States to swiftly identify, register and fingerprint incoming migrants. The work of the agencies will be complementary to one another. Those claiming asylum will be immediately channelled into an asylum procedure where EASO support teams will help to process asylum cases as quickly as possible. For those not in need of protection, Frontex will help Member States by coordinating the return of irregular migrants. Europol and Eurojust will assist the host Member State with investigations to dismantle the smuggling and trafficking networks.

Second, the Commission will mobilise an additional EUR 60 million in **emergency funding**, including to support the reception and capacity to provide healthcare to migrants in the Member States under particular pressure<sup>11</sup>. An evaluation of needs is under way.

<b>Key Actions</b>	<ul style="list-style-type: none"> <li>• A funding package to triple the allocation for Triton and Poseidon in 2015-16 and to finance an EU-wide resettlement scheme.</li> <li>• Immediate support to a possible CSDP mission on smuggling migrants.</li> <li>• A legislative proposal to activate the emergency scheme under Article 78(3) TFEU by the end of May, on the basis of the distribution key included in the Annex.</li> <li>• A proposal for a permanent common EU system for relocation for emergency situations by the end of 2015.</li> <li>• A Recommendation for an EU resettlement scheme by the end of May followed if required by a proposal for more permanent approach beyond 2016.</li> <li>• EUR 30 million for Regional Development and Protection Programmes.</li> <li>• Pilot multi-purpose centre established in Niger by the end of 2015.</li> </ul>
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**III. Four pillars to manage migration better**

The migration crisis in the Mediterranean has put the spotlight on immediate needs. But it has also revealed much about the structural limitations of EU migration policy and the tools at its disposal. This is an opportunity for the EU to face up to the need to strike the right balance in its migration policy and send a clear message to citizens that migration can be better managed collectively by all EU actors.

As outlined by President Juncker in his Political Guidelines, a robust fight against irregular migration, traffickers and smugglers, and securing Europe's external borders must be paired with a strong common asylum policy as well as a new European policy on legal migration. Clearly, this requires an enhanced coherence between different policy sectors, such as development cooperation, trade, employment, foreign and home affairs policies.

A clear and well implemented framework for legal pathways to entrance in the EU (both through an efficient asylum and visa system) will reduce push factors towards irregular stay and entry, contributing to enhance security of European borders as well as safety of migratory flows.

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<sup>11</sup> To this end Member States can use funds available under the Asylum Migration and Integration Fund. Countries particularly affected by an influx of migrants and asylum seekers may also request assistance as appropriate from the EU civil protection mechanism.

The EU must continue to offer protection to those in need. It must also recognise that the skills needed for a vibrant economy cannot always immediately be found inside the EU labour market or will take time to develop. Migrants who have been legally admitted by Member States should not be faced with reluctance and obstruction – they should be given every assistance to integrate in their new communities. This should be seen as central to the values Europeans should be proud of and should project to partners worldwide.

But by the same token, the EU needs to draw the consequences when migrants do not meet the criteria to stay. Unsuccessful asylum claimants who try to avoid return, visa overstayers, and migrants living in a permanent state of irregularity constitute a serious problem. This corrodes confidence in the system. It offers strong arguments for those looking to criticise or stigmatise migration. It makes it harder to integrate those migrants staying in the EU as of right.

The EU must continue engaging beyond its borders and strengthen cooperation with its global partners, address root causes, and promote modalities of legal migration that foster circular growth and development in the countries of origin and destination. This reflection will be addressed more broadly by the Strategic Review initiated by the HR/VP to assess the impact of changes in the global environment, as well as by the forthcoming Review of the European Neighbourhood Policy which will also aim to set out proposals in close partnerships with our neighbours for a more focused cooperation on issues of common concern, including migration.

This Agenda sets out four levels of action for an EU migration policy which is fair, robust and realistic. When implemented, they will provide the EU with a migration policy which respects the right to seek asylum, responds to the humanitarian challenge, provides a clear European framework for a common migration policy, and stands the test of time.<sup>12</sup>

### **III.1 Reducing the incentives for irregular migration**

There are many different motivations behind irregular migration. But often, it ends in deep disappointment. The journey is often far more dangerous than expected, often at the mercy of criminal networks who put profit before human life. Those who fail the test of asylum face the prospect of return. Those who live a clandestine life inside Europe have a precarious existence and can easily fall prey to exploitation. It is in the interests of all to address the root causes which cause people to seek a life elsewhere, to crack down on smugglers and traffickers, and to provide clarity and predictability in return policies.

#### *Addressing the root causes of irregular and forced displacement in third countries*

Many of the root causes of migration lie deep in global issues which the EU has been trying to address for many years. Migration should be recognised as one of the primary areas where an active and engaged EU external policy is of direct importance to EU citizens. Civil war, persecution, poverty, and climate change all feed directly and immediately into migration, so the prevention and mitigation of these threats is of primary importance for the migration debate.

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<sup>12</sup> Concerning the scope of the measures which already apply and/or will be proposed, under Title V TFEU, to implement the Agenda, see footnote 3 on the "opt-in" rights concerning the United Kingdom and Ireland and the "opt-out" status concerning Denmark.



Partnership with countries of origin and transit is crucial and there are a series of established bilateral and regional cooperation frameworks on migration in place<sup>13</sup>. These will be enriched by stepping up the role on migration of **EU Delegations** in key countries. Delegations will in particular report on major migratory related developments in the host countries, contribute to mainstream migration issues into development cooperation and reach out to host countries to ensure coordinated action. **European migration liaison officers** will be seconded in EU Delegations in key third countries, in close cooperation with the Immigration Liaison Officers Network<sup>14</sup> and with local authorities and civil society, with the purpose of gathering, exchanging and analysing information.

A good example of where there is much to be gained from stepping up cooperation is **Turkey**. Since the beginning of 2014, Turkey has received EUR 79 million to contribute to its efforts to deal with the pressure on its refugee management system and to help prevent hazardous journeys in the Eastern Mediterranean. Deploying a dedicated Frontex liaison officer in Turkey will take cooperation one step further.

With a budget allocation of EUR 96.8 billion for the 2014-2020 period, **EU external cooperation assistance**, and in particular development cooperation, plays an important role in tackling global issues like poverty, insecurity, inequality and unemployment which are among the main root causes of irregular and forced migration. This includes support in regions of Africa, Asia and Eastern Europe where most of the migrants reaching Europe originate from.

As well as addressing long-term root causes, the EU helps to mitigate the impact of crisis at a local level. This needs a sustained effort: more than 70% of the world's refugees and Internally Displaced Persons (IDPs) are trapped in situations of displacement for five years or more. The EU is a leading international donor for refugees with EUR 200 million in ongoing projects from development assistance and over EUR 1 billion of humanitarian assistance dedicated to refugees and IDPs since the beginning of 2014. A strategic reflection is now under way to maximise the impact of this support, with results expected in 2016.

#### *The fight against smugglers and traffickers*

Action to fight criminal networks of smugglers and traffickers is first and foremost a way to prevent the exploitation of migrants by criminal networks.<sup>15</sup> It would also act as a disincentive to irregular migration. The goal must be to transform smuggling networks from 'low risk, high return' operations for criminals into 'high risk, low return' ones. An action plan will be brought forward by the Commission by the end of May.

**Cooperation with third countries** is of critical importance. Most of the smugglers are not based in Europe, and those who are arrested on the boats in the Mediterranean are normally the last link in the chain. Cooperation to crack down on the local and international criminal

<sup>13</sup> Rabat Process, Khartoum Process, the Budapest Process, the Prague Process, the EU-Africa Migration and Mobility Dialogue.

<sup>14</sup> Council Regulation (EC) No 377/2004 of 19 February 2004. The Immigration Liaison Officers are representatives of the Member States who are posted in a non-Member State in order to facilitate the measures taken by the EU to combat irregular immigration (OJ L 64, 2.3.2004, p. 1). The United Kingdom and Ireland "opted-in" to this Regulation (see footnote 3).

<sup>15</sup> These efforts will also be pursued under the European Agenda for Security and the Maritime Security Strategy. Migrants smuggling and trafficking are two diverse yet interlinked criminal activities perpetrated by criminal networks. The difference between the two is that in the former, migrants willingly engage in the irregular migration process by paying for the services of a smuggler in order to cross an international border, while in the latter they are the victims, coerced into severe exploitation which may or may not be linked to the crossing of a border. In reality, the two phenomena are not easy to disentangle as persons who start their journeys in a voluntary manner are also vulnerable to networks of labour or sexual exploitation.

groups that control smuggling routes will be a major focus of the intensified cooperation set out above.

EU Agencies can also assist Member States' authorities in intensifying their action against **criminal networks of smugglers**. Agencies help identify smugglers, investigate them, prosecute them, freeze and confiscate their assets. Action will build on immediate efforts to identify, capture and destroy vessels before they are used by criminal networks (see above). Proactive financial investigations, aiming at seizures and recovery of criminal assets, and actions against money laundering connected to migrant smuggling will be supported through enhanced cooperation with Financial Intelligence Units on financial flows and new cooperation with financial institutions, such as banks, international money transfer services, and credit card issuers. This will also draw on the improved information-sharing set out in the European Agenda on Security.

In order to strengthen the instruments available to prosecutors to address smuggling networks, the Commission will improve the existing EU legal framework to tackle **migrant smuggling** and those who profit from it.<sup>16</sup> In order to take specific action against traffickers' networks and provide assistance to victims of trafficking, the Commission will also complete the initiatives foreseen in the current strategy against **Trafficking in Human Beings** and look at how work can be further improved in 2016.<sup>17</sup> Another potential source of exploitation comes from employers inside the EU. Whilst promoting better integration into the labour market of legal migrants, the Commission will step up action against illegal employment of third country nationals, inter alia through better enforcement and application of the **Employers Sanctions Directive**<sup>18</sup>, which prohibits the employment of third-country nationals who have no right to stay in the EU. It will also prioritise infringement procedures relating to this Directive.

### *Return*

One of the incentives for irregular migrants is the knowledge that the EU's return system – meant to return irregular migrants or those whose asylum applications are refused – works imperfectly. Smuggling networks often play on the fact that relatively few return decisions are enforced – only 39.2% of return decisions issued in 2013 were effectively enforced.

To increase the enforcement rate, we first need to ensure that third countries fulfil their international obligation to take back their own nationals residing irregularly in Europe.<sup>19</sup> The

<sup>16</sup> Some of the measures adopted by the Union prior to 1 December 2009 with regard to police cooperation and judicial cooperation in criminal matters no longer apply to the United Kingdom since 1 December 2014, on the basis of Articles 9 and 10 of Protocol 36 to the Treaties, which set out a specific "block opt-out" and "opt-back-in" procedure (see decisions adopted by the Commission and the Council on the measures notified by the United Kingdom, OJ L 345, 1.12.2012, p. 1 and OJ C 430, 1.12.2014, p. 1). In 2002, the EU adopted rules to crack down on migrant smuggling: Directive 2002/90/EC establishing a common definition of the offense of facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 17) and Framework Decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 1). The United Kingdom and Ireland "opted in" both the Directive and the Framework decision. Nevertheless, for the United Kingdom, the Framework decision no longer applies by virtue of the block opt-out provided for in Protocol 36 referred to above. The United Kingdom may however still decide to "opt-in" to this Framework Decision.

<sup>17</sup> Concerning the scope of those initiatives and the measures already in force, see footnotes 3 and 17.

<sup>18</sup> Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, OJ L 168, 30.6.2009, p. 24–32. The United Kingdom and Ireland did not "opt-in" to this Directive and are therefore not bound by it or subject to its application.

<sup>19</sup> A specific obligation exists in the Cotonou Agreement with the ACP countries. In accordance with Article 13 of the Cotonou Agreement, each Member State of the European Union shall accept the return of and readmission of any of its nationals who are illegally present on the territory of an ACP State, at that State's request, without further formalities; and

EU should be ready to use all leverage and incentives at its disposal. The recently agreed **Pilot Project on Return** to Pakistan and Bangladesh will offer an important practical demonstration of the way forward.<sup>20</sup> The EU will **help third countries to meet their obligations** by offering support such as capacity building for the management of returns, information and awareness campaigns, and support for reintegration measures. The Commission will also revise its approach to readmission agreements,<sup>21</sup> prioritising the main countries of origin of irregular migrants.

In parallel, Member States have to apply the **Return Directive**.<sup>22</sup> The Commission will give priority to monitoring implementation of the Directive, with a more swift return system going hand-in-hand with the respect of the procedures and standards that allow Europe to ensure a humane and dignified treatment of returnees and a proportionate use of coercive measures, in line with fundamental rights and the principle of *non-refoulement*<sup>23</sup>. The implementation of the EU rules on the return of irregular migrants is now being assessed thoroughly in the framework of the Schengen Evaluation Mechanism, and a ‘**Return Handbook**’ will support Member States with common guidelines, best practice and recommendations.

While the EU has common rules on return, it lacks effective operational cooperation. Frontex is currently offering considerable support to Member States, but its mandate must be reinforced to increase its capacity to provide comprehensive operational assistance. Currently, Frontex can only coordinate return missions but not initiate its own. On the basis of the ongoing evaluation to be concluded this year, the Commission will propose to **amend the Frontex legal basis** to strengthen its role on return.<sup>24</sup>

<b>Key Actions</b>	<ul style="list-style-type: none"> <li>• Addressing the root causes through development cooperation and humanitarian assistance.</li> <li>• Making migration a core issue for EU delegations.</li> <li>• An action plan on smuggling in May 2015.</li> <li>• Stronger action so that third countries fulfil their obligations to readmit their nationals.</li> <li>• Adoption of a Return Handbook and monitoring of the implementation of the Return Directive.</li> <li>• Reinforcement and amendment of the Frontex legal basis to strengthen its role on return.</li> </ul>
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### III.2 Border management – saving lives and securing external borders

The measures described above to address the situation in the Mediterranean today have been developed as emergency measures in response to a specific crisis. It would be a illusion to

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each of the ACP States shall accept the return of and readmission of any of its nationals who are illegally present on the territory of a Member State of the European Union, at that Member State’s request and without further formalities.

<sup>20</sup> Council Conclusions on EU Return Policy adopted at the Justice and Home Affairs Council meeting of 5 and 6 June 2014.

<sup>21</sup> A readmission agreement facilitates the return of third-country nationals. Contracting parties will readmit to their territory without any formality persons with the nationality of that country who are residing without authorisation in the other country or who have crossed its frontier illegally.

<sup>22</sup> Directive 2008/115/EC, of 16 December 2008, on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348 98, 24.12.2008, p. 98–107. The United Kingdom and Ireland did not "opt-in" to this Directive and are therefore not bound by it and not subject to its application.

<sup>23</sup> *Non-refoulement* is a principle of international law, endorsed by the Charter of fundamental rights, according to which a person must not be returned to a place where there is a serious risk of death penalty, torture or inhuman or degrading treatment.

<sup>24</sup> Frontex was established by Regulation 2007/2004 (OJ L 349, 25.11.2004, p. 1). As a development of the Schengen *acquis* in which Ireland and the United Kingdom do not participate, the latter Member States are not part of Frontex. There is however cooperation with Ireland and the United Kingdom pursuant to Article 12 of the Regulation, in particular regarding the organisation of joint return operations.



believe that this is a short-term need which will not return. The reinforcement of Frontex and the setting up of new forms of cooperation with Member States should be seen as a level of support and solidarity which is here to stay.

The rules of engagement agreed for **Triton** operations should be seen as the model for future action on the whole of the external land and sea border. Every crisis will be different, but the EU needs to heed the lesson and be prepared to act in anticipation of a crisis, not just in reaction.

Coastguards have a crucial role both for saving lives and securing maritime borders. Their effectiveness would be improved through greater cooperation. The Commission, together with relevant agencies, will support such cooperation and, where appropriate, the further pooling of certain coast guard functions at the EU level.

Identifying **risk trends** is increasingly necessary for effective operational preparedness. The roll-out of Eurosur<sup>25</sup> has provided a good model on which to build and should be used to the full by all civilian and military authorities with a responsibility for maritime border surveillance. The relevant agencies should develop an effective situational picture to feed into policy-making and response preparation at national and European levels.<sup>26</sup>

The EU has an established policy to help Member States build up sound and consistent external borders. The Internal Security Fund already provides over €2.7 billion to Member States for the period from 2014-2020. But while rules on border control are in place, border management today varies, based on a patchwork of sectorial documents and instruments. In 2016, the Commission will consolidate this into a **Union standard for border management** to cover all aspects of the Union's external border management.

Managing our borders more efficiently also implies making better use of the opportunities offered by IT systems and technologies. The EU today has three large-scale IT systems, dealing with the administration of asylum (Eurodac), visa applications (the Visa Information System), and the sharing of information about persons or objects for which an alert has been created by the competent authorities (Schengen Information System). The full use of these systems can bring benefits to border management, as well as to enhance Europe's capacity to reduce irregular migration and return irregular migrants. A new phase would come with the "**Smart Borders**" initiative to increase the efficiency of border crossings, facilitating crossings for the large majority of 'bona fide' third country travellers, whilst at the same time strengthening the fight against irregular migration by creating a record of all cross-border movements by third country nationals, fully respecting proportionality. Following initial discussions on the first proposal and to take into account concerns raised by the co-legislators, the Commission intends to present a revised proposal on Smart Borders by the beginning of 2016.<sup>27</sup>

The development of high standards inside the EU will also make it easier for Europe to support third countries developing their own solutions to better manage their borders. Initiatives in key African and neighbourhood countries could be supported by Frontex as well

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<sup>25</sup> Regulation 1052/2013 of 22 October 2013 establishing the European Border Surveillance System (EUROSUR): an information-exchange system designed to improve management of the EU external borders, OJ L 295, 6.11.2013, p. 1. EUROSUR enables near real-time sharing of border-related data between members of the network, consisting of Schengen countries and Frontex. As EUROSUR is a development of the Schengen acquis in which Ireland and the United Kingdom do not participate, those Member States are not part of EUROSUR. The limited cooperation at regional level foreseen in Article 19 of the Regulation is currently under scrutiny before the Court of Justice (pending Case C-88/14).

<sup>26</sup> Coordinated by Frontex with input from EASO, Europol, the EU Satellite Centre and the European Maritime Safety Agency.

<sup>27</sup> With regard to the scope of such proposal see footnote 3.

as by EU funding and related initiatives in the context of EU neighbourhood and development policies. The goal should be to encourage more secure borders, but also to **strengthen the capacity of countries in North Africa** to intervene and save lives of migrants in distress.

<b>Key Actions</b>	<ul style="list-style-type: none"> <li>• Strengthening Frontex's role and capacity.</li> <li>• Union Standard for border management.</li> <li>• Strengthening EU coordination of coast guard functions.</li> <li>• A revised proposal on Smart Borders.</li> <li>• Strengthening the capacity of third countries to manage their borders.</li> </ul>
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### III.3. Europe's duty to protect: a strong common asylum policy

The EU needs a clear system for reception of asylum-seekers inside the EU. In 2014, a record 600,000 people applied for asylum in the EU. All asylum applications must be processed and protection granted to those who qualify. One of the weaknesses exposed in the current policy has been the lack of mutual trust between Member States, notably as a result of the continued fragmentation of the asylum system. This has a direct impact on asylum seekers who seek to "asylum shop", but also on EU public opinion: it encourages a sense that the current system is fundamentally unfair. But the EU has common rules which should already provide the basis for mutual confidence, and a further development of these rules will allow for a fresh start.

#### *A coherent implementation of the Common European Asylum System*

The priority is to ensure a full and coherent implementation of the Common European Asylum System. This will be supported by a **new systematic monitoring process**, to look into the implementation and application of the asylum rules and foster mutual trust. In addition, working with the Member States and European Asylum Support Office (EASO), the Commission will give further guidance to improve **standards** on reception conditions and asylum procedures to provide Member States with well-defined and simple quality indicators, and reinforcing protection of the fundamental rights of asylum-seekers, paying particular attention to the needs of vulnerable groups, such as children.<sup>28</sup> The Commission will also prioritise transposition and implementation in practice of the recently adopted legislation on asylum rules when considering **infringement procedures**.<sup>29</sup>

EASO will at the same time step up **practical cooperation**, developing a role as the clearing house of national Country of Origin Information – the factual information on which asylum decisions are based. This would encourage more uniform decisions. Other key measures are training<sup>30</sup> and a new dedicated network of reception authorities, which could lay the foundation for pooling reception places in times of emergency.

Strengthening the Common European Asylum System also means a more effective approach to **abuses**. Too many requests are unfounded: in 2014, 55% of the asylum requests resulted in a negative decision and for some nationalities almost all asylum requests were rejected, hampering the capacity of Member States to provide swift protection to those in need. The

<sup>28</sup> In order to look at the specific vulnerabilities of children, not only those having a migrant's background, the Commission will develop a comprehensive strategy to follow up on the Action Plan on Unaccompanied Minors (2011-2014) to cover missing and unaccompanied children.

<sup>29</sup> Directive 2013/32/EU of 26 June 2013 on common procedures for granting and withdrawing international protection, OJ L 180, 29.6.2013, p. 60; Directive 2013/33/EU of 26 June 2013 laying down standards for the reception of applicants for international protection, OJ L 180, 29.6.2013, p. 96. The United Kingdom and Ireland did not "opt-in" to these Directives.

<sup>30</sup> EASO Training Curriculum, a common vocational training system designed for asylum officials and other target groups such as managers and legal officers throughout the EU.

legislation includes specific provisions to fight against abuses, for example by allowing swift processing of unfounded asylum applications. To reinforce this, the Commission will work with EASO and Member States to develop guidelines to maximise such possibilities.

Another problem arises with asylum applications from third country nationals who do not require a visa to come to the EU. These cases can be dealt with in part through the post-visa liberalisation monitoring mechanisms<sup>31</sup>. To reinforce this, the Commission will also propose strengthening **Safe Country of Origin provisions** of the Asylum Procedure Directive to support the swift processing of asylum applicants from countries designated as safe.<sup>32</sup>

#### *Dublin system – greater responsibility sharing across Member States*

Though the recent legal improvements date only from 2014, the mechanism for allocating responsibilities to examine asylum applications (the "Dublin system"<sup>33</sup>) is not working as it should. In 2014, five Member States dealt with 72% of all asylum applications EU-wide. The EU can provide further assistance, but the rules need to be applied in full.

Member States are responsible for applying the Dublin system. In particular, they should allocate the resources needed in order to increase the number of transfers and cut delays, proactively and consistently apply the clauses related to family reunification, and make a broader and regular use of the discretionary clauses, allowing them to examine an asylum application and relieve the pressure on the frontline Member States. At Union level, the European Asylum Support Office (EASO) will support Member States by establishing a dedicated **network of national Dublin Units**.

Member States must also implement fully the rules on taking migrants' **fingerprints**<sup>34</sup> at the borders. Member States under particular pressure will benefit from the Hotspot system for providing operational support on the ground (see above). The Commission will provide, by the end of May, guidance to facilitate systematic fingerprinting, in full respect of fundamental rights, backed up by practical cooperation and exchange of best practices. The Commission will also explore how more biometric identifiers can be used through the Eurodac system (such as using facial recognition techniques through digital photos).

When the Dublin system was designed, Europe was at a different stage of cooperation in the field of asylum. The inflows it was facing were of a different nature and scale. When the Commission undertakes its **evaluation of the Dublin system** in 2016, it will also be able to draw on the experience from the relocation and resettlement mechanisms. This will help to determine whether a revision of the legal parameters of Dublin will be needed to achieve a fairer distribution of asylum seekers in Europe.<sup>35</sup>

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<sup>31</sup> This allows the EU to take preventive action in partnership with the countries of origin, developing targeted information campaigns and reinforcing cooperation in border management and the fight against smugglers.

<sup>32</sup> Directive 2013/32/EU, quoted above.

<sup>33</sup> Regulation (EU) No 604/2013 of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p. 31). The United Kingdom and Ireland have notified their wish to take part in the adoption and application of this Regulation. Denmark participates in the Dublin system through a separate international agreement it has concluded with the EU in 2006. The criteria for establishing responsibility run, in hierarchical order, from family considerations, to recent possession of visa or residence permit in a Member State, to whether the applicant has entered EU irregularly, or regularly.

<sup>34</sup> Regulation (EU) No 603/2013 of 26 June 2013 on the establishment of Eurodac (recast). The United Kingdom and Ireland have "opted-in" to this Regulation. Denmark participates in the Eurodac system through a separate international agreement it has concluded with the EU in 2006.

<sup>35</sup> Concerning the scope of such new initiative see footnote 3.



<b>Key Actions</b>	<ul style="list-style-type: none"> <li>• Establishing a new monitoring and evaluation system for the Common European Asylum System and guidance to improve standards on reception conditions and asylum procedures.</li> <li>• Guidelines to fight against abuses of the asylum system.</li> <li>• Strengthening <b>Safe Country of Origin provisions</b> of the Asylum Procedure Directive to support the swift processing of asylum applicants from countries designated as safe</li> <li>• Measures to promote systematic identification and fingerprinting.</li> <li>• More biometric identifiers passed through Eurodac.</li> <li>• Evaluation and possible revision of the Dublin Regulation in 2016.</li> </ul>
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### III.4 A new policy on legal migration

Europe is competing with other economies to attract workers with the skills it needs. Changes in the skills required by the EU between 2012 and 2025 are expected to show a sharp increase in the share of jobs employing higher-educated labour (by 23%).<sup>36</sup> Shortages have already been seen in key sectors such as science, technology, engineering and healthcare. Europe needs to build up its own skills base and equip people for inclusion in today's labour market. The Commission will present a new Labour Mobility Package and a new Initiative on Skills<sup>37</sup> in 2015, but even with a determined effort over the medium and long term we are unlikely to be able to fully match the needs.

The EU is also facing a series of long-term economic and demographic challenges. Its population is ageing, while its economy is increasingly dependent on highly-skilled jobs. Furthermore, without migration the EU's working age population will decline by 17.5 million in the next decade. Migration will increasingly be an important way to enhance the sustainability of our welfare system and to ensure sustainable growth of the EU economy.

This is why, even if the case for legal migration will always be difficult at a time of high unemployment and social change, it is important to have in place a clear and rigorous common system, which reflects the EU interest, including by maintaining Europe as an attractive destination for migrants<sup>38</sup>.

#### *Well managed regular migration and visa policy*

Decisions on the volume of admissions of third country nationals coming to seek work will remain the exclusive competence of Member States. But there is a specific role for the EU. Over the next seven years, European programmes such as Horizon 2020 and Erasmus+ will attract talented individuals to the EU. The Directive on Students and Researchers, now under negotiation by the co-legislators, aims to give these groups new mobility and job-seeking opportunities. The swift adoption of the legislation would allow these strategically important groups to see the EU as a welcoming environment for their work.<sup>39</sup>

<sup>36</sup> Descy, Pascaline (2014), "Projected labour market imbalances in Europe: Policy challenges in meeting the Europe 2020 employment targets", in OECD/European Union, Matching Economic Migration with Labour Market Needs, OECD Publishing (<http://dx.doi.org/10.1787/9789264216501-12-en>).

<sup>37</sup> Both initiatives are already envisaged in Annex 1 to the Commission's work programme for 2015.

<sup>38</sup> The Commission will also undertake an evaluation and assessment (*fitness check*) of the existing acquis on legal migration with a view to identifying gaps and inconsistencies and consider possible ways of simplifying and streamlining the current EU framework in order to contribute to a better management of legal migration flows. Concerning the scope of such new initiative see footnote 3.

<sup>39</sup> COM/2013/0151 final. Concerning the scope of this proposal see also footnote 3.

The next step should be an attractive EU-wide scheme for highly qualified third-country nationals. The **Blue Card Directive**<sup>40</sup> already provides such a scheme, but in its first two years, only 16,000 Blue Cards were issued and 13,000 were issued by a single Member State. By the end of May, the Commission will launch a public consultation on future of the Blue Card Directive. A review of the Directive will look at how to make it more effective in attracting talent to Europe. The review will include looking at issues of scope such as covering entrepreneurs who are willing to invest in Europe, or improving the possibilities for intra EU mobility for Blue Card holders.

Another sector with important economic impact is **services**. The services sector includes well-trained, highly-skilled foreign professionals who need to travel to the EU for short periods in order to provide services to businesses or governments. The Commission will assess possible ways to provide legal certainty to these categories of people, also in order to strengthen the EU's position to demand reciprocities when negotiating Free Trade Agreements (FTAs).

Member States' role in these decisions calls for a more direct and open dialogue to build common thinking and policy approaches and exchange best practice at European level. The Commission will support Member States in promoting a permanent dialogue and peer evaluation at European level on issues such as labour market gaps, regularisation and integration – issues where decisions by one Member State have an impact on others.

The Commission will also establish a platform of dialogue to include input from business, the trade unions, and other social partners, to maximise the benefits of migration for the European economy and the migrants themselves.

The EU needs the tools to identify those economic sectors and occupations that face, or will face, **recruitment difficulties or skill gaps**. Existing tools already provide some information, but a more complete picture is needed.<sup>41</sup> Existing web portals, such as the EU Migration portal and Europe's Job Mobility Portal (EURES) can also play an important role in facilitating job matching for third country nationals already in the EU. In matching migrants' skills, a particular problem is the lack of recognition of qualifications acquired by migrants in their home country. The EU can help to improve understanding of qualifications gained outside the EU.<sup>42</sup>

The efforts to develop our new legal migration policy mirror the **modernisation of our visa policy**.<sup>43</sup> In 2014, the Commission tabled a revision of the Visa Code and proposed the establishment of a new type of visa: the Touring Visa.<sup>44</sup> The adoption of these proposals will provide the EU with more flexible visa policy tools, aiming to maximise the positive economic impact of attracting more tourists, and visitors on personal or professional grounds

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<sup>40</sup> Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, OJ L 155, 18.6.2009, p. 17–29. The United Kingdom and Ireland did not "opt-in" to this Directive and are not bound by or subject to its application.

<sup>41</sup> Such as the Skills Panorama and the Skills Alliances.

<sup>42</sup> For example through the European Qualification Framework and in the context of the upcoming revision of the EUROPASS system.

<sup>43</sup> The common visa policy mainly provided for in the Visa Code (Regulation 810/2009) sets out the rules for the issuing of short stay visas to third country nationals travelling for the purpose of e.g. tourism, business, private visits family/friends, cultural and sport events. It is part of the Schengen *acquis* in which Ireland and the United Kingdom do not participate. In 2014, the Schengen States issued approximately 15.8 million visa which represents an increase of approximately 60% compared to 2009. A recast proposal of the Visa Code is currently under discussion in the Parliament and the Council (COM(2014) 164).

<sup>44</sup> It is a new type of visa both for visa-exempt and visa requiring third-country nationals with a legitimate interest in travelling around the Schengen area for more than 90 days in any 180-day period (COM(2014)163). This proposal builds on the part of the Schengen *acquis* in which Ireland and the United Kingdom do not participate.

while minimising the risks of irregular migration and security. The Commission will also conclude by the end of 2015 its current **review of which nationalities require visas** and may propose to lift visa requirements for some nationalities, on a reciprocal basis, or to re-impose visa requirements for others. This will take into account the ongoing political dialogues with key countries on migration and mobility matters.

### *Effective integration*

Our migration policy will succeed if underpinned by effective integration policies. Although the competence lies primarily with Member States, the European Union can support actions by national governments, local authorities and civil society engaged in the complex and long term process of fostering integration and mutual trust.

Funding is provided by the Asylum Migration and Integration Fund (AMIF). But the European Regional Development Fund (ERDF) and the European Social Fund (ESF) can also be of particular importance.<sup>45</sup> For the new programming period (2014-20), at least 20% of ESF resources will contribute to social inclusion, which includes measures for the **integration of migrants** with a particular focus on those seeking asylum and refugees as well as on children. The funds can support targeted initiatives to improve language and professional skills, improve access to services, promote access to the labour market, inclusive education foster inter-cultural exchanges and promote awareness campaigns targeting both host communities and migrants.

### *Maximising the development benefits for countries of origin*

The EU's legal migration policy should also support the development of countries of origin<sup>46</sup>. The United Nations will shortly adopt the **Sustainable Development Goals (SDGs)**, and migration-related targets should be included, alongside targets in areas such as promoting decent work, youth employment, wage and social protection policies which can help countries of origin to create better economic opportunities at home. The EU will continue to actively support migration-related targets as part of the final overall framework, and to emphasise the importance of harnessing the positive effects of migration as a horizontal means of implementation for the post-2015 development agenda. This would complement the work of the EU's **Mobility Partnerships**<sup>47</sup> and our efforts to mainstream migration issues into key development sectors.

The Commission will also make available at least EUR 30 million to support partners with capacity building on **effective management of labour migration**, focusing on empowering migrant workers and tackling exploitation. To mirror the success of Europe in establishing a single market underpinned by labour mobility, the EU has also launched a EUR 24 million initiative to support free movement in the Economic Community of West African States. Regional labour mobility schemes encouraging **South-South mobility** can bring an important contribution to local development. The Commission will also promote ethical recruitment in sectors suffering from a lack of qualified workers in countries of origin by supporting international initiatives in this field.

<sup>45</sup> The implementation of these measures will be assessed by the end of 2015 to see whether Member States have met their objectives and whether any reprogramming of ESF resources is required.

<sup>46</sup> Commission Communication: "Maximising the Development Impact of Migration" (COM(2013)292 final); Council Conclusions on Migration in EU development cooperation of 12 December 2014.

<sup>47</sup> The Commission Communication: "The Global Approach to Migration and Mobility" (COM/2011/743 final). These are the most elaborated bilateral cooperation frameworks in the field of migration. They offer a political framework for comprehensive, enhanced and tailor-made dialogue and cooperation with partner countries, including a set of targets and commitments as well as a package of specific support measures offered by the EU and interested Member States. They include the negotiation of visa facilitation and readmission agreements.



One way in which the EU can help to ensure that countries of origin benefit from migration is through **facilitating cheaper, faster and safer remittance transfers**. Adoption of the proposal for a "EU Payment Services Directive II"<sup>48</sup> would help to strengthen the regulatory environment for remittances, and at least EUR 15 million will be made available through the Development Cooperation Instrument to support flagship initiatives in developing countries.

<b>Key Actions</b>	<ul style="list-style-type: none"> <li>• Modernisation and overhaul of the Blue Card scheme.</li> <li>• A platform for dialogue with social partners on economic migration.</li> <li>• Stronger action to link migration and development policy.</li> <li>• Re-prioritising funding for integration policies</li> <li>• Cheaper, faster and safer remittance transfers.</li> </ul>
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## **IV. Moving Beyond**

This Agenda primarily focuses on offering solutions that will allow Europe to move forward in these areas in the short and medium term. But if we are to address these issues in an effective and sustainable manner in the longer term, European cooperation in the area of migration needs to go further.

The initiatives contained in the Agenda will be critical in shaping an effective and balanced European migration policy. Within the scope of the Treaties and its relevant Protocols, the Commission will launch parallel reflections on a number of areas:

1. *The completion of the Common European Asylum System:* The EU Treaties looks forward to a uniform asylum status valid throughout the Union. The Commission will launch a broad debate on the next steps in the development of Common European Asylum System, including issues like a common Asylum Code and the mutual recognition of asylum decisions.<sup>49</sup> A longer term reflection towards establishing a single asylum decision process will also be part of the debate, aiming to guarantee equal treatment of asylum seekers throughout Europe.
2. *A shared management of the European border:* The scaling up of action in the Mediterranean exposes the reality of the management of external borders increasingly being a shared responsibility. As well as a European System of Border Guards,<sup>50</sup> this would cover a new approach to coastguard functions in the EU, looking at initiatives such as asset sharing, joint exercises and dual use of resources as well as a the possibility of moving towards a European Coastguard.
3. *A new model of legal migration:* The EU Treaties reserves the final decision on the admission of economic migrants for Member States. However, the EU needs to look at how to marry this limitation with the collective needs of the EU economy. In particular,

<sup>48</sup> COM/2013/0547 final.

<sup>49</sup> Mutual recognition of positive asylum decisions means the recognition by a Member State of the positive asylum decisions taken by another Member State.

<sup>50</sup> Study on the feasibility of the creation of a European System of Border Guards ([http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/border-crossing/docs/20141016\\_home\\_esbg\\_frp\\_001\\_esbg\\_final\\_report\\_3\\_00\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/border-crossing/docs/20141016_home_esbg_frp_001_esbg_final_report_3_00_en.pdf)), the ongoing study on the future of Frontex.

the Commission will look at the possibility of developing, with the Member States, an "expression of interest system". This would use verifiable criteria to automatically make an initial selection of potential migrants, with employers invited to identify priority applicants from the pool of candidates, and migration taking place after the migrant is offered a job. This would allow for the creation of an "EU-wide pool" of qualified migrants, accessible to both employers and Member States' authorities – but with the actual selection and the admission procedure remaining national, based on Member States' actual labour market needs.

## ANNEX

### European schemes for relocation and resettlement

#### **Relocation**

‘Relocation’ means a distribution among Member States of persons in clear need of international protection.

On the basis of a distribution key, the Commission will, by the end of May, propose triggering the emergency response system envisaged under Article 78(3) of the Treaty on the Functioning of the European Union and introduce a **temporary European relocation scheme** for asylum seekers who are in clear need of international protection.

**The distribution key** will be based on **objective, quantifiable and verifiable criteria that reflect the capacity of the Member States to absorb and integrate refugees**, with appropriate weighting factors reflecting the relative importance of such criteria (*see Table 1 below*). This key will be based on the following elements<sup>51</sup>:

- a) the size of the population (40%) as it reflects the capacity to absorb a certain number of refugees;
- b) total GDP<sup>52</sup> (40%) as it reflects the absolute wealth of a country and is thus indicative for the capacity of an economy to absorb and integrate refugees;
- c) average number of spontaneous asylum applications and the number of resettled refugees per 1 million inhabitants over the period 2010-2014 (10%) as it reflects the efforts made by Member States in the recent past;
- d) unemployment rate (10%) as an indicator reflecting the capacity to integrate refugees.

Actual numbers to be relocated to each Member State will depend on the total number of persons to be relocated and will be included in the legislative proposal.

The receiving Member State will be responsible for the examination of the asylum applications in accordance with established rules and guarantees.

In applying the baseline distribution key the specific crisis situation shall be taken into account. The Member States from which relocation will take place should not themselves contribute as a relocating Member State. The proposal will reflect the position of the UK, Ireland and Denmark as set out in the respective Protocols to the Treaties.

#### **Resettlement**

‘Resettlement’ means the transfer of individual displaced persons in clear need of international protection, on submission of the United Nations High Commissioner for Refugees and in agreement with the country of resettlement, from a third country to a Member State, where they will be admitted and granted the right to stay and any other rights comparable to those granted to a beneficiary of international protection.

The Commission will, by the end of May, adopt a Recommendation for an **European resettlement scheme**.

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<sup>51</sup> Taking into account previous discussions in the context of Resettlement and Relocation Forum.

<sup>52</sup> GDP per capita is not to be used as considerations per capita are already reflected in the criteria on the size of the population.



**This scheme will cover all Member States. Associated States will be invited to take part** in the scheme. The share of the overall pledged resettlement places will be allocated to each Member State on the basis of the same **distribution key** as explained above for the relocation scheme (*see Table 2 below*).

The scheme will consist of a **single European pledge** of **20,000** resettlement places.

The **Commission will contribute to the scheme** by making additionally available a total of €50 million for 2015 and 2016.

The **priority regions for resettlement** will include North Africa, the Middle East, and the Horn of Africa, focusing on the countries where the Regional Development and Protection Programmes are being implemented. The scheme is to establish strong links with these programmes.

The **cooperation of the United Nations High Commissioner for Refugees (UNHCR)** and other relevant organisations will be called upon to assist in the implementation, in line with current practice (identification, submission, transfer, etc.). Practical **involvement of the European Asylum Support Office** in the scheme can also be envisaged. Each Member State will remain responsible for individual admission decisions.

The Commission is aware of the **risk of spontaneous secondary movement** of resettled persons. This will be addressed by making resettlement conditional upon agreement of the resettled person to remain in the resettling State for a period of at least 5 years, informing them of the consequence of onward movement within the EU and the fact that it will not be possible to acquire legal status in another Member State or gain access to social rights. Swift identification and return of persons who do not abide by such agreement is already possible under the EU law. The Commission, in cooperation with the Member States and the relevant Agencies, will develop further tools for the practical application of these measures.

**Table 1 European relocation scheme**

<b>Member States<sup>53 54</sup></b>	<b>Key</b>
Austria	2,62%
Belgium	2,91%
Bulgaria	1,25%
Croatia	1,73%
Cyprus	0,39%
Czech Republic	2,98%
Estonia	1,76%
Finland	1,72%
France	14,17%
Germany	18,42%
Greece	1,90%
Hungary	1,79%
Italy	11,84%
Latvia	1,21%
Lithuania	1,16%
Luxembourg	0,85%
Malta	0,69%
Netherlands	4,35%
Poland	5,64%
Portugal	3,89%
Romania	3,75%
Slovakia	1,78%
Slovenia	1,15%
Spain	9,10%
Sweden	2,92%

Calculations are based on statistical information provided by Eurostat (consulted on 8 April 2015).

<sup>53</sup> The Union's common policy on asylum, immigration, visa and external border controls is based on Title V (Area of freedom, security and Justice) of the Treaty on the functioning of the European Union (TFEU). Under Protocols 21 and 22 to the Treaties, the United Kingdom, Ireland and Denmark shall not take part in the adoption by the Council of proposed measures pursuant to Title V TFEU. The United Kingdom and Ireland may notify the Council, within three months after a proposal or initiative has been presented, or at any time after its adoption, that they wish to take part in the adoption and application of any such proposed measure. At any time Denmark may, in accordance with its constitutional requirements, notify the other Member States that it wishes to apply in full all relevant measures adopted on the basis of Title V TFEU. Should the United Kingdom and Ireland decide to "opt-in" to the relocation scheme, the percentage of Member States' contributions will be adapted accordingly. Should Denmark and the Associated States decide to voluntarily participate in the relocation scheme, the percentage of States' contributions will also be modified accordingly.

<sup>54</sup> The percentages set out in the distribution key will be adapted to take account of the specific crisis situation addressed by the emergency relocation scheme under Article 78(3) TFEU. The Member States from which relocation will take place should not themselves contribute as a relocating Member State.

**Table 2 European resettlement scheme**

<b>Member States<sup>55</sup></b>	<b>Key</b>	<b>Total allocation based on 20.000 persons</b>
Austria	2,22%	444
Belgium	2,45%	490
Bulgaria	1,08%	216
Croatia	1,58%	315
Cyprus	0,34%	69
Czech Republic	2,63%	525
<i>Denmark<sup>56</sup></i>	<i>1,73%</i>	<i>345</i>
Estonia	1,63%	326
Finland	1,46%	293
France	11,87%	2375
Germany	15,43%	3086
Greece	1,61%	323
Hungary	1,53%	307
<i>Ireland<sup>56</sup></i>	<i>1,36%</i>	<i>272</i>
Italy	9,94%	1989
Latvia	1,10%	220
Lithuania	1,03%	207
Luxembourg	0,74%	147
Malta	0,60%	121
Netherlands	3,66%	732
Poland	4,81%	962
Portugal	3,52%	704
Romania	3,29%	657
Slovakia	1,60%	319
Slovenia	1,03%	207
Spain	7,75%	1549
Sweden	2,46%	491
<i>United Kingdom<sup>56</sup></i>	<i>11,54%</i>	<i>2309</i>

Calculations are based on statistical information provided by Eurostat (consulted on 8 April 2015).

The percentage calculations were made to five decimal places and rounded up or down to two decimal places for presentation in the table; allocations of persons were made on the basis of the full figures to five decimal places.

<sup>55</sup> If the Associated States decide to participate in the resettlement scheme, the key and the total allocation will change accordingly.

<sup>56</sup> Whilst the proposed resettlement scheme will take the form of a Recommendation, the Union's common policy on migration is based on Title V TFEU. Therefore, the specific aspects referred to in footnote 3, concerning Protocols 21 and 22 to the Treaties, on the position of the United Kingdom, Ireland and Denmark, will be taken into account.





Strasbourg, 15.12.2015  
COM(2015) 673 final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT AND THE COUNCIL**

**A European Border and Coast Guard and effective management of Europe's external  
borders**

## I. INTRODUCTION

The creation of the Schengen area of free movement without internal borders is a historic achievement and one that remains emblematic of the European values which tore down walls and united a continent. The speed with which people, goods and services can travel across the borders of our Member States also helps drive our competitiveness as the world's largest economic area, creating jobs and growth. However, with the decision to share a common internal area of free movement comes a shared responsibility to provide high and consistent standards of border management and security at the external borders. Indeed, we can only have a Schengen area without internal borders if its external borders are effectively secured and protected.

Citizens' confidence in our collective ability to manage our common external borders has been put to the test by the events of this year and in particular by the unprecedented rise in flows of migrants and refugees. The crisis has exposed weaknesses and gaps in existing border management mechanisms, which have proved insufficient to guarantee effective and integrated border management. Some Member States have not been able to ensure effective border control and the identification and registration of irregular migrants. And the crisis has shown that the limitations of Frontex – inadequate resources in terms of staff and equipment, an inability to initiate and carry out return or border management operations and the absence of an explicit role to conduct search and rescue operations – have hindered its ability to effectively address and remedy the situation.

Between January and November 2015, more than 1.5 million illegal border crossings<sup>1</sup> were detected, representing an all-time peak<sup>2</sup> of arrivals in the EU. Third-country nationals have been able to cross the external borders of the EU illegally and then continue their journey across the EU, without having been first identified, registered and subject to adequate security checks. The scale of these huge secondary movements of migrants within the EU has fundamentally put into question the coherence of the Schengen area, and, as a result, some Member States have chosen to reintroduce temporary controls at their internal borders – a situation that cannot and should not endure in the long term. Security concerns following the terrorist attacks of this year, and the phenomenon of foreign terrorist fighters, have added to citizens' concerns.

It has become increasingly clear that the challenges these movements represent cannot be adequately dealt with by individual Member States acting in an uncoordinated manner. We need Union standards and a unified system of shared responsibility for external border management.

The European Commission's European Agenda on Migration of May 2015<sup>3</sup> identified the need to move to a shared management of the external borders, in line with the objective of the "gradual introduction of an integrated management system for external borders" set out in Article 77 of the Treaty on the Functioning of the European Union. In his State of the Union speech in September, European Commission President Jean-Claude Juncker announced that the Commission would present ambitious steps in this respect before the end of the year in the form of a fully operational European Border and Coast Guard, as was subsequently confirmed in the 2016 Commission Work Programme<sup>4</sup>.

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<sup>1</sup> The exact figure for the period January-October is 1 284 549 illegal border crossings. The data is available from Frontex Risk Analysis Network (FRAN) and covers the Schengen area including the Schengen candidate countries. It includes the third country nationals detected at external borders (except temporary external borders) when entering or attempting to enter illegally between the border crossing points (BCPs). For November, the data originates from the Joint Operations Reporting Application (JORA) and from the Croatian Ministry of Interior (<http://www.mup.hr/219696.aspx>); estimates have been used for routes where no data was yet available.

<sup>2</sup> For the period 2009-2014, the total number of detected illegal border crossings was 813 044.

<sup>3</sup> COM (2015) 240 final.

<sup>4</sup> COM (2015) 610 final.

This objective has also been signaled by the European Parliament<sup>5</sup> and endorsed in the clear orientations set out by the European Council on 23 September and 15 October<sup>6</sup>.

This Communication, and the measures which accompany it, provide for a strong and unified policy on the management of the EU's external borders based on the principle of shared responsibility. A permanent integrated system for border management will ensure the Union and its Member States are prepared in face of exceptional situations at the external borders and able to react effectively and in time should they arise. It will be underpinned by a steady crisis prevention mechanism relying on constant monitoring of the capacities of the Member States, including through a robust and regular risk analysis.

The benefits of an area of free movement without internal borders have been shared for many years now. It is now time to make effective management of the external borders a truly common responsibility. It is time for a decisive step towards an integrated management system for external borders.

## II. THE EUROPEAN BORDER AND COAST GUARD AND THE PRINCIPLE OF SHARED RESPONSIBILITY

Today the Commission is proposing to establish a genuine European integrated border management designed in a way that meets the new challenges and political realities faced by the EU, both as regards migration and internal security.

A **European Border and Coast Guard** will be set up to ensure the effective application of strong common border management standards and to provide for operational support and intervention where necessary to promptly respond to emerging crises at the external border. The European Border and Coast Guard will bring together a European Border and Coast Guard Agency built from Frontex and the Member States' authorities responsible for border management, who will continue to exercise the day-to-day management of the external border. National coastguard authorities are also part of the European Border and Coast Guard in so far as they perform maritime border surveillance. The role of the Agency to contribute to **search and rescue operations** will now be significantly strengthened.

The new European Border and Coast Guard Agency ('the Agency') will be at the heart of making a more integrated system of border management work. It needs to be a centre of operational capacity and expertise, a practical support to national border guard authorities, and a guarantor that the system will perform effectively. The Commission's proposal provides for a toolbox of measures to empower the Agency to act in a manner that effectively responds to current challenges, drawing on the recommendations made by the Management Board of Frontex in November 2015<sup>7</sup>.

For the European Border and Coast Guard to be effective, it needs to work in all phases of border management. Firstly, common standards need to be set which meet the test of robust border management capable of reacting at times of crises. The integration of national and Union levels within the European Border and Coast Guard should make the work of constantly improving standards part of the core work of border guard authorities, including coastguards to the extent that they carry out border control tasks, at all levels. The relevant national authorities will perform their regular tasks in line with these standards, and a strong EU level will help ensure uniform implementation across

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<sup>5</sup> In its resolution of 10 September the European Parliament stressed the need to ensure effective management of external borders.

<sup>6</sup> At the informal meeting of Heads of State or Government of 23 September, leaders stressed the need to strengthen controls at the external borders and the European Council conclusions of 15 October explicitly call for the establishment of an integrated management system for the external borders.

<sup>7</sup> These followed an external evaluation of FRONTEX carried out in line with its current legal basis and finalised in June 2015.



Member States. Secondly, there needs to be a system where deficiencies are identified well in advance so that remedial action is taken. Thirdly, it is essential to have a strong and responsive system to ensure crises are adequately addressed whenever needed. In exceptional situations, the assistance rendered to frontline Member States must be regarded as a responsibility which the EU and the Member States need to share and shoulder together. In this respect, the European Border and Coast Guard needs to be able to intervene when the national border guards of frontline Member States are not, for whichever reasons, effectively coping with the challenges they face on their own.

### III. A SINGLE SYSTEM OF INTEGRATED EXTERNAL BORDER MANAGEMENT

#### 1. EFFECTIVE IMPLEMENTATION OF INTEGRATED BORDER MANAGEMENT

Integrated border management goes beyond border control performed solely at the external border. It includes measures in third countries, measures with neighbouring third countries, and measures within the area of free movement, including return of irregular migrants from the EU to their countries of origin. Proper border management is also supported by a number of elements such as strong and regular risk analysis, improved inter-agency cooperation and the use of state-of-the-art technology.

As a first step, it is necessary to ensure that the common EU rules in place are fully and duly implemented. Implementation of these rules is also essential in normal circumstances when there is no increased pressure but the area of free movement needs to be equally secured.

To ensure the constant monitoring of the management of the external borders in the Member States, the Commission is proposing to reinforce the obligations of cooperation and information sharing between the new European Border and Coast Guard Agency and national authorities. In particular, a monitoring and risk analysis centre will be set up in the Agency to follow the migratory flows towards and within the European Union. This tool will go hand in hand with a reliable and up-to-date **risk analysis**. The use of the Common Integrated Risk Analysis Model (CIRAM) developed by the Agency, in close cooperation with the Member States, will be made compulsory.

To support the development of an integrated approach and to further strengthen the regular monitoring of the management of the external borders by the Member States, **liaison officers** will be seconded by the Agency to specific Member States determined on the basis of risk analysis and in consultation with the Management Board. Cooperating with the national border guard authorities (as well as the coastguards to the extent that they carry out border control tasks) and acting as an interface between them and the Agency, these liaison officers will be fully integrated into the national authorities' work and information systems and able to ensure the Agency is fully informed in real time. They will identify possible weaknesses in the national border management systems and will prepare recommendations to address them. This will help identify necessary preventive steps in a common and proactive way and help prevent potential shortcomings from becoming a problem.

To guarantee an efficient implementation of the European integrated border management, the Agency will develop a broad overview of the capacity of Member States, including as regards allocation of staff and equipment at the external border. To help identify and address weaknesses, the Commission is proposing to significantly strengthen the Agency's 'vulnerability test' (as compared to the current Frontex situation) by transforming it into a mandatory mechanism of **vulnerability assessment**. It will be designed in a way so as to complement the Schengen evaluation mechanism<sup>8</sup> and will ensure that

<sup>8</sup> Council Regulation (EU) No 1053/2013 of the European Parliament and of the Council of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen, OJ L 295, 6.11.2013, p. 27.

the specific needs of those sections of the external border exposed to threats, such as disproportionate migratory pressures, can be adequately met. The information necessary for carrying out this vulnerability assessment will be complemented by the seconded liaison officers who will be feeding in data collected during their work on the ground.

By assessing the resources and equipment of the Member States as well as their contingency planning, the Agency will determine whether they are well prepared to meet potential challenges and to identify existing weaknesses. Following the outcome of this assessment, if necessary, the Agency will determine any corrective actions needed to address emerging or existing gaps. The decisions of the Agency will be binding on the Member State concerned. If the necessary corrective action is not taken within the time limits set by the Agency, the European Commission may authorise the Agency to take further action, including the deployment of European Border and Coast Guard Teams (see below).

## 2. CRISIS PREVENTION AND INTERVENTION AT THE EXTERNAL BORDER

The situation at the external border must not be allowed to deteriorate to the extent of jeopardising the functioning of the Schengen area.

In cases of urgent or exceptional migratory pressure, Member States can already today avail themselves of the possibility to request the deployment of Agency resources<sup>9</sup>. **Member States may request joint operations and rapid border interventions**, and deployment of the European Border and Coast Guard Teams to support these.

However, the refugee crisis has exposed two fundamental problems with the existing structures. This is because the deployment of Agency resources relies, firstly, on the willingness of Member States to send resources to the external border at a given moment in time and, secondly, on a formal request from a frontline Member State. The structure and mandate of the new European Border and Coast Guard is designed to mitigate both issues. On the one hand, these weaknesses were exposed notably in the case of Greece where Frontex asked Member States to supply 743 guest officers to work at the external border in Greece and to this day only 447 have been provided. On the other hand, and despite several political calls to do so, some Member States have not activated the available border intervention mechanisms, leaving Frontex unable to intervene.

### *A reserve of European Border Guards*

The Agency therefore needs to have at its immediate and direct disposal a sufficient number of well-trained experts with the appropriate profiles as well as the relevant technical equipment. Currently, contributions of assets and experts to Frontex are, in principle, provided on a voluntary basis. This method of working, in combination with the current migration crisis, has recently led to shortages which have prevented Frontex from performing its operational tasks at maximum capacity. Such deficiencies must be remedied.

To secure the capacity of the Agency to perform its tasks in responding to emergency situations, a **rapid reserve pool** of experts will be created as a standing corps put at the disposal of the Agency. As the body assigned to implement the European integrated border management, the Agency will be able to call on this pool within a very **limited timeframe** in circumstances requiring **immediate response**. Member States will have to make available at least 1 500 border guards to be deployed by the Agency in rapid border interventions within days. Similarly, the Agency will have at its disposal **a technical**

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<sup>9</sup> Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers.

**equipment pool** where Member States will be required to make available at immediate notice operational equipment acquired at a 90% co-financing rate under the additional allocations of **specific actions**<sup>10</sup> of the Internal Security Fund. This will ensure that the current situation where frontline Member States face shortages of essential fingerprinting equipment but Frontex is unable to supply them since it relies on Member States to make these resources available, is put to an end.

### *The right to intervene*

In urgent situations, the Agency must be able to step in to ensure that action is taken on the ground even where there is no request for assistance from the Member State concerned or where that Member State considers that there is no need for additional intervention.

On the one hand, such action could be necessary due to a disproportionate increase in the pressure at that section of the external border where the national border guard authorities (and coastguards to the extent that they have border control tasks) are not able to cope with the crisis which has developed. On the other hand, the requirement of urgent action at a particular section of the external border could be due to a deficiency in the border management system of a Member State which the Agency had identified as a result of a vulnerability assessment and had recommended corrective measures which the Member State concerned failed to implement within the set time limits.

When deficiencies are identified and in order to take **timely corrective action** and to avoid reaching a crisis situation, the Agency will in a first instance be empowered to **recommend** Member States launch joint operations or rapid border interventions.

Where deficiencies persist and national action is not forthcoming, the Commission will be able to adopt an implementing decision determining that the situation at a particular section of the external borders requires urgent action and entrusting the Agency with the task of carrying out appropriate operational measures. This will allow the Agency to **intervene immediately in crises situations** by deploying European Border and Coast Guard Teams at the external border.

### *Implementing the hotspot approach and working with third countries*

The development of the hotspot approach, initially introduced by the European Agenda on Migration, will become a key task of the Agency, which will be able to deploy European Border and Coast Guard Teams in the framework of the migration management teams at hotspots.

Furthermore, the Commission proposal provides for an enhanced role for the Agency as regards **cooperation with third countries** where it can coordinate operational cooperation between Member States and neighbouring third countries in the field of border management, including by deploying liaison officers to third countries or launching joint operations on Union territory or on the territory of third countries. This will notably remedy the situation which is currently faced in the cooperation with the Western Balkan countries where, despite the agreement of the third countries in question, Frontex is unable to provide operational assistance as it does not have the mandate to send border guard teams to countries such as Serbia or the former Yugoslav Republic of Macedonia.

<sup>10</sup> According to Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing a part of the Internal Security Fund (OJ L 150, 20.5.2014, p. 143), specific actions are designed as 'top-up funding', i.e. additional amounts added to the Member States' basic national 7-year allocations on a competitive basis depending on their willingness to implement, under their national programmes, actions which correspond to specific EU priorities.



### 3. COAST GUARD FUNCTIONS

Coast guards have a crucial role to play in securing maritime borders and in rescue at sea. The current crisis has demonstrated the need for a more coordinated response from the relevant Union Agencies and the wide range of national authorities performing coast guard functions. Better coordination can both bring results in terms of addressing crises at sea and helping those authorities to work efficiently. This should include better coordination and pooling of relevant coastguard functions at EU level.

There are currently more than 300 civilian and military authorities in the Member States responsible for carrying out coastguard functions in a wide range of areas such as maritime safety, security, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection. Relevant EU Agencies support the national authorities in the exercise of most of these functions. A **functional approach** is needed so that the national coastguards will be part of the European Border and Coast Guard to the extent that they carry out border control tasks. The Commission therefore proposes to bring together the existing bodies and agencies carrying out coastguard tasks more closely. At EU level, this will be achieved by aligning the mandates of the European Maritime Safety Agency and the European Fisheries Control Agency with the provisions of the new Agency and enhancing their capacities, notably through jointly planned surveillance operations and streamlined sharing of information and capacity building as well as providing surveillance and communication services based on state-of-the-art technology such as Remotely Piloted Aircraft Systems (drones).

This will mean that the Agency will, for example, be able to access new information on vessels used for illegal immigration and cross-border crime which have been detected during maritime surveillance operations whose primary mission is not border control, but fisheries control or oil spill detection. This pragmatic cross-sector cooperation to pool resources and information will allow border management to draw from capacities which are not strictly border control related.

### 4. STRENGTHENED ROLE FOR THE AGENCY IN THE FIELD OF RETURN

Improving the effectiveness of return procedures has been recognised as a key objective of migration management. An enhanced role for the European Border and Coast Guard Agency in the field of return will improve the capacity of the EU to successfully return illegally staying third-country nationals. As set out in the EU Action Plan on Return<sup>11</sup>, the Agency should be able to initiate return operations and to assist Member States with the acquisition of travel documents.

The Agency will coordinate all the tasks related to return and will provide Member States with all the necessary technical and operational reinforcement to effectively return illegally staying third country nationals. For these purposes, a dedicated **Return Office** will be created within the structure of the Agency to cooperate with the Member States in conducting identification and return procedures, including through financing and co-financing, coordinating and organising return operations as well as cooperating with relevant third-country authorities in the area of return.

The Agency will also play a key and direct role in return interventions. **European Return Intervention Teams**, composed of escorts, monitors and return specialists, will be able to be deployed to Member States subject to particular pressure on their return system. In urgent situations Rapid European Return Intervention Teams could be deployed either upon the request of a Member State or on the Agency's own initiative.

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<sup>11</sup> COM (2015) 453 final.

## 5. FUNDAMENTAL RIGHTS AND A COMPLAINT MECHANISM FOR THE AGENCY

Given the stronger role and enhanced operational tasks of the Agency, it is important to have an adequate complaint mechanism in case a person considers himself or herself to have been subject to a violation of fundamental rights in the course of operational engagement by the Agency. Both the European Parliament and the European Ombudsman have stressed the importance of such a mechanism.

Under the mechanism a dedicated Fundamental Rights Officer in the Agency will receive complaints in a structured manner and refer these to the Executive Director and the Member States concerned. Member States will be required to provide information on the outcome and follow up to the complaint. This administrative process will be without prejudice to any judicial remedies. Moreover, in cases of violations of fundamental rights or international protection obligations which are of a serious nature or are likely to persist, the Executive Director of the Agency would be able to decide not only on the suspension or termination of the operational activities led by the Agency, but also on the withdrawal of financial support for the operation in question.

## IV. UNIFORM IMPLEMENTATION OF THE SCHENGEN RULES

The uniform implementation of all the rules in the field of border management needs to be regularly monitored. With the establishment of the European Border and Coast Guard, the coherent application of the Schengen rules as well as the harmonised performance of border management tasks across Member States becomes even more important.

The laws governing the Schengen area constitute a dynamic set of rules which have developed over time and are incorporated in legal acts as well as in a number of 'soft law' documents such as handbooks, guidelines, catalogues, best practices. Their full and correct application by the Member States is regularly verified through the Schengen evaluation mechanism serving as a quality control tool. Schengen evaluations are carried out on the basis of multi-annual and annual programmes adopted by the Commission. Following evaluation missions, the teams responsible for these evaluations<sup>12</sup> ("Schengen Evaluation teams") put forward recommendations to the Member States to address possible identified deficiencies in their national border management systems.

In this context, the Schengen evaluation reports have often signalled as a weakness in the implementation process the fact that a considerable part of the Schengen rules are included in non-binding documents. Combining 'soft law' measures and legally binding rules has not always proven efficient especially due to the fact that 'soft law' could often be interpreted and implemented differently.

To avoid possible discrepancies and to guarantee that the European Border and Coast Guard performs its tasks in a consistent manner, it is important to ensure that the Schengen rules are applied in the same way across the EU. To achieve uniform and more harmonised implementation of the existing rules and better consolidate the Schengen *acquis* as a 'single rulebook' of measures for border management, the Commission will work towards replacing the 'soft law' provisions by legally binding measures.

<sup>12</sup> These teams were established by Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing Decision of the Executive Commission of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen, in its Article 10.

## V. TARGETED MODIFICATION OF THE SCHENGEN BORDERS CODE

Control at the external borders remains one of the main safeguards of the area without controls at the internal borders. One of the purposes of such controls is to prevent any threat to the internal security and public policy of the Member States. As recent terrorist attacks have demonstrated, the threat can come also from persons enjoying the right of free movement under Union law. Controls at the external borders need to be reinforced in order to be able to identify such persons and minimise risks to the internal security of the Schengen area. This is also confirmed in the conclusions of the eighth biannual report on the functioning of the Schengen area.

To address this need, the Commission is proposing a targeted modification to the Schengen Borders Code<sup>13</sup> as regards **checks of EU citizens** against databases such as the Schengen Information System, the Stolen and Lost Travel Documents Database as well as relevant national systems. As requested by the Justice and Home Affairs Council of 9 and 20 November 2015, this initiative will provide for "systematic controls of EU nationals, including the verification of biometric information, against relevant databases at external borders of the Schengen area, making full use of technical solutions in order not to hamper the fluidity of movement"<sup>14</sup>.

The proposed amendments will make systematic checks of EU citizens against databases at all external borders (air, sea and land) – which are today possible based on a risk assessment – compulsory. The systematic checks will verify the identity and the nationality of the person and the validity and authenticity of the travel document. Moreover, they will verify that the persons entering the Schengen area do not represent a threat to public order and internal security. The new rules also contain an element of flexibility – where at the land and sea borders systematic checks of EU citizens could have a disproportionate effect on the flow of traffic, Member States may carry them out on a targeted basis based on a risk assessment.

## VI. A EUROPEAN TRAVEL DOCUMENT FOR RETURN

Ensuring the effective return of third country nationals who are staying illegally in Europe is an essential component of a comprehensive, sustainable and credible EU migration policy.

The current EU system to return irregular migrants is not sufficiently effective and the lack of valid travel documents issued by the countries of destination of the returnees is one of the main obstacles to successful return and readmission. At present, Member States may issue a European substitute document<sup>15</sup> for those illegally staying third-country nationals who do not possess a valid travel document. However, due to its inadequate security features and standards, among other reasons, its recognition by third countries is unsatisfactory. There is a clear need to improve the recognition of the EU travel document by third countries in view of ensuring successful return while reducing the administrative burden on competent consular authorities of third countries.

Following up on the announcement made in the EU Action Plan on Return, the Commission is proposing to establish a new European travel document for the return of third-country nationals, based on a uniform format and using enhanced technical and security features that can ensure a wider acceptance by third countries. The recognition of this travel document should be promoted in the

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<sup>13</sup> Article 7(2) Schengen Borders Code.

<sup>14</sup> Conclusions of the Council of the EU and of the Member States meeting within the Council on Counter-Terrorism, 20 November 2015.

<sup>15</sup> OJ C 274, 19.9.1996, p. 18.



context of readmission agreements or other arrangements with third countries, as well as in the context of return-related cooperation with third countries not covered by formal agreements.

The proposed Regulation on a European travel document for return defines the format and the security features of this document, while the common standards and procedures for carrying out the return of illegally staying third-country nationals is regulated by the Return Directive<sup>16</sup> and shall be conducted in full respect of fundamental rights, in particular of the principle of *non-refoulement*.

## VII. EUROSUR

EUROSUR is a common framework for information exchange and cooperation among all national authorities with responsibility for the surveillance of the external land and sea borders. Since it became operational at the end of 2013, it has considerably improved the situational awareness at the external borders and in the pre-frontier area and it has contributed to saving migrants' lives on many occasions. This is largely owed to the efforts of Frontex, as also outlined in the report presented this month by Frontex to the European Parliament and to the Council on the implementation of the EUROSUR components falling under its responsibility.

The Commission has today adopted a **EUROSUR Handbook**, providing guidance to Member States authorities on the implementation and management of EUROSUR<sup>17</sup>.

With thousands of people arriving every day at certain sections of the external border, it is clear that Member States also need to be able to react quickly and in a coherent manner. While the legislative proposal for the European Border and Coast Guard creates a stronger Agency, the national coordination centres for border surveillance, established in accordance with the EUROSUR Regulation, play a crucial role and Member States should make better use of them in strengthening their reaction capability.

The EUROSUR Handbook describes in detail the tasks of these national coordination centres, including their cooperation with other national authorities and how to manage resources and personnel and the national border surveillance systems. The Handbook defines how national coordination centres and Frontex exchange information on incidents, patrols and intelligence and coordinate their reaction at the different border sections. Finally, the Handbook provides technical guidelines for the management of the EUROSUR communication network and of classified information.

## VIII. CONCLUSION

The measures adopted today constitute a necessary step forward towards effective **European integrated border management**.

The Commission calls on the European Parliament and the Council to give the highest priority to these proposals, and in particular to the proposed Regulation on the **European Border and Coast Guard**, so that the confidence of citizens in Europe's external borders can be restored swiftly and the integrity of the Schengen area of free movement without internal borders can be guaranteed.

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<sup>16</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

<sup>17</sup> Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 23 October 2013 establishing the European Border Surveillance System (Eurosir), OJ L 295, 6.11.2013, p. 11.



Brussels, 6.4.2016  
COM(2016) 205 final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT AND THE COUNCIL**

**Stronger and Smarter Information Systems for Borders and Security**

**EN**

**EN**

## 1. INTRODUCTION

Europe is a mobile society. Millions of EU citizens and third-country nationals cross internal and external borders every day. In 2015, more than 50 million non-EU nationals visited the EU, accounting for more than 200 million border crossings at the external borders of the Schengen area.

Beyond these regular travel flows, in 2015 alone, conflict in Syria and crises elsewhere triggered 1.8 million irregular border crossings at Europe's external borders. EU citizens expect external border controls on persons to be effective, to allow effective management of migration and to contribute to internal security. The terrorist attacks in Paris in 2015 and in Brussels in March 2016 bitterly demonstrated the ongoing threat to Europe's internal security.

Both elements brought into sharper focus the need to join up and strengthen the EU's border management, migration and security cooperation frameworks and information tools in a comprehensive manner. Border management, law enforcement, and migration control are dynamically interconnected. EU citizens are known to have crossed the external border to travel to conflict zones for terrorist purposes and pose a risk upon their return. There is evidence that terrorists have used routes of irregular migration to enter the EU and then moved within the Schengen area undetected.

The European Agendas on Security and on Migration have set the direction for the development and implementation of EU policy to address the parallel challenges of migration management and the fight against terrorism and organised crime. This Communication builds on the synergies between these two Agendas and is intended as a starting point for a discussion on how existing and future information systems could enhance both external border management and internal security in the EU. It is complementary to the December 2015 proposal on the creation of a European Border and Coast Guard and the improvement of crisis prevention and intervention at the external borders.

There are a number of information systems at EU level that provide border guards and police officers with relevant information on persons, but the EU data management architecture is not perfect. This Communication sets out some possible options for maximising the benefits of existing information systems and, if necessary, developing new and complementary actions to address gaps. It also highlights the need to improve the interoperability of information systems as a long-term objective, as also identified by the European Council and the Council,<sup>1</sup> and presents ideas on how information systems can be developed in the future to ensure that border guards, customs authorities, police officers and judicial authorities have the necessary information at their disposal.

Any future initiative would be prepared on the basis of better regulation principles with public consultation and assessment of the impacts, including as concerns fundamental rights and in particular the right to the protection of personal data.

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<sup>1</sup> Conclusions of the European Council meeting of 17 and 18 December 2015; Joint Statement of EU Ministers for Justice and Home Affairs and representatives of EU institutions on the terrorist attacks in Brussels on 22 March 2016 (24 March 2016); Conclusions of the Council of the EU and of the Member States meeting within the Council on Counter-Terrorism (20 November 2015).



## 2. CHALLENGES TO BE ADDRESSED

The absence of internal borders in the Schengen area requires strong and reliable management of the movement of persons across the external borders. This is a prerequisite to ensure a high level of internal security and the free movement of persons within that area. At the same time, the absence of internal borders means that law enforcement authorities in the Member States also have access to relevant data on persons. There are a number of information systems and databases at EU level that provide border guards, police officers and other authorities with relevant information on persons, in accordance with their respective purposes.<sup>2</sup>

However, there are also shortcomings related to information systems that impede the work of these national authorities. Better information exchange was therefore highlighted as a key priority in the European Agenda on Security. The main shortcomings are: (a) sub-optimal functionalities of existing information systems, (b) gaps in the EU's architecture of data management, (c) a complex landscape of differently governed information systems, and (d) a fragmented architecture of data management for border control and security.

The existing information systems in the EU for border management and internal security cover a wide range of functionalities. Nevertheless, there are still **shortcomings in the functionalities of existing systems**. When looking at border control processes applicable to different categories of travellers, it becomes clear that there are shortcomings in some of these processes and between the respective information systems used for border controls. Likewise, the performance of existing tools for law enforcement needs to be optimised. This calls for consideration of action to improve existing information systems (section 5).

Moreover, there are **gaps in the EU's architecture of data management**. Issues remain for border controls of specific categories of travellers, such as third country nationals holding a long-term visa. Also, there is an information gap prior to arrival at the borders as concerns third-country nationals who are exempt from holding a visa. Consideration should be given to whether there is a need to address these gaps by developing additional information system where necessary (section 6).

Border guards and notably police officers face a **complex landscape of differently governed information systems** at EU level. This complexity creates practical difficulties specifically as to which databases should be checked in a given situation. Moreover, not all Member States are connected to all existing systems.<sup>3</sup> The current complexity of acceding information systems at EU level could be reduced by establishing a single search interface at national level which respects the different purposes for access (section 7.1).

The current EU's architecture of data management for border control and security is marked by **fragmentation**. This is caused by the various institutional, legal and policy contexts in which the systems have been developed. Information is stored separately in various systems that are rarely inter-connected. There is inconsistency between databases and diverging access to data for relevant authorities. This can lead to blind spots notably for law enforcement authorities, as it may be very difficult to recognise connections

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<sup>2</sup> See section 4 for an overview of information systems for border and security, and annex 2 for a more detailed inventory.

<sup>3</sup> Subject to the specific terms of Protocol 22 as concerns Denmark and Protocol 21 and 36 as concerns the United Kingdom and Ireland and the respective Acts of Accession.

between data fragments. It is therefore necessary and urgent to work towards integrated solutions for improved accessibility to data for border management and security, in full compliance with fundamental rights. For that, there is a need to initiate a process towards the interoperability of existing information systems (section 7).

### 3. FUNDAMENTAL RIGHTS

Full respect of fundamental rights and data protection rules is an essential precondition to addressing any of the above challenges.

Compliance with fundamental rights requires well-designed and correctly-used technology and information systems. Technology and information systems can help public authorities to protect the fundamental rights of citizens. Biometric technology can reduce the risk of mistaken identities, and of discrimination and of racial profiling. It can also contribute to addressing protection risks for children such as children going missing or falling victims of trafficking, provided it goes hand in hand with Fundamental Rights safeguards and protection measures. It can reduce the risk of people being wrongfully apprehended and arrested. It can also contribute to increasing the security of citizens residing in the Schengen area as it will help in the fight against terrorism and serious crime.

The existence of large-scale information systems also implies potential privacy risks, which need to be anticipated and addressed appropriately. The collection and use of personal data in these systems has an impact on the right to the privacy and the protection of personal data, enshrined in the Charter of Fundamental Rights of the European Union. All systems need to comply with data protection principles and the requirements of necessity, proportionality, purpose limitation and quality of data. Safeguards must be in place to ensure the rights of the data subjects in relation to the protection of their private life and personal data. Data should only be retained for as long as necessary for the purpose for which they were collected. Mechanisms ensuring an accurate risk management and effective protection of data subjects' rights need to be foreseen.

In December 2015 the co-legislators reached a political agreement on the Data Protection reform. Once adopted, the new General Data Protection Regulation and the Data Protection Directive for police and criminal justice authorities<sup>4</sup> will become applicable in 2018 and will provide a harmonised framework for the processing of personal data.

Purpose limitation is a key principle of data protection as enshrined in the Charter of Fundamental Rights. Due to the different institutional, legal and policy contexts in which information systems at EU level were developed, the principle of purpose limitation was implemented through a compartmentalised structure of information management.<sup>5</sup> This is one of the reasons for the current fragmentation in the EU's architecture of data management for border control and internal security. With the new comprehensive framework for the protection of personal data in the EU in place and significant developments in technology and IT security, the principle of purpose limitation can be more easily implemented at the level of access and use to data stored, in full compliance with the Charter of Fundamental Rights and with recent European Court of Justice's jurisprudence. Safeguards such as compartmentalising data within one system and specific access and use rules for each category of data and user should ensure the necessary purpose limitation in integrated solutions for data management. This opens a

<sup>4</sup> See [http://ec.europa.eu/justice/data-protection/reform/index\\_en.htm](http://ec.europa.eu/justice/data-protection/reform/index_en.htm).

<sup>5</sup> COM(2010) 385 final.

way towards the interoperability of information systems accompanied by the necessary strict rules on access and use without affecting the existing purpose limitation.

‘Data protection by design’ and ‘Data protection by default’ are now principles of EU data protection rules. When developing new instruments that rely on the use of information technology, the Commission will seek to follow this approach. This implies embedding personal data protection in the technological basis of a proposed instrument, limiting data processing to that which is necessary for a specified purpose and granting data access only to those entities that ‘need to know.’<sup>6</sup>

The requirements of the Charter of Fundamental Rights and in particular the new Data Protection reform instruments will guide the Commission in addressing the current gaps and shortcomings in the EU's architecture of data management for border control and security. This will ensure that further development of information systems in these areas will be in line with the highest standards of data protection, and that they will respect and contribute to fundamental rights as guaranteed by the Charter of Fundamental Rights.

#### 4. OVERVIEW OF INFORMATION SYSTEMS FOR BORDERS AND SECURITY<sup>7</sup>

The existing information systems in the EU for border management and internal security each have their own objectives, purposes, legal bases<sup>8</sup>, user groups and institutional context. Together they provide a complex pattern of relevant databases.

The three main **centralised information systems** developed by the EU are (i) the Schengen Information System (SIS) with a broad spectrum of alerts on persons and objects, (ii) the Visa Information System (VIS) with data on short-stay visas, and (iii) the EURODAC system with fingerprint data of asylum applicants and third-country nationals who have crossed the external borders irregularly. These three systems are complementary, and – with the exception of SIS – primarily targeted at third-country nationals. The systems also support national authorities in fighting crime and terrorism<sup>9</sup>. This applies in particular to the SIS as the most widely-used information-sharing instrument today. Information exchange for these systems is carried out in a secured dedicated communication infrastructure called sTESTA<sup>10</sup>.

In addition to these existing systems, the Commission proposes to establish a fourth centralised border management system, the **Entry-Exit System (EES)**<sup>11</sup>, which is expected to be implemented by 2020, again addressing third-country nationals.

<sup>6</sup> For a comprehensive description of ‘privacy by design,’ see the Opinion of the European Data Protection Supervisor on Promoting Trust in the Information Society by Fostering Data Protection and Privacy, European Data Protection Supervisor, 18.3.2010.

<sup>7</sup> See Annex 2 for an inventory of existing information systems for border management and law enforcement.

<sup>8</sup> Subject to the specific terms of Protocol 22 as concerns Denmark and Protocol 21 and 36 as concerns the United Kingdom and Ireland.

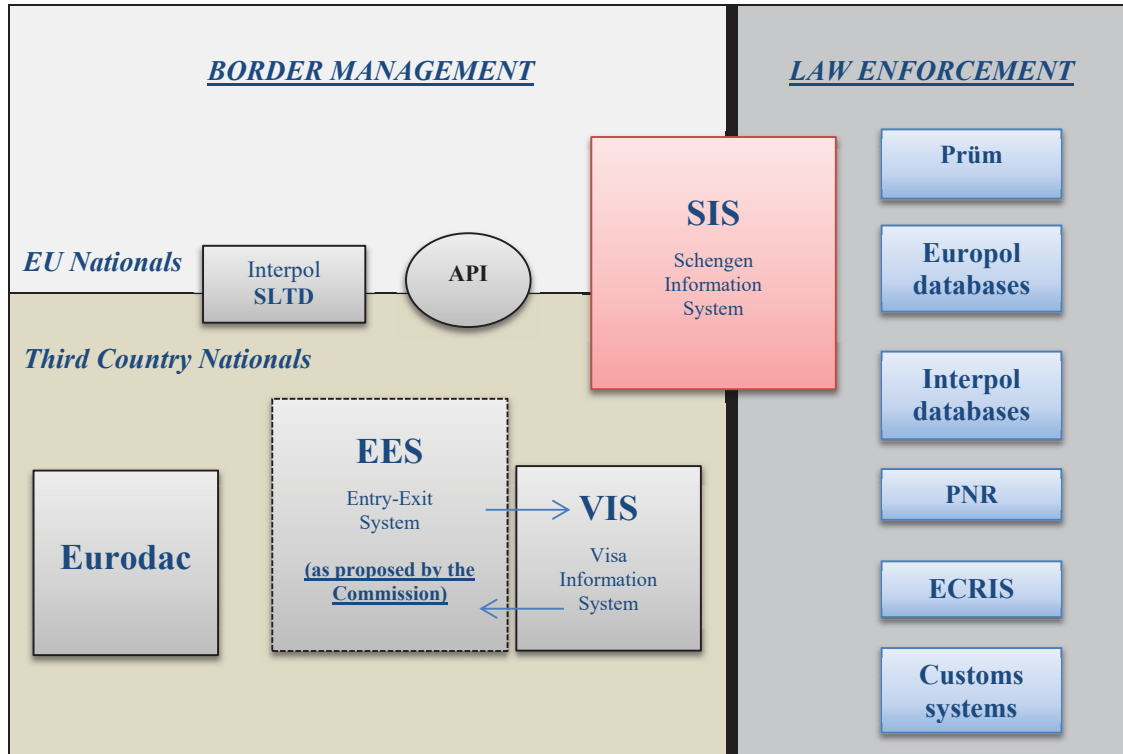
<sup>9</sup> Law enforcement access to VIS and EURODAC can be exercised under limited conditions due to the fact that law enforcement is an ancillary objective of those systems. Concerning VIS, Member States have to designate an authority responsible for controlling law enforcement access and the police must provide evidence that their access is necessary for criminal investigations. Concerning EURODAC, the investigative authority needs to search the national AFIS, Prüm and the VIS before being given access to EURODAC.

<sup>10</sup> Soon to be replaced by TESTA-NG.

<sup>11</sup> COM(2016)194 final.



**Figure 1** Schematic overview of the main information systems for border management and law enforcement:



Additional existing instruments for border management are Interpol's Stolen and Lost Travel Documents (SLTD) database and the Advance Passenger Information (API) that collects information on passengers ahead of inbound flights to the EU. These instruments are relevant to both EU citizens and third country nationals.

Specifically for law enforcement, criminal investigation and judicial cooperation purposes, the EU developed **decentralised tools for information exchange**, namely (i) the Prüm framework to exchange DNA, fingerprints and vehicle registration data, and (ii) the European Criminal Records Information System (ECRIS) to exchange national criminal record information. ECRIS enables the exchange of information, through a secured network, on previous convictions handed down against a specific person by criminal courts in the European Union. Requests are mainly based on alphanumeric identity information though the exchange of biometric data is possible.

**Europol** supports the exchange of information between national police authorities as the EU criminal information hub. The Europol Information System (EIS) provides a centralised criminal information database for Member States to store and query data on serious crime and terrorism. Focal Points at Europol provide subject-focused analysis work files with information on ongoing operations in Member States. Europol's Secure Information Exchange Network Application (SIENA) allows Member States to exchange information in a swift, secure and user-friendly way with each other, with Europol, or with third parties that have a cooperation agreement with Europol. At the same time, SIENA has a strong focus on interoperability with other systems at Europol, for instance to directly exchange data with Focal Points. It provides the possibility to feed Europol's databases with information that is being exchanged between Member States. SIENA should therefore be Member States' channel of first choice for law enforcement information sharing across the EU.

An additional set of personal data processing systems that will be developed across Member States is the **Passenger Name Records (PNR)**.<sup>12</sup> PNR data consists of booking information provided at the time of booking and check-in.

Finally, **customs authorities** are also a crucial actor in the multi-agency cooperation at the external borders. They have various systems<sup>13</sup> and databases which contain data on movements of goods, identification of economic operators and risk-related information that can be used to reinforce internal security. These systems also have their own controlled, restricted and secure infrastructure (Common Communication Network), which has proven its viability. Synergies and convergence between information systems and their corresponding infrastructures for EU border management and for customs operations should be further explored.

## 5. IMPROVING EXISTING INFORMATION SYSTEMS

The existing information systems in the EU for border management and internal security cover a wide range of functionalities. However, there are still **shortcomings** in the systems that need to be addressed in order to optimise their performance.

### *Schengen Information System (SIS)*

Border checks against the **Schengen Information System (SIS)** currently take place on the basis of alphanumeric searches (i.e. name and date of birth). Fingerprints can only be used to verify and confirm the identity of a person who has already been identified on the basis of his/her name. This security gap allows persons subject to an alert to use fraudulent documents to escape from an exact match in SIS.

This critical weakness will be addressed by adding a fingerprint search functionality to the SIS through an **Automated Fingerprint Identification System (AFIS)**, as foreseen by the existing legal framework<sup>14</sup>. The AFIS should be operational by mid-2017<sup>15</sup>. Once developed, the AFIS will be accessible by Europol and will thereby complement Europol's systems for criminal investigation and counter-terrorism, as well as fingerprint exchanges performed under the Prüm framework. The Commission and eu-LISA will examine the potential for such wider use of the future AFIS.

On the basis of the on-going evaluation and a technical study, the Commission is currently examining **possible additional functionalities of the SIS** with a view to presenting proposals to revise the legal basis of the SIS. Aspects under consideration include:

- the creation of SIS alerts on irregular migrants subject of return decisions;

<sup>12</sup> See section 6.2.

<sup>13</sup> The customs information systems include all systems created under the Community Customs Code (Regulation 2913/92) and future Union Customs Code (Regulation 952/2013), the Decision on a paperless environment for customs and trade (Decision 70/2008/EC) and the Customs Information system was established under the CIS Convention of 1995. Its aim is to assist in combating customs related crime by facilitating co-operation between European customs authorities.

<sup>14</sup> Articles 22 (c) of Regulation (EC) No 1987/2006 of the European Parliament and the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) and Council Decision 533/2007/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381, 28.12.2006, p. 4 and OJ L 2015, 7.8.2007 p.63).

<sup>15</sup> In March 2016 the Commission has presented a report to the European Parliament and the Council on the availability and readiness of technology to identify a person on the basis of fingerprints held in the second generation Schengen Information System (SIS II).

- the use of facial images for biometric identification, in addition to fingerprints;
- the automatized transmission of information on a hit following a check;
- the storing of hit information on discreet and specific check alerts in the SIS Central System.
- the creation of a new alert category on 'Wanted Unknown Person' for which forensic data may exist in national databases (e.g. a latent print left behind at a crime scene)<sup>16</sup>.

The Commission will continue to support with EU funding the implementation of projects that enable simultaneous searches in SIS and Interpol's databases on Stolen and Lost Travel Documents (SLTD) and wanted criminals, vehicles or firearms (iARMS) that are complementary with EU information systems.<sup>17</sup>

#### *Interpol's database on Stolen and Lost Travel Documents (STLD)*

It is of key importance for effective border management that the travel documents of all third-country nationals and EU citizens are verified against the **SLTD database**. Law enforcement authorities should also use the SLTD database for queries within the Schengen area. Following the terrorist attacks in Paris on 13 November 2015, the Council called for electronic connections to the relevant Interpol databases at all external border crossing points and automatic screening of travel documents by March 2016.<sup>18</sup> All Member States should establish the relevant electronic connections and put in place systems allowing the automatic update of data on stolen or lost travel documents in the SLTD database.

#### *Advance Passenger Information (API)*

In line with existing best practice, Member States should also increase the added-value of **Advance Passenger Information (API)** data by establishing automated cross-checking of this data against SIS and Interpol's SLTD database. The Commission will assess the need to revise the legal basis for the processing of API data to ensure wider implementation, and to include an obligation for Member States to require and use API data for all inbound and outbound flights. This is particularly relevant in the context of the implementation of the future Passenger Name Records Directive, as a combined use of PNR and API data further enhances the effectiveness of PNR data in the combating of terrorism and serious crime.<sup>19</sup>

#### *Visa Information System (VIS)*

The Commission is also in the process of conducting an overall evaluation of the **Visa Information System (VIS)**, due to be concluded in 2016. The evaluation looks at, among others, how the VIS is used for checks at the external borders and within the territory of Member States, and at how it contributes to the fight against identity and visa fraud. On this basis, the Commission will then examine the possibilities of enhancing the functionalities of the VIS, including by:

<sup>16</sup> The creation of this new alert will be assessed with a view to seek complementarity and avoid overlap with the existing Prüm framework for searching fingerprints in the different national databases of EU Member States.

<sup>17</sup> Information search tools developed by Interpol, such as the Fixed Interpol Networked Database (FIND) and the Mobile Interpol Networked Database (MIND), aim to facilitate simultaneous searches in the Interpol systems and in SIS.

<sup>18</sup> Conclusions of the Council of the EU and of the Member States meeting within the Council on Counter-Terrorism, 20 November 2015.

<sup>19</sup> See section 6.2 on the proposed Passenger Name Record Directive.



- improving the quality of facial images to enable biometric matching;
- using the biometric data of visa applicants to search in the future Automated Fingerprint Identification System to be developed for the SIS;
- reducing the age limit for collecting fingerprints of children between the age of 6 and 12 years old, whilst providing for robust Fundamental Rights safeguards and protection measures;<sup>20</sup>
- facilitating the checking of Interpol's SLTD database during a visa application.

As regards the possibilities under the existing legal framework to access VIS data for **law enforcement purposes**, Member States apply these possibilities in an uneven way. In this context, Member States have reported practical problems in the procedures to access the VIS by law enforcement authorities. Likewise, the implementation of access to EURODAC for law enforcement purposes is still very limited. The Commission will examine if there is a need to reconsider the legal framework for law enforcement access to VIS and EURODAC.

#### *EURODAC*

As set out in the Communication towards a reform of the Common European Asylum System and Enhancing Legal Avenues to Europe<sup>21</sup>, the Commission will present a proposal to reform **EURODAC** to further enhance its functionalities as regards irregular migration and return. This will address a current gap concerning the ability to track secondary movements of irregular migrants between Member States. Moreover, the proposal will seek to enhance the effectiveness of return and readmission procedures by providing means to identify and re-document irregular migrants for return purposes. In this context, the proposal will also cover exchange with third countries of information contained in EURODAC, bearing in mind the necessary data protection safeguards.

#### *Europol*

The EU has granted **Europol** access to the main central databases, but the Agency has not yet made full use of this opportunity. Europol has the right to access and search directly data entered into SIS for arrests, for discreet and specific check and for objects for seizure. So far Europol has carried out only a relatively limited number of searches in SIS. Access to the VIS for consultation has been legally possible for Europol since September 2013. Since July 2015 the legal basis of EURODAC allows access by Europol. The Agency should accelerate the on-going work to establish the connection to VIS and EURODAC. More generally, the Commission will assess if it is necessary to provide further access for other EU Agencies in the field of home affairs to information systems, notably for the future European Border and Coast Guard.

#### *Prüm Framework*

The **Prüm framework** is currently falling short of its potential. This is because not all Member States have implemented their legal obligations in terms of integrating the network with their own systems. Member States have received significant financial and technical support for its implementation, and should now fully implement the Prüm framework. The Commission is using the powers conferred upon it to ensure the full implementation of Member States' legal obligations and began a structured dialogue (EU Pilot) with Member States concerned in January 2016. Should the responses of Member

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<sup>20</sup> As indicated as technically feasible in the JRC study 'Fingerprint Recognition for children'; EUR 26193 EN; ISBN 978-92-79-33390-3Children', 2013.

<sup>21</sup> COM(2016)197 final.

States prove unsatisfactory, the Commission will not hesitate to launch infringement proceedings.

#### *European Criminal Records Information System (ECRIS)*

The European Criminal Records Information System **ECRIS** allows exchanging information on convictions concerning third country nationals and stateless persons, but there is no procedure in place to do so efficiently. In January 2016, the Commission adopted a legal proposal to address this lacuna.<sup>22</sup> In this context, the Commission proposed to enable national authorities to search for third-country nationals on the basis of fingerprints for more secure identification. The European Parliament and the Council should adopt the legislative text in 2016.

#### *Horizontal issues*

A general concern in relation to information systems is the **level of implementation** by Member States. The uneven implementation of the Prüm framework and the missing electronic connections to the SLTD database are striking examples for this. To enhance the level of implementation in relation to information systems, the Commission will closely monitor the performance of each Member State.<sup>23</sup> The monitoring will not only examine if Member States meet their legal obligations in the area of information systems, but also how they make use of existing instruments and if they follow best practices. The Commission will draw on various sources when monitoring and promoting the level of implementation, including notifications by Member States and the visits conducted under the Schengen Evaluation and Monitoring Mechanism.

Another general concern in relation to information systems is the **quality of inserted data**. If Member States do not respect minimum quality requirements, the reliability and value of the stored data becomes very limited, and the risk of mismatches and non-hits undermines the value of the very systems. In order to improve the quality of inserted data, eu-LISA will develop a **central monitoring capacity for data quality** for all systems under its competence.

Most information systems in the area of border controls and security handle identification data coming from travel and ID documents. To enhance borders and security, beyond well-performing systems, travel and identity documents must be authenticated easily and securely. To that end, the Commission will present measures to enhance electronic **document security** and ID management and to strengthen the fight against document fraud. The interoperable levels of secure identification achievable through the eIDAS Regulation<sup>24</sup> could provide a possible means for this.

#### **Actions to improve existing information systems**

##### **Schengen Information System (SIS)**

- Commission and eu-LISA to develop and implement an Automated Fingerprint Identification System (AFIS) functionality in the SIS by mid-2017.

<sup>22</sup> COM(2016) 7 final, 19.1.2016.

<sup>23</sup> Subject to the specific terms of Protocol 22 as concerns Denmark and Protocol 21 and 36 as concerns the United Kingdom and Ireland.

<sup>24</sup> Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC.

- Commission to present proposals by the end of 2016 to revise the legal basis of the SIS to further enhance its functionality.
- Member States to maximise their use of the SIS, both by inserting all relevant information and by consulting the system whenever required.

#### **Interpol's database on Stolen and Lost Travel Documents (SLTD)**

- Member States to establish electronic connections to Interpol tools at all their external border crossings.
- Member States to respect their obligation to enter and consult data on stolen or lost travel documents in SIS and the SLTD database at the same time.

#### **Advance Passenger Information (API)**

- Member States to automate the use of API data for checks against SIS and Interpol's Stolen and Lost Travel Documents (SLTD) database, in line with existing best practice.
- Commission to assess the need to revise the legal basis for the processing of API data.

#### **Visa Information System (VIS)**

- Commission to examine further improvements of the VIS before the end of 2016.

#### **EURODAC**

- Commission to present a proposal to revise the legal basis of EURODAC to further enhance its functionalities as regards irregular migration and return.

#### **Europol**

- Europol to make full use of its existing access rights for consultation purposes to SIS, VIS and EURODAC.
- Commission and Europol to explore and promote synergies between the Europol Information System (EIS) and other systems, notably the SIS.
- Commission and eu-LISA to examine whether the Automated Fingerprint Identification System (AFIS) to be developed for the SIS can complement Europol's systems for criminal investigation and counter-terrorism purposes.

#### **Prüm framework**

- Member States to fully implement and use the Prüm framework.
- If necessary, Commission to launch infringement proceedings against Member States that have not connected to the Prüm framework.
- Commission and eu-LISA to examine whether the Automated Fingerprint Identification System (AFIS) to be developed for the SIS can complement fingerprint data exchanges performed under the Prüm framework.

#### **European Criminal Records Information System (ECRIS)**

- European Parliament and Council should adopt in 2016 the legislative proposal to enable national authorities to search for third-country nationals in ECRIS on the basis of fingerprints.

#### **Horizontal issues**

- Commission to **monitor and promote the level of implementation** in relation to information systems.



- eu-LISA to develop a **central monitoring capacity for data quality** for all systems under its competence.
- Commission to present measures to enhance electronic **document security and ID management** and to strengthen the fight against document fraud.
- Commission to explore synergies and convergence between information systems and their corresponding infrastructures for EU border management and for **customs operations**.

## 6. DEVELOPING ADDITIONAL INFORMATION SYSTEMS AND ADDRESSING GAPS

While existing information systems cover a very broad spectrum of data that is required in the framework of border management and law enforcement, there are also important gaps. Some of these gaps have been addressed by the Commission with legislative proposals, namely the proposals for an Entry-Exit System and for an EU Passenger Name Record (PNR) scheme. For other gaps that have been identified, a careful assessment is needed as to whether additional EU tools are necessary.

### 1. Entry-Exit System

The Commission has presented the revised legislative proposals for the establishment of an Entry-Exit System (EES) in parallel to this Communication. After adoption by the co-legislators, it will be for eu-LISA to develop and implement the system, in cooperation with the Schengen Member States.

The EES will register border crossings (entry and exit) for all third-country nationals visiting the Schengen area for a short stay (maximum 90-day period in any period of 180 days), both visa-required and visa-exempt travellers, or stays on the basis of the new touring visa (up to one year). The objectives of the EES are (a) to improve the management of external borders, (b) to reduce irregular migration, by addressing the phenomenon of overstaying and (c) to contribute to the fight against terrorism and serious crime, thereby contributing to ensuring a high level of internal security.

The EES will register the identities of third-country nationals (alphanumeric data, four fingerprints and facial image) together with details of their travel documents, and will link these to electronic entry and exit records. The current practice of stamping travel documents will be discontinued. The EES will allow for the effective management of authorised short-stays, increased automation at border-controls, and improved detection of document and identity fraud. The central registration will enable the detection of overstayers and the identification of undocumented persons in the Schengen area. The proposed EES therefore addresses an important gap in the landscape of existing information systems.

### 2. Passenger Name Records

Passenger Name Record (PNR) data consists of booking information with contact details, complete trip and reservation details, special remarks, seat and baggage information, means of payment. PNR data are helpful and necessary to identify high risk travellers in the context of combatting terrorism, drugs trafficking, trafficking in human beings, child sexual exploitation and other serious crimes. The proposed PNR Directive will ensure better cooperation between national systems and reduce security gaps between Member States. The proposed PNR Directive therefore addresses an important gap in the availability of data that is necessary for combatting serious crime and terrorism. **The PNR Directive should be adopted and implemented as a matter of urgency.**

The future Directive will provide that Member States have to set up Passenger Information Units (PIU) that will receive PNR data from carriers. It will not involve the creation of a central system or database, but will benefit from a certain degree of standardisation of national technical solutions and procedures. This will facilitate the exchange of PNR data between PIUs as foreseen in the proposed Directive. To that end, the Commission will support Member States analysing different scenarios for interconnectivity between PIUs, with a view to offering standardised solutions and procedures. Once the Directive is adopted, the Commission will accelerate the work on common protocols and supported data formats for the transfer of PNR data by air carriers to the PIUs. The Commission will prepare a draft implementing act within three months after adoption of the Directive.

### **3. Information gap prior to arrival of visa-exempt third-country nationals**

While the identity, contacts and background information of visa-holders are registered in the VIS, the only information on visa-exempt persons comes from their travel document. For travellers arriving by air or sea this may be supplemented prior to arrival by API data. Under the proposed PNR Directive, their PNR data will also be collected if they arrive in the EU by air. For persons entering the EU through land borders, no information is available prior to their arrival at the EU's external border.

While law enforcement authorities can obtain information on visa-holders from the VIS if necessary for the combating of serious crime and terrorism, no comparable data is available on visa-exempt persons. This lack of information is particularly relevant for the management of the land borders of the EU, in a situation where substantial numbers of visa-exempt travellers arrive by car, bus or train. Several neighbouring countries of the EU are already visa-free, and visa liberalisation dialogues between the EU and other neighbouring countries are proceeding. This is likely to lead to a considerable increase of visa-exempt travellers in the near future.

The Commission will assess whether a new EU tool to address this issue is necessary, feasible and proportional. An option that could be considered is an **EU Travel Information and Authorisation System (ETIAS)**, where visa-exempt travellers would register relevant information regarding their intended journey. The automatic processing of this information could help border guards in their assessment of third-country visitors arriving for a short stay. Countries such as the USA, Canada and Australia have already put similar systems into place, including for EU citizens.

Travel authorisation systems are based on online applications where the applicant provides details on his/her identity, contact details, purpose of the journey, itinerary, etc. before departure. Once the authorisation is obtained, border procedures at arrival become faster and smoother. Beyond the security and border management benefits, and its potential relevance in the context of visa-reciprocity, a system like ETIAS would therefore also serve as a travel facilitation tool.

### **4. European Police Records Information System (EPRIS)**

As indicated in the European Agenda on Security, the real-time availability of existing police data across Member States is an area for future work on information exchange. The Commission will assess the necessity, technical feasibility and proportionality of a European Police Record Index System (EPRIS) to facilitate cross-border access to information held in national law enforcement databases. In this context, the Commission supports with EU funding the implementation of a pilot project by a group of five Member States to establish a mechanisms for automated cross-border searches in national

indexes on a 'hit'/'no hit' basis.<sup>25</sup> The Commission will take the project's results into account in its assessment.

#### **Actions to develop additional information systems and to address information gaps**

##### **Entry-Exit System (EES)**

- European Parliament and Council should treat the legislative proposals on the EES as a matter of utmost priority, with the aim of adopting the proposals by the end of 2016.

##### **Passenger Name Records (PNR)**

- European Parliament and Council should adopt the PNR Directive by April 2016.
- Member States to implement the PNR Directive, once adopted, as a matter of urgency.
- Commission to support the exchange of data between Passenger Information Units through standardised solutions and procedures.
- Commission to prepare a draft Implementing Decision on common protocols and supported data formats for the transfer of PNR data by air carriers to the PIUs within three months after adoption of the PNR Directive.

##### **Information gap prior to arrivals of visa-exempt third-country nationals**

- Commission to assess in 2016 the necessity, technical feasibility and proportionality of establishing a new EU tool such as an EU Travel Information and Authorisation System.

##### **European Police Records Information System (EPRIS)**

- Commission to assess in 2016 the necessity, technical feasibility and proportionality of establishing an EPRIS.

## **7. TOWARDS THE INTEROPERABILITY OF INFORMATION SYSTEMS**

Interoperability is the ability of information systems to exchange data and to enable the sharing of information. One can distinguish **four dimensions of interoperability**, each raising legal<sup>26</sup>, technical and operational issues including on data protection:

- a single search interface to query several information systems simultaneously and to produce combined results on one single screen;
- the interconnectivity of information systems where data registered in one system will automatically be consulted by another system;
- the establishment of a shared biometric matching service in support of various information systems;
- a common repository of data for different information systems (core module).

<sup>25</sup> The Automated Data Exchange Process (ADEP) pilot project aims to create a technical system which allows, through an index, to see if police records on an individual or criminal police investigation exist in one or several other Member States. The automated reply to a search in the index would only indicate whether or not data is available; a so-called "hit" or "no hit" reply. Additional personal data would have to be requested in a second step in case of a "hit" via usual police cooperation channels.

<sup>26</sup> Subject to the specific terms of Protocol 22 as concerns Denmark and Protocol 21 and 36 as concerns the United Kingdom and Ireland.



In order to initiate a process towards the interoperability of information systems at EU level, the Commission will set up an **Expert Group on Information Systems and Interoperability** at senior level with EU agencies, national experts and relevant institutional stakeholders. The Expert Group will be tasked to address the legal, technical and operational aspects of the different options to achieve interoperability of information systems, including the necessity, technical feasibility and proportionality of available options and their data protection implications. It should address the current shortcomings and knowledge gaps caused by the complexity and fragmentation of information systems at the European level. The Expert Group will take a broad and comprehensive perspective on border management and law enforcement, taking account also of the customs authorities' roles, responsibilities and systems in this respect. The group's working method will aim at synergizing all relevant experiences, which in the past were too often developed in silos.

The objective of this process is to provide an overall strategic vision of the EU's architecture of data management for border control and security, as well as to provide solutions to implement it.

This consultation process shall be **guided by the following objectives**:

- Information systems should be complementary. Overlaps should be avoided, and existing overlaps should be eliminated. Gaps shall be appropriately addressed.
- A modular approach should be pursued, making full use of technological developments and building on the principles of privacy by design.
- Full respect of all fundamental rights of both EU citizens and third country nationals should be ensured from the outset in line with the Charter of Fundamental Rights.
- Where necessary and feasible, information systems should be interconnected and interoperable. Simultaneous searches of systems should be facilitated, to ensure that all relevant information is available to border guards or police officers when and where this is necessary for their respective tasks, without modifying existing access rights.

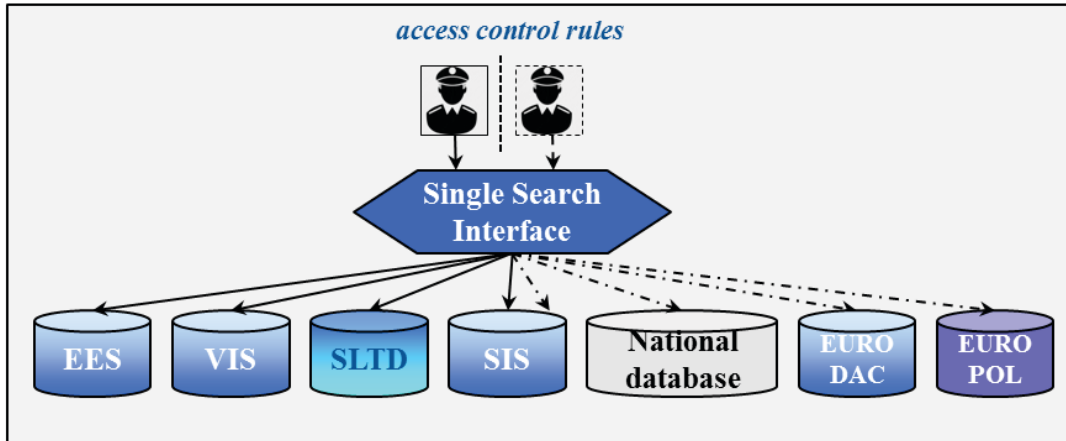
### 1. Single search interface

The first dimension of interoperability is the **ability to query several information systems simultaneously, and to produce combined results on one single screen** for border guards or police officers, with full respect of their access rights, in line with the respective purposes. This requires platforms with a single search interface that are capable of consulting information systems simultaneously with one single query. For instance, by reading the chip of a travel document or by using biometric data, this platform could query several different databases at the same time. The single search approach applies to all authorities with a need to access and use the data (i.e. border guards, law enforcement authorities, asylum services) in line with the purpose limitation and strict access control rules. It can also be used with mobile equipment. Establishing a single search interface reduces the complexity of information systems at the European level, as it enables border guards and police officers to query several information systems simultaneously through one procedure, and in accordance with their access rights.

Several Member States have already installed such platforms with a single search interface. Based on this existing best practice, the Commission together with eu-LISA will work towards establishing a standardised solution for a single search interface. Member States should use EU funding under their national programme of the Internal Security Fund to finance the installation of such functionality. The Commission will

closely monitor how Member States make use of the functionality of a single search interface at national level.

**Figure 2** Single Search Interface



Searching multiple centralised or national systems (as depicted) is easier to achieve than searching decentralised systems. The Commission and eu-LISA will explore if a Single Search Interface can also be used to perform one-stop-shop simultaneous searches on decentralised systems such as Prüm and ECRIS. The Commission and eu-LISA will conduct this analysis together with the Expert Group on Information Systems and Interoperability, without modifying existing access rights.

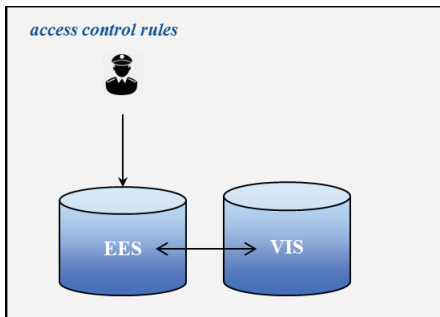
**2. Interconnectivity of information systems**

A second dimension of interoperability is the interconnectivity of information systems. This means that different systems or databases are able 'to talk to each other' technically. **Data registered in one system could be consulted by another system automatically at a central level.** This requires technical compatibility between the systems, and the data elements stored in those systems (e.g. fingerprints) need to be interoperable. Interconnectivity can reduce the amount of data circulating on communication networks and transiting through national systems.

Interconnectivity requires appropriate data protection safeguards and strict access control rules. The political agreement reached by the co-legislators in December 2015 on the Data Protection reform will put in place a modern data protection framework across the EU that will provide for these safeguards. It is important that the co-legislators adopt the General Data Protection Regulation and the Data Protection Directive without delay.

The concept of interconnectivity is inbuilt in the future EES system. The future EES will be able to communicate directly with the VIS at the central level and vice versa. This is an important step in addressing the current fragmentation in the EU's architecture of data management for border control and security, as well as the related problems. The automated cross-checking will relieve Member States of the need to query the VIS at border checks, reduce maintenance requirements and improve system performance.

**Figure 3** Interconnectivity of systems: the example of EES/VIS



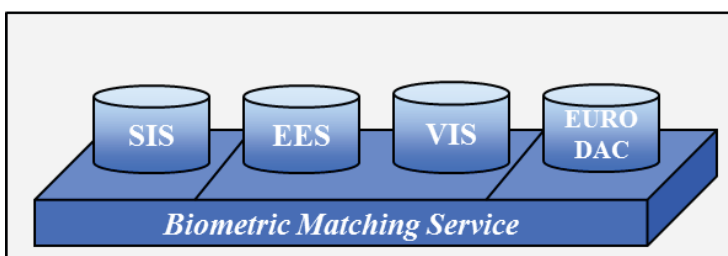
As a next step, the Commission and eu-LISA will analyse if the central-level interconnectivity between the future EES and the VIS can be extended to the SIS, and whether interconnectivity can be established between EURODAC and SIS. The Commission and eu-LISA will conduct this analysis together with the Expert Group on Information Systems Interoperability.

### 3. Shared biometric matching service

A third dimension of interoperability is in the area of biometric identifiers. For example, when fingerprints are collected at a consulate of one Member State with specific equipment, it is of crucial importance that these prints can be matched through VIS at a border post of another Member State, using equipment of another type. The same requirement applies to fingerprint queries in other systems: biometric samples need to meet minimum quality and format requirements, in order to achieve this type of interoperability without difficulty.

At the system's level the interoperability of biometric identifiers enables the use of a shared biometric matching service for several information systems, respecting personal data protection rules by compartmentalising the data, with separate access control rules for each category of data<sup>27</sup>. Such shared services generate serious financial, maintenance and operational benefits.

**Figure 4** Shared biometric matching service



The Commission and eu-LISA will analyse whether establishing a shared biometric matching service for all relevant information systems is necessary and technically feasible. The Commission and eu-LISA will conduct this analysis together with the Expert Group on Information Systems and Interoperability.

<sup>27</sup> Comparable to sharing one physical file-server with a multitude of users, each having specific access rights to certain folders only.

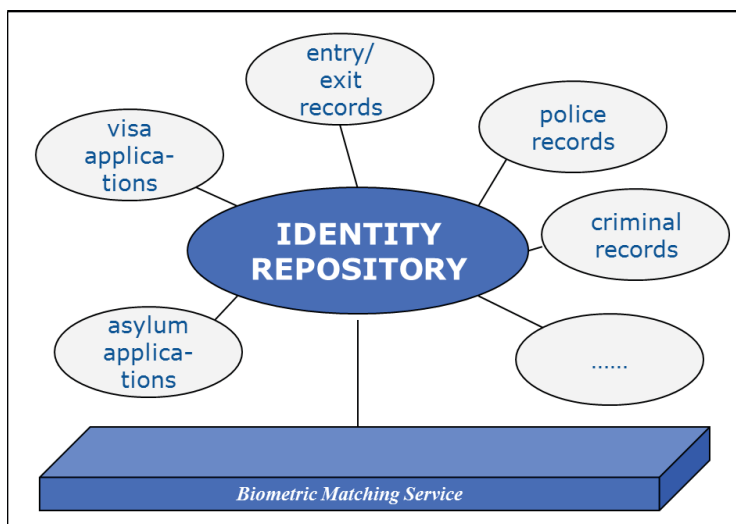


#### 4. Common repository of data

The most ambitious long-term approach to interoperability would be a **common repository of data at EU level for different information systems**. The common repository would constitute a core module that contains the basic data (alphanumeric and biometric data), while other data elements and specific features of the different information systems (e.g. visa data) would be stored in specific modules. The core module and the specific modules would be connected with each other to link the respective data sets. This would create a **modular and integrated identity management for borders and security**. Compliance with data protection rules would need to be ensured, for instance by compartmentalising the data, with separate access controls rules for each category of data.

Establishing a common repository of data would overcome the current fragmentation in the EU's architecture of data management for border control and security. This fragmentation is contrary to the data minimisation principle, as it results in the same data being stored several times. Where necessary, the common repository would allow for the recognition of connections and provide an overall picture by combining individual data elements stored in different information systems. It would thus address the current knowledge gaps and shed light on blind spots for border guards and police officers.

*Figure 5 Common data repository*



The option of establishing a common repository of data at EU level raises important questions of definition of purpose, necessity, technical feasibility and proportionality of the data processing involved. It would require a complete revision of the legal framework establishing the various information systems and could only be an objective to be achieved in the long-term. The Expert Group on Information Systems and Interoperability will address the legal, technical and operational questions linked to a common repository of data, including questions of data protection.

For all four dimensions of interoperability mentioned above (single search interface, interconnectivity of systems, single biometric matching service and common repository of data), it is necessary that the data stored in different information systems or modules is compatible. To achieve this, it is important that the work on a **Uniform Message Format**

(UMF) is taken forward in order to create a common standard for all relevant information systems.<sup>28</sup>

#### **Actions towards the interoperability of information systems**

- Commission to set up an **Expert Group on Information Systems and Interoperability** with EU Agencies, Member States and relevant stakeholders to explore the legal, technical and operational aspects of enhancing interoperability of information systems, including the necessity, technical feasibility and proportionality of available options and their data protection implications.

#### **Single search interface**

- Commission and eu-LISA to support Member States in installing a single search interface to query central systems.
- Commission and eu-LISA to explore, together with the Expert Group, if single search interfaces could be used to perform one-stop-shop simultaneous searches for all relevant systems without modifying existing access rights.

#### **Interconnectivity of information systems**

- Commission and eu-LISA to analyse, together with the Expert Group, whether interconnectivity between centralised information systems could be further promoted, beyond the already proposed interconnectivity between the Entry-Exit System and the Visa Information System.

#### **Biometric matching service**

- Commission and eu-LISA to analyse, together with the Expert Group, the necessity and technical feasibility of establishing a shared biometric matching service for all relevant information systems.

#### **Common repository of data (core module)**

- Commission and eu-LISA to explore, together with the Expert Group, the legal, technical, operational and financial implications of the longer term development of a common repository of data.
- Commission and eu-LISA to engage in ongoing work towards a global Uniform Message Format for all relevant information systems.

## **8. CONCLUSION**

This Communication launches a discussion on how information systems in the EU can better enhance border management and internal security, building on the significant synergies between European Agendas on Security and Migration. A number of information systems already provide border guards and police officers with relevant information, but these systems are not perfect. The EU is faced with the challenge of building a stronger and smarter data management architecture, in full compliance with

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<sup>28</sup> The Commission has supported the continued development of UMF in the 2012 Communication on the European Information Exchange Model (EIXM) and is currently financing the third UMF pilot project, with the aim of creating a common standard for all relevant databases, to be used at national (Member States') level, at EU level (for the central systems, and by Agencies) and at the international level (Interpol).

fundamental rights, in particular the protection of personal data and its purpose limitation principle.

Where there are gaps in the EU's architecture of data management, they need to be addressed. Together with this Communication, the Commission has presented a proposal for an Entry-Exit System which should be adopted as a matter of urgency. The Passenger Name Record Directive also needs to be adopted in the coming weeks. The proposal for a European Border and Coast Guard should be adopted before the summer. In parallel the Commission will continue work to strengthen and where necessary streamline existing systems, such as developing an Automated Fingerprint Identification System functionality for the Schengen Information System.

Member States need to make full use of existing information systems and establish the necessary technical connections to all information systems and databases, in line with their legal obligations. Existing shortcomings, notably in the Prüm framework, need to be remedied without delay. While this Communication opens a discussion and starts a process for addressing systemic gaps and flaws, it is for Member States to urgently address persistent shortcomings in the feeding of EU databases and the exchange of information across the Union.

In order to structurally improve the EU's data management architecture for border control and security, this Communication initiates a process towards the interoperability of information systems. The Commission will set up an Expert Group on Information Systems and Interoperability to address the legal, technical and operational modalities of options to achieve the interoperability of information systems and address any shortcomings and gaps. Following the findings of the Expert Group, the European Commission will present further concrete ideas to the European Parliament and the Council as basis for a joint discussion on the way forward. The Commission will also seek the input of the European Data Protection Supervisor and national data protection authorities coming together in the Article 29 Working Party.

The goal should be the development of a joint strategy to make data management in the EU more effective and efficient, in full respect of data protection requirements, to better protect its external borders and enhance its internal security, for the benefit of all citizens.



**ANNEX 1: ABBREVIATIONS**

API	Advance Passenger Information
AFIS	Automated Fingerprint Identification System: system capable of capturing, storing, comparing, and verifying fingerprints.
CIS	Customs Information System
ECRIS	European Criminal Records Information System
EES	(proposed) Entry-Exit System
EIXM	European Information Exchange Model
EIS	Europol Information System
EPRIS	European Police Records Information System
EURODAC	European Dactyloscopy
EUROPOL	European Police Office (European Union's law enforcement agency)
ETIAS	(possible) EU Travel Information and Authorisation System
eu-LISA	European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice
FIND	Fixed Interpol Networked Database
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
iARMS	(Interpol's) Illicit Arms Records and tracing Management System
INTERPOL	International Criminal Police Organization
MIND	Mobile Interpol Networked Database
PIU	Passenger's Information Unit: unit to be set up in each Member State to receive the PNR data from carriers.
PNR	Passenger Name Record
Prüm	Police co-operation mechanism for exchanging information on DNA, fingerprints and vehicle registration data
SafeSeaNet	European platform for maritime data exchange between Member States' maritime authorities
SBC	Schengen Border Code
SIENA	Secure Information Exchange Network Application
SIS	Schengen Information System (sometimes referred to as of the 2 <sup>nd</sup> Generation – SIS II)
SLTD	(Interpol's) Stolen and Lost Travel Documents database
sTESTA	secured Trans European Services for Telematics between Administrations (to be upgraded to TESTA-NG (next generation))
UMF	Uniform Message Format: format of messages to allow compatibility between information systems
VIS	Visa Information System
VRD	Vehicle Registration Data

## **ANNEX 2: INVENTORY OF EXISTING INFORMATION SYSTEMS FOR BORDER MANAGEMENT AND LAW ENFORCEMENT**

### **1. Schengen Information System (SIS)**

SIS is the largest and most widely used information exchange platform on immigration and law enforcement. It is a centralised system used by 25 EU Member States<sup>29</sup> and four Schengen associated countries<sup>30</sup>, currently containing 63 million alerts. These are entered and consulted by competent authorities, such as police, border control and immigration. It contains records on third-country nationals prohibited to enter or stay in the Schengen area as well as on EU and third country nationals who are wanted or missing (including children) and on wanted objects (firearms, vehicles, identity documents, industrial equipment, etc.). The distinctive feature of SIS in comparison with other information sharing instruments is that its information is complemented by an instruction for concrete action to be taken by officers on the ground, such as arrest or seizure.

SIS checks are mandatory for the processing of short-stay visas, for border checks for third-country nationals and, on a non-systematic basis,<sup>31</sup> for EU citizens and other persons enjoying the right of free movement. Moreover, each police check on the territory should include an automatic check in SIS.

### **2. Visa Information System (VIS)**

The VIS is a centralised system for the exchange of data on short-stay visas between Member States. It processes data and decisions relating to applications for short-stay visas to visit, or to transit through, the Schengen area. All the consulates of the Schengen States (around 2000) and all their external border crossing points (in total some 1800) have been connected to the system.

The VIS contains data on visa applications and decisions, as well as whether issued visas are revoked, annulled, or extended. It currently contains data on 20 million visa-applications and, at peak-times, it handles over 50.000 transactions per hour. Each visa applicant provides detailed biographical information, a digital photograph and ten fingerprints. As such, it is a reliable means to verify the identity of visa applicants, to assess possible cases of irregular migration and security risks, and to prevent "visa shopping".

At border-crossing points or within the territory of the Member States, the VIS is used to verify the identity of visa holders by comparing his/her fingerprints with the fingerprints stored in the VIS. This process guarantees that the person that applied for the visa is the same person as the one crossing the border. A fingerprint search in the VIS also allows the identification of a person who applied for a visa in the last five years and who may not carry identity documents.

<sup>29</sup> All, except Ireland, Cyprus, Croatia.

<sup>30</sup> Switzerland, Liechtenstein, Norway, Iceland.

<sup>31</sup> This rule is subject to change as envisaged by Commission proposal COM/2015/0670 on the amendment of the Schengen Borders Code.

### 3. EURODAC

EURODAC (European Dactyloscopy) contains fingerprints of asylum applicants and third-country nationals crossing irregularly the Schengen external borders. Its primary purpose currently is to determine which EU country is responsible for the processing of an asylum application, in line with the Dublin Regulation. It is available at border crossing points, but unlike SIS and VIS it is not a border management system.

Fingerprints of irregular migrants entering the EU unlawfully are taken at border crossing points. These are stored in EURODAC to verify the identity of the person in case of a future asylum application. Immigration and police authorities can also compare fingerprint data from irregular migrants found in EU Member States to check if they have applied for asylum in another Member State. Law enforcement authorities and Europol are also entitled to search EURODAC to prevent, detect or investigate a serious crime or terrorist offence.

Fingerprint registration of asylum seekers or irregular migrants in a centralised system allows the identification and monitoring of their secondary movements<sup>32</sup> within the EU, until an application for international protection has been submitted or a return decision has been issued (in the future, with a corresponding alert in SIS). More generally, the identification and monitoring of irregular migrants is required to ensure re-documentation by authorities in their countries of origin and thus facilitates their return.

### 4. Stolen and Lost Travel Documents (SLTD)

Interpol's Stolen and Lost Travel Documents (SLTD) database is a central database on passports and other travel documents that have been reported stolen or lost by the issuing authorities to Interpol. It includes information about stolen blank passports. Travel documents reported lost or stolen to the authorities of countries participating in SIS are entered both in SLTD and SIS. The SLTD also holds data on travel documents entered by countries not participating in SIS (Ireland, Croatia, Cyprus and third countries).

As stated in the Council Conclusions of 9 and 20 November 2015, and the Commission's proposal of 15 December 2015 for a regulation on a targeted modification of the Schengen Borders Code<sup>33</sup>, the travel documents of all third-country nationals and persons enjoying the right of free movement should be verified against SLTD. All border control posts have to be connected to SLTD. On top of this, in-country law enforcement searches in SLTD would generate additional security benefits.

### 5. Advance Passenger Information (API)

The objective of API is to collect information about a person's identity ahead of boarding inbound flights to the EU and to identify irregular migrants upon arrival. API data consist of information held in a travel document, and relates to a traveller's full name, date of birth, nationality, number and type of travel document, as well as information on the border crossing point of departure and entry as well as transportation details. The API data related to the passenger is usually collected at the moment of check-in.

<sup>32</sup> For example, refugees arriving in Greece with no intention of making an asylum application in Greece but travelling further to other Member States over land.

<sup>33</sup> COM(2015) 670 final Proposal for a Regulation of the European Parliament and of the Council amending Regulation No 562/2006 (EC) as regards the reinforcement of checks against relevant databases at external borders



Pre-arrival information concerning transport by sea has to be transmitted under the Convention on Facilitation of International Maritime Traffic 24 hours prior to the scheduled arrival of the vessel. Directive 2010/65/EU<sup>34</sup> provides for an electronic transmission of data via a single window linking SafeSeaNet, e-Customs and other electronic systems.

There is no central EU system to record API data.

## 6. Europol information systems

The Europol Information System (EIS) is a centralised criminal information database for investigative purposes. It can be used by Member States and Europol to store and query data on serious crime and terrorism. The information stored in the EIS concerns data on persons, identity documents, cars, firearms, telephone numbers, emails, fingerprints, DNA and cybercrime-related information, which can be linked to each other in different ways to create a more detailed and structured picture of a crime case. The EIS supports law enforcement cooperation and is not available for border control authorities.

Information exchange is channelled using the SIENA<sup>35</sup> platform, which is a secure electronic communication network between Europol, the Liaison Bureaux, the Europol National Units, designated competent authorities (such as customs, asset recovery offices, etc.) and connected third parties.

In May 2017 a new legal framework for Europol will enter into application. This framework will allow for an enhanced operational ability for Europol to conduct analysis, and to better identify links between available information.

## 7. The Prüm framework

The Prüm framework is based on a multilateral agreement<sup>36</sup> between Member States that enables the exchange of DNA, fingerprints and Vehicle Registration Data (VRD). The concept is based on the interconnection of a national system to the national systems of all other EU Member States, in order to enable remote cross-searching. Where a search generates a positive match in the database of other Member States, the details of the positive match are exchanged through bilateral exchange mechanisms.

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<sup>34</sup> Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC:

<sup>35</sup> Secure Information Exchange Network Application.

<sup>36</sup> Prüm Convention of 2005. The Convention was integrated into EU Legislation in 2008 through Council Decision 2008/615/JHA.

## **8. European Criminal Records Information System (ECRIS)**

ECRIS is an electronic system for exchanging information on previous convictions handed down against a specific person by criminal courts in the EU for the purposes of criminal proceedings against a person and, if so permitted by national law, for other purposes. Convicting Member States must notify convictions handed down against a national of another Member State to the Member State of nationality. The Member State of nationality must store this information and can thus provide up-to-date information on the criminal records of its nationals upon request, regardless of where in the EU convictions were handed down.

ECRIS allows, too, the exchange of information on convictions of third country nationals and stateless persons. Designated central authorities in every Member State are the contact points in the ECRIS network, dealing with all tasks such as notifying, storing, requesting and providing criminal record information.











**CHAPTER 5:  
Fact Sheets – European  
External Action Service**





EUROPEAN UNION

# A European Agenda on Migration

State of Play: July 2016

## A COMPREHENSIVE APPROACH TO MIGRATION

No Member State can effectively address migration alone. It is clear that we need a European approach. This requires using all policies and tools at our disposal – combining internal and external policies to best effect. All actors: Member States, EU institutions, International Organisations, civil society, local authorities and third countries need to work together to make a common European migration policy a reality. The European Agenda on Migration presented by the Commission in May 2015 set out the need for a comprehensive approach to migration management. Over the past year, a number of measures have been introduced to address the immediate challenge of the refugee crisis and the Commission has put in place all the important building blocks needed for a European approach to ensure strong borders, fair procedures and a sustainable system able to anticipate problems. What is needed now is a swift adoption of the Commission's proposals by the co-legislators and the full implementation by the Member States of the collective decisions taken.



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18 May 2015	Military CSDP operation to disrupt the business model of human smuggling and trafficking networks in the Southern Central Mediterranean
27 May 2015	Triple the capacities and assets for the Frontex joint operations Triton and Poseidon in 2015 and 2016
	Additional € 60 million in EU emergency funding for frontline Member States
	Additional €30 million for EU Regional Development and Protection Programmes (RDPPs) starting from North Africa and the Horn of Africa in 2015/2016
	Relocation Scheme to relocate 40,000 people from Italy and Greece - adopted by the Council and in the process of being implemented
	Resettlement Scheme to resettle over 20,000 people from outside the EU - endorsed and in the process of being implemented
	Guidelines for the Member States on the implementation of EU rules on the obligation to take fingerprints – endorsed by Council
	Hotspot approach in Italy and Greece with deployment of Migration Management Support Teams
9 September 2015	A new Operational Plan for Operation Triton – implemented
	EU Action Plan against migrant smuggling – endorsed by Council
	Establishment of pilot multi-purpose centre in Niger in cooperation with IOM and UNHCR
	Relocation Scheme to relocate 120,000 people from Italy, Greece and other Member States directly affected - adopted by the Council and in process of being implemented
	A permanent crisis relocation mechanism under the Dublin system - under negotiation, EP rapporteurs appointed
	A European list of safe countries of origin – under negotiation, EP committee adopted report
23 September 2015	An EU Action plan on return - endorsed by Council
	€1.8 billion from EU budget for Trust Fund for Africa - EU money contributed, awaiting Member State contributions
	€500 million from EU budget for Trust Fund for Syria - EU money contributed, awaiting Member State contributions
	€1.8 billion from national budgets for Trust Fund for Africa
	€500 million from national budgets for Trust Fund for Syria
	Additional €500 million from Member States in humanitarian assistance for UNHCR, World Food Programme and other organisations
	Additional €500 million in EU humanitarian assistance for UNHCR, World Food Programme and other organisations



**KEY**

Adopted

Not yet adopted by Member States  
and / or European Parliament

30 September 2015	Additional €100 million in EU emergency funding for frontline Member States €1.3 million to increase staff of EU Agencies Frontex, EASO, Europol
8 October 2015	Additional €17 million in EU aid for Serbia and the former Yugoslav Republic of Macedonia
15 October 2015	Additional €900 million to tackle refugee crisis in EU budget 2016
15 October 2015	EU-Turkey Joint Action Plan
11 November 2015	Common Agenda on Migration and Mobility with Ethiopia
12 November 2015	Launch of EU's Emergency Trust Fund for Africa
13 November 2015	Agreement on EU budget for 2016 brings total funding to address the refugee crisis in 2015 and 2016 to close to €10 billion
24 November 2015	A €3 billion Refugee Facility for Turkey
10 December 2015	Additional €13 million in humanitarian aid for refugees in Western Balkans
15 December 2015	A European Border and Coast Guard Recommendation for a Voluntary Humanitarian Admission Scheme with Turkey for refugees from Syria Proposal to amend the Schengen Borders Code - provide systematic controls of EU national against relevant databases at the external borders both when entering or exiting Schengen area – under negotiation, Council endorsed, EP committee adopted report
16 December 2015	The EU Emergency Trust Fund for Africa launched its first package of actions to address the root causes of irregular migration and forced displacement
2 March 2016	Commission proposes new Emergency Support Instrument for faster crisis response within the EU
4 March 2016	European Commission presents a detailed 'Back to Schengen' Roadmap of the concrete steps needed to return order to the management of the EU's external and internal borders First projects under the Facility for Refugees in Turkey
6 March 2016	Frontex and NATO reached a common understanding on modalities for cooperation in the Aegean Sea





**KEY**

Adopted

Not yet adopted by Member States and / or European Parliament

15 March 2016	European Commission announces €445 million in humanitarian aid for Syria crisis
18 March 2016	EU-Turkey Statement to break the business model of smugglers and to offer migrants an alternative to putting their lives at risk
21 March 2016	Commission proposal to make 54,000 places foreseen for relocation available for the purpose of resettling Syrian refugees from Turkey to the EU
	European Commission presents a revised proposal for an Entry-Exit System to facilitate and reinforce border check procedures for non-EU nationals
19 April 2016	Commission launches first projects under Emergency Support Instrument to improve conditions for refugees in Greece
26 April 2016	European Commission proposes new approach to better support displaced people through its external action
4 May 2016	European Commission presents first package for reforming the Common European Asylum System (CEAS): Dublin, EURODAC, European Union Agency for Asylum
	Next steps towards lifting of temporary border controls: Commission recommendation to prolong proportionate controls at certain internal Schengen borders for a maximum period of 6 months
	Commission proposes to lift visa requirements for the citizens of Turkey as soon as the Turkish authorities will fulfil the outstanding benchmarks of its Visa Liberalisation Roadmap
7 June 2016	European Commission presents package for Legal migration & Action Plan on Integration
	European Commission launches Migration Partnership Framework for third countries
20 June 2016	Foreign Affairs Council extends mandate of EUNAVFOR Med Operation Sophia until 27 July 2017 and adds two supporting tasks: training of the Libyan coastguards and navy and contributing to the implementation of the UN arms embargo on the high seas off the coast of Libya
22 June 2016	Agreement of co-legislators on the creation of a European Border and Coast Guard
	€200 million allocated from the EU Trust Fund for Syria to support one million refugees in Turkey, Jordan and Lebanon
28 June 2016	European Council endorses Migration Partnership Framework proposed by the Commission
30 June 2016	€1.4 billion of the Facility for Refugees in Turkey mobilised for education, health, infrastructure, and socio-economic support for Syrians in Turkey
	European Commission proposes draft budget for 2017 with €5.2 billion allocated for measures to reinforce external borders and address migration crisis
13 July 2016	European Commission presents second package for reforming the Common European Asylum System (CEAS): Asylum Procedures Regulation, Qualification Regulation, Reception Conditions Directive, EU Resettlement Framework





# The Common European Asylum System (CEAS)

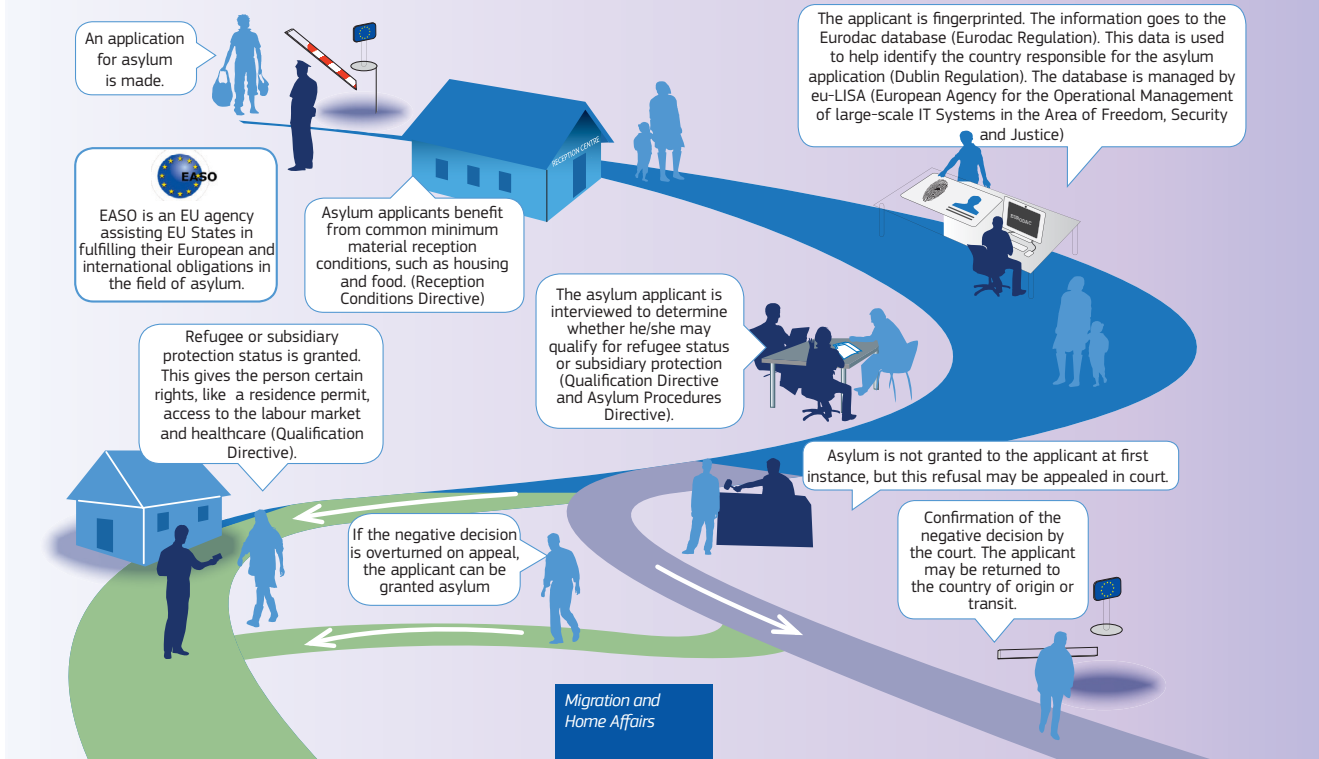
Asylum is granted to people who are fleeing persecution or serious harm in their own country and therefore in need of international protection. Asylum is a fundamental right and granting it is an international obligation, stemming from the 1951 Geneva Convention on the protection of refugees. Those who seek, or have been granted, protection do not have the right to choose in which Member State they want to settle. To this end, the Common European Asylum System (CEAS) provides common minimum standards for the treatment of all asylum seekers and applications. The CEAS consists of a legal framework covering all aspects of the asylum process and a support agency - the European Asylum Support Office (EASO). However, in practice, the current system is still characterised by differing treatment of asylum seekers and varying recognition rates amongst EU Member States. This divergence is what encourages secondary movements and is partly due to the fact that the current rules grant Member States a lot of discretion in how they apply the common EU rules.

The large-scale, uncontrolled arrival of migrants and asylum seekers since early 2015 has put a strain on many Member States' asylum systems and on the CEAS as a whole. The EU now needs to put in place the tools to better manage migration flows in the medium and long term. The overall objective is to move from a system which, by design or poor implementation, encourages uncontrolled or irregular migratory flows to one which provides orderly and safe pathways to the EU for third country nationals.

The European Commission has presented proposals in May and July 2016 to establish a sustainable system for the future, based on common rules, a fairer sharing of responsibility, and safe legal channels for those who need protection to get in the EU.

## THE COMMON EUROPEAN ASYLUM SYSTEM (CEAS)

### Asylum is granted to people fleeing persecution or serious harm



**THE MAIN LEGISLATION ON ASYLUM IN THE EU**



**ASYLUM PROCEDURES DIRECTIVE:** establishes common standards of safeguards and guarantees to access a fair and efficient asylum procedure.



**RECEPTION CONDITIONS DIRECTIVE:** establishes minimum common standards of living conditions for asylum applicants; ensures that applicants have access to housing, food, employment and health care.



**QUALIFICATION DIRECTIVE:** establishes common grounds for granting international protection and foresees a series of rights for its beneficiaries (residence permits, travel documents, access to employment and education, social welfare and healthcare).



**DUBLIN REGULATION:** determines which Member State is responsible for examining a given asylum application.



**EURODAC REGULATION:** establishes an EU asylum fingerprint database. When someone applies for asylum, no matter where in the EU, their fingerprints are transmitted to the EURODAC central system.

**THE REFORM OF THE COMMON EUROPEAN ASYLUM SYSTEM**

The reform of the Common European Asylum System as proposed by the Commission in May and July 2016 establishes a fully efficient, fair and humane asylum policy which functions effectively both in times of normal and in times of high migratory pressure. It ensures a fair allocation of asylum applications among Member States and provides for a common set of rules at EU level to simplify and shorten the asylum procedure, discourage secondary movements and increase the prospect of integration.

	<b>Reason for reform</b>	<b>Legislative proposal</b>
<b>Reform of the Dublin system</b>	Creating a fairer, more efficient and more sustainable system for allocating asylum applications among Member States.	<b>Proposal for a new Dublin Regulation</b>
<b>Reinforcing the EURODAC system</b>	Adapting and reinforcing the Eurodac system and expanding its purpose in order to facilitate returns and help tackling irregular migration, and overall to support the practical implementation of the reformed Dublin System.	<b>Proposal for a new Eurodac Regulation</b>
<b>A new mandate for the EU's asylum agency, currently EASO</b>	Transforming the existing European Asylum Support Office into a fully-fledged European Union Agency for Asylum with an enhanced mandate and considerably expanded tasks to address any structural weaknesses that arise in the application of the EU's asylum system.	<b>Proposal for a Regulation on the European Agency for Asylum</b>
<b>Greater convergence in the EU asylum system</b>	Establishing a common EU procedure for asylum applications as well as harmonised protection standards and rights for asylum seekers and harmonised reception conditions throughout the EU to reduce differences in recognition rates from one Member State to the next, discourage secondary movements and ensure common effective procedural guarantees for asylum seekers.	<b>Proposal for a new Asylum Procedures Regulation</b> <b>Proposal for a new Receptions Conditions Directive</b> <b>Proposal for a new Qualification Regulation</b>





EUROPEAN UNION

# Legal Migration

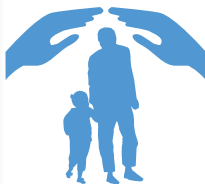
September 2016

In April 2014 Jean-Claude Juncker presented as part of his election campaign a five-point plan on migration, including a call for Europe to show more political determination when it comes to legal migration. The European Agenda on Migration, as presented by the Commission in May 2015 highlighted a new policy on legal migration as one of the four pillars to manage migration better in the long run. A smart management of migration requires not only a firm policy in addressing irregular flows while ensuring the protection of those in need, but also a proactive policy of sustainable, transparent, and accessible legal pathways. Providing safe and legal pathways to Europe for persons in need of international protection through resettlement helps fighting the criminal networks of smugglers and traffickers. Legal migration also makes a valuable contribution to the EU's economic development in the medium and long term, enabling us to respond to skills shortages and to ensure we have a workforce which is strong enough to maintain the European social model for our aging population. Member States are responsible for deciding how many third country nationals they admit for employment, study and research, while EU rules define common admission conditions, procedures and rights for applicants.

## NEW LEGISLATIVE INITIATIVES

NEW

EU  
RESETTLEMENT  
FRAMEWORK



On 13 July 2016 the Commission proposed to establish a **common European policy on resettlement** to ensure orderly and safe pathways to Europe for persons in need of international protection. While the Member States will remain the ones deciding on how many people will be resettled each year, collectively the EU will achieve a greater impact by coordinating national efforts and acting as a whole.

The Commission will provide **€10,000** from the EU budget for each person resettled.

The EU Resettlement Framework will contribute to the implementation of the **new Migration Partnership Framework** for cooperation with key third countries of origin and transit presented on 7 June. The priorities of the Migration Partnership Framework are saving lives at sea, increasing returns, enabling migrants and refugees to stay closer to home and, in the long term, helping third countries' development in order to address root causes of irregular migration.

The EU will also support the establishment of a UN-led global resettlement scheme to contribute to fair sharing of displaced persons and further discourage irregular movements - the EU Resettlement Framework is a direct demonstration of the EU's commitment to ensure safe pathways to Europe.

Resettlement is the transfer of non-EU national or stateless persons, who have been identified as in need of international protection, to an EU state where they are admitted either on humanitarian grounds or with the status of refugee.

NEW

NEW BLUE  
CARD SCHEME



On 7 June 2016 the Commission presented the proposal to reform the EU Blue Card scheme for highly skilled workers from outside the EU.

The proposal aims to improve the EU's ability to attract and retain highly skilled workers, in order to enhance the competitiveness of its economy and cope with demographic challenges.

### MAIN CHANGES PROPOSED

- a truly EU-wide scheme
- facilitated Intra-EU mobility
- lower salary threshold
- extension to highly skilled beneficiaries of international protection
- Improved rights

EU ACTION PLAN  
ON INTEGRATION



NEW

The Commission adopted on 7 of June an Action Plan presenting a framework for action and concrete initiatives to support Member States in the integration of the 20 million non-EU nationals residing legally in the EU. Whilst the competence for integration policy lies primarily with the Member States, the EU plays an important role in supporting Member States' actions and policies on integration and in fostering cooperation between all relevant actors.


### KEY AREAS OF ACTION

- pre-departure and pre-arrival measures
- education
- employment and vocational training
- access to basic services
- active participation and social inclusion

## MAIN EXISTING LEGISLATION AND INITIATIVES

\*The Directives apply to all EU Member States except for the United Kingdom, Denmark and Ireland.

STUDENTS  
& RESEARCHERS  
DIRECTIVE



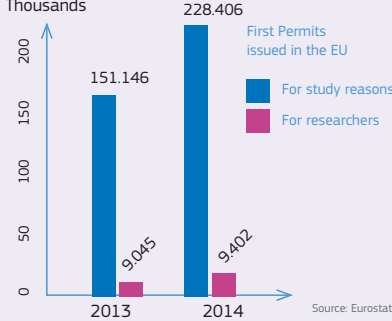
The Directive regulates admission conditions, procedures, and rights for young and talented third-country nationals

**Who can apply\*?**

- students
- researchers
- trainees and volunteers covered by the European Voluntary Service

\*Member States may extend the scope of the Directive to all volunteers, to school pupils under exchange schemes and to au pairs

Thousands



Year	For study reasons	For researchers
2013	151,146	9,045
2014	228,406	9,402

Source: Eurostat


INTRA-CORPORATE TRANSFEREES DIRECTIVE



The Directive makes it easier and quicker for multinational companies based outside the EU to temporarily assign highly skilled employees to subsidiaries situated in the EU through a fast-track entry procedure and a combined work and residence permit. It also facilitates their intra-EU mobility.

Member States will need to report on the number of permits issued starting in 2017.

SEASONAL WORKERS DIRECTIVE



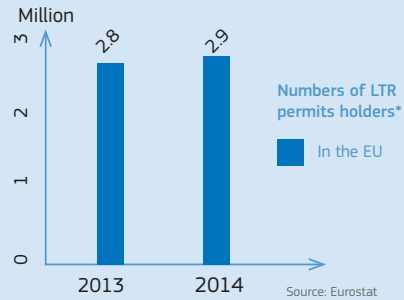
The Directive sets out rules for the entry and stay and on the rights of seasonal workers from third countries in a Member State for a **maximum period of between 5 and 9 months over any 12 month period.**

Member States will need to report on the number of permits issued to seasonal workers starting in 2017.

**LONG-TERM RESIDENTS DIRECTIVE**



The Directive allows Member States to grant long-term resident status to third-country nationals, including beneficiaries of international protection, who have resided legally and continuously in a Member State for 5 years and who fulfil a set of other conditions - such as stable and regular resources.



**FAMILY REUNIFICATION DIRECTIVE**



The Directive regulates admission conditions, procedures, and residence rights for family members of third-country nationals residing in an EU Member State.

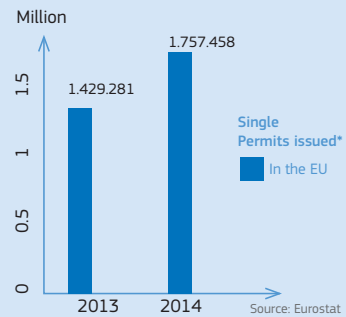
**Who can benefit from family reunification:** spouse, under-age children and the children of the spouse. EU States may also authorise reunification with an unmarried partner, adult dependent children, or dependent older relatives.

**SINGLE PERMIT DIRECTIVE**



Single application procedure and a single permit combining work and residence for third country workers. It provides for a set of common rights to be granted (e.g. equal treatment with nationals as regards working conditions, access to certain social security benefits).

**Who can benefit:** Third country workers living in an EU Member state, or applying for work and residence there. Other third country nationals admitted for other purposes (e.g. family reunification) but who have the right to work.



**GLOBAL APPROACH TO MIGRATION AND MOBILITY (GAMM)**



Third countries wishing to cooperate with the EU to:

- organise legal migration
- foster well-managed mobility
- prevent and combat irregular migration
- eradicate trafficking in human beings
- maximise the development impact of migration and mobility and promote international protection

**7 Mobility Partnerships** have been signed so far with the following countries: **Cape Verde, Moldova, Georgia, Armenia, Morocco, Azerbaijan, and Tunisia.**

This framework defines how the EU conducts its policy dialogues and cooperation with non-EU countries, based on clearly defined priorities and embedded in the EU's overall external action, including development cooperation.



EUROPEAN UNION

## EU MIGRATION POLICY AT A GLANCE

**Managing the global refugee crisis together with our partners remains at the top of the European agenda. Providing support and protection to people in need is a challenge that requires a global response.**

Today, over 65 million people are forcibly displaced across the globe, as refugees, asylum seekers, or internally displaced persons. Never have so many people been on the move for reasons beyond their free will. Conflicts and crises are an immediate trigger; however, the migration challenge has deeper roots: underlying trends in demographics, climate change, poverty, and globalisation of transport and communications have all played a part in the record numbers of international migrants worldwide. In order to exploit the opportunities movement of people offers and minimise the challenges it presents, global management is required. Countries of origin, transit and host countries, as well as State and non-State actors, need to work together in a balanced and human rights-compliant approach.

The European Union will continue to redouble its efforts and share the global responsibility to address this challenge. A year after the adoption of the UN Agenda 2030, the European Union is playing its part in the achievement of the Sustainable Development Goals to end poverty, protect the planet and to ensure prosperity and equal opportunities for all, thus also tackling the root causes of migration.

Over the last year, the European Union has sought to address both immediate and long-term challenges of managing migration flows by working towards a swift and coordinated European response. More than €15 billion of the EU's budget in 2015 and 2016 have been mobilised to enhance its action on migration both inside the European Union and beyond its borders, in support of our partners.

As laid out in the European Union Global Strategy presented earlier this year, we are seeking to overcome the fragmentation of external policies relevant to migration and to improve the nexus between our internal and external action.

### **EXTERNAL ACTION ON MIGRATION – A GLOBAL COALITION OF PARTNERS**

Saving lives and providing humanitarian assistance, enabling migrants and refugees to stay closer to home and helping the development of third countries in order to address in the long term the root causes of irregular migration: these are our priorities.



To achieve these goals, the European Union is developing stronger links between humanitarian and development efforts through joint risk analyses and multi-annual programming and financing. Migration management will become an important dimension in the EU's foreign policies and instruments, ranging from diplomacy and Common Security and Defence Policy, to development and climate.

In this vein, a new EU Migration Partnership Framework has been launched, building on the European Agenda on Migration and the Valletta Summit Agreement to enhance cooperation with our African partners. The new Framework proposes to frame the relations with partner countries through compacts, tailor-made to the specific circumstances of the partner countries and making full use of the broad range of policies at the European Union's disposal.

The Valletta Summit last November brought together EU and African leaders to strengthen cooperation on migration between countries of origin, transit and destination. As a result, the European Union set up a €1.8 billion Emergency Trust Fund for Africa, which addresses stability and the root causes of irregular migration and forcible displacement. To further enhance its action in this area, the EU has also proposed an ambitious and innovative External Investment Plan, which seeks to boost private sector investment and thus socio-economic opportunities in Africa and Europe's neighbourhood.

The European Union also engages in diplomatic efforts on a bilateral and a multilateral basis, to find a political solution to the crises in, for example, Syria and Libya and to combat the threat stemming from Daesh. Since the beginning of the war in Syria, the EU's humanitarian response has so far amounted to €6.8 billion from the EU's and Member States' budgets. A regional response to the Syrian crisis remains at the core of our efforts. The European Union is working closely with countries neighbouring Syria, such as Jordan, Lebanon and Turkey to help manage refugee flows and support the needs of the large refugee community hosted by these countries.

October 2015 saw a daily average of some 8,000 migrants and refugees taking the Western Balkans route to Europe. We have reoriented, in record time, our traditional cooperation instruments and worked to support the border authorities of the former Yugoslav Republic of Macedonia and of Serbia to manage the flows and ensure adequate and humane reception conditions for the refugees.

The European Union also tripled its presence in the Mediterranean and Aegean Sea. The Frontex Operations Triton and Poseidon, as well as Operation Sophia, helped save over 400,000 lives since the beginning of last year and disrupt smugglers' and traffickers' networks at the borders of Europe. To strengthen our external border and keep saving lives, we agreed to create a European Border and Coast Guard. The first operations will begin in autumn 2016.

## **ACTION INSIDE THE EU**

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An extensive series of proposals designed to equip the European Union's Member States with the necessary tools to respond and manage the large number of arrivals were introduced. Greece and Italy set up reception centres with the support of the EU to manage the flows of migrants arriving irregularly in Europe, register them and coordinate the return of migrants who do not qualify for international protection. EU Member States are showing solidarity by relocating and resettling asylum seekers. Last year, Member State governments agreed to relocate 160,000 people in need of international protection from Italy and Greece, and to resettle 22,000 displaced people from outside the EU. So far nearly 12,000 people have been relocated or resettled.

The EU is working with Turkey to stem the flows of refugees trying to cross into the Greek Islands with dangerous journeys across the Aegean, offering at the same time safe and legal paths to resettle into the EU. The EU-Turkey

Statement of 18 March 2016 is delivering results. The average number of daily crossings fell drastically and has remained low. We are also helping Syrian refugees in Turkey to live in dignity and build a new life through our Facility for Refugees in Turkey: €3 billion has been mobilised for 2016-2017 from the EU budget and Member States.

The EU is also working towards a reformed Common European Asylum System which can function effectively, in a fully efficient, fair and humane way, both in times of normal and high migratory pressure.

The European Union is further working to enhance and modernise its legal migration policies, reviewing the Blue Card scheme, examining a common resettlement policy, re-prioritising integration policies and fighting any forms of discrimination and racism within its society.

Only through collective efforts, joint responsibility sharing and solidarity we can improve the lives of so many human beings that are in need of protection and assistance. We look forward to a successful outcome of the High Level Meeting on Addressing Large Movements of Refugees and Migrants.

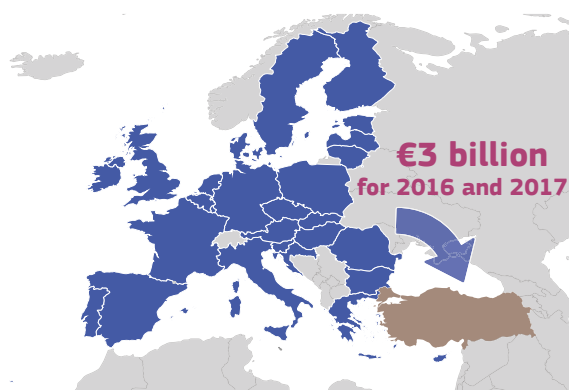


EUROPEAN UNION

## MANAGING THE REFUGEE CRISIS

# THE FACILITY FOR REFUGEES IN TURKEY

Turkey's geographical position makes it a first reception and transit country for many refugees and migrants. As the result of an unprecedented influx of people seeking refuge, the country currently hosts more than 2.7 million registered Syrian refugees and is making commendable efforts to provide them with humanitarian aid and support. The EU is committed to assist Turkey in dealing with this challenge. The European Commission is providing humanitarian assistance to support vulnerable refugees who have fled violence in their country, in particular those living outside of camps and in need of immediate aid, and those requiring health assistance and access to education.



### THE FACILITY

The Facility for Refugees in Turkey is the answer to the EU Member States' call for significant additional funding to support refugees in the country. The Facility is designed to ensure that the needs of refugees and host communities are addressed in a comprehensive and coordinated manner. The Facility for Refugees in Turkey focuses on humanitarian assistance, education, migration management, health, municipal infrastructure, and socio-economic support.

The Facility has a budget of €3 billion for 2016-2017. This is made up of €1 billion from the EU budget, and €2 billion from the EU Member States.

### HOW DOES THE FACILITY FUNCTION?

To ensure the coordination, complementarity and efficiency of the assistance, the Facility Steering Committee provides strategic guidance on the type of actions to be financed, with what amount, and through which financing instruments. The Steering Committee is chaired by the European Commission and composed of EU Member State representatives, with Turkey sitting in an advisory capacity. Projects are selected according to a needs assessment, and following the procedure of the financing instruments mobilised.

### TOTAL SUPPORT THROUGH THE FACILITY TO DATE

Of the overall €3 billion, **€2.239 billion have so far been allocated**, for both humanitarian and non-humanitarian assistance. Of the €2.239 billion allocated, €652 million have been contracted. Of these €652 million contracted, €467 million have been disbursed to date.

Updated: 14. September 2016

## TIMELINE

**8 September 2016:** The European Commission announces the:

- **Biggest ever humanitarian aid programme worth €348 million.** The Emergency Social Safety Net (ESSN) will be rolled out by the World Food programme in partnership with the Turkish authorities to address the everyday needs of as many as 1 million refugees.

**28 July 2016:** The European Commission adopts:

- A **Special Measure worth €1.415 billion** to support refugees in Turkey in the areas of education, health, municipal and social infrastructure, and socio-economic support.
- A series of **humanitarian aid projects** in Turkey, worth **€74million**, bringing the **total humanitarian assistance** in Turkey delivered under the Facility for Refugees in Turkey for 2016 to **€164 million**.
- In four months, the European Commission has mobilised support of **more than €2 billion** to support refugees in Turkey.

**3 June 2016:** The European Commission publishes the:

- **Humanitarian Implementation Plan (HIP) for Turkey**, mobilising **€505.65 million** of the budget of the Facility.

**26 May 2016:** The European Commission announces additional projects under the Facility:

- **€20 million to support the Turkish Coast Guard** on search and rescue operations to save lives and enhance the protection of migrants and refugees and tackling irregular migration and trafficking.
- **A further €27 million** to facilitate access to education to refugee children, young Syrians (skill trainings and university education), and to assist local communities.

**12 May 2016:** The second Steering Committee of the Facility for Refugees in Turkey meets in Brussels:

- To endorse the fast-track strategy for the Facility and agree on the main priorities the Facility will focus on in the immediate and medium term, including **humanitarian assistance, migration management, education, health, municipal infrastructure, and socio-economic support**.
- To agree on the priorities and practicalities of how support through the Facility will be accelerated in the months to come.
- To discuss the findings of an independent needs assessment prepared by experts contracted by the European Commission, which provides valuable guidance for further Facility intervention.

**19 April 2016:** The European Commission announces that:

- A further **€60 million** will be used to cover expenses for food, health care and accommodation for migrants who have been returned from Greece to Turkey.
- Contracts have been signed for a further **€50 million in humanitarian aid**, which will be used to address the immediate needs of refugees in Turkey.

**4 March 2016:** The first contracts for the Facility are signed and the first payments take place shortly thereafter:

- **€40 million** in humanitarian aid was provided to the World Food Programme in order to contribute to support 735,000 refugees over the next nine months.
- **€37 million** was allocated through UNICEF to get an additional 110,000 refugee children into school. This built on existing EU programmes which already support education for 200,000 children.

Further information is available on the **Facility website** at:  
[http://ec.europa.eu/enlargement/news\\_corner/migration/index\\_en.htm](http://ec.europa.eu/enlargement/news_corner/migration/index_en.htm)





# MIGRATION PARTNERSHIP FRAMEWORK

## A NEW APPROACH TO BETTER MANAGE MIGRATION

*“Migration is a positive thing for the world, but we need to do it in a regulated way. It is a global, complex phenomenon, it concerns the EU as much as countries of transit or origin ...Our approach is a new one, based on a win-win partnership.”*

Federica Mogherini, High Representative/Vice-President of the European Commission, Strasbourg – 7 June 2016

The European Union introduced a new Migration Partnership Framework in June 2016 that fully integrates migration in the European Union’s foreign policy. This is a key element of the European Union Global Strategy.

This new approach rethinks how all concerned actors – the European Union’s Member States, the EU institutions, and third countries – work together to better manage migration flows and strive for well-managed migration. It establishes a results-oriented approach to mobilise and focus all EU and Member States’ tools and resources for that purpose. Our duty is to give people the chance and the means for a safe and decent life, fight smuggling and prevent death at seas. And we can only do it together.

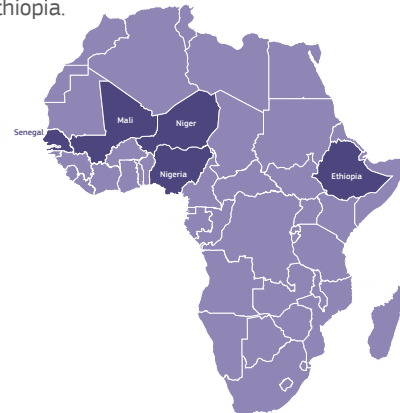
The objective is saving lives and breaking the business model of smugglers, preventing illegal migration and enhance cooperation on returns and readmission of irregular migrants, as well as stepping up investments in partner countries.

THE NEW PARTNERSHIP APPROACH INCLUDES A MIX OF SHORT AND LONG TERM ACTIONS

**➔ SHORT TERM MEASURES**  
Save lives at sea; fight traffickers and smugglers’ network that benefit from people’s despair; increase returns of those who do not have the right to stay; and enable migrants and refugees to stay closer to home rather than embark on dangerous journeys. As we stem irregular migrant flows, we must open up legal ways to Europe for those in need, in particular with more resettlements for refugees.

**➔ LONG TERM MEASURES**  
Address the root causes of irregular migration and force displacement by supporting partner countries in their political, social and economic development. Improve opportunities in countries of origin so people can build a future in their country.

The EU will put into place and swiftly implement this framework starting with a number of priority countries of origin and transit – Mali, Nigeria, Niger, Senegal, and Ethiopia.





*The key word of the new proposal is partnership. The objective is to develop win-win relationships with the European Union's partners to tackle the shared challenges of migration and development.*

For each partner country, depending on its specific circumstances – whether country of origin, or transit, or hosting a large refugee population, there will be a tailor made approach, integrating instruments, tools and resources to be mobilised with a clear result oriented approach.

There will be appropriate packages which combine different policy elements like development aid, trade, mobility, energy, security, digital policy tailored to each situation and depending on the country.

#### WHAT DOES IT MEAN CONCRETELY?



The European Union will develop a coherent and continuous dialogues at all levels with partner's countries to work towards joint solutions.



More flexible use of existing financial tools such as the Emergency Trust Fund for Africa or the Syria Trust Fund to support refugee population and reduce dangerous journeys.



Deployment of dedicated European migration liaison officers to priority countries of origin and transit.



Development of innovative IT solutions to better manage migration and contribute to good governance and development.



Support to host and transit countries through existing Common Security and Defence Policy (CSDP) missions and operations, including on border management and fighting traffickers and smugglers.



Establishment of a an ambitious External Investment Plan in order to support investment in our partner countries, in Africa and the European Neighbourhood, to strengthen our partnerships, promote a new model of participation of the private sector and contribute to achieve the Sustainable Development Goals.

#### FUNDING



- Initial resources allocated to the EU Emergency Trust Fund for Africa amount to **€1.88 billion** – with €1.8 billion from different financial instruments under the EU budget and the European Development Fund, and €81.8 million from EU Member States contributions.
- The European Commission further proposes to strengthen the EU Emergency Trust Fund for Africa with **€0.5 billion** from the European Development Fund (EDF) reserve.
- Nearly **€2.4 billion** in total pledged contributions from the EU and its Member States as additional funds for Lebanon, Jordan (and Syria) at the London conference
- Total aid flows from the EU and its Member States to the key priority countries which recently averaged **€4.4 billion per year**
- With an input of **€3.35 billion** from the EU budget and the European Development Fund, the EIP will mobilise up to **€44 billion** of investments. If Member States and other partners match the EU's contribution, the total amount could reach **€88 billion**.

**Including the funding already used, this would make available nearly €8 billion over the period 2016-2020 to support key third countries, on the basis of a joint effort from the EU and its Member States to closely coordinate development assistance.**



# EU EXTERNAL INVESTMENT PLAN

The European Commission has proposed on 14 September an ambitious External Investment Plan in order to support investment in our partner countries, in Africa and the European Neighbourhood, to strengthen our partnerships, promote a new model of participation of the private sector and contribute to achieve the Sustainable Development Goals. This is part of the broader efforts the EU is pursuing on the basis of the new Partnership Framework that was adopted in June.

## WHY DO WE NEED THE EXTERNAL INVESTMENT PLAN?

Economic growth in developing countries has now reached its lowest level since 2003. Instability and conflicts in Africa and the EU Neighbourhood have been aggravated by the global economic crisis, resulting in increased overall indebtedness, reducing access to finance for badly needed investment. Instability and conflict have also exacerbated the ongoing migration crisis with more people than ever on the move in Africa and in the Neighbourhood This clearly marks the gaps in investment in those countries and the added-value targeted action by the European Union can have.

This poses short and long term challenges that need to be addressed in a spirit of partnership, to support inclusive and sustainable growth, creating jobs and contributing to address the root causes of migration. A partnership that is extended not only to Third Countries, but also to the private sector that is called to join our shared efforts to bring prosperity and economic growth. Through the Investment Plan the EU will not only provide targeted guarantees but will also contribute to ameliorate the investment climate and the overall policy environment in partner countries along the same lines as the Investment Plan for Europe and its European Fund for Strategic Investments (EFSI).

**BUSINESS ENVIRONMENT AND INVESTMENTS IN FRAGILE COUNTRIES:**

Foreign Direct Investment (FDI) and other private financial flows have declined across developing countries since the 2008 financial crisis.

**Only 6%** of overall Foreign Direct Investment (FDI) to development countries are going to fragile countries (2012). Of those investments, as much as **72%** concentrated in ten resource-rich countries.

The cost of setting up a business in fragile African countries **3x higher** than in non-fragile African countries

## A NEW APPROACH: MOVING BEYOND CLASSICAL DEVELOPMENT ASSISTANCE

Traditional development assistance alone cannot meet the challenge of achieving sustainable development. It must be complemented by other tools, in order to make best use of and leverage scarce public funds.

The implementation of the External Investment Plan will allow the EU to lead by example in developing more effective partnerships that go beyond classical development assistance. This is a fundamentally new approach to the way the Union supports development and to the way the Union identifies, prepares, and delivers support for investment projects in countries outside Europe. The Plan offers an integrated and coherent framework enabling full cooperation between the EU, international financial institutions, donors, public authorities and the private sector.

### FUNDING



The new European Fund for Sustainable Development lies at the core of the External Investment Plan and is expected to trigger additional public and private investment volumes, mobilising total investments of up to EUR 44 billion, based on EUR 3.35 billion contribution from the EU budget and the European Development Fund. In order to enhance further the firepower and the efficiency of the new Fund, the Commission calls on the Member States and other partners to match these EU contributions. Member States can do so via second-loss guarantees. If they match the contribution to the guarantee, the total amount of additional investment could be EUR 62 billion. If Member States also match the contribution to the blending, this amount could reach EUR 88 billion

### THE EXTERNAL INVESTMENT PLAN WILL...



contribute to achieving sustainable development in our partner countries in a **coherent and consistent manner**



mobilise investment and leverage funds: it will help reach those countries where investments are currently difficult and facilitate investments by (private) actors **that would otherwise invest less or not at all in these areas.**



target socio-economic sectors and in particular infrastructure, including energy, water, transport, information and communications technology, environment, social infrastructure, human capital, and provide finance in favour of micro-, small- and medium-sized enterprises **with a particular focus on job creation.**



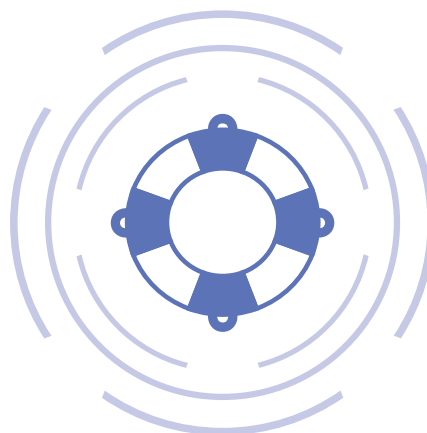
assist in developing economically and financially viable projects to attract investment.



Help to improve the business environment in partner countries by supporting reforms and economic governance



Contribute to address the root causes of migration and strengthen our partnerships in Africa and the Neighbourhood



#### THE EXTERNAL INVESTMENT PLAN: POTENTIALLY UP TO € 88 BN:

With EU funds totalling **€3.35 billion** until 2020, the EFSD is expected to mobilise up to €44 billion additional investment.

If Member States match this contribution fully, it may mobilise more than **€ 88 billion** of additional investment



## HOW DOES THE EXTERNAL INVESTMENT PLAN (EIP) WORK?



**MOBILISING INVESTMENTS** through the New Guarantee under the External Fund for Sustainable Development

- The EFSD will be composed of **two Regional Investment Platforms** (Africa and the Neighbourhood). They will combine existing blending<sup>1</sup> instruments and will operate as a one-stop-shop to receive proposals from financial institutions and other public and private investors.
- The EFSD will also create a new guarantee, which will provide partial guarantees to intermediary financing institutions, which in turn will provide support, via loans, guarantees, equity or similar products, to final beneficiaries.
- The objective is to leverage additional financing, in particular from the private sector, as the EFSD guarantee will reduce the risk for private investment and absorb potential losses incurred by eligible counterparts, for example public financing institutions and private sector investors.



**STEPPING UP TECHNICAL ASSISTANCE** to develop financially attractive and mature projects and, thus helping to mobilise higher investments.

- The Commission has made significant resources available for technical assistance to help partner countries attract investment by developing a higher number of bankable projects and making them known to the international investor community
- Structured dialogue is needed in order to understand the needs and constraints of the local private sector and to boost the potential of the European private sector to invest in and engage with businesses in partner countries.
- The Commission will also, through EU delegations and in coordination with the Member States, facilitate and support inclusive public-private policy dialogue in partner countries to identify key challenges and opportunities.
- The Commission will provide targeted capacity building for private sector representatives, including chambers of commerce, social partners, and organisations representing micro-, small- and medium-sized enterprises, female entrepreneurs, and firms and workers in the informal sector.



Improving economic governance, the **BUSINESS ENVIRONMENT** and engaging with the private sector

- The EIP will reinforce the economic and social policy dialogue between the EU and the partner countries in order to develop legal frameworks, policies and institutions that are more effective and promote economic stability and inclusive growth.
- Training through practical policy-oriented courses, hands-on workshops, twinning projects, and seminars, will strengthen officials' capacity to analyse economic developments, formulate, and implement effective policies.
- Political and policy dialogues with partner countries will be maintained, in order to support i.a. sustainable and inclusive growth, respect of human rights, fight against corruption and organised crime, illicit financial flows, and improve trade relations of the EU's development partners. Generally, they will contribute to better regulation and liberalisation of partner country markets, improving employment opportunities and supporting the development of the local private sector.

<sup>1</sup> Blending is the use of a limited amount of EU money (grants) to mobilise additional support, for instance in the form of loans, from financial institutions and from the private sector to strengthen the development impact of investment projects.





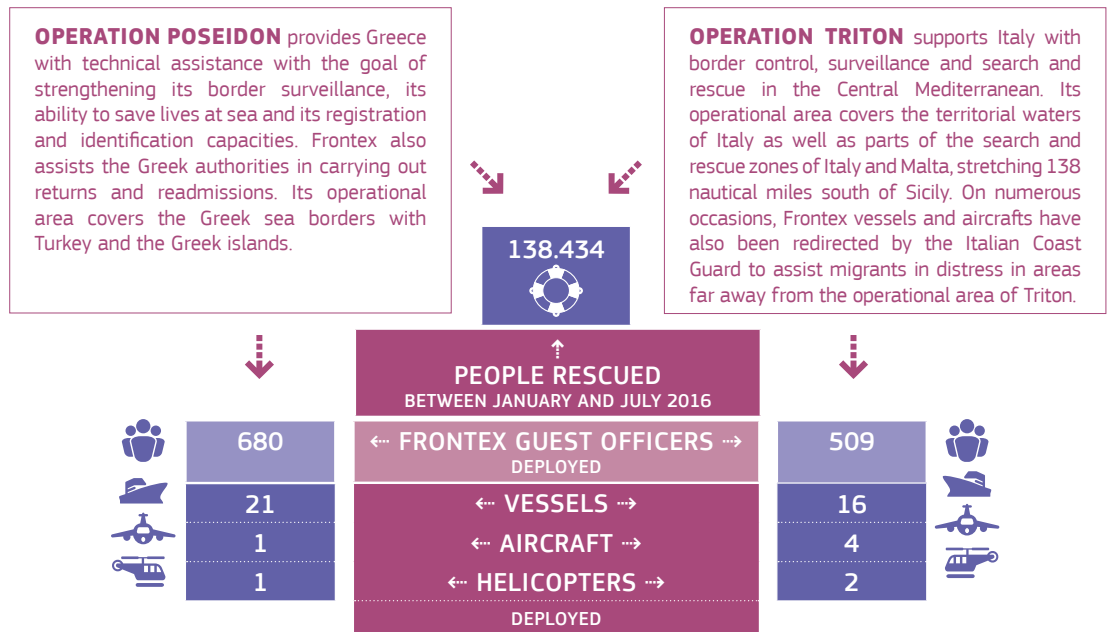
EUROPEAN UNION

# EU OPERATIONS in the MEDITERRANEAN SEA

Saving lives and preventing human tragedies have been and will always be one of the main priorities of the European Union's work in managing the refugee crisis. To this end, EU Naval Operations in the Mediterranean Sea work to save lives at sea, strengthen border control and disrupt the business model of traffickers and human smugglers. Since 2015, EU operations in the Mediterranean have contributed to saving more than 400.000 people; disabled 296 vessels used by criminal networks and transferred 87 suspected smugglers and traffickers to Italian authorities.

## Border Management and Saving Lives at Sea – FRONTEX Operations Triton and Poseidon

To reinforce its capacity to save lives at sea, the EU significantly enhanced its maritime presence in 2015, tripling the resources and assets available for Frontex Joint Operations Poseidon and Triton.



**FRONTEX** is the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. It does not replace border control activities but provides additional technical equipment and border guards to EU countries that face an increased migratory pressure. Frontex relies on vessels, aircraft and other assets provided by various EU Member States. All deployed Frontex staff and equipment are under the command and control of the authorities of the country hosting the operation. On 14 September 2016 the Commission proposal for the establishment of a European Border and Coast Guard was adopted. The new Agency will be able to acquire its own equipment and to draw upon a permanent pool of Member State experts.

It will be created out of the current Frontex but will have a stronger role in supporting, monitoring and, when necessary, reinforcing national border guards, focusing primarily on early detection and prevention of weaknesses in the management


of the external borders. Intensive preparations are on-going to implement the new regulation and to make sure the European Border and Coast Guard is up and running as soon as possible once it has been formally adopted.

### Disrupting trafficking and smuggling networks – EUNAVFOR Med Operation Sophia

To take urgent action against traffickers and human smugglers in the Central Mediterranean, **EU Naval Force Mediterranean Operation Sophia** was launched on 22 June 2015 following a decision by the European Council. Its objective is to contribute to the wider EU efforts to disrupt the business model of criminal networks in the Central Mediterranean and thus prevent further loss of life at sea.

The operation's core mandate is to identify, capture and dispose of vessels and enabling assets used or suspected of being used by migrant smugglers or traffickers. The operation is designed around 4 phases. The first phase, which has been concluded, saw the deployment of forces to build a comprehensive understanding of smuggling activity and methods. Currently the operation is in its second phase, which implies the search, boarding, seizure and diversion of smugglers' vessels on the high seas under conditions provided for by applicable international law. Future phases, subject to the necessary legal framework established by UN Security Council Resolutions, will include taking operational measures against vessels and related assets suspected of being used by human smugglers or traffickers inside coastal states territory.






All activities undertaken by the operation adhere to and are conducted under full respect of international law, including human rights, humanitarian and refugee law and the principle of *non-refoulement*.

87		smugglers & traffickers arrested by Italian authorities following EUNAVFOR Med activities
296		vessels removed from criminal organisations availability
25993		migrants rescued
178		rescue operations
38031		migrants rescued through EUNAVFOR Med aero-naval support

#### On 20 June 2016, the European Council added two supporting tasks to the mandate.

**1** Training of Libyan Coastguards and Navy, in order to enhance their capability to disrupt smuggling and trafficking networks in Libya, as well as to perform search and rescue activities to save lives.

**2** Contribution to the information sharing and support the implementation of the UN arms embargo on the High Seas off the coast of Libya, on the basis of UNSCR 2292 (2016). This will increase maritime situation awareness and limit arms flows to Da'esh and other terrorist groups.

24		troop contributing nations
1291		total personnel
6		naval units
4		helicopters
3		air assets

Operation Sophia has been named after a baby born on 24 August 2015 on board the German frigate Schleswig-Holstein, operating in the Central Mediterranean as part of the EUNAVFOR MED Task Force.

Factsheet updated on 14 September 2016





EUROPEAN UNION

## THE RELATIONS BETWEEN THE EUROPEAN UNION AND SYRIA

The EU is a full member and active participant in the International Syria Support Group (ISSG). It fully supports the UN-led process, notably the efforts of the UN Special Envoy for Syria. As co-chairs of the International Syria Support Group (ISSG), the EU welcomes the agreement announced by the United States and Russia on 10 September 2016, reinstating the cessation of hostilities in Syria. All parties to the conflict, other than groups designated as terrorist organisations by the United Nations Security Council must now ensure the effective implementation of cessation of hostilities, enable the lifting of all sieges, and allow sustained, countrywide humanitarian access to those in need. Progress on the issue of detainees and missing persons must also follow.

The resumption of fighting since the initial Cessation of hostilities agreement has again shown that there can be no military solution to the conflict, and that the elimination of Da'esh and other UN-listed terrorist entities in Syria also requires a political solution to the civil war. Stability in Syria will only be restored through a Syrian-led political process leading to a peaceful and inclusive transition, based on the principles of the Geneva communiqué of 30 June 2012 and in line with relevant UN Security Council resolutions notably 2254). The EU is also ready to provide support to stabilisation and reconstruction once political transition has started.

The EU has called for an end to the unacceptable violence in Syria, which continues to cause the suffering of millions of Syrians and immeasurable destruction of infrastructure. Attacks on **cultural heritage are also an unfortunate consequence of the conflict**. The EU continues to condemn in the strongest terms the continuing violence and the widespread and systematic violations of **human rights**.

The European Union has responded decisively to the violent repression of anti-government protests in Syria which began in March 2011, by **suspending its cooperation with the Syrian Government** under the European Neighbourhood Policy and gradually extending **restrictive measures**. The EU supports the the opposition delegation to the intra-Syrian talks, through the High Negotiations Committee, as well as Syrian civil society actors.

The EU's objective is to bring an end to the conflict and enable the Syrian people to live in peace in their own country. The latest EU position is stated in the **Declaration by the High Representative on behalf of the European Union on Syria and the situation in Aleppo** published on 18 August 2016 and in the **Foreign Affairs Council Conclusions of 23 May 2016**.

In response to the conflict in Syria and its consequences both in Syria and in neighbouring countries, a communication was adopted in June 2013 mapping out a **comprehensive EU approach to the Syrian crisis**. This was followed by the implementation by the EU and its Member States' of a comprehensive **EU regional strategy for Syria, Iraq and the Da'esh threat** adopted in March 2015 and reviewed in May 2016.

The EU has also expressed its concerns about the involvement of extremist and foreign non-state actors in the fighting in Syria, which is further fuelling the conflict and posing a threat to regional stability. The **Syria and Iraq : Counter Terrorism/Foreign Fighters Strategy** was endorsed at the EU Foreign Affairs Council meeting of 20 October 2014. The EU supports by non-military means the efforts by more than sixty States in the Global Coalition to counter Da'esh.

The EU has been at the forefront of the work done to put Syrian **chemical weapons** under international control, to eventually lead to their destruction.

The **EU Delegation to Syria** scaled down its activities for security reasons in late 2012, but the Delegation expatriate staff continue to operate from Brussels and Beirut, carrying out regular missions to Damascus.

## EU RESPONSE TO THE SYRIAN CRISIS

The Syrian crisis is the world's worst humanitarian disaster. The EU is the leading donor in the international response to the Syrian crisis, with over **€6.8 billion** from the EU and Member States collectively allocated in humanitarian and development assistance since the start of the conflict.

Since 2011, the European Commission's support in response to the Syrian crisis has exceeded **€3.4 billion**. The Commission provides both immediate *humanitarian assistance*, and *non-humanitarian aid* which responds to medium-term needs.

At the *Supporting Syria and the Region* conference, the EU and the Member States pledged over €3 billion for the year 2016 to assist people inside Syria as well as Syrian refugees and the communities hosting them in neighbouring countries.

The pledge comes on top of the €6.8 billion that the EU and its Member States have already committed.

The European commission pledge for the 2016 amounts to €1.115 billion. The Commission has also given an indicative amount for 2017 of €1.275 billion, bringing the total pledge for the two years to €2.39 billion. These funds will mostly come from humanitarian assistance and the European Neighbourhood Instrument. The remaining part of the 2016 pledge will be delivered by EU Member states.

## HUMANITARIAN ASSISTANCE

The Commission has so far provided **€1.4 billion** humanitarian assistance for life-saving emergency response, food, water, sanitation, hygiene and shelter to millions of Syrians inside Syria and in neighbouring countries.

Inside Syria, thanks to lifesaving aid provided by the Commission, some 2 million people have gained access to safe water, sanitation and hygiene items, 850 000 people have received food, 1 million people have received non-food items and shelter, and 350 000 children have been covered by child protection programmes.

The EU's humanitarian aid is impartial and independent and goes to people in need regardless of ethnic or religious considerations. The EU's humanitarian aid is channelled through the United Nations, International Organisations, and international NGO partners.

## NON-HUMANITARIAN ASSISTANCE



The Commission has mobilised **€2 billion** in non-humanitarian aid, including:

- 🎯 €584 million through the European Neighbourhood Instrument (ENI) to address the medium term needs of the Syrian refugees living in Syria, Lebanon and Jordan (education, livelihoods, health, access to basic services);
- 🎯 €180 million through Macro-financial Assistance (MFA) to Jordan to assist with the influx of Syrian refugees;
- 🎯 €189 million through the Instrument contributing to Stability and Peace for assistance programmes in opposition-controlled areas in Syria, mediation efforts, transitional justice preparation and measures to reduce tensions between refugees and host communities in the region, as well as to support the destruction of Syrian chemical stockpiles and chemical threat prevention;
- 🎯 €242 million through the Instrument for Pre-Accession Assistance (IPA) to Turkey;
- 🎯 €26 million through the European Instrument for Democracy and Human Rights;
- 🎯 €48 million through the Development Co-operation Instrument (DCI)
- 🎯 €736 million channelled through the EU regional Trust Fund in response to the Syrian crisis (including from the above mentioned instruments ENI, IPA and DCI)

Since its establishment in December 2014, most non-humanitarian aid for Syria's neighbouring countries is channelled through the **EU Regional Trust Fund in response to the Syrian crisis, the "Madad Fund" (EUTF Madad)**. The EUTF aims to bring a more coherent and integrated EU response to the crisis by merging various EU financial instruments and contributions from Member States into one single flexible mechanism for quick disbursement. The Trust Fund primarily addresses longer term resilience needs of Syrian refugees in neighbouring countries such as Jordan, Lebanon, Turkey and Iraq, as well as the hosting communities and their administrations.

The mandate of the Trust Fund has been extended so that it can also operate in the Western Balkans where relevant to the flow of Syrian refugees. In the future the Trust Fund may also start financing resilience activities inside Syria and could become a funding tool for reconstruction, resettlement and governance support following a political settlement of the crisis. With recent pledges from 22 Member States, amounting to over €72 million, and contributions from various EU instruments, the Fund is now reaching a **total volume of €736 million**. Projects focusing on education, livelihoods, health have already been approved to a total of €628.

Since the on-set of the Syrian crisis, substantial non-humanitarian assistance inside Syria has also been provided by the Commission through the European Neighbourhood Instrument, targeting in particular education, livelihoods and civil society support.

Thanks to this financial support, 2.3 million children have had improved access to education at primary and secondary school level (over 4,000 schools reached). Furthermore, more than 11,367 emergency job-opportunities for Syrians have been created (including 4,000 job opportunities for women) and numerous micro-grants for small-size businesses have been provided. More than 85,000 Syrians inside Syria have benefitted from improved community-based activities thanks to the strengthening of grassroots civil society activities.

In addition, Commission funds from the European Instrument for Democracy and Human Rights have also supported the protection of Human Rights Defenders as well as capacity-building of Syrian journalists.

## ASSISTANCE TO NEIGHBOURING COUNTRIES

With Syrians fleeing the conflict to neighbouring countries since the start of the crisis, these countries are now hosting an unprecedented number of refugees. The European Union is strongly supporting Syrian refugees and their host communities in Lebanon, Jordan, Turkey and Iraq.

### Jordan

In Jordan there are over 655 000 Syrian registered refugees, half of which are children. EU leaders have met Jordan representatives and visited the country many times throughout the last five years. At the Supporting Syria and the Region conference which took place in London on 4 February the EU reiterated the solidarity to Jordan pledging an increased support.

Since the beginning of the crisis, the European Commission has allocated more than **€754 million** in assistance to refugees and vulnerable communities. This includes more than €251 million from the humanitarian budget, €180 million from the Macro Financial Assistance (MFA) Instrument, over €170 million from the ENI/ European Neighbourhood and Partnership Instrument, €118 million from the EU Trust Fund for the Syrian crisis and more than €30 million from the Instrument contributing to Stability and Peace.

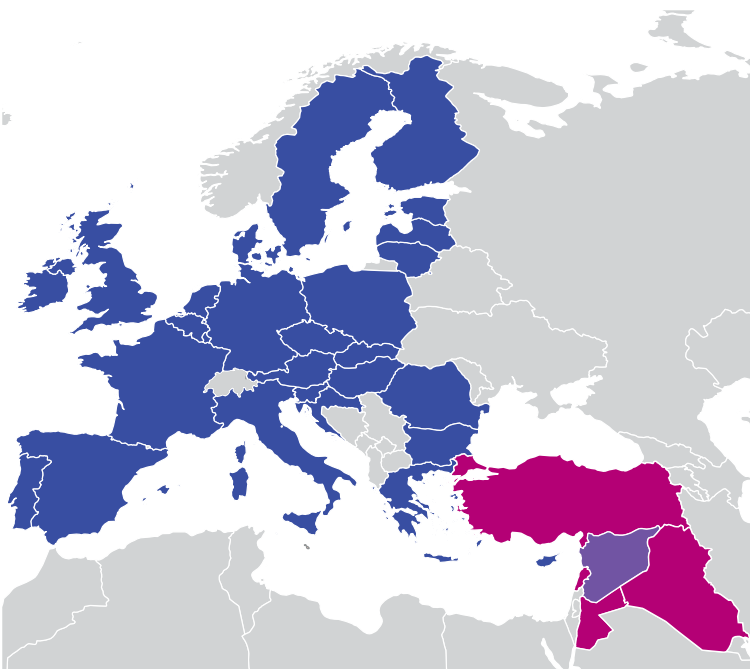
The Commission's humanitarian aid has helped more than 350 000 Syrian refugees in Jordan. With 83% of the refugees in Jordan living in urban settings, the Commission supports the most vulnerable refugees through cash assistance as it is considered the most cost-efficient and dignified modality. Specific programmes support women and children's needs, since approximately 52% of these refugees are children and 51 % are women. Another priority in 2015 has been to respond to the emergency needs of asylum seekers at the border between Syria and Jordan where today more than 50 000 people remain stranded, awaiting access to Jordan.

This support comes on top of the over €500 million in regular bilateral cooperation for Jordan under the European Neighbourhood policy, which brings the **overall amount to €1.25 billion**.

### Lebanon

The EU pays tribute to the outstanding efforts Lebanon is making since the outset of the conflict. The country is hosting more than 1.1 million refugees representing 1/4 of the Lebanese population, which is the highest per-capita concentration of refugees worldwide. At the Supporting Syria and the Region conference, the EU Commission pledge increased its support to invest in resilience and sustainability of Lebanon.

For Lebanon, since the beginning of the crisis, the European Commission has allocated **close to €800 million**. This includes more than €356 million in humanitarian aid and close to €450 million for development and stabilisation support. This support is mainly financed by the European Neighbourhood and Partnership Instrument (close to €250 million), more than €140 million through the EU Madad Fund, and €42 million from the Instrument contributing to Stability and Peace to address longer term resilience needs of affected civilians. In Lebanon, through its partners, the EU's humanitarian aid reaches around 665 000 people.





This support comes on top of €219 million in regular bilateral cooperation for Lebanon under the European Neighbourhood Policy, which bring **the overall support to more than €1 billion**. This shows that the EU was able to quickly mobilise a 200% increase of funding for Lebanon to effectively address the country's huge needs resulting from the refugee crisis.

### Turkey

In Turkey there are over 2.5 million registered Syrian refugees, making Turkey the largest host of refugees in the world.

The total funding provided by the EU to Turkey in response to the Syria Crisis amounts to **€352 million**. This includes humanitarian aid and longer-term assistance. In humanitarian aid, the European Commission has contributed €71 million since 2011 to primarily assist Syrian refugees and also Iraqi refugees and other populations of concern in Turkey. EU humanitarian aid is funding the provisions of food, non-food items (including winterisation assistance), health assistance and protection through humanitarian partners. Altogether, the Commission is currently providing food assistance in Turkey to about 230,000 people and health assistance to about 130,000 people. Through the EU Children of Peace initiative, the Commission has funded emergency education, which provides Syrian children living in Turkey with access to schools.

In November 2015, the EU also announced that it is setting up a legal framework – **the Refugee Facility for Turkey – with €3 billion** to deliver efficient and complementary support to Syrian refugees and host communities in Turkey. Priority will be given to actions providing immediate humanitarian, development and other assistance to refugees and host communities, national and local authorities in managing and addressing the consequences of the inflows of refugees. 2.239 million has been already allocated, for both humanitarian and non-humanitarian assistance. Of this, €652 million has been contracted, including €348 million for the Emergency Social Safety Net (ESSN), which is the largest ever humanitarian programme using direct cash-transfers to cover the everyday needs of the most vulnerable refugee families in Turkey. By the end of September we expect to reach an overall amount of €1 billion contracted by signing a contract with the Turkish Ministry of Education worth €300 million to contribute to the educational activities concerning refugees”.

### Iraq

Closely linked to the Syria crisis is the crisis in Iraq. The Iraq crisis is a UN Level 3 emergency with over 10 million people in need of humanitarian aid, in a country of 36 million. This includes 3.2 million Internally Displaced Persons (IDPs) and 250 000 refugees from Syria.

The European Commission's humanitarian budget for Iraq substantially increased in 2015 to respond to increasing needs, reaching **€104.65 million**. The EU provides protection and relief to Iraqi displaced persons and Syrian refugees inside and outside camps in Iraq, as well as other vulnerable populations affected by the conflict. Funding ensures food assistance, basic health care, water and sanitation, protection, shelter and the distribution of essential household items.



EUROPEAN UNION

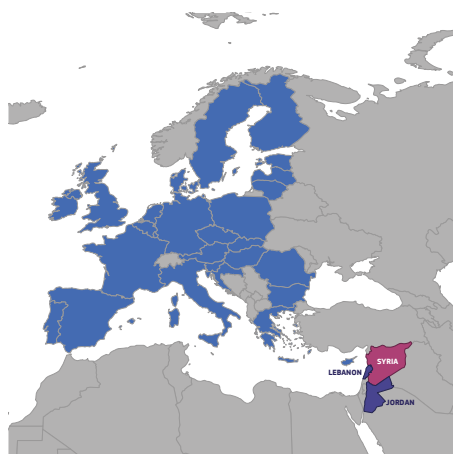
## MANAGING THE REFUGEE CRISIS

# EU SUPPORT TO LEBANON

The EU pays tribute to the outstanding efforts the country is making since the outset of the Syrian refugee crisis. The EU remains deeply committed to assisting Lebanon in dealing with the crisis. Overall, the EU is the leading donor in the international response to the Syrian crisis, with **over €6.6 billion** from the EU and Member States collectively mobilized in humanitarian and development assistance. This support goes both to Syrians in their country, and to refugees and their host communities in neighbouring Jordan, Lebanon, Iraq, Turkey and Egypt.

At the London conference on “Supporting Syria and the region” at the beginning of February 2016, the EU pledged €1 billion for Lebanon and Jordan for the years 2016 and 2017. Lebanon is expected to receive significant additional support in tackling the refugee crisis.

Lebanon hosts more than one million Syrian refugees, which represents 25% of the country's population, which is the highest per-capita concentration of refugees worldwide.



Overall, the European Commission has allocated **close to €800 million** in assistance to refugees and vulnerable communities in Lebanon since the beginning of the crisis. This includes:

- **€356.1 million** from the humanitarian budget, including €87 million for 2016
- **more than €250 million** from the European Neighbourhood Instrument mainly to support Lebanese institutions to provide Lebanese vulnerable communities and Syrian refugees with access to basic services
- **more than €42 million** from the Instrument contributing to Peace and Stability to address longer term resilience needs of affected civilians, both refugees and Lebanese host communities
- **€1.2 million** from the European Instrument for Democracy and Human Rights
- **close to €142 million** through the EU Regional Trust Fund in response to the Syrian crisis, the ‘Madad Fund’, to address longer-term resilience needs of Syrian refugees and support Lebanese host communities and the national administration with a focus on increasing access for refugees to education and training, as well as livelihoods and health

This support comes **on top of the over €219 million** in regular programmed bilateral cooperation for Lebanon under the European Neighbourhood Policy, which brings **overall support to more than €1 billion**. The main part of non-humanitarian funding is allocated to the education sector, but also towards health, livelihoods and local infrastructures.

Updated: 08. September 2016

### THE OBJECTIVES OF THE EU RESPONSE TO THE SYRIAN CRISIS

- Protect and assist Syrian and Palestinian refugees from Syria
- Help Lebanon mitigate the impact of the crisis by addressing the medium and long term needs of both vulnerable Lebanese citizens and refugees from Syria
- Reinforce the policy dialogue with the Lebanese government and the capacities of existing Lebanese institutions responsible for managing the crisis, at national and local levels
- Contribute to the provision of basic services such as free public education, primary and secondary health care, child and women protection, psycho-social support as well as access to water, sanitation and hygiene (WASH)
- Support the most vulnerable municipalities in improving their infrastructure and economic recovery

#### HUMANITARIAN AID TO LEBANON

EU humanitarian funding has contributed to cash assistance for most vulnerable refugees, secondary healthcare for lifesaving cases, non-formal education and shelter -including water, hygiene and sanitation- to improve the living conditions of the vulnerable families mostly affected by the displacement. Protection remains a

fundamental sector where partners conduct regular monitoring of the main protection concerns and provide awareness, counselling and legal assistance to the refugee population. Between 2015 and 2016, the EU's **humanitarian aid to Lebanon reached around 665.000 Syrian refugees.**

Number of registered Syrian refugees in Lebanon:  
1 033 513\*

Number of Palestinian refugees in Lebanon:  
260 000 - 280 000



Number of Palestinian refugees from Syria:  
40 739

Number of Iraqi refugees in Lebanon:  
6 000

#### PREVENTING A LOST GENERATION OF SYRIAN CHILDREN AND YOUTH

According to UNHCR, close to 417.000 Syrian refugee children in Lebanon are aged between 3 and 14 years old. While exact numbers are not available, it is estimated that nearly half of Syrian refugee children do not have access to any form of education, exposing them to physical and/or psychological violence, child labour and exploitation, early marriage, and recruitment by armed groups. At the London conference, the participants committed that by the end of the 2016/2017 school year, all refugee children and vulnerable children in host communities will be in quality education with equal access for girls and boys.

Since the start of the Syrian refugee crisis, the EU has committed around to €188 million for education and child protection purposes in Lebanon. These funds are spent on formal and non-formal education, including providing refugee students with a safe environment where to learn and exchange while supporting the improvement of the quality of education and institutional capacities in the sector.

In particular, since 2012 EU funds, channelled largely through UNICEF and UNHCR have been paying enrolment fees for around 240,000 refugee children from Syria (6-14 age group)

\*Sources: UNHCR, UNRWA, IOM

## DELIVERY OF AID

Since 2015, an increasing part of **non-humanitarian aid** for Syria's neighbouring countries to cope with the refugee crisis is channelled through the **EU Regional Trust Fund in response to the Syrian crisis, the 'Madad Fund'**. The Trust Fund aims to bring a more coherent and integrated EU response to the crisis by merging various EU financial instruments and contributions from Member States and other international donors into one single flexible and quick mechanism. The Trust Fund primarily addresses longer term resilience needs of Syrian refugees in neighbouring countries such as Jordan, Lebanon, Turkey and Iraq, as well as the hosting communities and their administration. In the future, the Trust Fund may start financing resilience activities inside Syria and could become a funding tool for reconstruction, resettlement and governance support following a political settlement of the crisis. With recent pledges from 21 Member States - amounting to over €69.3 million - and contributions from various EU instruments, the Fund is now reaching a **total volume of more than €700 million**. Additional funds will be committed in 2016 and beyond.

The Operational Board of the Trust Fund has already approved actions for a total amount **€628 million** including **€142 million support to Lebanon**, with a focus on increasing access for refugees to education and training, as well as livelihoods and health.





EUROPEAN UNION

## MANAGING THE REFUGEE CRISIS

# EU SUPPORT TO JORDAN

The EU pays tribute to the outstanding efforts Jordan has made and is continuing to make since the onset of the Syrian refugee crisis. The EU remains deeply committed to assisting Jordan in dealing with the crisis. Overall, the EU is the leading donor in the international response to the Syrian crisis, with **over €6.6 billion** from the EU and Member States collectively mobilised in humanitarian and development assistance. This support goes both to Syrians still inside their country, as well as to refugees and their host communities in neighbouring Jordan, Lebanon, as well as Iraq, Turkey and Egypt.

At the London conference on “Supporting Syria and the region” in February 2016, the EU pledged **€1 billion** for Jordan and Lebanon together for the years 2016 and 2017. Jordan is expected to receive significant additional support in tackling the refugee crisis.

In Jordan, there are over 657 433 registered Syrian refugees, equal to over 10% of the country's total population before the crisis. In addition, a large number of Palestinian and Iraqi refugees have been residing in Jordan since before the outbreak of the Syrian crisis, although the vast majority of the former hold regular Jordanian citizenship.



Overall, the European Commission has allocated **more than €754 million** in assistance to refugees and vulnerable communities in Jordan. This includes inter alia:

- **more than €251 million** from the humanitarian budget, including **€53 million** for 2016
- **€180 million** from the Macro Financial Assistance Instrument
- **€171 million** from the European Neighbourhood Instrument
- **€33 million** from the Instrument contributing to Peace and Stability.
- **€118 million** worth of activities in Jordan adopted by the Boards of the Madad Regional Trust Fund to address longer-term resilience needs of Syrian refugees. Those actions support Jordan's host communities and the national administration with a focus on increasing access for refugees to education, training, as well as livelihoods and WASH.

This support comes on top of the **more than €500 million** in regular programmed bilateral cooperation for Jordan under the European Neighbourhood Policy, which brings the **overall amount earmarked for Jordan to over €1.25 billion** since 2011.

Updated: 08. September 2016

## HUMANITARIAN AID TO JORDAN

Since the beginning of the crisis, the European Commission has contributed more than €251 million, providing services such as health, food and basic needs assistance, winterisation, shelter, water and sanitations, psychological support and protection programmes to refugees in camps, urban settings and to asylum seeker at the border. The provision of basic services in villages and towns across the country has consistently included vulnerable Jordanian families as well. Specific programmes support children's and women's needs, since approximately 51.5% of the refugees are children and 25.1% women. With 79 % of the refugees in Jordan living in urban settings, the EU supports the most vulnerable refugees through programmes including cash assistance, which is considered the most cost-efficient and dignified way of helping people in need.

With 78.5 % of the refugees in Jordan living in urban settings, the EU supports the most vulnerable refugees through programmes including cash assistance, which is considered the most cost-efficient and dignified way of helping people in need.

## EU HUMANITARIAN AID IN ACTION

Since 2012, UNICEF has received a total of €30 million from the EU humanitarian budget for child protection, water and sanitation and the current child cash programme. Since February 2015, UNICEF is assisting about 56,000 girls and boys from 15,750 of the most vulnerable Syrian refugee families in host communities with 20 Jordanian Dinars per child per month. EU humanitarian funding to UNICEF supports the work of the organisation at the North-Eastern border with Syria providing the distribution of water and child protection and nutrition activities for young children.

In 2016, the €53 millions of EU humanitarian funding is pursuing its support in favour of the most vulnerable (refugees and most vulnerable Jordanian) funding projects in several sectors like basic need assistance (cash), health, protection, winterization for refugees in camps and in urban setting. Also, EU humanitarian assistance is supporting the emergency needs of the thousands of asylum seekers stranded along the North-Eastern border with Syria (area known as the Berm).

Number of Syrian refugees in Jordan:  
657 433\*

Number of Palestinian refugees in Jordan:  
2 097 338

Number of Iraqi refugees in Jordan:  
54 586



## DELIVERY OF AID

The **EU's Humanitarian Aid** is channelled through the United Nations, International Organisations, and international NGO partners, and is responding to life-threatening needs in the areas of basic need, food aid, health, water, sanitation and hygiene, shelter, protection and education in emergency

Since 2015, an increasing part of **non-humanitarian aid** for Syria's neighbouring countries to cope with the refugee crisis is channelled through the **EU Regional Trust Fund in response to the Syrian crisis, the 'Madad Fund'**. The Trust Fund aims to bring a more coherent and integrated EU response to the crisis by merging various EU financial instruments and contributions from Member States and other international donors into one single flexible and quick mechanism. The Trust Fund primarily addresses longer term resilience needs of Syrian refugees in neighbouring countries such as Jordan, Lebanon, Turkey and Iraq, as well as the hosting communities and their administration. With pledges from 21 Member States - amounting to over €69 million - and contributions from various EU instruments, the Fund has **now reached a volume of more than €700 million**.

The Operational Board of the Trust Fund has already approved actions for a **total amount of €628 million** including €118.3 million support to Jordan, with a focus on increasing access for refugees to education and training, as well as to livelihoods and water, sanitation and hygiene (WASH).

*\*Sources: UNHCR, UNRWA, IOM*

## PREVENTING A LOST GENERATION OF SYRIAN CHILDREN AND YOUTH

The European Union has dedicated substantial resources to addressing the educational needs of children affected by the crisis in Jordan (more than €200 million in 2011-2016), such as support for basic education, youth programmes, vocational education and higher education in Jordan. The funding has enabled Jordan to admit over 140,000 Syrian children into their public schools and to follow those who could not attend mainstream education.

In particular, the EU has been directly assisted the Jordanian Ministry of Education through two subsequent Budget Support Programmes that contribute to payment of school fees, teachers' and administrators' salaries, textbooks and so on for Syrian refugees' education. They amount to:

- **€59.6 million** for the years 2011-2014 (of which €29.6 million were dedicated to Syrian children)
- **€55 million** for the school years 2015-2017, with a **top-up of €20 million** currently under preparation

An additional €8 million has been devoted to Higher Education activities and scholarships in Jordan for Syrians and vulnerable Jordanians through the German Jordanian University and the British Council. Given the success of the former initiative, the EU TF Madad has already approved a follow-up action worth €11 million to ensure an extended availability of scholarships in Jordanian faculties.

Through UNICEF, the EU has also financed some €35 million worth of informal education activities since 2011 and continues providing assistance through the EuroMed Youth programme, which aims at the promotion of youth projects through study visits and voluntary work. which aims at the promotion of youth projects through study visits and voluntary work.

## TRADE INITIATIVE – RELAXATION OF RULES OF ORIGIN

At the London Conference on 4 February 2016, as part of its response to the Syria crisis, the EU announced a trade initiative in accordance with earlier Jordanian requests. The initiative, eventually agreed at the 19th July 2016 EU-Jordan Association Council, has allowed a temporary relaxation of Rules of Origin for a large number of products manufactured in selected development zones in Jordan with a contribution from Syrian refugees' labour. Jordan and the EU work together on the implementation of this relaxed rules of origin scheme and in particular as regards promotion of the advantages of this initiative among potential European and international investors.

The initiative was designed to last ten years, with a mid-term revision allowing the parties to make adjustments in light of experience.



EUROPEAN UNION

## EU EMERGENCY TRUST FUND FOR AFRICA

**TRUST FUND FOR STABILITY AND ADDRESSING ROOT CAUSES OF IRREGULAR MIGRATION AND DISPLACED PERSONS IN AFRICA**

The European Union and Africa enjoy a long-standing and comprehensive partnership, which has deepened and diversified over decades and in particular since the first Africa-EU Summit in 2000. The **Valletta Summit** in November 2015 complemented already existing processes with African Countries, focusing on different aspects of migration.

- Through its development cooperation, the European Union has assisted African countries in a number of different sectors, such as governance, sustainable agriculture, infrastructure, energy, health, education, peace, security, trade economic growth and job creation and migration.
- The European Union is a long-standing donor to Africa and is also the **world's largest donor** giving more than half of Official Development Assistance (ODA) worldwide.
- Out of European Union collective overall Official Development Assistance (ODA), which amounted to **€68 billion in 2015**, the European Union and its Member States have already invested in tackling the root causes of migration with over **€20 billion** of ODA to Africa every year.
- Between 2014-2020, the European Commission's ODA allocations for Africa will amount to over **€31 billion, making Africa the main recipient of ODA.**

### THE AIM OF THE EU EMERGENCY TRUST FUND FOR AFRICA

The EU Emergency Trust Fund was established at the Valletta Summit on 12 November 2015 to address the migration crises in the region of Sahel/Lake Chad, Horn of Africa and North Africa encompassing a total of 23 countries.

The Trust Fund is aimed at supporting all aspects of stability and to contribute to better migration management as well as addressing the root causes of destabilization, forced displacement and irregular migration. It will do so by promoting resilience, economic and equal opportunities, security and development and addressing human rights' abuses. The Trust Fund is meant to complement existing EU instruments, national and regional frameworks, and bilateral programs of EU Member States by providing a swift and flexible answer to migration-related challenges.

The initial resources allocated to the Trust Fund for Africa amount to €1.88 billion – with €1.8 billion from different financial instruments under the EU budget and the European Development Fund, and €81.8 million from Member States contributions.

In the context of the Migration Partnership Framework proposed by the European Commission, it further proposes to strengthen the Trust Fund for Africa by €0.5 billion from the European Development Fund (EDF) reserve.

59 Projects worth around €900 million have already been approved to fund specific programmes in favour of the Sahel and Lake Chad regions, as well as the Horn of Africa.



The Trust Fund benefits a wide range of African countries that encompass the major migration routes to Europe. These countries are among the most fragile and affected by the migration crisis and will draw the greatest benefit from EU assistance. Eligible countries are:

- Sahel region and Lake Chad: Burkina Faso, Cameroon, Chad, the Gambia, Mali, Mauritania, Niger, Nigeria and Senegal.
- Horn of Africa: Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, Tanzania and Uganda.
- North of Africa: Morocco, Algeria, Tunisia, Libya and Egypt.

Neighbouring countries of the eligible countries may benefit, on a case by case basis, from Trust Fund projects with a regional dimension in order to address regional migration flows and related cross-border challenges.

The main beneficiaries are refugees, internally displaced persons, returnees and the local communities hosting them, and other vulnerable or marginalised populations such as victims of human trafficking and smuggled migrants, youth, women and children. Civil society actors such as community or women's organisations will also be supported.

## THE STATE OF PLAY OF THE EU EMERGENCY TRUST FUND FOR AFRICA

To date, **59 programmes** worth around **€930 million** have already been approved to fund specific programmes in favour of the Sahel and Lake Chad, the Horn of Africa and the North of Africa regions.

## THE STATE OF PLAY OF THE EU EMERGENCY TRUST FUND FOR AFRICA

**Establishing Inclusive Economic Programmes** that create employment opportunities, especially for young people and women in local communities, with a focus on vocational training and creation of micro and small enterprises.

### **Niger - Job creation in transit zones (€30 million):**

With the aim to support agriculture in Tahoua and Agadez regions, this project will be implemented by the French cooperation agency (AFD). In this region, economies are highly dependent on migrant smuggling and the activities it generates. This action will create long term opportunities for migrants in transit.

### **Ethiopia - SINCE (Stemming Irregular Migration in Northern and Central Ethiopia) (€20 million):**

By enhancing the living conditions of potential migrants and returnees this project aims to address the root causes of irregular migration in the regions of Tigray, Ahmara, SNNPR and Oromia. This will be done by prioritising the creation of economic opportunities and job skills for vulnerable groups, in particular women and the youth. The project is being implemented by the Italian Development Cooperation, IDC. It is expected to provide at least 80% of the target population (a substantial amount of which will be women and under 25-year-olds,) with improved access to livelihood and Income Generating Activities, as well as a 30% improvement in beneficiaries' income.

**Supporting resilience in terms of food security and of the wider economy**, including basic services for local populations, and in particular the most vulnerable, notably refugees and displaced people, including through community centres or other means of providing them with food and nutrition security, health, education and social protection, as well as environmental sustainability.

### **Senegal - Strengthening resilience of the most vulnerable populations to nutritional and food crises in the departure areas of Podor, Ranérou, Matam and Kanel (€ 8 million)**

Strengthening the resilience of vulnerable populations as well as improving their access to basic services and living conditions to prevent irregular migration will be the aim of this project, implemented by the Spanish cooperation agency (AECID).

### South Sudan – Health Pooled Fund (€20 million)

The objective of this project is to increase health service delivery, to strengthen health systems at State and County level. Among other outcomes, for example, this project is expected to raise the percentage of women with consistent access to antenatal care during pregnancy, or to triple the proportion of newborns delivered in the presence of a skilled health personnel. Further, the project is expected to increase access to nutrition services and to ensure the availability of essential medicines. Activities are already ongoing under the implementation of the Department for International Development (DFID).

**Improving migration management in all its aspects** in line with the Global Approach to Migration and Mobility, and the Rabat and Khartoum processes, including by contributing to the development of national and regional strategies on migration management, containing and preventing irregular migration and fight against trafficking of human beings, smuggling of migrants and other related crimes, effective return and readmission, international protection and asylum, legal migration and mobility, enhancing synergies between migration and development. Based on these strategies, the EU is currently discussing with African partners a number of projects proposed by the latter on migration management:

#### Niger - Response mechanism and resources for migrants (€7 million)

This project aims to support the country in the management of migration, to promote sustainable alternatives to illegal migration from Niger and to foster economic and social development through circular migration in the region. It will be implemented by the International Organization for Migration (IOM).

Three projects (€27.5 million) have been adopted under the North of Africa window of the EU Emergency Trust Fund for Africa to improve migration management:

- Enhancing the response to Migration Challenges in Egypt (ERMCE)
- Strengthening protection and resilience of displaced populations in Libya
- DEV-pillar of the regional Development and Protection Programme in the North of Africa (regional programme)

#### Regional - Better Migration Management (€46 million)

This project aims to better manage migration at regional level in the Horn of Africa. This will be done through the provision of capacity building to government institutions, developing and harmonizing policies and legislative frameworks on trafficking and smuggling, ensuring protection of victims, and raising awareness about the perils of irregular migration and options for legal migration and mobility. The project will be implemented by German Corporation for International Cooperation (GIZ).

The ultimate beneficiaries of BMM are potential and actual migrants, victims of trafficking and smuggling and other vulnerable groups such as children and women.

**Supporting improvements in the overall good governance area**, in particular by promoting conflict prevention, addressing human rights abuses and enforcing the rule of law, including through capacity building in support of security and development, as well as law enforcement, including border management and migration related aspects. Some actions will also contribute to prevent and counter radicalisation and extremism.

#### Mali - Strengthening Security in Mopti and Gao regions and improving border areas (PARSEC Mopti-Gao) (€29 million)

Support the strengthening of the rule of law in border areas by ensuring greater and effective presence of security forces operating in the context of civilian missions. This intervention has been jointly designed with EUCAP and EUTM and will be implemented by Expertise France.

#### Somalia - Promoting a culture of tolerance and dialogue in Somalia (€5 million)

This nation-wide project addresses instability and violent extremism in Somalia as a main driver of forced displacement in and outside the country, by facilitating community outreach and promoting more tolerance, dialogue and peaceful value. Furthermore, the efforts by the Federal Government to develop a policy for countering violent extremism will be supported. The activities foreseen will directly benefit scholars, teachers, imams and preachers, media professionals, journalists, Somali youth, cultural groups and organisations, communities, women organisations as well as Somali diaspora.



EUROPEAN UNION

## RELATIONS BETWEEN THE EU AND TUNISIA

### EU SUPPORT FOR TRANSITION IN TUNISIA

In the immediate aftermath of the 2011 Revolution the **EU pledged to support the Tunisian people's transition towards greater democracy, freedom and social justice**. Against this new backdrop, the EU and Tunisia – natural partners given their geographical, cultural and trade links – established a **'Privileged Partnership' in 2012**.

The special status granted to Tunisia, one of the EU's Southern Neighbourhood partners, reflects the Union's commitment to supporting Tunisia's transition as it tackles a number of interrelated challenges in a fragile regional context: the consolidation of democracy (primarily by implementing the Constitution of January 2014), difficult socio-economic conditions (including high youth unemployment) and the terrorist threat. It also gives practical expression to the shared ambition of strengthening bilateral relations in every possible field – politics, culture, the economy, trade and security – and of stepping up exchanges between our societies. This joint aim has been voiced at the highest political level, such as when the then head of the Tunisian government, Habib Essid exceptionally attended the Foreign Affairs Council meeting of 20 July 2015 chaired by the High Representative/Vice-President, Federica Mogherini.

Since 2011, the EU has more than doubled its financial contribution to cooperation with Tunisia. The country is the principal beneficiary, in the Southern Neighbourhood, of the 'umbrella' programme, which lends recognition to progress made in the field of democracy and human rights. The combination of grants (over EUR 1.2 billion), macrofinancial assistance (MFA – EUR 800 million) and loans, including those from the European Investment Bank (EUR 1.5 billion), will bring total support to Tunisia from 2011 to 2016 to approximately EUR 3.5 billion. The scale of the support reflects the EU's firm commitment to the country. As well as increased support, the last five years have ushered in more diverse approaches and forms of assistance to address Tunisia's needs in the wake of its historic democratic transition.

Under the 'Privileged Partnership', in view of Tunisia's unique circumstances, the EU strives to ensure that its sectoral policies identify every possible opportunity for supporting the country's transition and strengthening ties between Tunisians and Europeans. Lastly, Tunisian civil society, which played a key role in the transition (hence the award of the Nobel Peace Prize to the National Dialogue Quartet in 2015), is closely involved in the process, primarily through the regular tripartite dialogues on the main areas of EU-Tunisia cooperation which take place before each of our subcommittee meetings.

**In order to provide an optimal response to Tunisia's needs, EU assistance is currently focused on the following key areas:**

1. Socio-economic reforms to foster inclusive growth, competitiveness and integration
2. Consolidation of the fundamental building blocks of democracy
3. Sustainable regional and local development

Updated: 15. September 2016

Huge progress was made in EU Tunisia relations in 2015 and in the first half of 2016, with tangible results in the following areas:

- **In the field of counter-terrorism and prevention of radicalisation**, the political dialogue, held for the first time in Tunis in September 2015 following the attacks in Bardo (March) and Sousse (June), saw the EU propose a list of additional support measures for Tunisia, complementing the extensive EUR 23 million support programme for security sector reform and modernisation, launched in November 2015. This will help establish a modern security policy, in line with democratic values of the new Tunisian Constitution.
- **A tripartite dialogue, unique in the region**, was launched by Commissioner Johannes Hahn in Tunis in April 2016 to foster and maintain relations and close cooperation between civil society and representatives of the Tunisian and European public authorities with regard to the key issues and challenges facing Tunisia today.
- **Negotiations on a future Deep and Comprehensive Free trade Agreement (DCFTA)**, a key driver for restoring investment and growth in Tunisia and for the country's economic and trade integration with the EU, were launched in October 2015 during the visit to Tunis by EU Trade Commissioner, Cecilia Malmström. The first round of the negotiations was held in Tunis in April 2016 and the next round is scheduled to take place in December. The EU is prepared to support the negotiation and implementation of the future agreement with a package of accompanying measures.
- **A special measure to support Tunisia's vital olive oil industry** was adopted in April this year, increasing the annual duty-free quota for two years to boost the Tunisian economy, which has been hard hit by losses in the tourism sector.
- **The Mobility Partnership (MP)**, concluded in 2014, provides a structured and comprehensive framework for the EU-Tunisia political dialogue on migration, and aims to improve the management of operational and financial support in this field. The MP with Tunisia has identified a wide range of priorities for migration management: mobility, legal migration and integration, the fight against illegal immigration and human trafficking, return and readmission, border management, migration and development, asylum and international protection. Over the past two years, migration was a regular point on the agenda of high-level meetings with the Tunisian authorities and civil society. Bilateral commitments under the MP include the opening of negotiations on a visa facilitation agreement and a readmission agreement. These negotiations with Tunisia are due to begin on 12 October 2016.
- The EU is preparing its response to Tunisia's requests for increased support on account of its current predicament. This will take the form of a **joint communication by the HR/VP and the Commission on increased support to Tunisia**. The communication will produce synergies, encouraging the EU Institutions and Member States to support Tunisia's transition, and underpinning the policy guidelines and priorities of the five year development plan (currently under preparation). In this context, the EU will send a high-level delegation to the Investor Conference organised by Tunisia on 29 and 30 November.
- On 1 January 2016, Tunisia became the **first Arab country to participate fully in the EU's Horizon 2020 Research and Innovation Programme**, which provides new opportunities to Tunisian researchers and academics.

## FUNDING FROM THE EUROPEAN COMMISSION

### Neighbourhood Policy

The EU has pledged to develop close ties with Tunisia and to support the country's economic and political reforms. Under the European Neighbourhood Policy (ENP), Tunisia receives financial support from the EU, mainly through the European Neighbourhood Instrument (ENI). The indicative ENI budget for the current funding period (2014-2020) is **between EUR 725 million and EUR 886 million**.

The ENI contribution is supplemented by other EU financial instruments, including the Instrument contributing to Stability and Peace (IcSP), the European Instrument for Democracy and Human Rights (EIDHR), the Neighbourhood Investment Facility (NIF) and thematic programmes under the Development and Cooperation Instrument (DCI).

### Funds from the European Neighbourhood Instrument (ENI) and the European Neighbourhood and Partnership Instrument (ENPI)

Since the 2011 Arab Spring, Tunisia has received **grants worth over EUR 1 billion, more than EUR 890 million** of which was **provided by** the instruments implementing **the European Neighbourhood Policy**.

**For the 2011-2013 period Tunisia received EUR 445 million in development assistance** under the European Neighbourhood and Partnership Instrument (ENPI) – nearly twice as much as the amount initially earmarked for the country for the period. Most of the funding was allocated to measures to support the economy and the transition to democracy. The rest was channelled to projects benefiting Tunisian citizens, especially in disadvantaged regions. The support also included substantial funding (EUR 155 million) under the SPRING Programme, which rewards progress on democratic reform and of which Tunisia was the primary beneficiary in the Southern Neighbourhood region.

**EUR 169 million in bilateral aid was provided under the ENI in 2014** with the emphasis on economic recovery, reforms in key sectors (legal system, media, gender equality, etc.), border management, means of subsistence in disadvantaged urban areas, and support for civil society.



In 2015 bilateral aid amounted to EUR 186.6 million and supported six programmes, focusing mainly on economic recovery (including the tourism industry), reform of the security sector and regional development. Additional funding was also provided under the incentive-based support mechanism (EUR 50 million in 2014 and EUR 71.8 million in 2015), which rewards progress on democratic reform with top-up funds from the umbrella programme. Four new programmes worth more than EUR 200 million have been tentatively earmarked for 2016 in key sectors including education, health, local development and public administration reform.

## Macrofinancial Assistance (MFA)

### What macrofinancial assistance does Tunisia already receive?

MFA is an exceptional crisis-response instrument set up by the EU to assist neighbouring countries experiencing severe balance of payments difficulties. In September 2014, the EU and the Tunisian authorities signed an initial loan agreement and a memorandum of understanding on MFA for Tunisia amounting to EUR 300 million. Two disbursements, each for EUR 100 million, were made in 2015. A third and final instalment, for the same amount, should be disbursed this year if the agreed conditions are met.

This assistance is designed to help Tunisia make headway with its economic reforms, while also supporting its efforts in the field of good governance. The MFA is therefore tied to Tunisia's implementation of a range of economic measures, described in the memorandum of understanding. This first programme has provided support for the implementation of an ambitious reform programme in the following areas: public finance management; tax (with measures aimed at improving tax collection and bringing in more progressive taxation); social protection and the financial sector; measures aimed at improving the regulatory framework for trade and investment.

### What additional macrofinancial assistance did the Commission propose on 12 February?

The terrorist attacks in 2015 and the resulting security issues had a severe impact on the Tunisian economy, affecting key sectors such as tourism and transport. This exacerbated the existing balance of payments problems. The EU's macrofinancial assistance programme will therefore help cover Tunisia's external financing needs in 2016 and 2017, while supporting reforms aimed at achieving a more sustainable balance of payments and budgetary situation, improving the investment climate and fostering regulatory convergence with the EU.

On 12 February 2016, at Tunisia's request and after carrying out an ex ante evaluation, the Commission proposed additional MFA for Tunisia of up to EUR 500 million in medium-term loans to supplement a new IMF support programme for 2016-2020, which was signed in May 2016. This proposal was approved by the European Parliament and adopted by the Council in July 2016 under the ordinary legislative procedure.

## Trade cooperation between the EU and Tunisia

In July 1995, Tunisia became the first Mediterranean country to sign an Association Agreement with the EU. The removal of customs duties set out in the Agreement was completed in 2008, leading to the creation of a free-trade area, the first ever between the EU and a Mediterranean partner. On 13 October 2015, the European Union opened negotiations in Tunis on a Deep and Comprehensive Free Trade Agreement (DCFTA), which will build on the existing free trade area that was established 20 years ago by the Euro-Mediterranean Association Agreement and focused mainly on trade in goods. The aim of the agreement is to improve market access and investment opportunities and to support ongoing economic reforms in Tunisia. The discussions were launched in Tunis on 13 October 2015, followed by preliminary discussions during the week of 19-22 October 2015. The first round of negotiations took place in Tunis during the week of 18-22 April 2016. **The EU is Tunisia's main trading partner** (accounting for 75% of its exports and 63% of its overall trade).

**Total trade in 2015 was estimated at more than EUR 20 billion.** Tunisia's main exports to the EU are machinery and transport equipment (41%), textile and clothing products (24%), and agricultural products (8.5%). The EU's main exports to Tunisia are machinery and transport equipment (36%), textile and clothing products (12%), fuel and mining products (10%) and chemicals (8%).

### Better access for olive oil

The Euro-Mediterranean Association Agreement, signed in 1995, provides for a zero duty annual import quota of 56 700 tonnes of olive oil originating in Tunisia. The European Union has always endeavoured to support Tunisia's government and citizens, to help the country restore economic growth, and to deepen relations between the two partners.

To that end, in September 2015 – at the initiative of the EU’s foreign ministers – the EU proposed abolishing the monthly limit on imports to the EU of Tunisian olive oil, and allowing an additional 35 000 tonnes to be imported to the EU each year for a period of two years (2016–2017). In April 2016 the European Parliament agreed to introduce emergency autonomous trade measures, providing a zero-duty tariff quota of 35 000 tonnes per year over a two-year period (70 000 tonnes in total) for exports of olive oil from Tunisia to the EU, in addition to the existing 56 700 tonnes provided for under the EU-Tunisia Association Agreement.

Tunisian olive oil provides direct and indirect employment to over a million people and accounts for a fifth of the country’s total agricultural employment. The initiative improves access for exports of Tunisian olive oil to the EU, and provides Tunisia with a much-needed economic advantage by lending significant support to the country’s balance of trade.

## Partnership with the European Investment Bank (EIB)

Since 2011, the EIB has signed financing agreements worth a total of EUR 1.5 billion for the implementation of new projects in key sectors of the Tunisian economy, such as energy, SMEs, infrastructure, education and social housing. In 2015, EIB loans to Tunisia stood at EUR 200 million.

The EIB finances a number of key investment projects, notably ‘ETAP’, a EUR 380 million Southern Tunisian gas project, signed in 2014. The project entails the development of a vast natural gas facility (known as ‘NAWARA’) in the south of the country, a 370 km pipeline and a gas treatment unit in Gabès.

With regard to SMEs, the Bank has made available a credit line worth EUR 50 million to Amen Bank in partnership with the business network, Réseau Entreprendre, to support Tunisian industrial and commercial enterprises.

The EU has also committed a total of EUR 90.5 million for the Neighbourhood Investment Facility in Tunisia for the period 2008–2015. With this instrument the EU can award grants to complement loans provided by European development institutions (EIB, EBRD, AFD, KfW) in key areas such as energy, transport, the environment and private sector development.

## Cooperation in the field of education

In 2017–2018, the EU will provide additional assistance worth EUR 10 million to Tunisia under Erasmus + in order to increase the numbers of exchanges of students and staff between Morocco and Europe. Over the next two years, this funding will enable 1 200 students and higher education staff in Europe and Tunisia to study, train or teach abroad. This comes on top of the annual average of 640 students and staff who have already received financial support from the Erasmus + annual budgetary allocation for Southern Mediterranean countries, which supports Tunisia and nine other countries in the region.

The EU will also use this additional funding to step up cooperation between universities in the EU and Tunisia, through additional projects designed to help modernise higher education institutions and to promote direct contacts between individuals. Higher education aside, Erasmus + will also boost cooperation between Tunisian and European youth organisations by supporting informal education activities. The EU will also support culture and creativity in Tunisia by encouraging these two sectors to participate in EU programmes such as ‘Creative Europe’.

For more information on cooperation with Tunisia, see:  
[http://ec.europa.eu/enlargement/neighbourhood/countries/tunisia/index\\_en.htm](http://ec.europa.eu/enlargement/neighbourhood/countries/tunisia/index_en.htm)  
 2015 Cooperation Report prepared by the EU Delegation in Tunisia



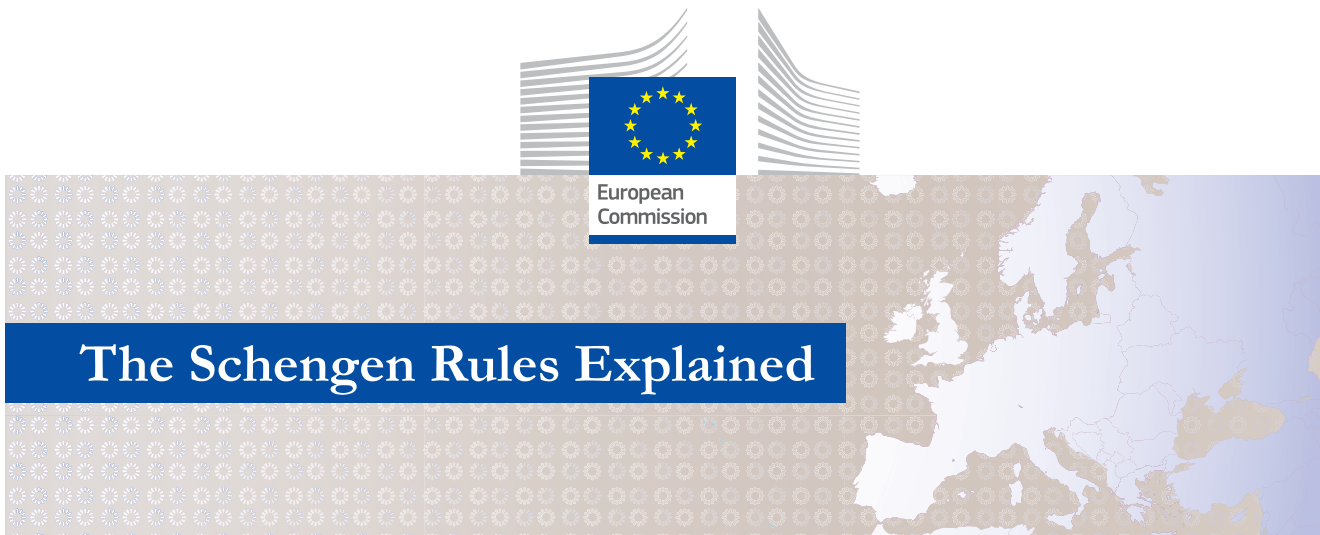






**CHAPTER 6:  
Fact Sheets  
– European Commission**

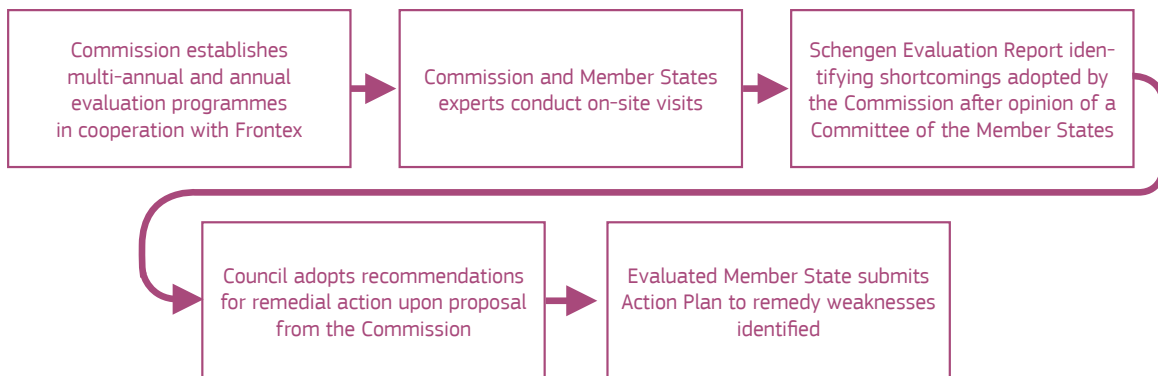




### The Schengen Evaluation Mechanism

The Schengen evaluation mechanism provides for monitoring visits to Member States on an annual and multi-annual basis. On average, 5-7 Member States are evaluated each year. The evaluation visits are carried out by Commission-led teams with experts from Member States and Frontex. The visits can be announced or unannounced.

Following each visit, a Schengen Evaluation Report is drawn up and agreed by the Schengen evaluation committee of member state experts. If the report identifies any weaknesses in management of the external border, then recommendations for remedial action are presented. The recommendations are submitted by the Commission to the Council for adoption.



### Articles 23, 24 and 25: Temporary Reintroductions of border controls by Member States

The Schengen Borders Code provides Member States with the possibility to temporarily reintroduce controls at internal borders where there is a serious threat to public policy or internal security.

<p><b>Article 25 – Temporary Reintroduction of Border Controls for Unforeseen Circumstances</b></p> <ul style="list-style-type: none"> <li>• Article 25 can be used in cases requiring immediate action</li> <li>• The reintroduction is for an initial period of 10 days.</li> <li>• This can be renewed for additional periods of 20 days, up to a maximum of <b>2 months</b> in total.</li> </ul>	<p><b>Article 23 and 24– Temporary Reintroduction of Border Controls for Foreseen Circumstances</b></p> <ul style="list-style-type: none"> <li>• Article 24 can be used for foreseeable circumstances if notified in advance.</li> <li>• These controls may last for an initial period of 30 days, renewable up to a maximum of <b>6 months</b>.</li> </ul>
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The Schengen Borders Code allows for the combination of Article 25 and Article 24 measures, allowing for the reintroduction of temporary border controls by Member States for a total duration of 8 months under these procedures.

In the exceptional circumstances, as a matter of last resort and to protect the common interest of the Schengen area, controls can be prolonged beyond this 8 month period. This procedure is set out under Article 26 of the Schengen Borders Code.

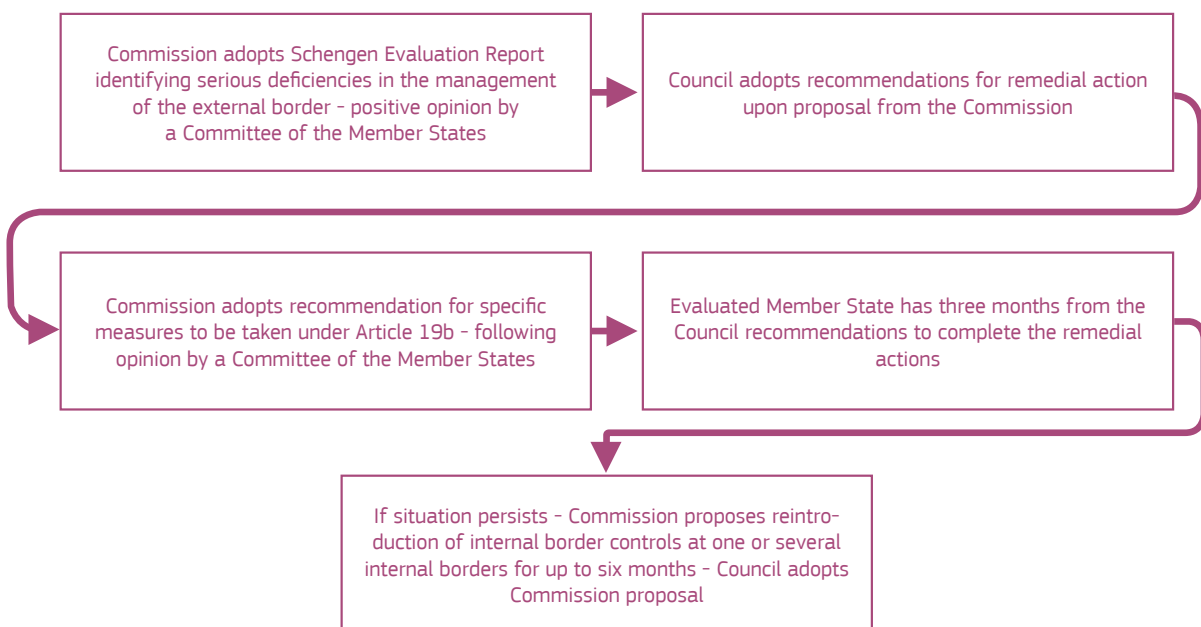
### Articles 19 and 26: Threat to the overall functioning of the internal Schengen area

In exceptional situations, deficiencies in management of the external Schengen border can put at risk the functioning of the internal area of free movement. In these cases, the Council is empowered to recommend border controls at one or several internal borders.

If a Schengen Evaluation Report concludes that in the evaluated Member State there are “serious deficiencies in the carrying out of external border control”, the Council may recommend remedial action to the Member State concerned. The Commission may also, under Article 19b of the Schengen Borders Code, recommend that the evaluated Member State take certain specific measures with a view to ensuring compliance with the Council recommendations.

The Commission adopts these recommendations after obtaining the opinion of a Committee of the Member States, acting by qualified majority. The evaluated Member State then has **three months** from the date of adoption of the Council recommendations to complete the remedial actions.

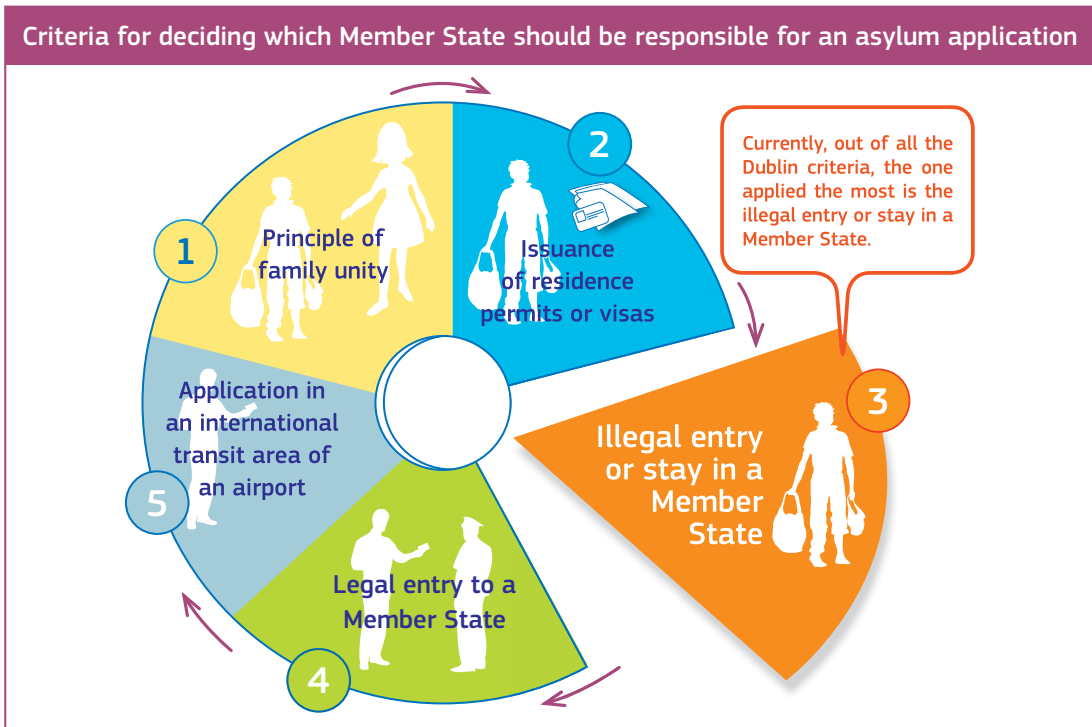
If the recommendations are not sufficiently addressed within three months, the Commission is empowered to trigger, as a last resort, measures to reintroduce internal border controls. Under **Article 26** of the Schengen Borders Code, the Commission may propose a Recommendation, to be adopted by the Council, to reintroduce controls at all or specific parts of the border of one or more Member States. These are measures of last resort which are subject to a clearly defined process. They may be introduced for a period of up to six months. Controls can be prolonged for additional six month periods up to a maximum duration of **two years**.





# THE REFORM OF THE DUBLIN SYSTEM

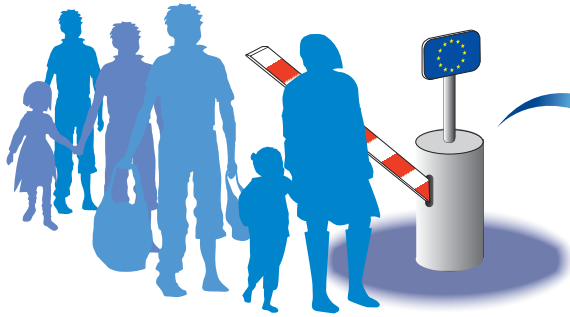
The Dublin Regulation establishes the criteria and mechanisms for determining which EU Member State is responsible for examining an asylum application. The rules aim to ensure quick access to asylum procedures and the examination of an application in substance by a single, clearly determined Member State – an objective which remains valid. The Dublin system, however, was not designed to ensure a sustainable sharing of responsibilities for asylum applicants across the EU – a shortcoming that has been highlighted by the current crisis. The core principle under the current Dublin regime is that the responsibility for examining an asylum claim lies first and foremost with the Member State which played the greatest part in the applicant’s entry to the EU. In most cases this means it is the Member State of first entry. It can also be a Member State which has issued a visa or residence permit to a non-EU national, who then decides to stay and apply for asylum when this authorisation expires. Family unity and the protection of unaccompanied minors are the main reasons to derogate from these rules. In practice, this means the responsibility for the vast majority of asylum claims is placed on a small number of Member States – a situation which would stretch the capacity of any Member State. If current migration patterns continue, this is unsustainable. This is why the Commission is proposing a reform of the Dublin system to establish a fair and sustainable system. The new system will make sure that when an overwhelming number of asylum requests are filed in just one Member State, the number of asylum seekers exceeding the absorption capacity of that country will be distributed among all Member States that are not confronted with excessive pressure.



Migration and Home Affairs

## CURRENT EU RULES

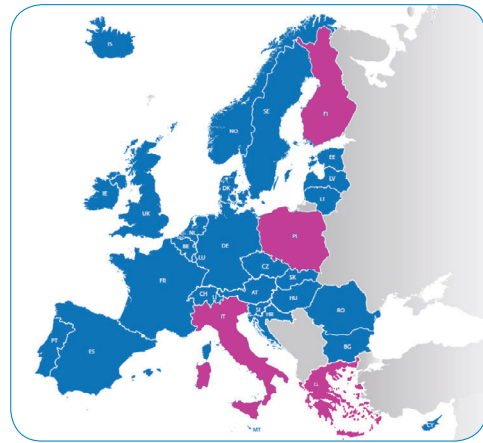
### Determining the EU country responsible for the asylum claim



When applying the Dublin rules, the country of arrival is, in most cases, identified as the one responsible for the asylum application.

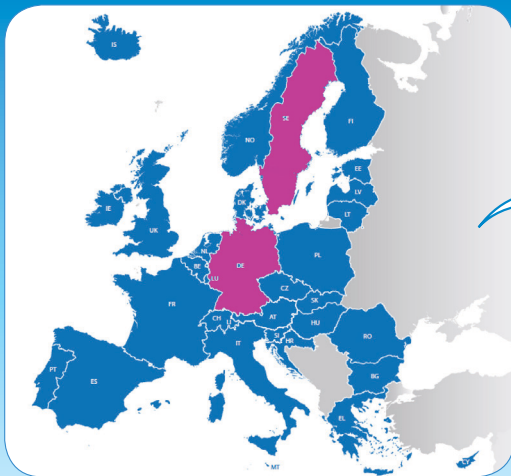
## CHALLENGES AND SHORTCOMINGS

### Pressure on a small number of Member States



The vast majority of arrivals are currently registered in just a few Member States, putting the asylum systems of these countries of first entry under immense pressure. This is not a fair distribution of responsibility.

### Harmonised conditions of reception throughout the EU



The EU has common standards to ensure that asylum seekers are treated equally in an open and fair system – wherever their application is made. According to the Dublin system, asylum seekers cannot choose the EU country where their application will be processed. However, discretionary provisions under EU legislation and a lack of full implementation have resulted in some EU countries offering more attractive reception and asylum systems than others, creating an incentive for asylum shopping.

### Uneven implementation of EU rules leads to imbalances and secondary movements



Some migrants seek to avoid registration and fingerprinting and then move on to the country where they wish to get asylum and settle. These secondary movements create imbalances in the distribution of asylum seekers and place disproportionate pressure on the favoured destination countries.

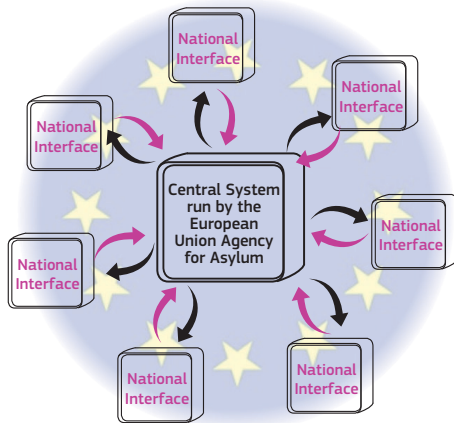


## The Dublin reform: a new system to better share responsibilities

To address the inherent weaknesses of the Dublin system for the longer term, the Commission is presenting a proposal to reform it by streamlining and supplementing it with a corrective allocation mechanism (the fairness mechanism). The main elements of the new system are: a new automated system to monitor the number of asylum applications each Member State receives and the number of persons effectively resettled by each; a reference key to help determine when one Member State is under disproportionate pressure and a fairness mechanism to alleviate that pressure.

### A new automated system

A new automated system will be developed. It will consist of a central system, a national interface in each Member State and the communication infrastructure between the central system and the national interface.



The automated system will record each asylum application made in the EU as well as the number of persons each Member State effectively resettles.

### Determining when a Member State is under pressure

A reference key will show the indicative share of the total number of asylum applications made in the EU each Member State would receive if they were allocated according to a country's size and wealth.

Comparing the reference share to the actual distribution of claims will help determine when one Member State is responsible for a disproportionate amount of applications compared to other Member States.



**Size of the population**  
(50% weighting)



**Total Gross Domestic Product (GDP)**  
(50% weighting)



Resettlements will be counted under the number of asylum applications to acknowledge the importance of efforts to implement legal and safe pathways to Europe.

### A fairness mechanism

The fairness mechanism will be applied when Member States are confronted with a disproportionate number of asylum applications. If the number of asylum applications made in a Member State is above 150% of the reference share, the fairness mechanism is automatically triggered. All new asylum applications made after the triggering of the mechanism will be relocated across the EU.

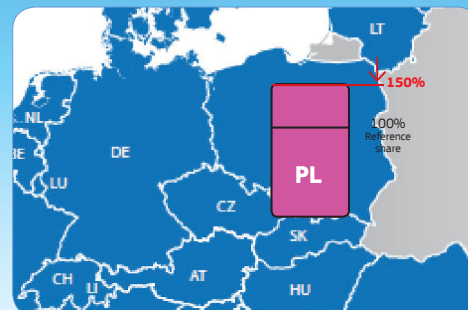
*Example: if the number of asylum applications in Poland exceeds 150% of the reference share of all applications, all new applications in Poland will be relocated to other Member States.*



If a Member State decides not to accept the allocation of applications from a Member State under pressure, a solidarity contribution of € 250,000 per applicant should be made to the Member State which takes on the responsibility in their place.

### Cessation of the mechanism

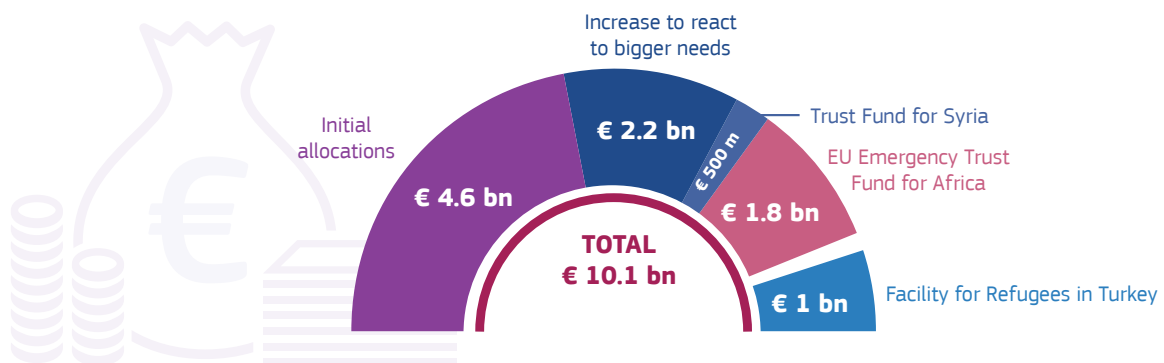
New arrivals to Member States benefiting from the fairness mechanism will be relocated across the EU until the number of applications is back below 150% of the country's reference share. When the number is back below 150%, the fairness mechanism will end.





Addressing the refugee crisis and managing our external borders are top priorities for the European Union. We have more than doubled EU funding to meet these challenges in 2015 and 2016.

### EU budget response to the refugee crisis



### EU funding in and outside the EU

Funding inside the EU		Funding outside the EU	
AMIF and ISF*	€ 3.70 bn	Humanitarian aid	€ 2.15 bn
Emergency funding	€ 335 m	Security and border control	€ 300 m
Long-term measures	€ 3.365 bn	Counter terrorism	€ 100 m
Additional support to agencies and their operations	€ 170 m	Trust Fund for Syria	€ 500 m
Distribution of dairy products to the refugees	€ 30 m	Return of refugees and displaced persons	€ 280 m
<b>TOTAL</b>	<b>€ 3.9 bn</b>	Education and health	€ 70 m
		EU Emergency Trust Fund for Africa	€ 1.8 bn
		Facility for Refugees in Turkey	€ 1 bn
		<b>TOTAL</b>	<b>€ 6.2 bn</b>

\* AMIF: Asylum, Migration and Integration Fund  
ISF: Internal Security Fund

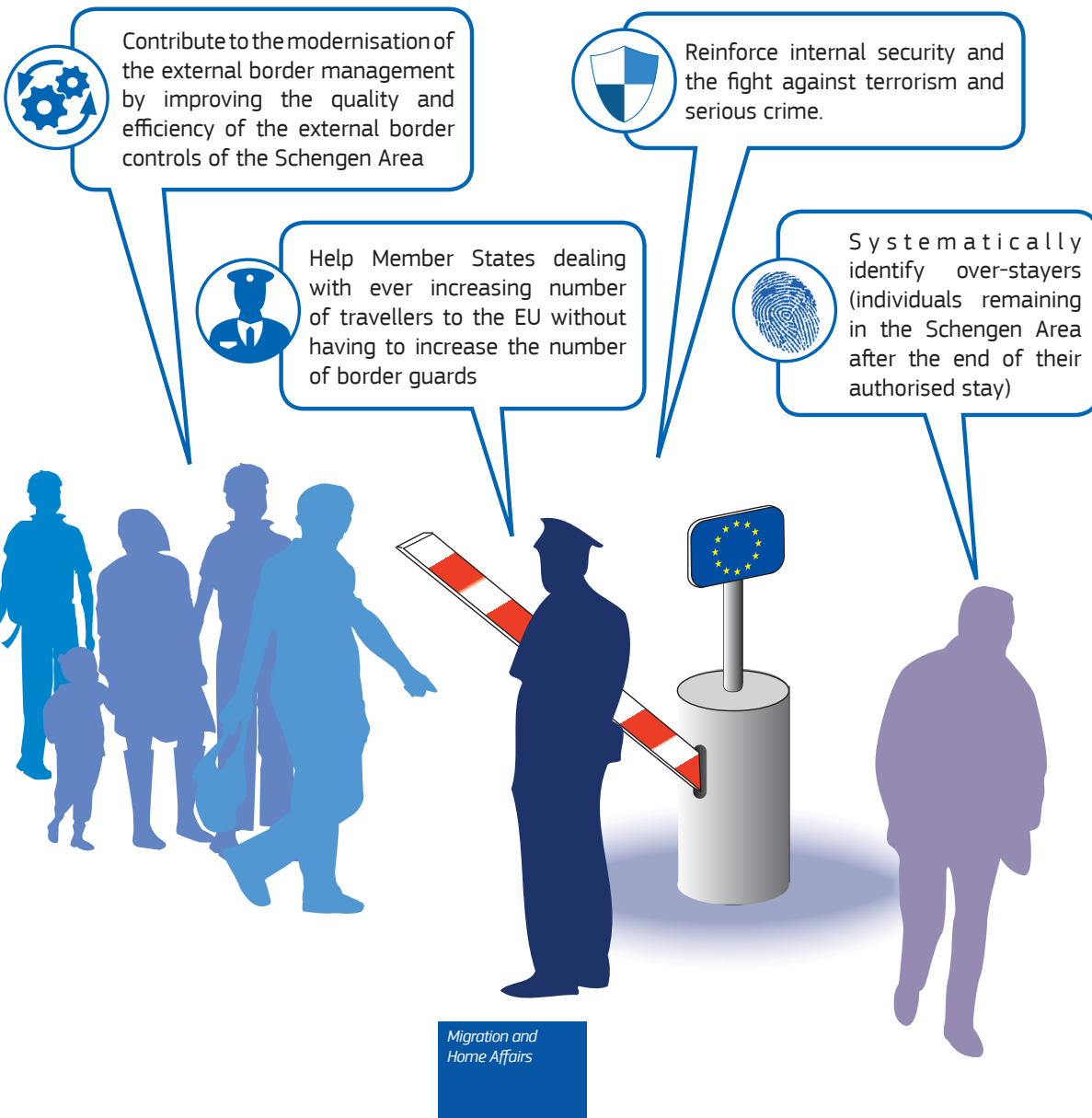


European Commission

# Stronger and Smarter Borders for the European Union

## The Entry-Exit System

The Commission has proposed the establishment of an Entry-Exit System (EES) to:



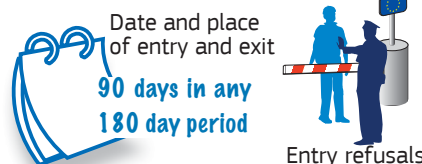
# ENTRY / EXIT SYSTEM (EES)

## How will the system work?

### EES will collect:



### EES will record:



### EES will replace:



## To whom will it apply?

to non-EU nationals, visa-required and visa-exempt travellers in the Schengen area.



## Who is using EES data?

The **competent Member State authorities**



## Who will be able to access data in the EES?

**Member States**

Law enforcement authorities

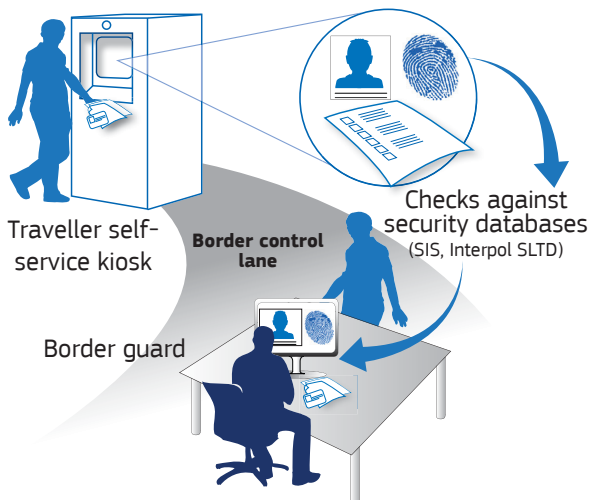
**Europol**

will have access for criminal identification and criminal intelligence



## Border crossing facilitation

for all non-EU nationals



## Expected outcomes of EES

### It will provide:

- Precise information in a rapid and automated way to border guards during border checks;
- Information to border guards on refusals of entry of non-EU nationals and enable refusals of entry to be checked electronically in the EES;
- Precise information to travellers on the maximum length of their authorised stay;
- Precise information on who is overstaying their authorised stay;
- Evidence-based support to visa policy.

### As regards access for law enforcement purposes, the expected impact of the EES will be:

- Support the identification of terrorists, criminals as well as of suspects and victims of crime;
- Provide a record of travel histories of non-EU nationals including crime suspects, perpetrators or victims of crime. It would thus complement the information in the SIS.





## SECURING EUROPE'S EXTERNAL BORDERS A EUROPEAN BORDER AND COAST GUARD



*«A united refugee and asylum policy requires stronger joint efforts to secure our external borders. Fortunately, we have given up border controls between the Member States of the Schengen area, to guarantee free movement of people, a unique symbol of European integration. But the other side of the coin to free movement is that we must work together more closely to manage our external borders. This is what our citizens expect. The Commission said it back in May, and I said it during my election campaign: We need to strengthen Frontex significantly and develop it into a fully operational European border and coast guard system.»*

European Commission **President Jean-Claude Juncker**, State of the Union Address, 9 September 2015

The Schengen area without internal borders is only sustainable if the external borders are effectively secured and protected. The European Commission is proposing to establish a European Border and Coast Guard – designed to meet the new challenges and political realities faced by the EU, both as regards migration and internal security. The European Border and Coast Guard will be composed of the European Border and Coast Guard Agency and the national authorities and coastguards responsible for border management.



Between January and November 2015 an estimated 1.5 million persons have crossed the EU external borders illegally – an all-time peak.

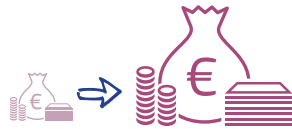


From July to September 2015, 413 800 persons applied for international protection in the Member States, twice as many as in the second quarter of 2015.



### A NEW MANDATE

The limitations of the current EU border agency, Frontex, have hindered its ability to effectively address and remedy the situation created by the refugee crisis: it is not able to purchase its own resources, it does not have its own operational staff and relies on Member State contributions, it is unable to carry out its own return or border management operations without the prior request of a Member State and it does not have an explicit mandate to conduct search and rescue operations. The new Agency will be strengthened and reinforced to address all these issues.



### UNION STANDARDS FOR BORDER MANAGEMENT

The new Agency will ensure Union standards for border management are implemented at all external borders. The external borders will be constantly monitored with periodic risk analyses and mandatory **vulnerability assessments** to identify and address weak spots. **Liaison officers** will be seconded to Member States where the borders are at risk. They will be fully integrated into the national information systems and able to relay the information back to the Agency.



### A RESERVE OF EUROPEAN BORDER GUARDS AND TECHNICAL EQUIPMENT

The Agency's permanent staff will be more than doubled and for the first time, the Agency will be able to purchase its own equipment and deploy them in border operations at a moment's notice. A **rapid reserve pool of border guards** and a **technical equipment pool** will be put at the disposal of the Agency – meaning there will no longer be shortages of staff or equipment for Agency operations.



### THE RIGHT TO INTERVENE



When deficiencies are identified, the Agency will be empowered to require Member States take **timely corrective action**. In urgent situations that put the functioning of the Schengen area at risk and when deficiencies have not been remedied, the Agency will be able to step in to **ensure that action is taken on the ground** even where there is no request for assistance from the Member State concerned or where that Member State considers that there is no need for additional intervention.

### WORKING WITH AND IN THIRD COUNTRIES

The Agency will have a new mandate to send liaison officers and launch **joint operations** with neighbouring third countries, including operating on their territory.



### A STRONGER ROLE IN RETURNS



A European Return Office within the Agency will allow the deployment of **European Return Intervention Teams** composed of escorts, monitors and return specialists who will work to effectively return illegally staying third country nationals. A uniform **European travel document for return** will ensure a wider acceptance by third countries.

### GUARANTEEING INTERNAL SECURITY

The Agency will include cross-border crime and terrorism in its risk analysis, process personal data of persons suspected to be involved in acts of terrorism and cooperate with other Union agencies and international organisations on the **prevention of terrorism**.





## Relocation and Resettlement - State of Play

13 July 2016

### Relocation

Based on Commission proposals, the Justice and Home Affairs Council adopted in September 2015 two Decisions to relocate 160,000 asylum seekers from Italy and Greece, to assist them in dealing with the pressures of the refugee crisis.

Under the emergency relocation scheme, asylum seekers with a high chance of having their applications successfully processed are relocated from Greece and Italy, where they have arrived, to other Member States where they will have their asylum applications processed. If these applications are successful, the applicants will be granted refugee status with the right to reside in the Member State to which they are relocated.

The relocations should take place over two years, with the EU budget providing financial support to the Member States participating. The tables below present the latest state of play with the implementation of these Decisions by the Member States.

### RELOCATION (state of play as of 11 July 2016)

3056 people have been relocated since the launch of the scheme		
Member States	Relocated from Italy	Relocated from Greece
Austria	X	X
Belgium	29	90
Bulgaria	X	6
Croatia	4	X
Cyprus	10	35
Czech Republic	X	4
Denmark	X	X
Estonia	X	27
Finland	180	217
France	181	810
Germany	20	37
Hungary	X	X
Ireland	X	38
Latvia	2	39
Lithuania	X	34
Luxembourg	X	71
Malta	17	24
Netherlands	125	242
Poland	X	X
Portugal	150	302
Romania	6	62
Slovenia	6	28
Slovakia	X	X
Spain	40	147
Sweden	39	X
Switzerland	34	X
<b>TOTAL</b>	<b>843</b>	<b>2213</b>

## RESETTLEMENT

In May 2015 the Commission proposed a European Resettlement Scheme which was adopted by the Council in July 2015.

To avoid displaced persons in need of protection having to resort to the criminal networks of smugglers and traffickers, the resettlement programme provides legal and safe pathways to enter the EU. The agreed scheme will see over 22,000 people in need of international protection resettled from outside of the EU to the EU Member States. This two year scheme is supported by the EU budget.

In the EU-Turkey Statement from 18 March, it was agreed that for every Syrian national returned from the Greek islands another will be resettled to the EU directly from Turkey. This 1:1 mechanism aims to replace irregular flows of migrants travelling in dangerous conditions across the Aegean Sea by an orderly and legal resettlement process.

### 8,268 people have been resettled since the launch of the scheme\*

Member State/ Associated State	Total resettled under the 20 July scheme, including under the 1:1 mechanism with Turkey	Total resettled under the 1:1 mechanism with Turkey (since 4 April 2016)
Austria	1453	x
Belgium	333	4
Czech Republic	52	x
Denmark	481	x
Finland	192	11 (outside of 20 July scheme)
France	335	x
Germany	294	294
Ireland	273	x
Italy	419	70
Latvia	6	6
Lithuania	5	5
Luxembourg	x	27 (outside of 20 July scheme)
Netherlands	366	56
Portugal	12	12
Spain	118	57
Sweden	380	254
United Kingdom	1864	x
Iceland	48	x
Liechtenstein	20	x
Norway	1098	x
Switzerland	519	x

\*Based on information made available by Member States and Associated Countries as of 11 July 2016





# MANAGING THE REFUGEE CRISIS

## EU Financial Support to Greece

1 September 2016

### Asylum, Migration and integration Fund/ Internal Security Fund/ Emergency Assistance

Addressing the refugee crisis and managing our external borders are top priorities for the European Union. The Asylum, Migration and Integration Fund (AMIF) supports Greek national efforts to improve reception capacities, ensure that asylum procedures are in line with Union standards, integrate migrants at local and regional levels and increase the effectiveness of return programmes. The Internal Security Fund (ISF) supports national efforts to achieve a uniform and high level of control of the external borders and to fight cross-border organised crime. To support the Greek authorities as well as international organisations and NGOs operating in Greece in managing the refugee and humanitarian crisis, the Commission has awarded over €352 million in emergency assistance since the beginning of 2015. The emergency funding comes on top of the €509 million already allocated to Greece under the national programmes for 2014-2020 (€294.5 million from AMIF and €214.7 million from ISF).

### Emergency support instrument

A faster, more targeted way to respond to major crises, including helping Member States cope with large numbers of refugees, with humanitarian funding channelled to UN agencies, non-governmental organisations and international organisations in close coordination and consultation with Member States. €700 million is planned over 2016-18.

\*information as of September 2016



**ASYLUM, MIGRATION AND INTEGRATION FUND (AMIF)**

The fund promotes the efficient management of migration flows and the implementation, strengthening and development of a common Union approach to asylum and immigration.



**INTERNAL SECURITY FUND (ISF)**

The Fund promotes the implementation of the Internal Security Strategy, law enforcement cooperation and the management of the Union's external borders. The ISF is composed of two instruments, ISF Borders and Visa and ISF Police.



Long-term Funding to Greece  
2014 - 2020  
€ 509,498,415  
(allocated)

Emergency Funding to Greece  
€ 352,815,219.51  
(awarded)

Pre-Financing Payment  
€ 228,972,696.83



## Long-term Funding to Greece (allocations) 2014 - 2020

 <p><b>AMIF</b> ASYLUM, MIGRATION AND INTEGRATION FUND (AMIF)</p>	 <p><b>ISF</b> INTERNAL SECURITY FUND (ISF)</p>	
<p><b>€ 294,654,377</b></p>	<p>ISF - Borders</p>	<p>ISF - Police</p>
	<p><b>€194,354,388</b></p>	<p><b>€20,489,650</b></p>

## Funding for emergency relocation mechanism



Greece will receive **€500** for the transport costs of every relocated asylum seeker.

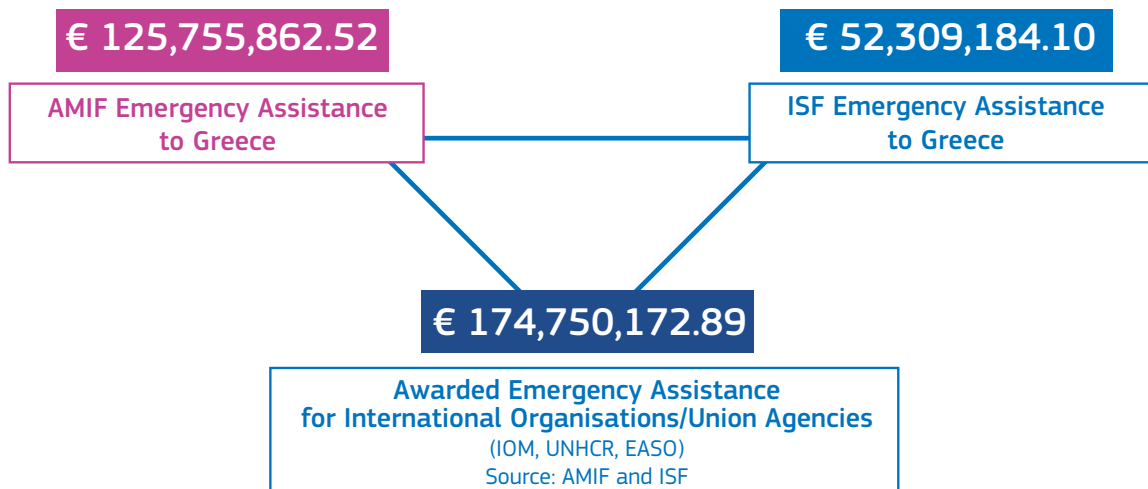
**€35.1 million** was allocated for the implementation of the Relocation & Resettlement mechanisms.

**€13.5 million** was paid as pre-financing in February 2016

*\*these amounts are already included in the Greece AMIF National Programme*



## Emergency Funding (awarded)
















## Emergency Funding

Overview emergency assistance from AMIF & ISF Borders and Visa Funds - Greece





Fund	Award Decision taken	EU contribution	Main activities	Responsible Entity
	27/07/2016	€0.53M	Construction works of the sewer system and water supply network in Samos	Ministry of Interior and Administrative Reform
	27/07/2016	€7.2M	Emergency assistance for the effective management of immigration flows in the Greek territory	Ministry of Interior and Administrative Reform
	19/07/2016	€6.18M	Immediate enhancement of the response to the refugee crisis by providing shelter and accommodation, catering, health care, transportation at hotspots, ensuring this way healthy and safe living conditions for the target group (continuation of the project awarded in March)	Ministry of Defence
	19/07/2016	€52.2M	Immediate enhancement of the response to the refugee crisis by providing shelter and accommodation, catering, health care, transportation at open accommodation centres, ensuring this way healthy and safe living conditions for the target group (continuation of the project awarded in March)	Ministry of Defence
	19/07/2016	€24.18M	Comprehensive emergency health response to refugee crisis	Ministry of Health
	17/05/2016	€3M	Ensuring a fair and efficient Asylum Process, including in the context of the implementation of the EU-Turkey agreement	Ministry of Interior and Administrative Reform
	17/05/2016	€3.06M	Upgrading the existing IT-system of the Hellenic Police for the registration process of third-country nationals	Ministry of Interior and Administrative Reform
	17/05/2016	€7M	Provisional services to third-country nationals and operational support to the Hellenic Police services at the external borders	Ministry of Interior and Administrative Reform
	18/03/2016	€6.6M	Immediate enhancement of the response to the refugee crisis by providing shelter and accommodation, catering, health care, transportation at hotspots, ensuring this way healthy and safe living conditions for the target group	Ministry of Defence
	18/03/2016	€23.9M	Immediate enhancement of the response to the refugee crisis by providing shelter and accommodation, catering, health care, transportation at hotspots, ensuring this way healthy and safe living conditions for the target group	Ministry of Defence











Fund	Award Decision taken	EU contribution	Main activities	Responsible Entity
	03/03/2016	€3.5M	Enhancement of human resources in First Reception Centres	First Reception Service
	08/02/2016	€12.76M	Provision of prefabricated shelter houses for the hosting of third country nationals	Ministry of Infrastructure, Transport and Networks
	08/12/2015	€3.3M	Immediate enhancement of the response to the public health challenge presented by the refugee crisis on the front line of first reception in the Eastern Aegean Sea	Ministry of Public Health
	05/11/2015	€0.68M	Reinforcement of the Orestiada Police Directorate with police personnel	Hellenic Police
	05/11/2015	€2.54M	<b>5 actions:</b> <b>a.</b> Forced return: identification of up to 1,761 third country nationals already in detention (Hellenic Police) <b>b.</b> Forced return: issuing of travel documents for up to 1,080 third country nationals (Hellenic Police) <b>c.</b> Forced return: ticket costs for up to 1,080 third country nationals (Hellenic Police) <b>d.</b> Forced return: escort costs for 10% of all cases third country nationals (Hellenic Police) <b>e.</b> Assisted voluntary return of 1,000 third country nationals (IOM)	Hellenic Police
	16/10/2015	€5.99M	Transportation (and partly also accommodation and alimentation on the ships) for a total of at least 60,000 registered and fully screened third country nationals from Eastern Aegean ports to mainland Greece or from the island Farmakonissi to the island of Leros	General Secretary for Co-Ordination
	01/10/2015	€0.39M	Emergency administrative assistance in support of the recruitment of additional personnel for the effective management of migration flows in the eastern External Borders	First Reception Service
	01/10/2015	€1.1M	Emergency assistance covering the deployment of additional staff members and Special Forces to the severely affected Eastern Aegean HCG Authorities in order to improve the management of the intense migratory flows	Hellenic Coast Guard
	01/10/2015	€4.03M	Emergency support enhancing the operational capacity of the Greek authorities and Civil Society Organisations to manage the extreme rise in refugee and migrant flows into Greek national and European territory	First Reception Service
	01/10/2015	€2.36M	Immediate enhancement of the response to the refugee crisis by providing shelter and accommodation, catering, health care, transportation at hotspots, ensuring this way healthy and safe living conditions for the target group	Hellenic Police
	01/10/2015	€2.89M	Immediate enhancement of the response to the refugee crisis by providing shelter and accommodation, catering, health care, transportation at hotspots, ensuring this way healthy and safe living conditions for the target group	Hellenic Coast Guard






	17/06/2015	€0.69M	Enhancement of human resources in First Reception Centres	First Reception Service
	17/06/2015	€0.48M	Provision of prefabricated shelter houses for the hosting of third country nationals	Hellenic Coast Guard
	17/06/2015	€2.20M	Immediate enhancement of the response to the public health challenge presented by the refugee crisis on the front line of first reception in the Eastern Aegean Sea	Hellenic Coast Guard
	20/01/2015	€1.18M	Support the operation of the Greek Asylum Service, especially the provision of mobile asylum units on 4 border islands.	Asylum Service









**Awarded Funds for International Organisations/ Union Agencies (IOM, UNHCR, EASO)**

Fund	Award Decision taken	EU contribution	Main activities	Responsible Entity
	24/05/2016	€25M	Strengthen the Common European Asylum System, safe pathways to the European Union for persons in need of international protection and acceleration of the implementation of relocation to alleviate the heavy burden that presently weights on Greece, in the context of the fast-track returns to Turkey.	EASO
	17/05/2016	€1.3M	Emergency support to assist most vulnerable migrants stranded in Greece	IOM
	17/05/2016	€30M	Supporting UNHCR Greece Emergency Response Plan and strengthening the capacity of the asylum service	UNHCR
	26/02/2016	€1.5M	Assisted voluntary return of third country nationals to their country of origin	IOM
	08/02/2016	€1.12M	EASO emergency support for the Greek hotspots to strengthen their fingerprinting capacity	EASO
	08/12/2015	€20M	Relocation programme from Greece to other EU Member States for beneficiaries in clear need of international protection	IOM
	17/08/2015	€2.7M	Strengthening of the first reception response to new arrivals in mixed migratory movements on the Aegean islands	UNHCR
	08/07/2015	€1.43M	Strengthening of the first reception response to new arrivals on the Aegean Islands and in the region of Evros in Greece. 'New Arrivals Intervention' – phase II	UNHCR

## Greece – Indirect management

Fund	Delegation Agreement signed	EU contribution	Main activities	Responsible Entity
	26/01/2016	€80M (AMIF: €75M ISF: €5M)	Support to Greece for the development of the hotspot/relocation scheme as well as for developing asylum reception capacity	UNHCR

## Emergency support instrument – Total amount of first emergency support projects: €83 million

Fund	Award Decision taken	EU contribution	Main activities	Responsible Entity
	19/04/2016	€25M	50,000 refugees will benefit with water, sanitation, hygiene and protection assistance, with an emphasis on unaccompanied minors. In addition, humanitarian coordination support to the humanitarian community in Greece.	UNHCR
	19/04/2016	€15M	44,000 refugees will benefit in terms of basic health care, food parcels, water, sanitation and hygiene, psycho-social support and assistance to re-establish family links.	International Federation of the Red Cross
	19/04/2016	€8M	7,500 refugees will benefit from site management support, shelter, protection, water, sanitation and hygiene assistance.	Danish Refugee Council
	19/04/2016	€10M	16,000 refugees will benefit from protection, psychosocial support, safe spaces for women, safe learning and healing spaces for children, water, sanitation/hygiene and food assistance.	International Rescue Committee
	19/04/2016	€7M	Provision of child friendly spaces, non-formal education classes, psychosocial support and nutrition with special focus on unaccompanied minors	Save the Children
	19/04/2016	€6M	Assistance for water, sanitation and hygiene, food, protection & improvement of shelter (winterisation) and other essential items.	OXFAM
	19/04/2016	€5M	1,500 refugees will receive shelter, health and psycho social support, non- food items, child friendly spaces, legal support and interpretation.	Arbeiter-Samariter-Bund
	19/04/2016	€7M	Primary health care, referrals for specialised medical care, psychosocial support for migrants and refugees.	Médecins Du Monde



## THE RAPID BORDER INTERVENTION TEAMS MECHANISM (RABIT)

*The Rapid Border Intervention Teams mechanism (RABIT) was established in 2007. It offers rapid operational assistance for a limited period of time to a Member State facing a situation of urgent and exceptional pressure at points of the external borders, with large numbers of third-country nationals trying to enter illegally the territory of the Member State.*

### **Key features are:**

- A request is needed from a Member State. A request is sent to Frontex, which has five days to assess the situation and to decide whether to approve a request;
- On approval, an operational plan is drawn up immediately specifying the duration, tasks and composition of the teams;
- Member States are obliged to send border guards if requested, unless they themselves face an exceptional situation;
- The host Member State retains command of the team. The members of the teams can perform border checks and surveillance in accordance with the Schengen Borders Code. They have broadly the same powers as the border guards of the host Member State: the host Member State can approve the use of force and service weapons (if the home Member State also agrees);
- All costs related to training, exercises and deployment are covered by Frontex (basic salaries are not covered). This includes travel, accommodation and subsistence allowance.
- Though the RABIT mechanism has not been triggered since 2010, annual exercises take place to maintain readiness.

### **A mechanism to address the refugee crisis**

Member States can request the deployment of Rapid border intervention teams (RABIT) to provide immediate border guard support in cases of urgent or exceptional migratory pressure.

The Mechanism provides operational assistance for a limited period of time. Frontex funds and deploys national technical and human resources drawn from Member States.

The Mechanism has only been activated once, but successfully: A successful operation at the Greek-Turkish border in 2010 stabilised the situation and brought down the number of arrivals.





### The RABIT mechanism in action

In 2010, Greece requested the deployment of RABIT on the Greek-Turkish border. The operation lasted from November 2010 to March 2011. This followed a large increase in arrivals and successfully brought down the numbers, with detected entries falling month-on-month from the October peak of 7607 to 1632 by February.

During the operational period, every week close to 200 well-trained guest officers from 26 Member States assisted their Greek colleagues in controlling the border areas as well as in identifying the apprehended irregular immigrants. The operation has also helped the Greek authorities in gathering information on the migration routes and facilitator networks which exploit the desperate situation of irregular immigrants. Along with the Team 7 Thermo-vision vehicles, 24 patrol cars, 2 Schengen-buses equipped with IT devices, 3 mini-buses, 1 transport bus and a helicopter were deployed in the operational areas. Three mobile office containers were installed also.

Since the RABIT operation was launched at the beginning of November 2010, a gradual decrease in the flow of irregular entries was witnessed at the relevant border sections between Greece and Turkey. In October, prior to the operation, there were a total of 7 607 persons detected at the Greek-Turkish land border. In November, the operation reported a total of 4 616 detected entries and for the month of December, these detections had fallen further to 3 413. Subsequently, they decreased to 2 266 in January 2011 and to 1 632 in February 2011. After the deployment of the RABIT operation, the numbers of irregular crossings dropped by approximately 75 %. To put these figures into perspective, the total number of detected entries for the entire year of 2010, as reported by Greek authorities through the Frontex Risk Analysis Network, amounted to 47 706 detections.





## THE EU CIVIL PROTECTION MECHANISM

*The EU Civil Protection Mechanism can be activated by a Member State if it feels overwhelmed by a crisis. The Mechanism can mobilise various types of in-kind assistance, including modules (teams and equipment), shelter, medical supplies and other non-food items, as well as expertise. Participating States provide the assistance, and the Commission can co-finance the transport of relief items and experts to the country in question.*

*Over recent years, the EU Civil Protection Mechanism has been activated in various types of emergencies such as Ebola outbreak in West Africa (2014), flooding in Western Balkans (2014), conflict in Eastern Ukraine (2015) and the displacement crisis in Europe (2015).*

The EU Civil Protection Mechanism facilitates the cooperation in emergency response among 33 European states (28 EU Member States, Iceland, Montenegro, Norway, Serbia and the former Yugoslav Republic of Macedonia). Turkey has recently signed the agreement to officially join the Mechanism. These Participating States pool the resources that can be made available to one another and to countries all over the world.

Civil protection assistance relies on the participating states' resources. When civil protection assistance is requested by third countries, it is often combined with humanitarian aid.

Assistance includes relief items, expertise, intervention teams and modules, and specific equipment. Experts are also deployed for needs assessment and coordination with the local authorities and international response organisations, as well for advisory missions on prevention and preparedness.

### **The Emergency Response Coordination Centre (ERCC)**

The Emergency Response Coordination Centre (ERCC) is the operational heart of the EU Civil Protection Mechanism. It provides a full 24/7 capacity to monitor and coordinate response to emergencies. The ERCC collects real-time information on disasters, monitors hazards, prepares plans for the deployment of resources (experts, teams and equipment) from the voluntary pool, works with Member States to map available assets and coordinates EU's disaster response efforts. Most importantly, it has direct links to the civil protection and humanitarian aid authorities in the participating states, ensuring a coherent European response to disasters.





## Facts & Figures

The EU Civil Protection Mechanism:

- Provides for a well-coordinated effective and efficient response as a result of pooling the resources of Member States.
- Saves human and financial resources by avoiding a duplication of efforts and ensuring that the assistance meets the real needs of the affected country.
- Helps to prepare for and avoid disasters by raising awareness, trainings, exchanging experts and conducting simulation exercises.

Between 2001 until September 2015, the EU Civil Protection Mechanism has been activated more than 230 times following requests for assistance.

In 2015 alone:

- In May, the EU Civil Protection Mechanism was activated to provide rapid assistance to Nepal, following two major earthquakes that struck on 25 April and 12 May.
- In July, Greece requested assistance in fighting dozens of forest fires, including in the outskirts of Athens. Forest fighting aircraft from the voluntary pool were dispatched to help Greek firefighters in containing and putting out fires. The European Commission co-financed the transport of assistance to Greece.
- In September, the EU Civil Protection Mechanism was activated to assist Hungary and Serbia in responding to the urgent needs caused by an unprecedented inflow of refugees and migrants.
- In October, the EU Civil Protection Mechanism was activated to assist Slovenia or material support such as blankets, sleeping bags, winter tents, beds and sanitary equipment to help cope with the arrivals of large numbers of refugees and asylum seekers in the country.

## EU Financial Support

The European Commission financially supports the transport of assistance offered by the participating states, and facilitates overall transport and logistics coordination. In 2014, the total EU transport co-financing surpassed €10 million.

## A mechanism to address the refugee crisis

Member States were asked last month (23 September) to notify the Commission of the assets which can be held ready to deploy to help refugees. Only eight Member States (Belgium, Cyprus, Finland, Sweden, Slovakia, the Czech Republic, Lithuania, Latvia) have notified that they have – limited – civil protection assets or experts they would be prepared to deploy still this year, should a request be made. The Commission reiterates the need for Member States to support the mechanism with substantial contributions.









**CHAPTER 5:**  
**Fact Sheets**  
**– European Parliament**





Европейски парламент Parlamento Europeo Evropský parlament Europa-Parlamentet Europäisches Parlament  
Euroopa Parlament Ευρωπαϊκό Κοινοβούλιο European Parliament Parlement européen Parlaimint na hEorpa  
Europski parlament Parlamento europeo Eiropas Parlaments Europos Parlamentas Európai Parlament  
Parlament Ewropew Europees Parlement Parlament Europejski Parlamento Europeu Parlamentul European  
Európsky parlament Evropski parlament Euroopan parlamentti Europaparlamentet

## ASYLUM POLICY

The aim of EU asylum policy is to harmonise asylum procedures in the Member States by establishing common asylum arrangements, with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of non-refoulement.

### LEGAL BASIS

- Articles 67(2) and 78 of the Treaty on the Functioning of the European Union;
- Article 18 of the EU Charter of Fundamental Rights.

### OBJECTIVES

The objectives are to develop a common policy on asylum, subsidiary protection and temporary protection, with a view to offering an appropriate status to all third-country nationals who need international protection, and to ensure that the principle of non-refoulement is observed. This policy must be consistent with the 1951 Geneva Convention and the 1967 Protocol thereto. Neither the Treaty nor the Charter provides a definition of the terms ‘asylum’ and ‘refugee’. They both refer explicitly to the Geneva Convention of 28 July 1951 and the Protocol thereto of 31 January 1967.

### ACHIEVEMENTS

#### A. Advances under the Treaties of Amsterdam and Nice

In 1999 the Treaty of Amsterdam granted the EU institutions new powers to draw up legislation in the area of asylum using a specific institutional mechanism.

In 2001 the Treaty of Nice provided that, within five years of its entry into force, the Council should adopt measures on a number of fronts, in particular criteria and mechanisms for determining which Member State is responsible for considering an application for asylum made by a third-country national within the EU, as well as certain minimum standards (in relation to the reception of asylum seekers, the status of refugees and procedures).

The Treaty stipulated that the Council should act unanimously, after consulting Parliament, when defining the common rules and basic principles governing these issues. It provided that, after this initial phase, the Council might decide that the normal codecision procedure should apply and that it should thus henceforth adopt its decisions by qualified majority. The Council took a decision to that effect at the end of 2004 and the codecision procedure has applied since 2005.

## B. The Treaty of Lisbon

The Treaty of Lisbon changed the situation by transforming the measures on asylum into a common policy. Its objective is no longer simply the establishment of minimum standards, but rather the creation of a common system comprising a uniform status and uniform procedures.

This common system must include:

- a uniform status of asylum,
- a uniform status of subsidiary protection,
- a common system of temporary protection,
- common procedures for the granting and withdrawing of uniform asylum or subsidiary protection status,
- criteria and mechanisms for determining which Member State is responsible for considering an application,
- standards concerning reception conditions,
- partnership and cooperation with third countries.

The Treaty did not make any changes to the decision-making procedure within the EU.

However, the arrangements for judicial oversight by the Court of Justice of the European Union have been improved significantly. Preliminary rulings may now be sought by any court in a Member State, rather than just national courts of final instance, as was previously the case. This should enable the Court of Justice to develop a larger body of case law in the field of asylum.

## C. The European Council programmes

The series of programmes adopted by the European Council have had a far-reaching impact on the implementation of European asylum policy.

With the adoption of the Tampere Programme in October 1999, the European Council decided that the common European system should be implemented in two phases. In November 2004, the Hague Programme called for the second-phase instruments and measures to be adopted by the end of 2010.

The European Pact on Migration and Asylum, adopted on 16 October 2008, ‘solemnly reiterates that any persecuted foreigner is entitled to obtain aid and protection on the territory of the European Union in application of the Geneva Convention’. It calls for proposals aimed at establishing ‘in 2010 if possible and in 2012 at the latest, a single asylum procedure comprising common guarantees and [...] adopting a uniform status for refugees and the beneficiaries of subsidiary protection’.

The Stockholm Programme, adopted by the European Council on 10 December 2009 for the 2010-2014 period, reaffirms ‘the objective of establishing a common area of protection and solidarity based on a common asylum procedure and a uniform status for those granted international protection’. It emphasises, in particular, the need to promote effective solidarity with those Member States facing particular pressures, and the central role to be played by the new European Asylum Support Office.

The Lisbon Treaty formally recognises the European Council’s pre-eminent role in ‘[defining] the strategic guidelines for legislative and operational planning within the area of freedom, security and justice’ (Article 68 TFEU). In June 2014, the European Council defined these guidelines for the coming years, building on the progress achieved by the Stockholm

programme. They stress that the full transposition and effective implementation of the Common European Asylum System (CEAS) is an absolute priority.

**D.** The main existing legal instruments and proposals pending are:

- Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC<sup>[1]</sup>;
- Regulation (EU) No 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management<sup>[2]</sup>;
- Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of ‘Eurodac’ for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States’ law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice<sup>[3]</sup> (Regulation (EU) No 603/2013 will start applying two years after its entry into force and repeal the previous Council Regulation (EC) No 2725/2000 and its implementing Regulation (EC) No 407/2002);
- Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection<sup>[4]</sup> (Directive 2013/33/EU will repeal Council Directive 2003/9/EC with effect from 21 July 2015);
- Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection<sup>[5]</sup> (Directive 2013/32/EU will repeal the previous Council Directive 2005/85/EC with effect from 21 July 2015);
- Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted<sup>[6]</sup> (Directive 2011/95/EU will repeal the previous Council Directive 2004/83/EC with effect from 21 December 2013);
- Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office<sup>[7]</sup>;

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[1]OJ L 150, 20.5.2014, p. 168.

[2]OJ L 150, 20.5.2014, p. 112.

[3]OJ L 180, 29.6.2013, p. 1.

[4]OJ L 180, 29.6.2013, p. 96.

[5]OJ L 180, 29.6.2013, p. 60.

[6]OJ L 337, 20.12.2011, p. 9.

[7]OJ L 132, 29.5.2010, p. 11.

- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals<sup>[8]</sup>;
- Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof<sup>[9]</sup>.

In response to the human tragedy unfolding across the Mediterranean, the Commission adopted the European Agenda on Migration in May 2015<sup>[10]</sup>, aimed at strengthening the common asylum policy by implementing the following measures:

- Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece;
- Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece;
- Conclusions of 20 July 2015 of the Representatives of the Governments of the Member States meeting within the Council on resettling through multilateral and national schemes 20 000 persons in clear need of international protection;
- Proposal for a regulation of the European Parliament and of the Council establishing a crisis relocation mechanism and amending Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person ([COM\(2015\) 0450](#));
- Proposal for a regulation of the European Parliament and of the Council establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection, and amending Directive 2013/32/EU ([COM\(2015\) 0452](#)).

## ROLE OF THE EUROPEAN PARLIAMENT

In its resolution of 17 December 2014 on the situation in the Mediterranean and the need for a holistic EU approach to migration, Parliament instructed its Committee on Civil Liberties, Justice and Home Affairs to develop a set of recommendations and to report to Plenary in the form of a strategic initiative report. Moreover, the resolutions of 10 September 2015 on migration and refugees in Europe, of 11 September 2012 on enhanced intra-EU solidarity in the field of asylum, of 21 June 2007 on asylum: practical cooperation, quality of decision-making in the common European asylum system of 2 September 2008 on the evaluation of the Dublin system and of 10 March 2009 on the future of the Common European Asylum System provide an overview of Parliament's main positions and concerns.

Parliament has been calling for reliable and fair procedures, implemented effectively and founded on the principle of non-refoulement. It has stressed the need to prevent any reduction

[8]OJ L 348, 24.12.2008, p. 98.

[9]OJ L 212, 7.8.2001, p. 12.

[10]See Fact Sheet [5.12.3](#).



in levels of protection or in the quality of reception and to ensure fairer sharing of the burden borne by the Member States at the EU's external borders.

Parliament has emphasised that detention should be possible only in very clearly defined exceptional circumstances and that there should be a right of appeal against it before a court. It has supported the creation of a European Asylum Support Office.

Parliament can also bring an action for annulment before the Court of Justice. This instrument was successfully used to obtain the annulment of the provisions concerning the arrangements for adopting the common list of third countries regarded as safe countries of origin and safe third countries in Europe provided for in Directive 2005/85/EC (ECJ, judgment of 6 May 2008, Case C-133/06).

Parliament has, moreover, organised a series of visits to reception centres and detention centres in the Member States and has highlighted the shortcomings in the Member States' application of the existing legislation.

After more than two years of negotiations and following the adoption in 2010 of Regulation EU No 439/2010 establishing a European Asylum Support Office and in late 2011 of Directive 2011/95/EU on standards for qualification, a political agreement was reached between the Council and Parliament, acting in their capacity as co-legislators, on Directive 2013/33/EU laying down standards for the reception of applicants for international protection and Directive 2013/32/EU on common procedures for granting and withdrawing international protection. The establishment of the new common European asylum system was completed with the adoption of the amended Dublin Regulation EU No 604/2013 and Regulation EU No 603/2013 on the establishment of Eurodac in June 2013 (see above: Achievements, section D).

[Sarah Sy](#)  
06/2016



Европейски парламент Parlamento Europeo Evropský parlament Europa-Parlamentet Europäisches Parlament  
Euroopa Parlament Ευρωπαϊκό Κοινοβούλιο European Parliament Parlement européen Parlaimint na hEorpa  
Europski parlament Parlamento europeo Eiropas Parlaments Europos Parlamentas Európai Parlament  
Parlament Ewropew Europees Parlement Parlament Europejski Parlamento Europeu Parlamentul European  
Európsky parlament Evropski parlament Euroopan parlamentti Europaparlamentet

## MANAGEMENT OF THE EXTERNAL BORDERS

Border management policy has witnessed considerable developments over the past decade, with the creation of instruments and agencies such as the Schengen Information System, the Visa Information System and the border agency Frontex. After a short period of consolidation, the challenges linked to the influx of refugees and migrants, as well as heightened security concerns, have triggered a new period of activity, with a shift towards more direct operational support and the Europeanisation of border management policy.

### LEGAL BASIS

Articles 67 and 77 TFEU.

### OBJECTIVES

A single area without internal border checks — the Schengen Area — requires a common policy on external border management. The Union therefore sets out to establish common standards with regard to controls at its external borders and to gradually put in place an integrated system for the management of those borders.

### ACHIEVEMENTS

The first step towards a common external border management policy was taken on 14 June 1985 when five of the then ten Member States of the European Economic Community signed the Schengen Agreement, supplemented five years later by the Convention implementing the Schengen Agreement. The Schengen Area, the borderless zone created by the Schengen *acquis* (as the agreements and rules are collectively known), currently comprises 26 European countries (for more details on the Schengen Area, see [2.1.3](#)).

#### A. The Schengen external borders acquis

The rules that make up today's Schengen external borders acquis, which builds on the original acquis incorporated into the EU legal order by the Treaty of Amsterdam, are to be found across a broad range of measures, which can be roughly divided into five categories.

Firstly, the central pillar of external border management is the Schengen Borders Code, which lays down rules on external border crossings and conditions governing the temporary reintroduction of internal border checks. Secondly, as not all Member States have external borders to control and not all are equally affected by border traffic flows, the EU uses its funds to attempt to offset some of the costs for Member States at the external borders. For the 2007–2013 period, this financial burden-sharing mechanism came in the form of the External Borders Fund. For the 2014–2020 period this has been replaced by the Internal Security Fund: Borders and Visa. The third category of measures relates to the establishment of centralised databases for the purposes of migration and border management: the Schengen Information System (SIS), the Visa Information System (VIS), and Eurodac, the European fingerprint database for identifying

asylum-seekers and ensuring the proper implementation of the Dublin Regulation (for more details on Eurodac and the Dublin Regulation, see [5.12.2](#)). Fourthly, there is a set of measures (known as the Facilitators Package<sup>[1]</sup>) designed to prevent and penalise unauthorised entry, transit and residence. Lastly, there are measures geared towards operational cooperation in border management, centred on the European Agency for the Coordination of Operational Cooperation at the External Borders of the Member States (Frontex).

### 1. The Schengen Information System (SIS)

Now in its second generation, the Schengen Information System provides the information management infrastructure to support border control and the related security tasks of police and judicial cooperation. Participating states feed ‘alerts’ on wanted or missing persons, lost or stolen property and entry bans into the database, which is directly accessible to all police officers and law enforcement officials and authorities who need the information in the database to carry out their work. Where additional information on alerts in the Schengen Information System is required, this information is exchanged via the national network of Sirene (Supplementary Information Request at the National Entry) offices established in all Schengen states. These offices coordinate responses to alerts in the SIS and ensure that appropriate action is taken, for example if a wanted person is arrested, a person who has been refused entry to the Schengen Area tries to re-enter, or a stolen car or ID document is seized. The introduction of the second-generation Schengen Information System (SIS II), with new functionalities and features such as biometric data and the interlinking of alerts, was significantly delayed owing to the system’s complexity. Initially due to come on stream in 2007, it eventually became operational on 9 April 2013. It is managed — together with the VIS and Eurodac databases — by the new agency for the operational management of large-scale IT systems in the area of freedom, security and justice, eu-LISA.

### 2. The Visa Information System (VIS)

The aim of the VIS is to improve the implementation of the common visa policy, consular cooperation and consultations between the central visa authorities. The VIS is connected to all visa-issuing consulates of the Schengen states and to all their external border crossing points. At these border points, the VIS allows border guards to check whether the person in possession of a biometric visa is actually the person who applied for it. This is done by cross-checking fingerprints both against the biometric record attached to the visa and across the whole VIS database. High levels of security are built into the system to ensure that it remains robust and available at all times and that data are only accessed by authorised persons and for authorised purposes. Law enforcement authorities and Europol have access to the system for the purposes of detecting and investigating terrorist offences and other serious crimes. The VIS began operations in all Schengen states’ visa-issuing consulates in North Africa in October 2011 and has now been rolled out across the world.

### 3. Frontex

Like the European internal security architecture, which has been gradually developed through a combination of everyday cooperation, treaty changes and political guidelines from the Tampere Council conclusions onwards, border security has also evolved progressively, from nationally focused systems to greater EU operational cooperation at the external borders. Although day-to-day responsibility for external border control and surveillance continues to lie largely with the Member States, national border security systems are being increasingly complemented by a set of Europe-wide tools to manage potential risks at the external borders.

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[1]See Council Directive 2002/90/EC and Council Framework Decision 2002/946/JHA.

One of the key milestones in this process was the creation of Frontex. The agency became operational on 3 October 2005 on the basis of Council Regulation (EC) 2007/2004. After successive resource increases, it is currently staffed by just over 300 officials and around 80 seconded national experts. It is headquartered in Warsaw.

Frontex promotes an integrated approach to border management. It conducts risk analysis, draws up training curricula for border guards, and carries out research. It also plays a more active role in operational cooperation by coordinating joint border management operations and organising return operations. Under its revamped mandate, laid down in Regulation No 1168/2011 of the European Parliament and of the Council of 25 October 2011, Frontex has seen its operational capabilities reinforced, as well as a greater focus on ensuring fundamental rights compliance in its operations. It has also scaled up its surveillance capabilities, through the creation of the Frontex Situational Centre and, latterly, through the establishment of Eurosur, an information exchange system designed to enable near real-time sharing of border data between Frontex and Schengen Member States.

#### **B. Developments in the EU's management of its external borders**

Since the creation of Frontex, several practical steps have been taken towards more integrated external border management: some significant upgrades to technical infrastructure; a raft of joint border management operations; and the development of rapid response capability (initially through rapid border intervention teams (RABITs), and, since 2011, also through European Border Guard Teams). The pace of change has quickened with the large-scale loss of life in the Mediterranean over recent years coupled with the huge influx of refugees and migrants. Joint Operation Triton — launched in late 2014 and substantially scaled up in 2015 — is tasked with patrolling the sea border, primarily between Libya and Italy, and brings together staff and equipment from a number of Member States to provide frontline operational support to Italy. In Greece, the existing Joint Operation Poseidon was significantly scaled up in December 2015 to become a rapid intervention operation, with more staff and technical equipment deployed to deal with the external border management challenges. In a similar vein, Frontex has played a leading role in another dimension of the response to the challenges facing frontline Member States: the creation of 'hotspots', and the deployment of what are termed Migration Management Support Teams. These teams bring together the European Asylum Support Office (see [5.12.2](#)), Europol (see [5.12.7](#)) and Frontex — in partnership with national authorities and other agencies — to identify, screen and register migrants on entry into the EU, and to organise return operations for those who have no right to stay. Frontex is the lead agency in the EU Regional Task Forces, headquartered in Catania for the 'hotspots' in Italy, and in Piraeus for those in Greece. Both the maritime operations and the direct support to Member States at the 'hotspots' represent a tangible European response to what is both a humanitarian crisis and a border management challenge.

In many respects, the ongoing influx of refugees and migrants is leading to the Europeanisation of border management. The Lisbon Treaty makes provision for a common border management policy. The Stockholm programme thus called for examination of the feasibility of a European System of Border Guards, a call that was merely repeated five years later in the June 2014 European Council conclusions. Again, the refugee and migrant crisis and persistent criticism from Member States that the EU is failing to control its external borders have prompted the Commission to act. In December 2015 it came forward with proposals to strengthen Frontex's mandate, in particular by enabling the agency to purchase equipment directly, by significantly increasing its human and financial resources, and by strengthening its role in return operations. Perhaps the most eye-catching aspect of the Commission's proposals was what it called the



creation of a European Border and Coast Guard with the proposed ‘right to intervene’ where a Member State is unable to cope with migratory pressure and is thus jeopardising the Schengen Area. The proposals are currently being examined by Parliament and the Council, and come in conjunction with proposals to introduce mandatory checks on EU citizens entering or exiting the Schengen Area at land, sea or air borders through a targeted amendment of the Schengen Borders Code designed to enhance security against the backdrop of a heightened terrorist threat. Under the proposed change, citizens would be checked against the SIS database and the Interpol Stolen and Lost Travel Documents Database.

Aside from the obvious focus on dealing with the huge influx of refugees and migrants, the other key development in border policy centres on the ‘Smart Borders’ package, designed to modernise border management by automating border checks and enhancing exit and entry information. In October 2011 the Commission presented a communication on Smart Borders, following this up with a legislative proposal in February 2013. The package comprised two components: an Entry/Exit System (EES), a database to record time and place of entry and the length of authorised short stays, and a Registered Traveller Programme (RTP) to simplify and automate border checks for certain categories of travellers, such as businesspeople. In view of doubts surrounding the Commission’s initial costing of the Smart Borders package, question marks over the technical feasibility of the system and misgivings over the projected benefits, the Commission decided to commission a further technical study, completed in October 2014. A series of practical and operational tests followed in 2015, under the auspices of eu-LISA. In April 2016, the Commission then tabled a fresh proposal, this time for the EES alone.

Though the new EES pursues the same central aim of speeding up, facilitating and reinforcing border check procedures for third-country travellers, it nonetheless has some significant changes compared with the 2013 proposal. Firstly, it reduces the amount of data (e.g. fingerprints) to be collected and stored, and proposes a substantial reduction in costs from an initial EUR 1.1 billion to EUR 408 million. Furthermore, under the Commission proposal there would be interoperability between the Visa Information System (see above) and the EES, and law enforcement bodies would have access under certain conditions. The new proposal is currently being considered by Parliament and the Council.

## **ROLE OF THE EUROPEAN PARLIAMENT**

The European Parliament has had mixed reactions to the development of external border management policy. It has broadly supported the upgraded organisational role of Frontex, often calling for the agency’s role to be further enhanced as the EU grapples with the migration crisis in the Mediterranean. Indeed, in its 2 April 2014 resolution on the mid-term review of the Stockholm programme, Parliament argued that the ‘Schengen external borders should in the future be guarded with the support of European border guards’. In its 10 September 2015 resolution on migration and refugees in Europe, it welcomed ‘the operational support which the Commission will provide to frontline Member States (...) via “Hotspots”’, though also insisting that, to be effective, the approach would require a genuine relocation scheme (see [5.12.2](#)). While Parliament welcomes a more joined-up approach to external border management, it has nonetheless expressed concern over the lack of parliamentary oversight of Frontex and of a robust fundamental rights compliance system.

While Parliament’s view of Frontex’s development has been largely positive, its stance on smart borders has been far warier. After the 2013 Commission proposal, it voiced misgivings over the vast technological build-up and the mass processing of personal data proposed for the external borders. Moreover, the anticipated costs of the Smart Borders technology, coupled with doubts surrounding its benefits, left Parliament with a number of concerns. Indeed, in

its 12 September 2013 resolution on the second report on the implementation of the Internal Security Strategy, Parliament asserted that ‘new IT systems in the area of migration and border management, such as the Smart Borders initiatives, should be carefully analysed, especially in the light of the principles of necessity and proportionality’. More recently, it followed this up with an oral question to the Commission and the Council in September 2015, asking for their stance on law enforcement access to the system and their views on the relevance of the April 2014 European Court of Justice ruling on the Data Retention Directive (see [5.12.8](#)). Tellingly, Parliament also questioned whether the EES and the RTP were ‘appropriate and adequate responses to the current and future situation at the EU’s external border’. It remains to be seen how Parliament responds to the revised proposal.

Darren Neville  
05/2016



Европейски парламент Parlamento Europeo Evropský parlament Europa-Parlamentet Europäisches Parlament  
Euroopa Parlament Ευρωπαϊκό Κοινοβούλιο European Parliament Parlement européen Parlaimint na hEorpa  
Europski parlament Parlamento europeo Eiropas Parlaments Europos Parlamentas Európai Parlament  
Parlament Ewropew Europees Parlement Parlament Europejski Parlamento Europeu Parlamentul European  
Európsky parlament Evropski parlament Euroopan parlamentti Europaparlamentet

## IMMIGRATION POLICY

A forward-looking and comprehensive European migration policy, based on solidarity, is a key objective for the European Union. Migration policy is intended to establish a balanced approach to dealing with both regular and irregular immigration.

### LEGAL BASIS

Articles 79 and 80 of the Treaty on the Functioning of the European Union (TFEU).

### COMPETENCES

**Legal migration:** the EU has the competence to lay down the conditions of entry and residence for third-country nationals entering and residing legally in one Member State for purposes of family reunification. Member States still retain the right to determine admission rates for people coming from third countries to seek work.

**Integration:** the EU may provide incentives and support for measures taken by Member States to promote the integration of legally resident third-country nationals; however, there is no provision for harmonisation of national laws and regulations.

**Fight against illegal migration:** the European Union is required to prevent and reduce irregular immigration, in particular by means of an effective return policy, with due respect for fundamental rights. An irregular migrant is a person who comes to the EU without a proper visa or permit or who overstays after the expiry of their visa.

**Readmission agreements:** the European Union is competent to conclude agreements with third countries for the readmission to their country of origin or transit of third-country nationals who do not or no longer fulfil the conditions for entry, presence or residence in one of the Member States.

### OBJECTIVES

**Defining a balanced approach to immigration:** the EU aims to set up a balanced approach to dealing with legal migration and fighting illegal immigration. Proper management of migration flows entails ensuring fair treatment of third-country nationals residing legally in Member States, enhancing measures to combat illegal immigration and promoting closer cooperation with non-member countries in all fields. It is the EU's aim to develop a uniform level of rights and obligations for legal immigrants, comparable with that of EU citizens.

**Principle of solidarity:** according to the Treaty of Lisbon, immigration policies should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States (Article 80 TFEU).

## ACHIEVEMENTS

### A. Institutional developments brought about by the Treaty of Lisbon

The Lisbon Treaty, which entered into force in December 2009 ([1.1.5](#)), introduced codecision and qualified majority voting on legal migration and a new legal basis for integration measures. Now the ordinary legislative procedure applies to both illegal and legal immigration policies, making Parliament a co-legislator on an equal footing with the Council. It may be noted, however, that the provisional measures to be instituted in the event of a sudden inflow of third-country nationals are to be adopted by the Council alone, after consulting Parliament (Article 78(3) TFEU).

The Lisbon Treaty also clarified that the competences of the EU in this field are shared with the Member States, notably concerning the number of migrants allowed to legally enter a Member State to seek work (Article 79(5) TFEU). Finally, the Court of Justice now has full competence in the field of immigration and asylum.

### B. Recent policy developments

#### 1. The ‘Global Approach to Migration and Mobility’

The ‘Global Approach to Migration and Mobility’ adopted by the Commission in 2011 establishes a general framework for the EU’s relations with third countries in the field of migration. It is based on four pillars: legal immigration and mobility, illegal immigration and trafficking in human beings, international protection and asylum policy, and maximising the impact of migration and mobility on development. The human rights of migrants are a cross-cutting issue in this approach.

The Global Approach focuses on regional and bilateral dialogue between countries of origin, transit and destination. One of the main instruments of the Global Approach is the possibility of concluding ‘mobility partnerships’ with third countries. Such partnerships include not only readmission agreements, but a whole set of measures ranging from development aid to temporary entry visa facilitation, measures on circular migration, and the fight against illegal migration.

#### 2. The strategic guidelines of June 2014

The Stockholm Programme (‘An open and secure Europe serving and protecting citizens’), adopted in December 2009 as a successor to the multiannual programmes adopted at Tampere (1999) and The Hague (2004), expired in December 2014. In March 2014, the Commission published a new communication presenting its vision on the future agenda for Home Affairs, entitled ‘An open and secure Europe: making it happen’, to enable the European Council and Parliament to debate the strategic guidelines in June 2014.

In accordance with Article 68 TFEU, the European Council then, in its conclusions of 26 and 27 June 2014, defined the ‘strategic guidelines for legislative and operational planning within the area of freedom, security and justice’ for the period 2014-2020. These no longer constitute a programme but rather guidelines focusing on the objective of transposing, implementing and consolidating the existing legal instruments and measures. The guidelines stress the need to adopt an overall approach to migration, making the best possible use of legal migration, affording protection to those who need it, combating irregular migration and managing borders effectively.



### 3. European Agenda on Migration

On the basis of a [European Commission proposal](#) (10-point action plan), Member States undertook, on 23 April 2015 (see [the European Council statement](#)) to take measures quickly to save lives and step up the EU's action in the field of migration. A [European Parliament resolution](#) was adopted a few days later, on 29 April.

The Commission then published the European Agenda on Migration on 13 May 2015, reflecting its stated intention of making immigration a central priority. The Agenda proposes immediate measures to cope with the crisis in the Mediterranean and measures to be taken in the next few years to manage all aspects of migration better.

In the medium and long term the Commission proposes guidelines in four directions: reducing incentives for irregular migration; border management – saving lives and securing external borders; developing a solid common asylum policy based on the implementation of Europe's Common European Asylum System, but also assessing and, possibly, revising the Dublin Regulation in 2016; and lastly establishing a new policy on legal migration, modernising and revising the 'blue card' system, establishing fresh priorities for integration policies, and optimising the benefits of migration policy for the individuals concerned and countries of origin, for example by facilitating cheaper, faster and more secure remittance transfers.

Among the emergency measures, the Commission has proposed an immediate tripling of the capacities and resources available in 2015 and 2016 for Frontex's joint operations Triton and Poseidon, on the basis of an amending budget for 2015 and a new Triton Operational Plan. Above all, however, it has made practical proposals for acting on the principle of solidarity laid down in Article 80 TFEU: on the one hand, by means of a temporary system for distributing asylum-seekers, to be supplemented at the end of 2015 by a proposal for a permanent European relocation system to be applied in urgent situations where there is a massive inflow; on the other hand, by means of an EU-wide resettlement programme for displaced persons who manifestly require international protection in Europe (see [fact sheet on asylum policy](#)). These proposals were adopted by the Council on 14 and 22 September 2015. Lastly, the agenda proposes that, as part of the Common Security and Defence Policy (CSDP), consideration be given to a possible operation in the Mediterranean to dismantle smuggling networks and to combat trafficking in migrants.

#### C. Recent legislative developments

Since 2008 a number of important directives relating to immigration and asylum have been adopted and some other relevant directives are due to be revised in the near future.

##### 1. On legal migration

Following the difficulties encountered in adopting a general provision covering all labour immigration in the EU, the current approach consists in adopting sectoral legislation, by category of migrants, in order to establish a legal migration policy at EU level.

Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment creates the 'EU blue card', a fast-track procedure for issuing a special residence and work permit, under more attractive conditions, for third-country workers to take up highly qualified employment in the Member States. The first report on the implementation of this directive was published in May 2014, and the Commission has stated that it intends in March 2016 to revise the system currently in place, which is functioning properly only in an extremely limited number of Member States.

The Single Permit Directive (2011/98/EU) sets out a common, simplified procedure for third-country nationals applying for a residence and work permit in a Member State, as well as a common set of rights to be granted to regular immigrants. The first report on its implementation is due by December 2016.

Directive 2014/36/EU, adopted in February 2014, regulates the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers. Migrant seasonal workers are allowed to stay legally and temporarily in the EU for a maximum period of between five and nine months (depending on the Member State) to carry out an activity dependent on the passing of seasons, while retaining their principal place of residence in a third country. The directive also clarifies the set of rights to which such migrant workers are entitled.

Directive 2014/66/EU on conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer was adopted on 15 May 2014. It is to be transposed by 29 November 2016, and will make it easier for businesses and multinational corporations to temporarily relocate their managers, specialists and trainee employees to their branches or subsidiaries located in the European Union. The first report on its implementation is due by the end of November 2019.

On 25 March 2013, the Commission put forward a new proposal ([COM\(2013\) 151](#)) for a directive improving the existing legislative instruments applicable to third-country nationals seeking entry to the EU for the purposes of study or research (Directives 2004/114/EC and 2005/71/EC). The European Parliament and the Council reached a political agreement at the end of 2015. The final text will be published at the beginning of 2016 and will then enter into force.

Finally, the status of third-country nationals who are long-term residents in the European Union is still regulated by Council Directive 2003/109/EC, as amended in 2011 to extend its scope to refugees and other beneficiaries of international protection.

## 2. On integration

Directive 2003/86/EC sets out provisions on the right to family reunification. The 2008 report on its application concluded that it was not fully and correctly applied in the Member States: as a consequence, a green paper was published in 2011, opening a process of public consultations. In April 2014, the Commission published a communication providing guidance to the Member States on how to apply the directive.

In April 2010, the Commission presented the third edition of the Handbook on Integration for policy-makers and practitioners, and in July 2011 it adopted the European Agenda for the Integration of Third-Country Nationals. In addition, since 2009 two instruments have been created to deal with the issue of integration: the European Integration Forum (organised by the Commission and the European Economic and Social Committee) and the European Website on Integration (<http://ec.europa.eu/ewsi/en/>). In January 2015, the scope of the European Integration Forum was extended, transforming it into the European Migration Forum.

## 3. On irregular migration

The EU has adopted two major pieces of legislation to fight irregular migration:

- The ‘Return Directive’ (2008/115/EC) sets out common EU standards and procedures for returning irregularly staying third-country nationals. Member States were called upon to transpose the directive by 24 December 2010. The first report on its implementation was adopted in March 2014. The main areas for further action include ensuring its proper implementation, promoting consistent and fundamental rights-compatible practices, improving cooperation between Member States and enhancing the role of Frontex. One of

the main tasks of the teams supporting national authorities at hotspots in Italy and Greece is to actually return people. On 9 September 2015, the European Commission published a European Union action plan on return ([COM\(2015\) 453 final](#)), which was endorsed by the Council the following October.

- Directive 2009/52/EC specifies sanctions and measures to be applied in Member States against employers who infringe the prohibition on employing illegally staying third-country nationals. Member States were required to transpose the directive by 20 July 2011. The first report on the implementation of the directive was submitted on 22 May 2014.

The EU is, at the same time, negotiating and concluding readmission agreements with countries of origin and transit for purposes of returning irregular migrants and cooperating in the fight against trafficking in human beings. These agreements include reciprocal cooperation commitments between the EU and its third-country partners. The negotiations completed with the following countries resulted in the entry into force of such agreements: Hong Kong, Macao, Sri Lanka, Albania, Russia, Ukraine, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Montenegro, Pakistan, Serbia, Moldova, Georgia, Armenia, Azerbaijan and Cape Verde. In February 2014, Parliament approved the conclusion of a readmission agreement with Turkey, which was finally signed on 16 December 2014.

## **ROLE OF THE EUROPEAN PARLIAMENT**

Parliament actively supports the introduction of a European immigration policy. On the admission of third-country nationals, it has called for the development of legal means, and, in particular, measures to reduce incentives for irregular immigration.

In its resolution on the Stockholm Programme, adopted on 25 November 2009, Parliament urged that integration, immigration and asylum policies be built on full respect for fundamental rights. It once again deplored refoulement and collective expulsions to countries where human rights are not respected. Parliament has always stressed the importance of addressing the needs of the most vulnerable groups, such as refugees and minors.

Since the entry into force of the Lisbon Treaty, Parliament has been actively involved in the adoption of new legislation dealing with immigration. For instance, it played a pivotal role in the drafting and approval of the ‘Return’ and ‘Single Permit’ Directives.

In response to the arrival of increasing numbers of migrants on the Mediterranean coasts of the Union and the growing number of shipwrecks since the end of 2013, Parliament adopted a [resolution on 17 December 2014](#) on the situation in the Mediterranean and the need for a holistic EU approach to migration, which mandated Parliament’s Committee on Civil Liberties, Justice and Home Affairs (LIBE) to draft an own-initiative report. The draft report was submitted in committee on 18 January 2016, before being tabled in plenary for adoption by the European Parliament as a whole. This report, which deals with an increasingly topical subject, provides the European Parliament with a general framework for its future positions in this field, particularly for the two packages which the European Commission has announced for March 2016 on asylum (see fact sheet on asylum policy) and economic migration.

Céline Chateau  
06/2016











# ANNEXES



## AUTHORS INDEX (in alphabetical order)

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**General Mikhail KOSTARAKOS** graduated from the Hellenic Military Academy in 1978. He was Chief of the Hellenic National Defence General Staff from 2011 to 2015. The EU Foreign Affairs Council appointed him as Chairman of the Military Committee a position he has held from 6 November 2015. Mikhail holds a Political Science degree from the Law Faculty of the University of Athens and an MSc in “Diplomatic and Strategic Studies”. He speaks both English and French.

**Roderick PARKES, PhD**, joined the EUISS in late 2015, where he works on issues of immigration, asylum and international home affairs cooperation. Before this, he worked for four years as a researcher at the German Institute for International and Security Affairs (SWP) in Berlin (2005-2009), before moving to Brussels and establishing SWP’s liaison office to the EU and NATO (2009-2012). In 2012, he moved to the Polish Institute of International Affairs, PISM, in Warsaw. From late 2014, on leave from PISM, he spent a year at the Swedish Institute of International Affairs (UI) working on a scholarship awarded by the Swedish Foreign Ministry to research the EU’s refugee crisis. Roderick was educated at the Universities of Edinburgh and Cambridge, as well as at the Institut d’Etudes Politiques in Grenoble. He has a PhD from the University of Bonn.

**Mr Dirk DUBOIS** joined the Belgian Army in 1981. In the first part of his career he held a number of operational posts in Belgium and abroad, as well as posts at the Belgian Artillery School. From 2007 to 2012 he was a training manager at the European Security and Defence College, before joining the Belgian MoD’s Directorate-General for Education. In 2013, he became Chairperson for the Implementation Group for Military Erasmus. He was appointed Head of the ESDC on 1 April 2015.

**Dr Jochen REHRL** used to work for the Austrian Ministry of Defence and Sports. He is currently seconded to the European External Action Service/European Security and Defence College in Brussels. His previous posts include political adviser both in Vienna and Brussels. Besides his ‘doctor iuris’, he holds masters degrees in economics, international relations and journalism from the Universities of Salzburg and Vienna, as well as from the Diplomatic Academy in Vienna. His publications focus on foreign and security policy from a legal and political point of view.

# LIST OF ABBREVIATIONS

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## A

ADL – Advanced Distance Learning  
AFD – French Development Agency  
AFISMA – African-led International Support Mission in Mali  
AFRICOM – United States Africa Command  
AIES – Austria Institute for European and Security Policy  
AMA – Agreement on Movement and Access  
AMANI-Africa – EU training and exercise programme supporting the African Union's capacity to manage and deploy the African Standby Forces  
AMIF - Asylum, Migration and Integration Fund  
AMIS – African Union Mission in Sudan  
AMISOM – African Mission in Somalia  
AMM – Aceh Monitoring Mission  
APT – Advanced Persistent Threat  
ASPR – Austria Study Centre for Peace and Conflict Resolution  
AU – African Union

## B

BG – Battle Group  
BiH – Bosnia and Herzegovina  
BP – Barcelona Process

## C

C2 – Command and Control  
CA – Comprehensive Approach  
CAR – Central African Republic  
CB – Confidence-Building  
CBCR – Country-by-country reporting  
CBRN – Chemical, Biological, Radiological and Nuclear  
CBSD – Capacity building in support of security and development  
CBP - Customs and Border Protection  
CCS – Capability Codes and Statements  
CEAS – Common European Asylum System  
CEUMC – Chairman of the EU Military Committee  
CTC –Counter-Terrorism Coordinator (EU)  
CDIP – Concept Development Implementation Programme  
CDP – Capability Development Plan  
CEDC – Central European Defence Co-operation  
CEPOL – European Police College  
CERT – Computer Emergency Response Team  
CEUMC – Chairman of the Military Committee  
CfC – Call for Contribution  
CFSP – Common Foreign and Security Policy  
CIMIC – Civil-Military Co-operation  
CIVCOM – Committee for Civilian Aspects of Crisis Management  
CivOpsCdr – Civilian Operations Commander  
CLS – Combat Life Support  
CMC – Crisis Management Concept  
CMO – Crisis Management Operation  
CMP – Crisis Management Procedures  
CMPD – Crisis Management and Planning Directorate  
CP – Conflict Prevention  
CoC – Code of Conduct



CoE – Council of Europe  
CoE – Centre of Excellence  
CONOPS – Concept of Operations  
COREPER – Committee of Permanent Representatives  
COSI – Standing Committee on Internal Security  
CPCC – Civilian Planning and Conduct Capability  
CPO – Close Protection Officer  
CRIA – Crisis Response Information Activities  
CROC – Crisis Response and Operational Coordination  
CRT – Crisis Response Team  
CSP – Comprehensive Settlement Proposal  
CSDP – Common Security and Defence Policy  
CSO – Civilian Strategic Options  
CT – Counter-Terrorism

## **D**

DAC – Development Assistance Committee of the OCDE  
DAESH – al-Dawla al-Islamiya fi Iraq wa al-Sham (Islamic State in Iraq and the Levant)  
DCI – Development Co-operation Instrument  
DDR – Disarmament, Demobilisation and Reintegration  
DDoS – Distributed Denial-of-Service  
DEVCO – Directorate-General for Development and Co-operation (European Commission)  
DFID – UK Department for International Development  
DG HOME – Directorate-General for Migration and Home Affairs (European Commission)  
DG MOVE – Directorate-General for Mobility and Transport (European Commission)  
DG NEAR – Directorate-General for Neighbourhood and Enlargement Negotiations (European Commission)  
DIO – Defence Intelligence Organisation  
Dr Iur – Doctor of Law  
DSG – Deputy Secretary General

## **E**

EASO - European Asylum Support Office  
EBRD – European Bank for Reconstruction and Development  
EC – European Commission  
ECDC – European Centre for Disease Prevention and Control  
ECHO – European Commission's Department for Humanitarian Aid and Civil Protection  
ECOFIN – Economic and Financial Affairs Council  
ECOWAS – Economic Community of West African States  
EDA – European Defence Agency  
EDF – European Development Fund  
EEA – European Economic Area  
EEAS – European External Action Service  
EEC – European Economic Community  
EES – Entry-Exit System  
EGF – European Gendarmerie Force  
EGS – European Global Strategy  
ELARG – Directorate-General for Enlargement (former)  
ENISA – European Network and Information Security Agency  
ENP – European Neighbourhood Policy  
ENPI – European Neighbourhood and Partnership Instruments  
EP – European Parliament  
ENISA - European Union Agency for Network and Information Security  
EO – Evacuation Operation  
EOM – Election Observation Mission  
ERMES – European Resources for Mediation Support  
ESDC – European Security and Defence College

ESDP – European Security and Defence Policy  
 ESG – Executive Secretary-General  
 ESS – European Security Strategy  
 EU – European Union  
 EUAM – EU Advisory Mission  
 EUAVSEC – European Union Aviation Security Mission  
 EUBAM – European Union Border Assistance Mission  
 EUBC – European Border and Coast Guard Agency (former FRONTEX)  
 EU BG – EU Battlegroup  
 EUCAP – European Union Capacity-building Mission  
 EUDEL – EU Delegation  
 EUFOR – European Union Forces (military)  
 EU INTCEN – EU Intelligence Analysis Centre  
 EU ISS – European Union Institute for Security Studies  
 EUJUST – European Union mission in support of the justice sector  
 EULEX – European Union Rule of Law Mission  
 EUMAM – EU Military Advisory Committee  
 EUMC – European Union Military Committee  
 EUMCQ – EU military capability questionnaire  
 EUMM – European Union Monitoring Mission  
 EUMS – European Union Military Staff  
 EU MS – European Union Member State  
 EUMS INT – EU Military Staff Intelligence Directorate  
 EUNAVFOR – European Union Naval Force  
 EU OPCEN – European Union Operation Centre for the Horn of Africa  
 EU OPSCEN – European Union Operation Centre within the European Union Military Staff (EUMS)  
 EUPAT – EU police advisory team  
 EUPM – European Union Police Mission  
 EUPST – European Union's Police Services Training Programme  
 EUPOL – European Union Police Mission  
 EUR – Euro  
 EURODAC – European Dactyloscopy (European fingerprint database)  
 EUROJUST – European Union's Judicial Cooperation  
 EUROPOL – European Union's law enforcement agency  
 ERCC – European Response Coordination Centre  
 EU SITCEN – EU Situation Centre (now EU INTCEN)  
 EUSC – EU Satellite Centre (now Satcen)  
 EU SSR – EU mission in support of Security Sector Reform (e.g. in Guinea-Bissau)  
 EUSEC – European Union Security Sector Reform Mission  
 EUSR – European Union Special Representative  
 EUTM – European Union Training Mission  
 EVD – Ebola Virus Disease  
 EW – Electronic Warfare  
 EWS – Early Warning System (for conflicts)

## **F**

FAC – Foreign Affairs Council  
 FC – Force Commander  
 FHQ – Force Headquarters  
 FPI – Service for Foreign Policy Instruments (European Commission)  
 FPA – Framework Participation Agreement  
 FRONTEX – European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union  
 FSJ – Freedom, Security and Justice  
 FYROM – Former Yugoslav Republic of Macedonia

## **G**

GDP – Gross Domestic Product  
GRECO – Group of States against Corruption (Council of Europe)  
GSC – General Secretariat of the Council

## **H**

HA – Humanitarian assistance  
H.E. – His/Her Excellency  
HEAT – Hostile Environment Awareness Training  
HEST – Hostile Environment Security Training  
HoA – Horn of Africa  
HoD – Head of Delegation  
HoM – Head of Mission  
HQ – Headquarters  
HR – High Representative of the Union for Foreign Affairs and Security Policy  
HRVP – High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the Commission  
HR – Human Rights  
HTF – Headline Goal Task Force

## **I**

IBM – Integrated Border Management  
ICC – International Criminal Court  
ICoC – International Code of Conduct  
ICoCA – International Code of Conduct Association (for private security service providers)  
ICRC – International Committee of the Red Cross  
IcSP – Instrument Contributing to Stability and Peace  
IDP – Internally Displaced Person  
IGAD – Intergovernmental Authority on Development  
IHL – International Humanitarian Law  
INFORM – Index for Risk Management (European Commission)  
INTERPOL – International Police Organisation  
IO – International Organisation  
IPCC – Intergovernmental Panel on Climate Change  
IPU – Integrated Police Unit  
ISA – Intelligence Support Architecture  
ISB – Intelligence Steering Board  
ISF – Internal Security Fund  
ISIL – Islamic State in Iraq and the Levant

## **J**

JHA – Justice and Home Affairs  
JRC – Joint Research Centre  
JSCM – Joint Strategic Coordination Mechanism  
JSR – Joint Special Representative  
JSSR – Justice & Security Sector Reform

## **K**

KLE – Key Leader Engagement

## **L**

LOAC – Law of Armed Conflict  
LRRD – Linking Relief, Rehabilitation and Development

## **M**

MD – Managing Directorate  
MEDEVAC – Medical Evacuation

MEP – Member of the European Parliament  
MHQ – Mission Headquarters  
MMA – Monitoring, Mentoring and Advising  
MoDS – Ministry of Defence and Sports (Republic of Austria)  
MoI – Ministry of the Interior  
MoU – Memorandum of Understanding  
MS – Member State(s)  
MSU – Mission Support Unit

## **N**

NATO – North Atlantic Treaty Organisation  
NEAR – Directorate-General for Neighbourhood Policy and Enlargement Negotiation  
NGO – Non-Governmental Organisation

## **O**

OCG – Organised Crime Groups  
OCHA – Office for the Coordination of Humanitarian Affairs  
OECD – Organisation for Economic Co-operation and Development  
ODA – Official Development Assistance (OECD)  
ODIHR – Office for Democratic Institutions and Human Rights  
OLAF – European Anti-fraud Office  
OPLAN – Operation Plan  
OSCE – Organisation for Security and Co-operation in Europe

## **P**

PA – Public Affairs  
PD – Public Diplomacy  
PFCA – Political Framework for Crisis Approach  
PIR – Prioritised Intelligence Requirements  
PMG – Politico-Military Group  
POC – Protection of Civilians  
PSC – Political and Security Committee

## **R**

RABIT – Rapid Border Intervention Teams Mechanism  
RELEX – Working Party of Foreign Relations Counsellors  
RIIR – Royal Institute for International Relations  
RoE – Rules of Engagement  
RoL – Rule of Law  
RTD – Research and technological development  
RUoF – Rules for the Use of Force

## **S**

SAR – Search and Rescue  
SASE – Safe and Secure Environment  
SGBV – Sexual and Gender-Based Violence  
SIAC – Single Intelligence Analysis Capacity  
SIENA – Secure Information Exchange Network Application  
SIS – Schengen Information System  
SLTD – database of stolen and lost travel documents  
SOFA – Status of Forces Agreement  
SOMA – Status of Mission Agreement  
SOP – Standard Operating Procedures  
SOR – Statement of Requirements



SOCTA – Serious and Organised Crime Threat Assessment (EU)

SR – Stabilisation and Reconstruction

SR – Special Representative

SSR – Security Sector Reform

STRATCOM – Strategic Communication

## **T**

TAIEX – Technical Assistance and Information Exchange

TE-SAT – Terrorism Situation and Trend Report

TEU – Treaty on European Union

TFEU – Treaty on the Functioning of the European Union

THB – Trafficking in Human Beings

## **U**

UN – United Nations

UNICEF – United Nations Children's Fund

UNSC – United Nations Security Council

UNSCR – United Nations Security Council Resolution

UNSG – United Nations Secretary-General

## **V**

VP – Vice President of the European Commission

## **W**

WKC – Watch-Keeping Capability

WFP – World Food Programme

WHO – World Health Organisation



