

**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 (COM (2015) 240 FINAL)**

FINAL DOCUMENT

The Standing Committee on Constitutional Affairs, the Presidency of Council of Ministers and Internal Affairs,

having examined, pursuant to Rule of Procedure no. 127, the 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 (COM (2015) 240 final);

taking note of the opinion adopted on 28 July 2015 by the Committee on European Union Policies;

whereas:

the European Union is facing an unprecedented migration crisis. The EU Commissioner for Migration, Citizenship and Home Affairs, Mr Dimitris Avramopoulos, speaking on 11 December 2015 before a joint session of the Constitutional Affairs Committees of the Senate and the Chamber of Deputies, reported that since January 2015 around 850,000 irregular crossings have been made at the external borders of the European Union;

migratory pressures have become enormous, especially for countries of first entry in the EU such as Italy, with very serious repercussions not only on the efforts of identification, registration, and of processing applications for international protection, but also on the capacity of reception;

the extraordinary European Council, meeting on 23 April 2015, and the European Parliament, through its Resolution of 29 April 2015 "on the recent tragedies in the Mediterranean and EU migration and asylum policies", had already reached political agreement on the need to act quickly to save lives and strengthen the Union's action in this area, and urged the European Commission to present an ambitious migration agenda that takes account of all aspects of this phenomenon;

on 13 May 2015, the European Commission presented a "European Agenda on migration" (COM(2015) 240), the purpose of which was to deliver an immediate response to the unfolding crisis in the Mediterranean and to set out medium- and long-term initiatives leading to structural solutions encompassing all aspects of migration;

having evaluated the immediate actions proposed in the Agenda the aims of which are:

to save lives at sea by building up capacities and assets and encouraging joint operations between Frontex, Triton and Poseidon;

to combat the criminal networks of traffickers through the Common Security and Defence Policy (CSDP) and a better use and exchange of intelligence among Member States;

to activate – as a provisional measure that should nevertheless lead to a permanent relocation system – the emergency response provided for in Article 78, paragraph 3, of the Treaty on the Functioning of the EU for the relocation of persons in evident need of international protection;

to formulate a common approach to help displaced people in evident need of international protection based on, in particular, a EU resettlement programme, the creation of a pilot multipurpose centre in Niger and the allocation of 30 million euro to programmes of regional development and protection;

to assist front-line Member States by adopting a new “hotspot” method and mobilising 60 million euro in emergency funding;

considering that:

the Agenda has the merit of being holistically designed so that, in addition to simultaneously and consistently tackling all the different facets of the migration phenomenon, it also identifies appropriate measures, both for the short term and for the years ahead, for its better management;

the strengthening of the operations coordinated by Frontex (whose mandate has also been expanded), Triton and Poseidon (the resources for which have been tripled and whose duration has been extended until the end of 2016) is to be welcomed;

more generally, initiatives taken to reinforce the control of external borders and combat criminal networks of traffickers, especially the EUNAVFORMED operation, are all to be welcomed, though the strengthening of external border controls must be ensured

without compromising fundamental human rights and without renouncing the Schengen *acquis*, which is an essential element for the creation of a common European area;

the Asylum Migration and Integration Fund (AMIF) and the Internal Security Fund (ISF) have both been adequately increased through appropriations from the EU budget, and the new resources have been channelled towards the Member States most affected by migration flows;

the effective management of the problem necessitates full cooperation between the European Union and the countries on its borders that are most directly affected by migration. This is the rationale behind the decision to lend financial support to Turkey and other countries sharing borders with Syria, which is the source of by far the largest flow of refugees;

similarly, the initiatives to relocate and resettle some of the refugees so as distribute the burden more fairly among the different Member States are to be welcomed as being consistent with the principles of solidarity and co-responsibility that, under the provisions of the Treaties, are the necessary prerequisites for a common European asylum and migration policy;

the crisis has laid bare many of the structural limits of the Union's migration policy and of its current instruments. The Agenda has, rightly, underscored the need for a new medium- and long-term strategic approach based on four main lines of action: combating irregular migration; securing external borders; a robust European common asylum policy; and framing a new policy for legal migration;

the current situation is critical in many respects: for example, some Member States have taken decisions to restrict the movement of migrants across their borders, which partly contradicts the decisions adopted with the European Agenda, as well as the subsequent implementing acts. Meanwhile, the process of relocating and resettling applicants for international protection has also run into difficulties;

the system of free movement within the so-called "Schengen area", one of the fundamental achievements of European integration, has been severely weakened to the point where its very existence is being questioned;

acknowledging the measures that the European Commission has taken to date for the implementation of the Agenda, and considering how these measures have been widely debated both within the official bodies of the EU and within individual Member States;

having reviewed in particular the following legislative proposals currently being examined by the EU institutions:

the 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 non-EU national or a stateless person (COM(2015) 450);

the Proposal for a Regulation of the European Parliament and of the Council establishing a 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) 452);

having regard to Articles 77, 78, 79 and 80 of the Treaty on the Functioning of the EU and taking particular note of the need to provide full support to the initiatives and proposals adopted by the European Commission in the European Agenda on migration, and, in particular,

welcoming the European Commission's proposal for a permanent relocation mechanism, being in agreement with the general objective of providing the Union with robust means for dealing structurally and effectively with critical asylum situations, and being particularly supportive of the dual objectives of, first, equitably dividing the responsibilities of Member States for handling crises caused by large numbers of applicants in evident need of international protection and, second, properly enforcing the Dublin Regulation, fully safeguarding the rights of applicants for international protection;

taking note of Decision (EU) 2015/1523 and Decision (EU) 2015/1601, which activated the mechanism for relocation in response to the unprecedented and continuously expanding flow of migrants to Italy and Greece;

taking note of the need for initiatives to enhance the role and functions of the European agencies in charge of asylum and migration, such as the European Asylum Support Office (EASO), the European external border agency (Frontex), and the Agency for Fundamental Rights (FRA);

does hereby express:

A FAVOURABLE OPINION

with the following remarks:

a) proposals to revise the Dublin Regulation merit support if they establish a binding system of quotas as a basic criterion for determining which Member State should be responsible for examining applications for international protection. A system of this sort

would favour a more orderly management of regularised arrivals, as it would be underpinned by the full collaboration of EU Member States and the pooling of expertise of various EU bodies and organisations, and would operate in accordance with the needs and actual absorption capacity of each Member State;

b) in order to ensure effective implementation of the decisions (EU) 2015/1523 and (EU) 2015/1061, consideration should be given to using the appropriate institutional channels to urge Member States, as a matter of pressing concern, to notify their capacity to receive and accommodate relocated persons. Where appropriate, this solution might involve the appointment of relocation liaison officers to be stationed in Italy and Greece, and it should also encourage a re-evaluation of the criteria used to identify which applicants for international protection need to be relocated, so that the relocations are more in keeping with the needs of the host countries;

c) extending the remit of EASO and increasing its resources to enable it to become the core agency for European asylum policy are options worth considering in light of the need for fully consistent procedures and criteria for granting refugee status;

d) in order to strengthen controls at the external borders and combat human trafficking, it is necessary to set up a European system of border guards by expanding and developing Frontex, as recommended by the European Commission in its proposal of 15 December 2015.

THE CHAIR OF THE COMMITTEE ON CONSTITUTIONAL AFFAIRS, THE
PRESIDENCY OF COUNCIL OF MINISTERS AND INTERNAL AFFAIRS

Rome, 17 February 2016