

Informal contribution of the Netherlands to the preparations of the special European Council 9-10 February 2023

Re-energizing the EU discussion on migration

European migration policy should be effective and functional. Existing policies and agreements should be implemented as this will make the EU stronger and more united. Progress is needed in various areas across the board to come to a coordinated, balanced and sustainable migration policy. This encompasses quick legislative progress on the Pact, but also full implementation and enforcement of the current acquis. We should take actions in the short term where we can, for example through organizing pilots when new good ideas arise. Lastly, our work on balanced and win-win partnerships with third countries should be intensified, since they are indispensable to reduce irregular migration and foster return.

1) Pact on Migration and Asylum

We need a strong and functioning European asylum system. Therefore, we call for swift progress on the Pact on Migration and Asylum, as well as on the revision of the Schengen Border Code. The Pact should lay out the foundations for a renewed humane and effective European asylum system with swift asylum decisions, strong border procedures, humane reception standards and effective return practices for those that are not eligible to stay. In addition, in the spirit of solidarity, Member States under disproportional migratory pressure should be provided with support by other Member States, either through financial contributions, through operational support or through relocations. As such, the Pact presents a way forward to the EU as a whole; for Member States dealing with high numbers of first arrivals and for Member States dealing with the effects of irregular secondary migration. The Presidency of the Council and the European Parliament should take all necessary steps towards the adoption of the legislative proposals before the end of 2023, striking a balance between solidarity and responsibility. The European Commission should assess the progress made in June 2023 through a progress report.

Meanwhile we should take the following actions as soon as possible:

2) Implementing existing agreements and short term preparedness within the EU

Implementing Dublin and countering irregular secondary migration

We should commit to rapid implementation and enforcement of the agreements reached under the Dublin Roadmap, monitored and enforced by the Commission, including on registration and resumption of Dublin transfers to all MS. The Commission should, if necessary with assistance of the EUAA, prepare periodic reports with recommendations on Dublin implementation, including on the asylum and reception situation in MS, to ensure full application of the Dublin regulation. The Commission is requested (with the support of EU Asylum Agency (EUAA) and Frontex) to provide a semi-annual overview of secondary migration within the EU.

Strengthening border management

We need to strengthen the EU's external borders in the short term, through additional funding for Member States (IBMF) within the Multiannual Financial Framework (MFF). All types of stationary and mobile infrastructure should be part of a broader package of border management measures, while guaranteeing fundamental rights as enshrined in EU and international law. In addition, the EU should commence with pilots of asylum border procedures at the EU's external border, funded by the Commission and supported by the EUAA and Frontex. We request the Commission to come up with proposals, including financial support within the MFF ceilings. Moreover, rapid conclusion of the negotiations on Frontex Status agreements with third countries is needed.

Fostering return and readmission

Further pooling of Member States' (operational) effort is needed to increase and speed up effective return and readmission, with help of Frontex. We call on the Commission to increase efforts to support priority third countries with rapid return and readmission of third country nationals through new Frontex working arrangements and financial and operational support to bilateral initiatives between EU Member States, EU Agencies and Western Balkan countries. Furthermore, the European travel document for return should become mainstream. Non-compliance by third countries should factor into the discussions under article 25a of the Visa Code for possible negative visa measures. We also emphasize the importance of an integral use of EU-instruments, like art.25a of the Visa Code to stimulate cooperation on return and thus the link to readmission in the proposal for the revision of the Generalised Scheme of Preferences (GSP).

Early warning mechanism and tackling instrumentalization

We should improve situational awareness and strengthen and accelerate our operational response, also to be able to respond swiftly to instrumentalisation. The Commission should task Frontex and the EUAA to develop an early warning mechanism, based on Blueprint, for faster detection of new migration routes to be able to propose swift countermeasures. The IPCR mechanism should be strengthened to increase situational awareness before crisis emerges to facilitate swift action in times of crises. In addition we underline the importance of progress on the Commission's legislative instruments regarding instrumentalisation and crisis response, and the proposal to blacklist transport operators involved in facilitating the smuggling or trafficking of people.

3) External dimension

EU partnerships with third countries

In the backdrop of increasing worldwide population growth, instability and long-term conflicts, climate change, inequality and debt sustainability issues, and geopolitical and economic power shifts, we need to intensify cooperation with third countries. Particularly, further steps should be taken to strengthen comprehensive and balanced win-win partnerships with priority third countries based on mutual interests to tackle root causes of irregular migration, support refugees and displaced persons, build capacity for migration management, eradicate smuggling and trafficking, as well as ensuring return and readmission. Following up on the EuCo conclusions of fall 2021, the Commission is called upon to present additional proposals to use EU-instruments comprehensively and effectively, including political dialogues, trade, visa, development cooperation and temporary legal and circular migration pilots, to decrease irregular migration and foster return. We call for the Commissioner for Promoting our European Way of Life to be designated to develop a strategy for the coming months to ensure swift implementation of the migration partnerships as part of a *whole-of-Commission approach*, in close cooperation with the High Representative of the Union for Foreign Affairs and Security Policy, and the Commissioners for Home Affairs, International Partnerships and Neighbourhood and Enlargement, and Member States, supported by a task force.

In addition, the Commission should provide an overview of the implementation of the migration related elements of the EU-Türkiye statement and, on the basis of this analysis, provide the Council with proposals that contribute to further long-term, effective and constructive migration cooperation with Türkiye, including EU-funding within the MFF ceilings and under which conditions the EU could continue to do so. Finally, the Commission is encouraged to develop a strategy on reinforced regional cooperation, taking into account the EuCo conclusions of June 2018, focusing on strengthening protection, asylum reception and return procedures in the Mediterranean region, supported by UNHCR and IOM.

Countering migrant smuggling and human trafficking

EU efforts to counter migrant smuggling and human trafficking should be intensified by setting up a (regional) network of prosecutors to enhance the information exchange as well as the deployment of magistrate liaison officers or law enforcement liaison officers in other third countries. To support international investigations and ensure effective prosecution, we also call upon the Commission to identify ways to strengthen Eurojust and Europol cooperation with third countries.

Alignment of visa policy and tackling abuse of visa free regimes

To prevent abuse of visa free regimes in relation to irregular migration, we should strengthen monitoring mechanisms and ensure the EU has a mechanism in place that is immediately applicable when non-alignment of visa policy results in significant increases of migrant flows, including from third country nationals that require a visa. We therefore call for a revision of the visa suspension mechanism. In the meantime, candidate countries should be urgently called upon to align their visa policy with the EU before 1 June 2023 or explain why this is not possible (comply or explain). Specific attention should be paid on those third countries that constitute the highest influx of irregular migrants into the EU (top-10 list). As part of the EU-accession negotiations the alignment to EU visa policy will be emphasized in the Roadmap on the Fundamentals Cluster, in line with the new enlargement methodology as endorsed by the Council in 2020.

The Commission should report back to the Council on above-mentioned initiatives ahead of the European Council of March 2023.