



EUROPEAN COMMISSION

Brussels, 30.5.2022

C(2022) 3648 final

Dear President,

The Commission would like to thank the Senát for its Opinion on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions on the application of Directive 2009/52/EC of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals {COM(2021) 592 final}; the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions on the Report on Migration and Asylum {COM(2021) 590 final} and the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions - A renewed EU action plan against migrant smuggling (2021-2025) {COM(2021) 591 final}.

The renewed EU action plan against migrant smuggling reconfirmed the importance of tackling this serious and organised crime, which puts the lives of migrants at risk. The fight against migrant smuggling is also an essential part of the comprehensive approach to migration as set out in the New Pact on Migration and Asylum. The Commission is working on implementing all actions detailed in the renewed EU action plan and welcomes the support of the Senát on this.

The EU has condemned the instrumentalisation of people by the Belarusian regime and to this end, the European Council in its Conclusions of 21 and 22 October 2021 underlined that the EU would not accept any attempt by third countries to instrumentalise migrants for political purposes. The Commission was invited to propose the necessary changes to the EU's legal framework and concrete measures underpinned by adequate financial support to ensure an immediate and appropriate response in line with EU law and international obligations, including respect for fundamental rights. The proposal for a Regulation of the European Parliament and of the Council addressing situations of instrumentalisation in the field of migration and asylum of 21 December 2021 (COM(2021) 890 final) provides for a stable and ready to use permanent

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framework to deal with any such situation that may confront the Union in the future. It would render unnecessary to resort to ad-hoc measures under Article 78(3) of the Treaty on the Functioning of the European Union to address situations of instrumentalisation that fall under this proposal. It gives better tools to Member States to protect the external borders in situations of instrumentalisation of migrants and respond rapidly to them, while ensuring full respect for fundamental rights. The Commission welcomes the support of the Senát as regards the swift adoption of the proposal for a Regulation addressing situations of instrumentalisation in the field of migration and asylum of 21 December 2021 (COM(2021) 890 final).

The Commission hopes that these clarifications address the issues raised by the Senát and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

*Ylva Johansson
Member of the Commission*