

ASSEMBLY OF THE REPUBLIC

EUROPEAN AFFAIRS COMMITTEE

Opinion

COM(2016)960 final

Communication from the Commission to the European Parliament, the European Council and the Council - Second Progress Report: First Deliverables on the Partnership Framework with third countries under the European Agenda on Migration

PART I – INTRODUCTION

In accordance with Article 7 of Law No 43/2006 of 25 August 2006 on the monitoring, assessment and issuing of opinions by the Assembly of the Portuguese Republic in the context of the process of European Union integration, as amended by Law No 21/2012 of 17 May 2012, and the guidelines for scrutiny of European initiatives approved on 1 March 2016, the European Affairs Committee received the Communication from the Commission to the European Parliament, the European Council and the Council – Second Progress Report: First Deliverables on the Partnership Framework with third countries under the European Agenda on Migration [COM(2016)960].

Given its subject matter, the above proposal was forwarded to the Committee on Constitutional Affairs, Rights, Freedoms and Guarantees, which analysed it and approved the report annexed to this Opinion, of which it is an integral part.

The report submitted by the Committee on Constitutional Affairs, Rights, Freedoms and Guarantees was approved and fully reflects the content of the proposal. Accordingly, it should be deemed to have been reproduced here in full in order to avoid repetition of analysis and consequent redundancy.

It is, however, important to stress that the initiative in question sets out the progress achieved since the report published in October 2016 as regards the following aspects of the European Agenda on Migration:

- results on arrivals and returns with the five countries considered to be priorities: Niger, Nigeria, Senegal, Mali and Ethiopia;
- development of cooperation on migration management with other countries, namely Jordan, Lebanon, Afghanistan, Pakistan, Bangladesh, Iran, Egypt, Libya, Côte d'Ivoire, Guinea, Ghana, Mauritania, the Gambia and refugees from the Horn of Africa region hosted in communities in Ethiopia, Kenya, Somalia, Sudan and Uganda;
- key tools and instruments for further implementation of the Partnership Framework; and the European External Investment Plan.

The proposal concludes that the Partnership Framework proved to be a valid tool to enhance the work on the external dimension of migration, although progress achieved so far amongst the priority countries varies.

Financial resources and other opportunities need to be used in a strategic manner in order to foster better migration management and tackle root causes in countries of origin and transit.

The Partnership Framework has succeeded in bringing a new depth to relations with the priority countries on migration, based on mutual trust and strengthened commitment to the partner countries, as a joint endeavour of the EU and the Member States.

OPINION

In the light of the above and taking into account the Report of the competent Committee, the European Affairs Committee is of the opinion that:

- 1 There is no need to assess compliance with the principle of subsidiarity since this is a non-legislative initiative.
- 2 This concludes the scrutiny of this initiative.

Palácio de São Bento, 18 July 2017

Signed: Duarte Marques, Rapporteur

Regina Bastos, Committee Chair

ANNEX

Report by the Committee on Constitutional Affairs, Rights, Freedoms and Guarantees.

ASSEMBLY OF THE REPUBLIC

COMMITTEE ON CONSTITUTIONAL AFFAIRS, RIGHTS, FREEDOMS AND GUARANTEES

REPORT

COM (2016) 960 - Communication from the Commission to the European Parliament, the European Council and the Council - Second Progress Report: First Deliverables on the Partnership Framework with third countries under the European Agenda on Migration

1. Introduction

In accordance with Law No 43/2006 of 25 August 2006 on monitoring, assessment and issuing of opinions by the Assembly of the Portuguese Republic in the context of the process of European Union integration, the Committee on Constitutional Affairs, Rights, Freedoms and Guarantees received COM (2016) 960 final, the Communication from the Commission to the European Parliament, the European Council and the Council - Second Progress Report: First Deliverables on the Partnership Framework with third countries under the European Agenda on Migration

2. Framework and objectives of the initiative

2.1 Introductory remarks:

The Commission uses this second progress report to present the actions taken under the Framework Partnership as regards the Immigration Agenda and the progress made since October, which was when the first report was submitted.

2.2 Progress with priority countries

The main progress made by the third countries - the EU's talking partners - should be noted.

Niger

- Niger faces problems connected with its own refugees (Lake Chad, Mali) but in spite of this, it has maintained the commitment to counter migrant smuggling and reduce the flow of irregular migrants;
- The key action on the ground has focused on the region of Agadez and consists of:
 - combating the smuggling of migrants and trafficking in human beings;
 - avoiding the diversion of migration to other routes;
- Measures have been taken in these areas, drastically reducing the number of migrants that leave Niger to cross the Sahara and tripling the number of migrants channelled through the International Organisation for Migration (IOM) for repatriation;
- Direct support from the EU was fundamental, namely:
 - hands-on support on the ground;
 - support via EU Funds, in particular, the EU Trust Fund for Africa;

- support is also provided through regional action which facilitates access to status determination procedures, reception conditions and assistance to asylum seekers in Niger.

Nigeria

- Practical cooperation on readmission works well and has improved;
- Some 2 000 Nigerian nationals irregularly staying in the EU had been returned by mid-November 2016;
- However, the effective return rate remains relatively low, signalling constraints within Member States;
- Two additional missions to Member States are planned to help identify Nigerian nationals, in particular those who arrive via the central Mediterranean route;
- Practical cooperation will also be further reinforced through an EU-Nigeria cooperation platform on migrant smuggling, launched in October;
- Protection of migrants in Nigeria is to be mainstreamed in the EU humanitarian response, although child protection, for instance, will receive specific support;
- Nigeria remains a relatively small beneficiary of the EU Trust Fund for Africa, with five approved projects;
- The European Commission will develop further projects, in particular in support of activities involving the reintegration of returning migrants, and migration management;
- A number of migration-related projects are being contracted under the European Development Fund.

Senegal

- The Commission notes that technical contacts between the European Border and Coast Guard Agency and the Senegalese authorities on the conclusion of a working arrangement are being stepped up;
- However, between the beginning of the year and mid-November, only 435 Senegalese nationals irregularly staying in the EU had returned to Senegal;
- The Commission recommends enhanced cooperation with a view to careful monitoring and support for return;
- The EU is also helping to address the root causes of irregular migration, with projects supporting job creation for young people adopted under the EU Trust Fund for Africa: 600 local businesses and farms with tailor-made technical assistance; up to 24 000 direct and indirect jobs created; 12 000 young people with access to professional training in sectors such as agroindustry, forestry, tourism and fisheries;
- Senegal also benefits from a regional project supporting law enforcement bodies, aimed at providing better migration management, facilitating the reintegration of

3 000 Senegalese nationals, raising the awareness of 200 communities and 30 000 potential migrants and also supporting the consolidation of civil register systems;

- The Commission also notes that an EDF project on internal security and border management to improve the capacities of internal security services in the fight against terrorism, organised crime, border management and the fight against irregular migration was adopted in October 2016.

Mali

- Mali is an important country of origin and transit of migrants;
- It is currently chairing the Steering Committee of the Rabat Process;
- As regards protection, some 135 000 Malian refugees remain in the neighbouring East African countries and the European Commission has been providing basic humanitarian support to Malian refugees in Burkina Faso, Mauritania and Niger. The EU Trust Fund for Africa has also provided support and has cooperated with the UNHCR on maintaining peaceful coexistence between displaced populations and communities and facilitating the voluntary repatriation of refugees;
- However, the return rate of migrants from Mali continues to be very low - only 119 Malian refugees have returned to their country of origin since the beginning of the year;
- Mali is also a major transit route for migrants from West African countries heading towards the Mediterranean, particularly because the measures taken by Niger to counter people smuggling activities could shift migration routes to Mali, which is increasingly being used as an alternative transit country;
- Mali is one of the biggest recipients of funds under the EU Trust Fund for Africa, several projects have been approved since January 2016 and three more projects are expected to be approved soon;
- These projects will provide assistance to 16 000 stranded migrants, facilitate the return of 4 000 migrants in transit to the neighbouring countries and support the sustainable reintegration of 4 000 Malians in their communities of origin.

Ethiopia

- In 2016, 3 363 Ethiopian nationals arrived via the Central Mediterranean route; in addition, over 30 000 Ethiopian nationals reside legally in Europe and on average some 5 000 new residence permits are issued every year;
- The country presents a particular challenge in terms of internal stability and that of the wider region and it is hoped that EU action will contribute to avoiding a massive crisis in the region and the inevitable consequences it would have;
- Progress on return and readmission has remained slow since the last report;

- Since the beginning of the year only 172 Ethiopians irregularly staying in the EU have returned to Ethiopia, consequently when the communication was produced, a workshop on readmission was being prepared for early 2017;
- Ethiopia is one of the main beneficiaries of the EU Trust Fund for Africa but further programmes are in the pipeline to support job creation, in particular for refugees, as well as to support the establishment of a unified national identification and registration system: the EU has announced its readiness to provide financial support to the newly planned industrial parks, which are intended to create jobs not just for Ethiopians but where approximately 30 000 jobs will also be reserved for refugees.

2.3 Development of cooperation on migration management with other countries:

- Strengthened migration cooperation in the spirit of the Partnership Framework also continues to be fostered outside the priority countries, preparing the ground for a possible extension of priorities in the near future;
- However, progress in the Partnership Framework approach with the five priority countries remains uneven:
 - Jordan/ Lebanon:
 - Since 1 November 2016, the EU has committed EUR 666 million for Lebanon and Jordan through its different instruments in response to the Syrian crisis and as humanitarian aid;
 - The EU will soon start the negotiation on the EU-Jordan Readmission and Visa Facilitation Agreements and push forward the negotiations on the EU-Lebanon Mobility Partnership.
 - Afghanistan, Pakistan, Bangladesh and Iran:
 - In Afghanistan, the implementation of the EU-Afghanistan Joint Way Forward on migration issues has continued;
 - As regards Pakistan, the Commission has intensified efforts on the establishment of an electronic platform aimed at reducing difficulties in readmission processing;
 - The engagement continues with Iran, a country of origin, transit and destination and host to large numbers of refugees, with which a comprehensive dialogue on migration is planned to be launched in the first half of 2017;
 - Cooperation with Bangladesh will be further enhanced in 2017 with a view to preparing the ground for enhanced support under the Partnership Framework;
 - Overall numbers remain low and have been decreasing since October;
 - The partnership priorities with Egypt will include a substantial migration dimension and cooperation with Egypt will be stepped up in this field.

Libya:

- Libya continues to be the main departure point for the Central Mediterranean route and a hub towards which migratory routes both from West Africa and the Horn of Africa converge;
- EU action on migration in Libya has always been limited because there is no functioning national government with unified control of all law enforcement and defence bodies;
- In the course of this year, the EU will step up its efforts, in cooperation with the IOM, in particular, to address the humanitarian situation of migrants stranded in Libya.

West Africa:

- Migration from Côte d'Ivoire to Europe has been steadily increasing since 2014;
- Guinea is one of the top five countries of origin of migrants and it ranks second in terms of number of migrants in Agadez;
- Ghana is a country of origin and transit, both legal and irregular;
- Mauritania is a significant transit country that is already cooperating with the EU to manage migration;
- In the Gambia, a country of origin with a significant proportion of irregular migration, new possibilities are opening up for an enhanced bilateral relationship.

Horn of Africa:

- Cooperation on migration between the EU and the region has intensified since November 2015, in line with the Valletta Summit;
- The Khartoum process establishes a specific framework for addressing all aspects of migration management, including closer cooperation in the fight against migrant smuggling and trafficking in human beings among all the countries of the region;
- The EU has undertaken to protect and support refugees in the region. In addition to humanitarian assistance, the Regional Development and Protection Programme for the Horn of Africa has led to five projects to support the protection and sustainable livelihoods of refugees and host communities in various countries in the region.

2.4 Tools and instruments for further implementation of the Partnership Framework:

- The wide range and scale of the EU financing instruments that continued to support the implementation of the Partnership Framework should also be noted, in particular:
 - European Development Fund (EDF);
 - Development Cooperation Instrument;
 - European Neighbourhood Instrument;
 - Asylum, Migration and Integration Fund;
 - Instrument contributing to Stability and Peace.

- **As for the EU Trust Fund for Africa**, its current resources amount to EUR 2.4 billion from the EDF and several EU budget financing instruments, and it includes an additional EUR 500 million from the EDF reserve;
- This Fund has achieved a balanced approach in allocating resources to all its strategic priorities and, thanks to its flexibility and speed, has generated a positive trend in support of implementing the Partnership Framework;
- The strategic use of this instrument will be crucial to achieving further progress in the Partnership Framework; however, given the Fund's limited geographical scope, further efforts have been made to increase the impact of other instruments;
- Accordingly, in September the Commission submitted proposals for a new **External Investment Plan**, through which the EU can inject at least EUR 44 billion, or up to EUR 88 billion of additional investment, if the Member States and other partners match the EU's contribution;
- At the core of the Plan is a new European Fund for Sustainable Development (EFSD), whose objective is to support investment and increased access to financing in African and neighbourhood partner countries.

2.5 Conclusions

- The Partnership Framework has proved to be a valid tool to enhance the work on the external dimension of migration, although progress achieved so far amongst the priority countries varies;
- Financial resources and other opportunities will need to be used strategically in order to foster better migration management and tackle root causes in countries of origin and transit;
- The Partnership Framework has succeeded in bringing a new depth to relations with the priority countries on migration, based on mutual trust and strengthened commitment to the partner countries, as a joint endeavour of the EU and the Member States.

3. **Principle of subsidiarity**

There is no need to assess compliance with the principle of subsidiarity since this is a non-legislative initiative.

4. **Opinion**

In the light of the above, as regards COM (2016) 960 - Communication from the Commission to the European Parliament, the European Council and the Council - Second Progress Report: First Deliverables on the Partnership Framework with third countries under the European Agenda on Migration, the Committee on Constitutional Affairs, Rights, Freedoms and Guarantees is of the opinion that:

1. There is no need to assess compliance with the principle of subsidiarity since this is a non-legislative initiative;

2. This concludes the scrutiny of this initiative;
3. This opinion should be sent to the European Affairs Committee.

Palácio de São Bento, 28 June 2017

Signed: Vânia Dias da Silva, Rapporteur
 Pedro Bacelar de Vasconcelos, Committee Chair