



Parlamentul României  
Senat

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Bucharest, 12 October 2015

**OPINION**

of the **ROMANIAN SENATE**

**regarding the Communication of the Commission to the European Parliament, Council, Economic and Social Committee and Region Committee – A European Agenda on Migration**

**COM (2015) 240 final**

**The Romanian Senate examined the Communication of the Commission to the European Parliament, Council, the Economic and Social Committee and the Committee of Regions – A European Agenda on Migration - COM (2015) 240 final – according to the provisions of the Treaty of Lisbon (Protocol no.1)**

Taking into account the report of September 24, 2015 of our permanent Committee on European Affairs, **the Plenum of the Senate**, during its session of September 28, 2015, decided as follows:

- We welcome the guidelines established by the European Council meetings held in April and June with the objective of finding solutions for managing the unprecedented phenomenon of migration, which affects the entire European Union. We welcome at the same time the measures established by European responses, while stressing that they should be supported by flexibility and principle of voluntariate. We agree that a balanced and geographically global approach of this phenomenon, based on solidarity and responsibility, is necessary.
- We have carefully examined the terms of an integrated approach launched in the Commission Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - "A European agenda on migration" - COM 240, which includes actions concentrating all the dimensions of a comprehensive and systemic approach. The effort of the European Commission is necessary to adopt an integrated approach to migration and asylum policy and to ensure better application and implementation of EU legal instruments in force. We emphasize the need to fully capitalize the existing instruments, such as exchange of information and border operational cooperation.
- We believe that it is essential priority to be focused on the main causes which generate migration and establish more effective cooperation between the EU and third countries, while maintaining the voluntary nature of joint activities and decision-making on migration at the level of Member States.

- We note the Commission's objectives for relocation, on a voluntary basis, of a number of migrants from Italy and Greece, with the participation of all the states under temporary and even exceptional nature. At the same time, we note relocation target, also on a voluntary basis, of a number of displaced persons in clear need of international protection.
- At the same time, we express our disapproval for the use of binding mechanisms, without taking into account the specificities of each country in case of relocation of intra-EU and extra-EU, and we emphasize that these measures not only do not address the root causes of mass migration, but also creates an adverse effect, of stimulating migration. In this context, we reiterate the importance that Member States should continue to have primary responsibility for migration policy and granted asylum, including the right of decision in these areas.
- While Member States are not prepared for communitarization the national competences in the field of border control - when it comes to setting standards at EU level, in terms of border management -, we believe that such an initiative is beneficial. We encourage more discussion on this topic and we support the results to be considered under the Forum of Schengen States with Terrestrial External Borders, which has already started the work in this regard.
- Given the waves of migration, as a result of the situation in countries of Africa and Middle East, it is necessary that Member States contribute to support initiatives at European level, and in this regard we encourage all Member States to assume an active role both in fighting causes influencing the phenomenon and in securing external borders. We believe that long term initiatives in countries of origin are those that can truly help solving the problems related to the source of migration; fight against poverty, building an economic sustainable structure, implementing and promoting democratic transformation and stability are measure that would provide a solid perspective.
- We appreciate keeping as priority the actions aimed at the root causes of migration and we consider that EU efforts on providing assistance to countries and regions affected by poverty, insecurity or whose citizens face persecution and abuses of human rights must be still supported. Likewise, in close connection with the application of the principles of the Global Approach to Migration and Mobility (GAMM) and European Neighborhood Policy, it is necessary for the EU to implement the most appropriate programs and strengthen cooperation with transit countries, which play a crucial role in limiting the migrant wave to Europe.
- Efficient cooperation with direct support which ensures stability in countries of origin and transit of migrants is required, with balanced application of the proposed measures, both on the Mediterranean and the Balkans route and also in similar events in Ukraine. Thus, serious consideration of the risks posed by a possible wave of migration from EU eastern neighbors and measures to protect the national security of Member States are required.
- We emphasize the need for an effective return policy for the proper functioning of the common system and the need for a clear adherence to existing rules for granting asylum by all Member States. We support the Commission's proposal for effective monitoring and the usefulness of its assistance to Member States in the process.
- In the context of European Council decisions - which established concrete measures to prevent loss of life at sea and methods to fight the illegal migration, increasing cooperation with countries of origin and transit, while respecting the right to grant asylum -, we remark the firm response by the 4 key priorities of the European Commission Communication: reducing the incentives for illegal migration, saving lives and securing the external borders, a common asylum policy, a new policy on legal migration.
- Please note that any action that would jeopardize the functioning of the Schengen area would harm freedom of movement, a goal achieved with great efforts by the EU Member States during EU construction. Migration is a current key priority of the EU policy makers,

but solutions must be found in appropriate policies on migration, border security and not by reintroducing border checks or by prejudicing the application of the Schengen acquis. The proposed measures must not lead to any restriction of the free movement of EU citizens.

- In the context of the EU effort, Romania has shown profound solidarity with Member States by its commitment to participate in both the intra-EU and extra-EU relocation mechanism over its effective capacity of reception and integration of migrants.
- We welcome the measures at European level to secure the external borders announced by the Commission Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - European Agenda for the security of the EU - COM 185, thus implementing new policies on internal security, in order to strengthen cooperation and exchange of information. We work jointly to implement the policy of solidarity in the context of respect for fundamental rights.
- Romania is already acting as a Schengen member state - whether we are talking about securing the borders of the EU or the use of SIS and the implication in FRONTEX operations or sending Romanian police officers in other Member States to participate in temporary assignments -, despite that no decision has been taken in order to eliminate internal border controls.
- Romania is solidary both with the immigrants whose fundamental rights were actually affected and with the Member States facing a massive migration, despite the fact that we are not Schengen country, although already fulfilling Schengen criteria since 2011. We sincerely hope that Member States are already convinced that Romania responsibly and with performance manages the EU's external borders, the more so as Romania has the second in size EU external border, and considering also the existence of frozen conflicts in the region.
- We draw attention no less to the need of ensuring stability in Eastern Europe, to the danger of migration waves in the region and to the need for a deeper rapprochement of Eastern Neighborhood countries to EU values.
- We support the strengthening of the role of Frontex both in terms of return operations announced in the Commission Communication and we encourage EU executive to propose practical vision and details related to these new competencies. Moreover, detailing the pursued actions in order to clarify steps towards strengthening EU coordination regarding the powers of coastal Member States is necessary.
- Considering the actual low rate of returns of the total return decisions issued (39.2%), we support further efforts, both at bilateral and EU level, to identify the appropriate means of determining the third States to readmit their citizens. In this regard, we expect the first results of the Pilot Project on Returns that can shape new benchmarks for future negotiations of readmission agreements. Uniform application of the provisions of the Directive on Return since adoption (2008) continues to be a challenge and a responsibility for all Member States. We are convinced that the Manual on Return will bring the necessary clarifications for effective return procedures and court cases that have no express regulation and will provide the necessary instructions and recommendations concerning best practices in Member States.
- We note that legal migration can, under clear and well established conditions, benefit the EU labor market, amending Europe's aging population, strengthening the social security system, especially for increasing the sustainability of the EU economy. Review of the Blue Book Directive should offer more attractiveness for highly qualified citizens. We note, however, that integration programs, professional insertion and appropriate employability in line with qualifications are necessary. We agree with the European Union attracting workers to fill labor needs, with beneficial effects for the European Union in close competition with other economic powers.

- The actions for immigrant integration must be accompanied by solid impact assessments at the levels of education, health, and not least of the labor market. Because of the large number of migrants at the moment, Member States face deficiencies in estimating age groups and assessing required services.
- Please note that not all Member States have free education programs in foreign languages. In Romania, in principle, the system is able to provide an offer in accordance with needs, but this capability is dependent on geographical areas where resettlement is to be done, while ensuring textbooks and teaching courses in Romanian. More EU support would be needed considering that additional needs for financing health systems - especially since emergency medical services are provided free of charge - have been identified, and a wave of additional people will put greater pressure on access to health services, already facing the problem of financial resourcing.
- We note with concern the increasing migration flow, which creates a certain pressure and socio-cultural integration difficulties; we consider profound long term measures to be needed for both immigrants and integrant communities. Therefore, we consider that emergency measures must maintain their temporary nature and the duration should be initially, then periodically assessed, and should be extended only on objective criteria, avoiding cases of migrants who seek economic benefits in Member States and deterring irregular migration.
- Moreover, we stress the need for a unified system for asylum and we note, at the same time, the need for significant changes in national legislation that should allow migrants to become legal, for example the access to the labor market. We note that the European Union is not ready to assimilate migrants, because of major cultural discrepancies and also because of the need to adapt different systems, from the educational to the health insurance and employment.
- The EU must properly balance its measures in the area in order to not create new factors of attraction for illegal migration, to not send signals to encourage migrants for economic reasons, but especially those who profit from the vulnerability of people in need of international protection. As it turned out lately, they resort to methods of increasing inhumanity to raise revenue.
- We appreciate the spirit of solidarity promoted by the European Agenda on Migration and we support continuously the fact that migratory pressure should not be a problem only for the Member States that are in the first line, in the vicinity of a third country source of illegal migration or a third transit country. From this perspective, we support the measures proposed by the European Commission on improved cooperation between Member States in order to concentrate resources for proper management - under the coordination of EU agencies - of a situation created in a specific area / region (Hotspot), but at the same time, we consider it necessary to establish a clear mechanism for implementing this approach, including the rapid return procedures for those who do not qualify for international protection.
- We consider that this new Hotspot concept cannot be implemented without additional financial allocations from the EU budget. Pragmatism and efficiency in the Member States is required in accessing these resources which are available also in other areas other than return and asylum.
- We encourage European institutions and Member States in the actions towards extra-EU migration, to countries with close cultural habits with those of immigrants. This is a mechanism that avoids additional pressures and the risk of secondary movements when migrant communities face the impossibility of adapting within a Member State, with wasted human and financial efforts, in both those affected and the EU.
- We welcome the provision of EUNAVFOR missions in the Mediterranean to stop ships transporting illegal migrants and we appreciate that we need to make necessary efforts to

fight smuggling networks and human trafficking. We support fundamental human rights and in this respect, the destruction of migrant smuggling networks, the seizure of the assets, bringing perpetrators to justice - as common approaches of Member States in cooperation with European agencies - are mandatory.

- We further support a balanced approach to migration, in particular when setting the level of commitment for Member States in the process of resettlement of immigrants, depending on the contribution of each state to the initiatives of the European agencies and on the internal factors such as the current capacity of reception and implications in education, health and employment, economic and social factors. Objective criteria allowing Member States to furthermore engage are needed. We encourage all Member States to engage in a strong and objective political commitment to the relocation of migrants, but taking into account all the mentioned implications.
- We encourage ongoing cooperation with all international forums, primary responsibility in humanitarian aid missions and peace-building in conflict zones belonging to the UN. Swiftly resolving the conflict in Syria would be a viable solution to escalating humanitarian problems, we therefore recommend the European Commission to immediately step up diplomatic efforts in the region.
- Please note that border security and measures to prevent extremist actions must be urgently provided, as we consider that there is a major risk of radical reactions. Integration programs for immigrants must adapt to new realities and both European agencies and Member States should exercise the utmost vigilance in preventing and combating organized crime and terrorism, while European security and defense policies must adapt to the new coordinates.
- The refugee crisis and the events on the eastern border of Europe lead us to emphasize the need for a common security policy, with an integrated approach.
- European Affairs Committee of the Senate and rapporteurs for migration phenomenon are deeply involved in examining the measures at European and national level, and this opinion has been prepared following the hearing of Government affairs and foreign policy responsible for implementing national actions, in accordance with European initiatives on migration and in consultation with all relevant institutions.
- European Affairs Committee of the Senate and the rapporteurs for migration phenomenon are involved in examining the measures at European and national level. The report that led to this opinion was prepared following the hearing of Government internal affairs and foreign policy representatives responsible for implementing national actions, according to European initiatives on migration and in consultation with all relevant institutions. We will further ask the government representatives to inform them permanently on developments on this matter.

**Președintele Senatului**



**Călin POPESCU-TĂRICEANU**