



**Parliament of Romania  
Chamber of Deputies  
Committee on European Affairs**

**Bucharest** 8 October 2015  
**No.** 4 c-19 / 613

**Opinion  
on the Communication from the Commission to the European Parliament and to the  
Council - EU Action Plan on return - COM(2015)453**

According to the provisions of Article 170 paragraph (1) of the Regulations of the Chamber of Deputies, republished, The Committee on European Affairs, together with the Committee for Human Rights, Cults and National Minorities Issues, the Committee for Legal Matters, Discipline, and Immunities, the Committee for Defence, Public Order, and National Security, the Committee for Foreign Policy were notified to examine on the merits the Communication from the Commission to the European Parliament and to the Council - EU Action Plan on return - COM(2015)453.

Having regard to:

- the draft opinion adopted by the Committee for Human Rights, Cults and National Minorities Issues (4c-5/656/5.10.2015),
- the draft opinion adopted by the Committee for Defence, Public Order and National Security (4c-12/283/6.10.2015),
- the draft opinion adopted by the Committee for Foreign Policy (4c-13/62/15.09.2015),
- the Ministry of Foreign Affairs Notice,
- the Ministry of Internal Affairs Notice,
- Notice of the European Affairs Department of the Presidential Administration,
- Notice of the Office in Romania of the International Organization for Migration,
- messages of the Representative of Romania to EU,
- the contributions to the debates, of the representatives of the aforementioned institutions,
- the contributions of own secretariat,
- the fact sheet and the contributions of the EU Division - Chamber of Deputies,

- opinion of the Chamber of Deputies of 30 June 2015 on 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,

*The Committee on European Affairs:*

1. Notes that the action plan contains general objectives on short and medium term, without bringing completely new ideas. It is encouraged the promotion with preference of the assisted voluntary returns, of the respect for the fundamental rights of the returnees, the use of relevant databases, strengthening the role of Frontex, additional details about the concept of "hotspots" (access centres), the EU network of Migration Liaison Officers.
2. Takes note of the European Commission findings regarding the improper performances of the Member States on the issue of return, given that the release of the return orders remains within the exclusive competence of the Member States, as well as the return operations.
3. Takes note of the statistical data suggesting that certain Member States do not systematically issue return decisions to migrants in irregular situation apprehended on their territory or persons whose asylum applications were rejected and of the effects of this practice, which allows to avoid the return by moving to another State in the Schengen area.

Considers that this lack of rigor affects not only the effectiveness of the EU system in the matter of return and asylum or the ability to provide help to those entitled to it, but also the rule of law; this is because failure to apply its own laws and the EU legislation does not define the rule of law, and internally in the political arena, failure to apply the laws of the state contribute to the exacerbation of the extremist political movements, anti-migration and anti-European, which hijack democracy, paradoxically, precisely to the disadvantage of all immigrants.

4. Notices the dissatisfaction of the European Commission towards the insufficient enforcement of the Return Directive by the Member States and supports the Commission's commitment to focus on ensuring the full enforcement of the Directive, including by infringement procedures.
5. Appreciates the clarity and firmness of the expressions used in the text of the communication, which recommends that "*when migrants do not go back voluntarily, return must be enforced*", "*systematic return, either voluntary or forced*", that Member States should resort to detention, placement of irregular migrants under electronic surveillance or the use of semi-closed facilities, etc.

Supports the stated preference of the European Commission for voluntary return. Points out, however, that stating the dependence of the success of the voluntary return schemes on the degree of achievement of the forced returns may create the perception that this option is not the real one; therefore, it is necessary to present sufficient arguments in favour of the voluntary return.

6. Underlines that although it is foreseeable that, indeed, all the actions set out in this Communication are implemented in accordance with the international standards in

respect of the human rights, return remains among the most severe actions of the Union against persons who have not committed antisocial acts, who do not represent a threat in itself and who invested trust and hope in the Union.

Considers that the reservation of the Member States in enforcing the European legislation on return is motivated precisely by this severity perceived as excessive.

7. Recalls that the Member States have the legal right to apply simplified and rapid procedures of return of the migrants detained or caught in case of the illegal border crossing and believes that adopting such decisions can be justified by the necessity of securing the external borders of the Union.
8. Points out that the continuing reluctance to rigorously enforce the European legislation on return might prove counterproductive for the migrants themselves, precisely because a large and repetitive influx of migrants would cause an unsustainable situation forcing the authorities to adopt strict measures.
9. Welcomes the European Commission's concern to improve the condition of returnees, through programs, concrete measures, actions of diplomacy, etc.

Welcomes the European Commission's commitment to the provision of funding for sustainable return and reintegration under EU financial programmes in the areas of development cooperation and neighbourhood policy.

Notes the assisted voluntary return programs, in cooperation with governmental and nongovernmental partners such as the International Organization for Migration, the support of the European Commission to the *European Reintegration Instrument Network* – ERIN, which provides support for reintegration to returnees, as well as social and professional support.
10. Agrees to the European Commission's proposal that the Member States develop joint reintegration projects, which could improve both the quality of the support provided to migrants and its cost-efficiency – through economy of scale on the administrative costs.
11. Supports the European Commission's proposal stating that the support for reintegration shall be provided at individual, as well as state level - to equip both the returnee and the home country with means to reintegrate.
12. Supports the European Commission's proposal for development of tailor-made support packages to help certain partner countries fulfil their readmission obligations in practice.
13. Suggests the European Commission to assess the benefits of a mechanism for cooperation and financing with the corporate environment, for the creation of jobs and accommodation facilities near the place of work in the host country, for returnees, to stimulate reintegration and reduce migration.
14. Recommends that in parallel with the measures provided for the return to the countries of origin to be also investigated the possibility to be supported third countries where the applicants could settle down.
15. Supports the measure of offering opportunities for legal migration, for the highly skilled workers, as well as for studies and research purposes, but points out that the massive illegal migration reduces the possibility of such an offer.

Considers that in such programs might be included the persons already present in the EU and fulfilling the conditions of the above-mentioned offer.

16. Is in consensus with the European Commission regarding the need to establish possible key countries for high-level dialogues on readmission; recalls that the situation in Asia presents specific vulnerabilities, given both the inconsistency and fragility of the legal framework and the presence of some restrictive administrative practices, as well as the low interest of the countries in the region to sign the relevant international conventions and treaties. In this context, recommends that the European diplomacy supports or initiates the progress and harmonization of the regional legislation, including through cooperation with the relevant international bodies such as those in the UN structure.
17. Agrees with the proposal of amending the Regulation on Frontex operation, in order to extend its mandate for the management of returns and the setting up of a special Return Office within the Agency; agrees with the proposal to create Frontex Rapid Return Intervention Teams, offering support on identification, consular cooperation with third countries, and organizing return operations for Member States.

Supports the European Commission's intention to propose enabling Frontex to launch return operations, and to coordinate and organize return operations from just one Member State.

\*  
\*       \*  
\*

The Committee on European Affairs, at the sitting of 6 October 2015, in the presence of 15 of the 22 members, decided unanimously to adopt this opinion to be forwarded to the Standing Bureau of the Chamber of Deputies, for completion of the parliamentary scrutiny procedure.

Proposes to inform the European Union institutions and the Romanian Government on its observations and recommendations, as a contribution to the formulation of effective policies in the field of reference.

Proposes, at the same time, to forward its observations / recommendations to the European Commission, in the informal political dialogue proposed by the European Commission in the Communication "Delivering results for Europe", COM(2006)211.

Chairperson,

Secretary,

**Ana BIRCHALL**

**Dorel Gheorghe CĂPRAR**