



Romanian Parliament
Senate

Bucharest, December 2015

OPINION

of the ROMANIAN SENATE

regarding the COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND TO THE COUNCIL - EU Action Plan on return -

COM(2015) 453 final

The Romanian Senate examined the COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND TO THE COUNCIL - EU Action Plan on return - *COM(2015) 453 final* – according to the provisions of the Treaty of Lisbon (Protocol no. 1).

Taking into account the report of November 26, 2015 of our permanent Committee on European Affairs, **the Plenum of the Senate**, during its session of December 7, 2015, decided as follows:

1. Within the context of migration package the following are noted:

- a. Presentation of the measures which the Commission, with the support from the relevant EU agencies, will take in order to strengthen the EU's return system of refugees, in full respect for fundamental rights and guarantees for the return in dignity.
- b. The importance of the Commission to focus on ensuring full application of the Directive, including infringement procedures.
- c. The Commission assessing of national return systems, carried out under the Schengen evaluation mechanism, in order to identify shortcomings and to help their remedy.
- d. Application of short-term actions - to reach agreement on an overall package in order to prepare negotiations on readmission and improved return - based on the principle "more for more" -, and establishment of return and readmission as priority issues, addressing them in all contacts with priority third countries.
- e. Application of medium-term actions - development of tailored, country-specific packages.
- f. Strengthening voluntary return - the preferred option whenever possible.
- g. Strengthening the role and mandate of Frontex.

2. The following are considered necessary and mandatory:

- a. Improvements regarding the implementation of the EU directive on return by the Member States (although Directive 2008/115 / EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegal third-country national allow effective action on return).
- b. Achieving an integrated return management.
- c. Cooperation of all Member States in order to improve information exchange for the execution of forced return - Schengen Information System (SIS), the Visa Information System (VIS) and EURODAC to be used effectively.
- d. Ensuring better compliance with EU rules.
- e. Respecting the legal right of Member States to apply simplified procedures and speedy return of migrants detained or caught for illegal border crossing. It is considered that the adoption of such a decision can be justified by the need to secure external borders of the Union.

3. The following are recommended:

- a. Improvement of the performance of Member States in terms of return, given that the issue of return orders and the return operations remain within the exclusive competence of Member States.
- b. Increasing the effectiveness of the EU return of migrants in an irregular situation by enhancing voluntary return.
- c. In addition to the planned measures of returning to their home countries, the possibility of supporting third countries where applicants might settle down to be investigated.

p.President of the Senate

Ioan CHELARU

