

PARLIAMENT OF ROMANIA
CHAMBER OF DEPUTIES

DECISION

approving the Opinion on the Communication from the Commission to the European Parliament and the Council on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration (COM(2016)85)

Pursuant to Articles 67 and 148 of the Romanian Constitution, republished, Law No 373/2013 on cooperation between Parliament and the Government in the area of European affairs, and Articles 160 to 185 of the Rules of Procedure of the Chamber of Deputies, republished, the Chamber of Deputies hereby adopts this Decision.

Sole Article. - Having regard to Opinion No 4 c-19/402, adopted by the Committee for European Affairs at its meeting of 12 April 2016, **the Chamber of Deputies:**

1. welcomes the results outlined in the Communication, and acknowledges that, despite certain outstanding issues, the progress made so far is remarkable and that the greatest success has been the strategic vision and the humanitarian approach;

2. welcomes the clarifications made between summer 2015 and now, in particular as regards the definition and meaning of 'refugees' and 'migrants', the absolute obligation on migrants to comply with regulations on crossing the external borders of the Union and on Member States to protect the external borders, the requirement for migrants to agree to be registered in the Member States where they are located, and, in general, authorities' decisions and Member States' obligation to improve the implementation rate of return decisions;

3. agrees that 'there should be no illusions that the refugee crisis will end before its root causes (...) are addressed in a definite manner', but notes that this statement might be considered discouraging, since the EU's capacity to achieve this goal within a reasonable timeframe is extremely low, for reasons related to the availability of resources, the internal political situation in several Member States, the series of crises that the EU is going through and various international arrangements known as the 'world order';

4. welcomes the Commission's proposal to make specific changes to the Schengen Borders Code with a view to introducing systematic mandatory checks at all external borders, as such checks can very usefully help enhance security, especially as regards foreign terrorist fighters; welcomes the extension from two to six weeks of the deadline for the standard operational procedures to resettle migrants outside the EU within the one-in, one-out scheme with Turkey;

5. takes the view that, of all the results outlined, the areas where the most significant progress has been made are the tripling of the EU's presence at sea, the new emergency system for resettling asylum seekers from the most affected countries, the allocation of more than 10 billion euro, the new coordination and cooperation framework for the Western Balkan countries, the proposal for a new European Border and Coast Guard and the partnership with Turkey;

6. notes that the proportion of migrants whose digital fingerprints are included in the Eurodac database has risen in Greece from 8 % in September 2015 to 78 % in January 2016, and in Italy from 36 % to 87 % over the same period, and takes the view that these figures show the unacceptable extent of the migrants' refusal at the start of the crisis to cooperate with authorities;

notes that the communication points out that there are still problems relating to irregular

migrants who abscond before the procedures are completed;

7. welcomes the roll-out of reception and registration hotspots, as they allow for priority to be given to places exposed to extreme pressure and help determine who needs international protection and who does not;

8. acknowledges that registration is a first essential step in managing and controlling migrant flows and welcomes the roll-out of hotspots in Greece and Italy, where integrated teams of border guards act continuously to check, identify and digitally fingerprint third-country nationals who arrive illegally at the EU's external borders;

9. supports the Commission's approach as regards the obligation of every Member State to take the necessary measures to block immigrants who refuse registration because they wish to seek asylum elsewhere; notes the change in tone from summer 2015: 'People arriving in the Union must know that if they need protection they will receive it, but it is not their choice to decide where.';

10. welcomes the establishment of the Migrants' Information Strategy Task Force (MIS) to compile and disseminate to asylum seekers effective information on their rights and obligations, and would like to see that institutional model applied to the collection of data from immigrants on the smuggling/trafficking networks that brought them to Europe;

recalls, in this regard, that the very text of the communication argues that 'it is (...) essential that from the first stage in the hotspots, actual or potential victims of human trafficking are (...) made aware of their rights, and that the necessary cooperation takes place with the police and judicial authorities in order to ensure that traffickers are identified and prosecuted';

11. in view of the statements and pledges, but also the reproaches, made by some Member States with regard to the position of other Member States on how the migration crisis should have been tackled, is surprised at the Commission's leniency over the temporary suspension on request of Sweden's and Austria's obligations under the transfer procedure; believes that the 'particular difficulties' experienced by these states cannot have been so severe as to be impossible to overcome with allocations from emergency funds similar to those used to support Greece; calls on the Commission to elaborate on the nature and extent of those 'particular difficulties';

12. welcomes the EU's diplomatic efforts to resolve crises such as Syria and Libya and to combat the threat of Daesh/ISIS, and its strategy to focus on the root causes of the flows and on creating a stable environment to which refugees can return; notes, however, that it is very unlikely that the EU will make progress by exercising soft power against military forces that do not recognise the concept;

13. is pleased to see that in the south and central Mediterranean, EUNAVFOR MED operation Sophia has successfully moved into a phase that includes boarding, searching, seizing and diverting, in international waters, vessels suspected of being used for migrant smuggling or trafficking; notes, however, that while mention is made of 9 000 people having been rescued, no data is provided in terms of the number of vessels seized or diverted or the fate of their crews;

notes that this is all the more important as a side effect of the recent agreement between the EU and Turkey on delivering the EU-Turkey Joint Action Plan to tackle migration might be to increase the number of Mediterranean crossings, in boats larger than in the Aegean and with crew on board;

14. reiterates all observations and recommendations it made in its Opinion on the next operational steps in EU-Turkey cooperation in the field of migration (COM(2016)166);²

15. recalls that some Member States tried, already when the crisis began, to apply the basic rules of the EU asylum system, which the Commission now supports unreservedly, but were criticised by many, including some of the main Member States of destination, for allegedly violating refugees' rights; some of the countries of transit on the Balkan route were in the same position;

16. given the ease with which several Member States have accepted the mandatory quotas, is surprised to read in the communication that many Member States have failed to fulfil their commitments by implementing transfer decisions;

as regards resettlement outside the EU, points out that Romania is taking part in the external resettlement scheme adopted in 2015, on a voluntary basis, in the spirit of European solidarity;

17. regrets that the Dublin Regulation appears to have been largely abandoned by Germany for Syrian asylum seekers, and that several Member States have suspended application of the Regulation under the pressure of the migrant flow;

stresses that 'rehabilitating' the Dublin Regulation or rigorously implementing a possible new formula that is being developed by the European Commission is becoming essential for returning to a normal state, removing the perception of a 'refugee crisis' and addressing the EU's inability to respond appropriately;

18. notes that, as the external borders become secure again, the Schengen information system will manage without internal border controls and will regain its pre-crisis image of exemplary enhanced cooperation;

underlines that, despite the refusal of certain Member States to give it access to the Schengen area, of which it has been a *de facto* member since as early as 2010, Romania continues to be a keen supporter of the Schengen system, mostly because of its significance in terms of European integration;

notes that the Commission estimates that the reinstatement of internal border controls on a systematic and long-term basis would generate major economic costs, amounting to between 5 and 18 billion euro in overall direct costs alone, for citizens and businesses, which would undermine the Single Market;

19. notes that, by reducing unauthorised immigration, securing the borders could paradoxically result in higher pay for low-skilled jobs in the country of reception and lower pay in the country of origin, spurring illegal migration; in addition, strict enforcement of laws on undeclared work in Member States could result in pay cuts for unauthorised migrants, as employers would become less ready to hire them;

20. notes the Commission's calls to support setting up the European Border and Coast Guard faster so it can become operational this summer, but points out that the entire paradigm changed when the EU-Turkey joint plan was adopted; recalls that, in its Opinion on the European Border and Coast Guard, it showed that the agency's actions to meet its objectives, its operations and its area of responsibility [should] change substantially, since illegal migration, for which the agency had been originally set up, is becoming (almost) legal; recalls that it also stressed the need for the agency to carry out operations in Turkey, with the agreement of and in cooperation with that country's authorities;

21. is surprised to read in the communication that the return rates for 2014 were 16 % in African countries and averaged 40 % across the EU; supports the Commission's position that return and readmission are among the EU's top priorities in its relations with third countries and/or countries of transit;

notes that the refusal of countries of origin to readmit returned people complicates things even more;

notes that Europol data point to Amman, Algiers, Beirut, Benghazi, Cairo, Casablanca, Istanbul, Izmir, Misrata, Oran and Tripoli as the main migrant-smuggling hotbeds;

notes that some third countries with a low return rate are reluctant to conclude readmission agreements with the European Union, although some of them are partners of the EU within the European Neighbourhood Policy;

takes the view that the EU should make use of all its political and diplomatic resources to conclude readmission agreements with the economic migrants' countries of origin and should provide incentives, including trade preferences, but notes that the EU should also be ready to exert leverage where necessary;

22. notes that in many countries of origin of the migrant flows, the political, economic and social situation has kept deteriorating to levels that are unacceptable to the civilised world, and believes that the EU should be ready to initiate global action to ensure that those countries are administered, with international support; believes that such a global role would be fully in line with the Union's foreign policy strategy;

23. notes the importance of the concept of 'safe country' and the Commission's call on all Member States to include in their national legislation the concept of 'safe third countries' and to apply it when deciding on people's right to international protection;

24. supports the Commission's work on implementing legislation and infringement proceedings to rectify incomplete transposition and inconsistent implementation of the common European asylum rules; expresses the hope that the more realistic, streamlined new asylum system will persuade Member States to give Europe the credit it needs to function properly;

25. notes that the Commission's Eurobarometer of December 2015 shows that 68% of Europeans say they are in favour of a common European migration policy, 79% believe that all Member States should apply the same procedure and 66% are in favour of simplifying legal migration procedures;

26. is aware that a common asylum regime will raise sovereignty concerns, and takes the view that the small-step approach can still only function on a technical level and that the Commission should therefore stand firm in its negotiations with the Member States.

This Decision was adopted by the Chamber of Deputies at its sitting of 10 May 2016, in compliance with Article 76(2) of the Romanian Constitution, republished.

For the President of the Chamber of Deputies,

Florin Iordache

Bucharest, 10 May 2016

No 42.