

PARLIAMENT OF ROMANIA

CHAMBER OF DEPUTIES

**DECISION**

**approving the Opinion on the Communication from the Commission to the European Parliament, the European Council and the Council 'Next Operational Steps in EU-Turkey Cooperation in the Field of Migration' (COM (2016) 166)**

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-19/404, adopted by the Committee for European Affairs at its meeting of 12 April 2016, the Chamber of Deputies:

1. commends the European Union institutions and the Member States for having swiftly drafted, negotiated and put in place a joint action plan with Turkey that is likely to be instrumental in resolving an existential crisis of the EU;
2. commends Turkey for embracing the EU's proposals and believes that this attitude can foster progress in other problematic areas in the country's relations with the EU, particularly as regards human rights;
3. believes that the measures adopted are truly bold and uncharacteristic of the EU, and that this shows the exceptional risk level of the crisis, on the one hand, and the level of success pursued and the significance of the solutions set out in the EU-Turkey agreement, on the other hand;
4. notes that the Commission refers in its Communication to closing down people-smuggling routes and breaking the business model of the smugglers as objectives of the action plan; believes that these could be described as effects rather than objectives of the action plan, as mobilising players as big as the EU and Turkey to fight crime at the EU's external borders would make sense only if the criminals were not ordinary traffickers or smugglers but powerful organisations with a deeper-reaching strategy and goals;
  - believes that the NATO operation in the Aegean Sea, which appears inordinate when compared with the visible opponent, also supports this interpretation;
5. acknowledges that the alternatives to the joint action plan - providing more assistance in first countries of asylum or supporting the development of the asylum system in Greece - would not have been as efficient in annihilating trafficking networks, and notes that this is important in light of the Commission's crime-does-not-pay initiatives;
6. welcomes the categorical distinction, as reflected in the substantially different regimes in the action plan, between economic migrants, who seek prosperity, and refugees, whose lives were in danger in the conflict areas they left behind; believes that a distinction should be made also between war zones and non-administered areas, with the latter being areas where people's lives are not exposed to a permanent serious threat, but rather to a discontinuous, diffuse danger brought about by the absence of public order;

7. notes that the joint action plan focuses on Syrian refugees and considers this to be the right approach, as the plight of the Syrian people and the threat to their lives have been incomparably greater than those of immigrants from any other region;

8. in this regard, supports the Commission in its approach to give priority for resettlement to Syrians who remained in Turkey, as they are eligible for temporary protection;

9. notes that the joint action plan is intended to ease Greece's mission and considers this to be a manifest expression of solidarity at European level, which it supports without reservation; notes that an unwanted effect will be an increase in the number of crossings of the Mediterranean and possibly the Black Sea, with higher risks for migrants; takes the view that, to reduce those risks, in the short term, rescue operations in the Mediterranean Sea should be carried out as close as possible to the North African coast, while in the medium term an action plan should be developed that should have the same capacity for meeting challenges as the EU-Turkey joint action plan;

10. welcomes the fact that the EU-Turkey agreement is intended to stem the influx of migrants from the Aegean Sea, but points out that there is a risk that migrants might turn to the Black Sea instead; as the EU-Turkey agreement does not make explicit reference to that route, calls on the Commission to reassess the secondary effects of the agreement and to propose measures accordingly;

11. expresses the hope that the proper functioning of the joint action plan will reverse the rise of nationalist, anti-European political forces in several Member States, which is the main threat to the EU;

12. recalling that it has always supported voluntary resettlement, is pleased that the principle of voluntary action is given more and more weight at EU level and hopes that it will become established following the ongoing negotiations between the European Commission and the Member States to resettle 54 000 refugees from Turkey;

13. believes that the Commission is right to expect that, once the irregular flows from Turkey to the EU have been halted, the number of Member States willing to participate in the scheme will increase;

14. in the context of the statement in the Communication that 'the 1:1 scheme will function if Member States make a sufficient number of resettlement pledges', recalls that some Member States used to take refugees from camps in Turkey, Lebanon or Jordan based on their own criteria and decisions, and believes that now that the transfer of refugees under the new scheme will be legal and orderly, this approach should end, so that Member States' readiness to take refugees can serve the success of the new framework for resettlement operations to the benefit of the European Union;

15. supports the Commission's view that the return of all new migrants arriving from Turkey on the Greek islands and the resettlement, for every Syrian readmitted by Turkey, of another Syrian from Turkey to the EU should be a temporary and exceptional measure;

16. notes that Greece has amended its asylum legislation to make it easier to return migrants who have not requested asylum in Greece to Turkey and to keep migrants in detention facilities if they do not qualify for asylum;

17. notes that Turkey has amended its legislation to allow illegal migrants to be registered as receiving 'temporary protection', has drafted new legislation penalising acts facilitating illegal migration in a similar way to acts of organised crime or terrorism, and has launched procedures to conclude readmission agreements with 14 of the most common countries of origin;

18. notes that payments via the instrument for refugees in Turkey have not been sped up yet both because of Turkey's delay in submitting proposals for projects and because of the belated release of funds by the EU and its Member States;

19. points out that one possible explanation for the rapid and considerable decrease in the flow of migrants to the Greek islands that is already occurring is that migrants did not really flee hostile circumstances, but were rather motivated by their desire to live in civilised countries with a high standard of living;

20. welcomes the introduction of the concept of a collaborative rapid assessment system led by the EU to be deployed at the external borders of the European Union, but, as resettlement procedures do not exclude the possibility of terrorist attacks, believes that such a system should be coupled with a specific security mechanism for checking problematic cases; warns that in some cases it is impossible to find out immigrants' real identities, connections or intentions, and that this is due, inter alia, to the reluctance of some immigrants to cooperate with the authorities of the host state or EU agencies; warns that visa liberalisation for Turkey could make travel easier also for Turkish nationals that are members of extremist/terrorist organisations operating in Turkey; believes, therefore, that screening via this security mechanism must also apply to Turkish nationals who match that profile;

21. welcomes the launch of return operations on 4 April 2016, when Frontex assisted Greece in transporting 202 migrants on three ferries from the islands of Lesbos and Chios to Turkey;

22. warns that the Commission's legislative proposal to lift the visa requirements for Turkish nationals at the end of April 2016 comes shortly after the 'no' vote in the Dutch consultative referendum on the ratification the EU-Ukraine Association Agreement, which showed the need for better communication with the Dutch people on relations with the countries in the EU's immediate neighbourhood;

23. notes that the joint action plan has mainly been criticised for being predominantly pragmatic, unethical and reactive and for not complying with the legal obligations stemming from the Charter of Fundamental Rights of the EU, the European Human Rights Convention and several judgments of the European Court of Human Rights, but believes that such criticism is unjustified;

24. as regards the prohibition of collective expulsion of foreign nationals laid down in Article 19 of the EU Charter of Fundamental Rights and Article 4 of Protocol No 4 to the European Human Rights Convention, believes that the operations proposed under the joint action plan cannot be deemed collective expulsion, since migrants may apply for international protection and defend their cases individually;

25. recalls that, under Article 4 of Protocol No 4 to the European Human Rights Convention, expulsion means any measure by which a foreign national, as a member of a

group, is forced to leave a country, except where such a measure is based on a reasonable and objective assessment of the particular circumstances of each member of that group;

26. further recalls that migrants in Greece originally avoided lodging asylum applications that would have been processed legally precisely because they intended to seek asylum in other Member States, and that once the action plan was put in place, there was a massive increase in the number of requests for asylum in Greece; notes that this excludes the notion of 'collective expulsion' from any further consideration;

27. as regards newly-arrived migrants in Greece, takes note that the Commission's Communication includes safeguards that the Asylum Procedures Directive will apply to them; believes that such safeguards are sufficient to ensure that the highest standards as regards the rights of asylum seekers will be complied with;

28. as regards the increase in the capacity to process applications for asylum/international protection, recalls that the European Commission disseminated at the European Council of 17-18 March 2016 a non-paper which set out its views on the implementation of the EU-Turkey Statement by rapidly supporting Greece's capacity [to process applications] and which contained an evaluation of the operational and human resources needed, as well as information on the organisational structure and the applicable legal conditions;

- stresses that Romania has made Greece one of the most substantial offers of support;

29. recalls that, according to the UN Refugee Agency, the concept of 'safe third country' applies only to states which do not produce refugees or in which refugees can enjoy the privileges of asylum without danger. in this context, believes that concerns that Turkey might not really meet the requirements to be designated a safe country, as it is in the joint action plan, are unfounded;

30. agrees with the Commission that Turkey should take all necessary measures to prevent new sea or land routes for migration opening up from Turkey towards the EU; believes, first and foremost, that Turkey should prevent new maritime routes from opening up via the Black Sea, as they would be much more dangerous to migrants than land routes;

31. believes that the reception of more than two million migrants and refugees by Turkey long before the joint action plan was adopted shows Turkey's tolerance and readiness to help migrants, and believes that it was precisely those attributes that led the EU to launch negotiations on the joint action plan.

*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

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