



EUROPEAN COMMISSION

*Brussels, 2.8.2017
C(2017) 5553 final*

Dear President,

The Commission would like to thank the Camera Deputaților for its Opinion on the Communication on a More Effective Return Policy in the European Union - a Renewed Action Plan {COM(2017) 200 final} and the annexed Commission Recommendation on making returns more effective when implementing the Directive 2008/115/EC of the European Parliament and of the Council {C(2017) 1600 final}.

The Commission welcomes the Camera Deputaților's support for the Renewed Action Plan and the practical implementation of the Commission recommendations with a view to increasing the effectiveness of the Union's return policy. The return of those who do not have the right to stay in the European Union remains a top priority for the Commission in addressing the current migratory pressure as this is the only way to preserve public trust in the proper functioning of the European asylum and migration management system.

The Commission is pleased to inform the Camera Deputaților that some of the points contained in the Communication which the Opinion explicitly mentions are in the process of being implemented. In particular, the Commission has already committed an additional EUR 200 million under the Asylum, Migration and Integration Fund to support Member States in their efforts to return irregular migrants, both through specific actions with a view to creating European Union added value through joint programmes of Member States, and through top-ups to Member States' National Programmes. In parallel, technical discussions with Member States' experts continue with the view to swiftly updating the Return Handbook in line with the recommendations.

The Commission takes note of the Camera Deputaților's call to complement the Action Plan with renewed operative measures. In this regard, the Recommendation and the forthcoming revision of the Return Handbook aim to provide guidance on concrete and immediate actions to remove legal and practical obstacles to return and to achieve more effective return procedures within the existing legislative framework of the Return Directive.

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The Commission agrees with the Camera Deputaților's observation that the actions taken by Member States to implement the Recommendation must go hand in hand with a robust and credible common Union approach towards third countries that do not fully cooperate on the readmission of their own nationals. The Commission will continue to address this point as part of its discussions with third countries, in particular in the context of the Partnership Framework on Migration.

The Commission is pleased that the Camera Deputaților supports the view of the European Parliament, expressed in Resolution (2015/2316(INI)), on the importance of combating human trafficking, cutting the money flow and dismantling the networks. This is of relevance both within the European Union and in the European Union's external relations and the Commission takes these objectives seriously.

In response to the more technical comments in the Opinion, the Commission would like to refer the Camera Deputaților to the attached annex.

The Commission looks forward to continuing the political dialogue with the Camera Deputaților in the future and to continued cooperation on creating a more effective migration and return policy in Europe.

Yours faithfully,

*Julian King
Member of the Commission*

Annex

The Commission has carefully considered each of the issues raised by the Camera Deputaților in its Opinion and is pleased to offer the following clarifications.

Points 5 and 6: *In accordance with the Directive 2013/32/EU, the fact that an applicant for international protection presents false information or documents is a ground for accelerating the examination of the application [Article 31(8)(c)]. If the application is then rejected as unfounded, because it has been established that the applicant does not qualify for international protection in accordance with Directive 2011/95/EU, the application may be rejected as manifestly unfounded [Article 32(2)]. This facilitates the enforcement of forced returns or the adoption of entry bans in accordance with the Directive 2008/115/EC. The same principles are foreseen in the Commission Proposal for a Regulation establishing a common procedure for international protection presented on 13 July 2016 {COM(2016) 467 final}. In addition, Directive 2011/95/EU provides for the obligation for Member States to revoke, end or refuse to renew the status if the beneficiary's misinterpretation or omission of facts, including the use of false document, was decisive for the granting of refugee or subsidiary protection status. The Commission proposal for a Regulation replacing this Directive {COM(2016) 466 final}, presented on 13 July 2016, maintains this provision.*

Points 9 and 11: *The European Border and Coast Guard Agency is implementing the "Rolling Operational Plan" on return support activities by using the newly developed web-based Frontex Application for Return (FAR) in order to better coordinate return operations, and better collect Member States' needs for assistance. The Frontex Application for Return will be connected with the Integrated Return Management Application (IRMA) developed by the Commission. The combination of both applications will allow the Agency to actively contribute to achieving an effective exchange of return related information among all Member States and proactively propose return operations to Member States, as one of the possible measures to increase the number of returns. In addition, it will enable the exchange of information with other relevant stakeholders, such as the European Reintegration Network (ERIN), the European Integrated Return Management Initiative (EURINT) or European Return Liaison Officers (EURLO), facilitating the establishment of new destinations for return operations as well as coordinating pre-return activities carried out also by the European Union funded programmes on return. This will ultimately contribute to achieving an integrated and more proactively oriented return management. The European Border and Coast Guard Agency has also enhanced its role in pre-return activities by coordinating and financing identification missions from third countries to Member States/Schengen Associated Countries with the purpose of identification and further issuing of Travel Documents for returnees.*

Member States are invited to systematically inform the European Border and Coast Guard Agency (pro-actively or upon request) on their needs for both return operations and pre-return assistance.

Point 14: *The Commission is pleased that the Camera Deputaţilor supports the recommendation that Member States should take into account convictions for criminal offences in the European Union when issuing a Return Decision and takes note of the Camera Deputaţilor's call regarding the detention of illegally staying migrants with a view to accelerating their return. In this regard, the Recommendation and the forthcoming revision of the Return Handbook recommends that Member States bring the detention capacity in line with actual needs and provides guidance to better use the legal background offered by the Return Directive for the use of detention for return purposes.*

Point 15: *With regard to the Camera Deputaţilor's recommendation regarding the dismantling of organised criminal networks, the Commission has worked to enhance support to Member States' law enforcement and judicial cooperation in countering migrant smuggling, as well as to better harmonise the work of European Union Agencies, improve information sharing and strengthen cooperation with third countries under the EU Action Plan against migrant smuggling (2015-2020) {COM(2015) 285 final}, adopted in May 2015.*

Point 18: *The Commission is pleased that the Camera Deputaţilor supports the provisions of the Directive 2011/95/EU of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted. The Directive provides for the cessation of protection status when the conditions in the country of origin which have led to the granting of the international protection have ceased to exist or have changed to such a degree that protection is no longer required, a norm that has been maintained in the context of proposed reform of Common European Asylum System. Moreover, in the context of the reform the Commission has proposed to oblige the asylum authorities to review the protection status if Union level country of origin information and common analysis indicate a significant change in the country of origin.*