



EUROPEAN COMMISSION

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*Ms Anca Dana DRAGU
President of the Senat
Calea 13 Septembrie nr. 1-3, sector 5
RO – 050711 BUCHAREST*

Dear President,

The Commission would like to thank the Senat for its Opinions on the Communication and the five draft Regulations of the European Parliament and of the Council forming the New Pact on Migration and Asylum {COM(2020) 609-610-611-612-613-614 final}¹.

The New Pact on Migration and Asylum addresses all the elements for a comprehensive European approach to migration. It sets out improved and faster procedures throughout the asylum and migration system and balances the principles of fair sharing of responsibility and solidarity. This is crucial for rebuilding trust between Member States and confidence in the capacity of the European Union to manage migration.

The Commission would like to address the comments expressed by the Senat in its Opinion as follows:

The Commission wishes to clarify that the proposal for an Asylum and Migration Management Regulation does not provide for automatic mandatory relocation.

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum {COM(2020) 609 final}; Proposal for a Regulation of the European Parliament and of the Council on asylum and migration management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX [Asylum and Migration Fund] {COM(2020) 610 final}; amended proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU {COM(2020) 611 final}, the proposal for a Regulation of the European Parliament and of the Council introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817 {COM(2020) 612 final}; proposal for a Regulation of the European Parliament and of the Council addressing situations of crisis and force majeure in the field of migration and asylum {COM(2020) 613 final}; amended proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of biometric data for the effective application of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management] and of Regulation (EU) XXX/XXX [Resettlement Regulation], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes and amending Regulations (EU) 2018/1240 and (EU) 2019/818 {COM(2020) 614 final}.

The proposal for a Regulation puts in place a new solidarity mechanism flexible in design allowing Member States to determine how they contribute to the mandatory solidarity efforts. The types of solidarity measures are the following: relocation, return sponsorship, and 'other measures', which include capacity building measures, operational support, and measures in the external dimension with third countries. Member States always have the choice between at least two types of solidarity measures, so that relocation is neither automatic nor mandatory.

The level of solidarity contributions is proposed to be calculated in accordance with a distribution key, which is indeed based on population and Gross Domestic Product. These are established factors for determining, in a fair and objective fashion, the level of each Member State's contribution to solidarity. To the extent a Member State has limited capacity to manage asylum applications, it can choose to contribute to the mandatory solidarity efforts through return sponsorship or 'other measures'.

With respect to the proposed border procedure, the Commission wishes to clarify that the proposal for an amended Asylum Procedures Regulation does not imply any financial or administrative burden on the Union, and has no impact on the Union budget. Member States will be able to make use of the funds allocated to their national programmes under both the existing Asylum, Migration and Integration Fund and the new Asylum and Migration Fund to support any investments needed to underpin the border procedure. The European Asylum Support Office (EASO) and Frontex can support Member States with staff for the same purpose, within their respective mandates. A possible transitional period for the entry into application of the new border procedure will depend on decisions in the European Parliament and the Council.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Senat and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

*Ylva Johansson
Member of the Commission*