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**CORRIGENDUM**

This document corrects COM(2015) 490 final of 23 September 2015.

Concerns the English version only.

Update footnotes and minor amendments in the Communication and minor errors in annexes 2, 3, 4, 6, 7.

**COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN  
COUNCIL AND THE COUNCIL**

**Managing the refugee crisis: immediate operational, budgetary and legal measures  
under the European Agenda on Migration**

## I. INTRODUCTION

Every day, thousands of people are forced to flee their homes to escape violence and seek refuge, in their own countries or abroad. The scale of displacement is immense and, as conflicts persist, the numbers are growing. Almost 60 million people are displaced worldwide – the world has not seen so many people fleeing conflict since the Second World War.

The current large numbers of refugees, migrants and displaced persons arriving at our borders is a test for the European Union. The European Agenda for Migration presented by the Commission in May set out the need for a comprehensive approach to migration management. Since then, a number of measures have been introduced – including the adoption of two emergency schemes to relocate 160,000 people in need of international protection from the Member States most affected to other EU Member States. The current refugee crisis, however, requires further, immediate action.

The purpose of this Communication is to identify a set of **priority actions** to be taken within the next six months. **Short term actions** to stabilise the current situation must be coupled with **longer term measures** to establish a robust system that will bear the test of time.

We are not starting from scratch: we already have legislation, financial resources and arrangements in place that are designed to cope with the current situation. The problem is that in many cases they have not been implemented, are not known or are insufficiently exploited.

The list of priority actions (see Annex I) sets out the key measures immediately required in terms of: (i) operational measures; (ii) budgetary support (iii) implementation of EU law and (iv) next legislative steps. The Commission is already implementing those actions within its responsibility. This now needs to be matched by coordinated action by Member States.

Together we must show the world that the Union is capable of managing this crisis. Doing so requires all Member States to play their part to ensure that the balance between solidarity and responsibility is maintained.

## II. WHAT HAS BEEN DONE

The **European Agenda for Migration** in May set out the need for a comprehensive approach to migration management: tackling the immediate crisis, but also action inside and beyond the EU to reshape how we fulfil our obligations towards those in need of protection, how to help the most affected Member States, to respect EU and international obligations on asylum, to return those who do not need protection to their home countries, to manage our external borders, and to address the root causes motivating people to embark on perilous journeys to Europe in the first place, as well as looking at Europe's long term need for legal migration.

The Agenda follows the twin logic of balancing responsibility and solidarity. That means all Member States must offer support, and it means the Member States under the most pressure must make restoring an orderly process their top priority. Both need to improve if we are to restore stability to the situation.

The implementation of the Agenda has begun.

Member States have demonstrated solidarity and agreed to **relocate 160,000 people** in clear need of international protection from the Member States most affected to other EU Member States.

We have mobilised **EU funding** in support of the most affected Member States – allocating over €75 million in emergency funding, on top of the €7 billion in multiannual funding allocated over the period from 2014-20 to support efforts in the field of migration, refugees and border management.

We tripled our presence at sea, increasing threefold the resources and assets available for **Frontex Joint Operations Poseidon and Triton**. 29 Member States and Schengen Associated countries are participating in the joint operations coordinated by Frontex in Italy, Greece and Hungary. Over 122,000 lives have been saved since then. Every life lost is one too many, but many more have been rescued that would have been lost otherwise – an increase of 250%.

We have redoubled our efforts to tackle smugglers and dismantle human trafficker groups, notably with the launch of the **naval operation EUNAVFOR MED**<sup>1</sup>. This has choked off the supply of ships, leading to fewer people putting their lives in peril in rickety, unseaworthy boats. As a result, the Central Mediterranean route has stabilised at around 115,000 arriving during the month of August, the same as last year.

The EU is providing **assistance to the population in Syria** – in particular to internally displaced persons – and financial support to neighbouring countries hosting the highest number of refugees. So far €3.9 billion have been mobilised by the European Commission and Member States in humanitarian, development, economic and stabilisation assistance to Syrians in their country and to refugees and their host communities in neighbouring Lebanon, Jordan, Iraq, Turkey and Egypt. The European Commission has also decided to allocate €1.8 billion from the EU's financial means to set up an **'Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa'**.

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<sup>1</sup> On 22 June 2015 a crisis management operation (EUNAVFOR MED) was launched to fight smuggling activities in the Southern Central Mediterranean. On 14 September 2015, Member States agreed to move to the second, operational phase, after a first, information gathering phase. This important transition will enable the EU naval operation to conduct boarding, search, seizure and diversion on the high seas of vessels suspected of being used for human smuggling or trafficking, within international law.

We have collectively committed to **resettling over 22,000 people** from outside of Europe over the next year, showing solidarity with our neighbours. Individual Member States<sup>2</sup> have also announced bilateral resettlement pledges.

Europe's response in recent months has been decisive. The current refugee crisis, however, requires further, immediate action. A sustainable resolution of the crisis needs a step change in the Union's migration policies – to ensure strong borders, fair procedures, and a system able to anticipate problems.

<b><i>Key Actions Delivered</i></b>	<p>Action already taken under the European Agenda on Migration includes:</p> <ul style="list-style-type: none"> <li>• A tripling in resources and assets to ensure a presence at sea under the Frontex Joint Operations Poseidon and Triton.</li> <li>• A doubling of the emergency funding allocated to the most affected Member States.</li> <li>• Action against smugglers has choked off the supply of ships: the number of migrants crossing the Central Mediterranean in August 2015 was back down to 2014 levels.</li> <li>• The relocation of those in need of international protection already inside the EU can start quickly after the agreement to relocate 160,000 people this year.</li> <li>• Work is also under way with the UNHCR to resettle in Member States 22,000 refugees still outside the EU.</li> </ul>
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**III. PRIORITY ACTIONS FOR THE NEXT SIX MONTHS**

The most pressing need is to support Member States managing exceptional numbers of refugees on their territory.

This requires action both inside and outside the EU. **Inside the EU** to support those Member States most under pressure by applying the procedures, providing financial and technical support, helping to alleviate pressure through an equitable relocation mechanism and strengthening our collective border. **Outside the EU** by creating the conditions where refugees can stay close to their home by strengthening our partnerships with neighbouring states providing temporary protection and key transit countries, ensuring funding for UNHCR and the World Food Programme and other relevant agencies, by stepping up the fight against traffickers and smugglers and by increased diplomatic engagement in key crises such as Syria.

**III.1 OPERATIONAL MEASURES**

Supporting Member States in need is at the heart of the relocation policy agreed by the Council in the past days to **relocate 160,000 people in need of international protection**. This will allow for a significant, if partial, reduction of the pressure on the most affected Member States. All Member States now need to identify national contact points for relocation as a matter of priority to allow applicants for relocation to a particular Member State to be swiftly identified and transferred. The rules preventing secondary movements – to ensure that

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<sup>2</sup> This is the case for Ireland (committed to support 2 900 people in clear need of international protection, both relocation and resettlement, in addition to the EU scheme) and the United Kingdom (up to 20,000 Syrian refugees to be resettlement to the end of the current UK Parliament in 2020).

refugees remain where they are, once relocated – will also need an investment from Member States.

The most immediate practical support will come through **Migration Management Support Teams** working in 'hotspot' areas (see Annex II). The Support Teams will have an instant impact on the most critical point in the chain – where the most affected Member States are finding the sheer number of arrivals too great to manage effectively. Staff deployed by EU agencies and other EU Member States will help identify, screen and register migrants on entry to the EU. This is the first step to a secure future for those in need, and an early opportunity to identify those who should be returned to their home countries. The network of EU Agencies involved will also boost cooperation against migrant smuggling, identifying suspects and helping new investigations. The Support Teams can only work in partnership with national authorities. Only national authorities can set up (with the support of EU funding) and manage well-functioning reception infrastructures, provide the direction and the link with key players such as local authorities, social services, law enforcement and the managers of reception facilities. Frontex<sup>3</sup>, the European Asylum Support Office (EASO)<sup>4</sup>, Europol<sup>5</sup> and Eurojust<sup>6</sup> can provide the policy expertise, facilitate direct communication between Member States, and play a specific role in coordinating return operations. Italy and Greece now need, as a priority, to finalise and start to implement their roadmaps for relocation and for the Support Teams working in hotspot areas, and ensure adequate reception infrastructure.

Another aspect of key operational support remains the Frontex joint operations Triton and Poseidon. This is an example of effective solidarity which will need to be extended and replicated further and Member States should respond quickly and actively to Frontex's requests to make available further equipment and experts. There are several mechanisms available to Member States that could serve this purpose but which have not been fully exploited.

**The EU Civil Protection Mechanism**<sup>7</sup> can be activated by a Member State if it feels overwhelmed by a crisis. The Mechanism can mobilise various types of in-kind assistance, including modules (teams and equipment), shelter, medical supplies and other non-food items, as well as expertise. Participating States provide the assistance, and the Commission can co-finance the transport of relief items and experts to the country in question. In 2015, the EU

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<sup>3</sup> The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) promotes, coordinates and develops European border management and was established on 26 October 2004 by Council Regulation (EC) 2007/2004.

<sup>4</sup> The European Asylum Support Office provides practical and technical support to Member States and was established on 19 May 2010 by Regulation (EU) 439/2010 of the European Parliament and of the Council.

<sup>5</sup> Europol is the European Union's law enforcement agency, assisting EU Member States in their fight against serious international crime and terrorism. It was established on 1 July 1999.

<sup>6</sup> Eurojust is the EU's judicial cooperation Agency, supporting coordination and cooperation between national investigating and prosecuting authorities. It was established on 28 February 2002 by Council Decision 2002/187/JHA.

<sup>7</sup> The EU Civil Protection Mechanism facilitates the cooperation in emergency response among 33 European states (28 EU Member States, Iceland, Montenegro, Norway, Serbia and the former Yugoslav Republic of Macedonia). Turkey has recently signed the agreement to officially join the Mechanism. These Participating States pool the resources that can be made available to one another and to countries all over the world. The European Commission manages the Mechanism through the Emergency Response Coordination Centre. Any country in the world can request assistance from the EU Civil Protection Mechanism. The United Nations and certain international organisations, such as the International Organisation for Migration, can also activate the mechanism to request assistance in non-EU Member States.

Civil Protection Mechanism has been activated twice to assist Hungary<sup>8</sup> and once to assist Serbia<sup>9</sup> in responding to the urgent needs caused by an unprecedented inflow of refugees and migrants.

Member States can request the deployment of **Rapid Border Intervention Teams (RABIT)** to provide immediate border guard support in cases of urgent or exceptional migratory pressure (see Annex III). The Mechanism provides operational assistance for a limited period of time. Frontex funds and deploys national technical and human resources drawn from Member States. The Mechanism has been activated only once by Greece in 2010<sup>10</sup> when a large increase in arrivals affected the Greek-Turkish land border. During the operation, every week close to 200 well-trained guest officers from 26 Member States assisted their Greek colleagues in controlling the border areas as well as in identifying apprehended irregular immigrants. The successful operation at the Greek-Turkish border stabilised the situation and brought down the number of arrivals compared to the peaks in 2010.

In recent weeks some Member States have invoked the **temporary reintroduction of border controls** under the Schengen Border Code. This can be justified in exceptional crisis situations. But it can never be more than a short-term measure before the situation is stabilised. It should be seen as a signal of the urgency for all to act to restore the normal process of migration management as quickly as possible. Should these measures be prolonged or additional measures be requested, the Commission will formalise its assessment on the situation by adopting an opinion on the basis of the Schengen Border Code. Full implementation of the Relocation Scheme and Support Teams working in 'hotspot' areas should allow for the lifting of controls in the month to come.

The EU should also immediately step up the implementation of the **diplomatic offensive** set out in the recent joint communication on the role of EU External Action in addressing the refugee crisis in Europe<sup>11</sup>. At the heart of this is a balanced approach of underlining the EU's expectations of support from partners in tackling the migration issue, and at the same time reinforcing the support and cooperation the EU can offer to assist these efforts.

- The **Valletta Summit on Migration** on 11-12 November 2015 will be a key moment to show the new priority of migration issues in the EU's relations with African partners<sup>12</sup>. The EU has already scaled up efforts for the preparation of the summit in cooperation with all partners and international organisations concerned. The establishment of the Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa with an initial capital contribution of €1.8 billion has already provided a tangible demonstration of what the EU will contribute. This can form part of a two-way partnership to slow the flow of migrants from Africa and boost the return of those not eligible for international protection.

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<sup>8</sup> Several EU Member States including Denmark, Bulgaria, Slovenia, Finland and Poland have already offered material support such as blankets, bed linen and tents, which have been accepted by the Hungarian authorities.

<sup>9</sup> Assistance requested, on 21 September, includes vehicles, fuel, hygiene items, beds, mattresses and food. So far, Hungary has offered 50,000 protective masks.

<sup>10</sup> The Operation at the Greek-Turkish border started on 2 November 2010 and ended on 2 March 2011 (when Frontex resumed the continuation of Joint-Operation Poseidon Land).

<sup>11</sup> JOIN(2015) 40, 9 September 2015.

<sup>12</sup> The Summit will be attended by the EU Member States, the African Union Member States, African countries party to the Rabat and Khartoum Processes, the UNHCR, the International Organisation of Migration. The Valetta Summit follows the European Commission-African Union Commission College-to-College meeting in Brussels on 21 April 2015.

- The *High-level Conference on the Western Balkans route*, which should take place back-to-back with the Justice and Home Affairs Council of 8 October 2015, will discuss the common task of tackling today's pressures and restoring stability to the management of migration via the Western Balkans route. The funding the EU provides to the Western Balkans serves to underline the EU's determination to support neighbouring partners facing a huge and rapidly-evolving challenge. This goes well beyond humanitarian support to refugees – helping to quickly step up capacity in migrant management and in tackling smuggling is also of central importance.
- Part of the EU's strategy should be to develop new *operational cooperation* so that the skills and knowledge being developed and pooled inside the EU are increasingly shared with partners outside the EU. Tools like joint teams of expertise, administrative arrangements and information exchange should increasingly be used to link up law enforcement and migration management services inside the EU and in neighbouring partners, including on return and readmission. Frontex, the European Asylum Support Office, Europol and Eurojust all have a role to play here.
- The refugee crisis is a global crisis and the EU should both contribute to and stimulate *global efforts*. This means working closely with key international organisations such as the UNHCR, the United Nations Development Programme, the International Organisation for Migration (IOM) and the Red Cross. The EU is already stepping up cooperation with the UNHCR. It should also become a top priority in dialogues with strategic partners and with regional players such as the Gulf States.

<b><i>Key Actions to deliver within six months</i></b>	<ul style="list-style-type: none"> <li>• Full roll-out of the Relocation Scheme and Migration Management Support Teams working in 'hotspot' areas</li> <li>• Member States to make use of existing measures by activating the Civil Protection Mechanism and deploying Rapid border intervention teams.</li> <li>• Normalisation of the Schengen area and lifting temporary internal border controls.</li> <li>• Stepping up the diplomatic offensive and intensifying cooperation with third countries.</li> </ul>
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### III.2 BUDGETARY SUPPORT

Financial support will be reinforced immediately. The emergency funding available under the EU budget in the area of asylum, migration and border control has already been doubled this year, to reach €73 million. This has provided direct and immediate support in the crisis (see Annex IV). Under the **Asylum, Migration and Integration Fund (AMIF)** and the **Internal Security Fund (ISF)**, Italy has, for example, received more than €19 million in emergency funding this year, Greece almost €5 million, with new requests now being processed. €4 million was allocated to Hungary last week, of a total of over €5 million so far this year. With several other requests now being processed, this funding has already been exhausted. The Commission will come forward next week with a proposal to add **€100 million to this budget for 2015**.

This is in addition to the large sums (over €300 million) being released in 2015 as pre-financing under **the multi-annual funds for migration and borders**. Last week, Greece received a first tranche of €33 million and Italy received €39.2 million in August.

This means that **resources are available** and are being made available, but to deploy them swiftly needs the commitment of a wide range of government agencies, as well as a smart approach to generate the biggest impact in the shortest possible timeframe. For example, rather than relying on the construction of traditional reception capacities, solutions could be found in the swift use of existing, public or private buildings.

**The EU's Agencies** play an essential role in ensuring cooperation and in using the expertise available to best effect. They are now being asked to be far more active on the ground than was originally envisaged. The EU Agencies working on migration-related areas need **a major injection of resources**. The Commission will propose next week to increase the capacity of the three key EU agencies with a combined increase of 120 additional posts: 60 for Frontex, 30 for EASO and 30 for Europol. The additional cost in 2015 is €1.3 million to be made available still in 2015. Further extension of the mandate of the three agencies would require immediate supplementary funding.

The Commission intends to make proposals to increase by €600 million the migration and border funds in 2016. This would be on top of the €780 million planned for the emergency relocation scheme. This additional funding will support the help to "hotspot" areas, give help to the Member States most affected, frontload the financial support to Member States on relocation, and strengthen the operational capacity of the Agencies. It will make a real difference to immediate needs for migration management, reception, return and border controls.

Priority must go to bridging the **shortfall in funding for the Syria crisis**. This is partly the direct cause of the increased flows of refugees in the Eastern Mediterranean. But it is also partly the result of "donor fatigue". If we are serious in our aim to help the majority of refugees to remain as close to their homes as possible then we must increase our funding. The United Nations estimates the total unmet humanitarian needs for the Syrian crisis for 2015 to be €4 billion.<sup>13</sup> But, only 38% of the funding requirements have been met. The impact of this shortfall is dramatic. UNICEF has reported that in recent months, up to 5 million people – about half of whom are children – have suffered major interruptions to their water supplies, with major risks of disease as a consequence. The EU and Member States should commit to cover at least half of this gap.

The World Food Programme, the Red Cross and the World Health Organisation and other partners have suffered major shortfalls and interruptions in the supply chain of food and health provision. Most EU Member States have reduced their contributions to the World Food Programme, some by up to 100% (see Annex V). The UNHCR reports that already, 1.6 million refugees have had their food assistance reduced; 750,000 children do not attend school despite the great efforts of the EU and other donors; and the funding gap means that 70,000 pregnant women are at risk of unsafe deliveries. It is hardly surprising if many refugees conclude that the dangers of the journey to Europe no longer outweigh the risks of staying. The Commission is calling on Member States to **restore funding for food aid via the World Food Programme to 2014 levels** to stabilise the supply of food to Syrian refugees. The Commission will increase emergency humanitarian aid and civil protection resources **by €200 million** for 2015 to provide immediate resources to respond to demands

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<sup>13</sup> Financial Tracking Service of the UN Office for the Coordination of Humanitarian Affairs (OCHA).

from UNHCR and the World Food Programme and other relevant organisations in order to help refugees immediately.

In a rapidly-changing situation, flexibility is key. **Humanitarian aid** is amongst the most flexible and swift of the tools at the EU's disposal. This budget will be increased by an extra **€300 million** in 2016 compared to the level proposed in the draft budget. As the seasons change, it is essential that the EU retains its capacity to respond to requests from Non-Governmental Organisations (NGOs) or UN agencies to bring immediate, targeted help.

One of the most effective instruments to support Syrian refugees is the **EU Regional Trust Fund in response to the Syrian crisis** ('Madad Fund'<sup>14</sup> – see Annex VI). The EU has made start-up contributions to date of €38 million, with larger replenishments planned later in 2015 and beyond. Italy has contributed €3 million. Germany has pledged to contribute €5 million. The EU is preparing to contribute another €100 million by the end of 2015. This will result in a mobilisation of around €150 million for the Trust Fund in the first year alone. But given the needs on the ground and an impressive project pipeline worth €440 million already, much more is still needed. A clear and long-term commitment to the Trust Fund would be a powerful demonstration to the refugees, and to the international community, that EU support can be relied upon. The Commission will propose next week to reinforce the European Neighbourhood Instrument (ENI) in 2015 by €300 million to allow an increase of the Madad Trust Fund and provide assistance to third countries hosting refugees from Syria. Together with a further reorientation of funds from the Instrument for Pre-Accession, this will allow the total EU level funding for the Trust Fund in this phase to reach more than **€500 million**.

Member State contributions should match the EU funding: so that the Fund would reach a total of at least €1 billion. This would be a powerful global demonstration of the EU's commitment to help Syrian refugees.

For many years, pressure has been building on **Turkey, Lebanon and Jordan** as millions of refugees have fled Syria. It is clear that the root causes are long-standing. Addressing the political turmoil is complex but we must redouble our efforts. The EU has also been working closely with its neighbours to help tackle the migration challenge:

- In **Turkey**, €176 million has already been deployed for migration-related actions, including direct aid to refugees. The EU is now discussing with Turkey an overhaul in the allocation of EU funds, such that a total of **€1 billion** could be available for refugee-related actions in 2015-16, with actions ranging from infrastructure support to health services and teaching refugee children in their own language. A significant part of this will be implemented through the EU 'Madad' Trust Fund for fast delivery. In parallel to this substantial financial support, the Commission has launched a comprehensive migration dialogue with Turkey on all aspects, including registration, readmission and returns, on which Turkey must deliver more effectively. The EU-Turkey Action Plan on migration, should be finalised without delay.
- In **Serbia and the former Yugoslav Republic of Macedonia**, the unexpected arrival of tens of thousands of refugees from outside the region has put a massive strain on infrastructure. Whilst the main priority is to avoid this becoming more than a short-term situation, it is clear that these countries need two-fold support: aid and advice to build up migration management and refugee support, and immediate help to cope with

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<sup>14</sup> The Arabic name of the Trust Fund is 'Madad', broadly meaning providing help jointly with others.

the refugees on their territory today. €78 million from the EU have already been deployed, to improve reception centres and border controls. In addition, €1.7 million has been provided in humanitarian aid since July. A **further €17 million** package is being prepared by the Commission as the flow of refugees across the Western Balkans is unlikely to stop in the short run.

The Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa will target support on the structural weaknesses of migration management. The Trust Fund will help address the crises in the regions of the Sahel and Lake Chad, the Horn of Africa, and the North of Africa. It aims to help foster stability in the regions and to contribute to better migration management. Only two EU Member States<sup>15</sup> have so far confirmed they will contribute and add to the **€1.8 billion** from the EU level. Member State contributions should match the EU funding.

The dominance of the migration issue rightly points to the need to reinforce the core EU funding on these issues. But it is also the case that a variety of support, both funding and operational, can already be drawn upon by Member States in need. In cases where this requires re-programming of existing plans, this option exists precisely to allow Member States to react to circumstances such as the migrant crisis. There is an urgent need for greater flexibility within the Multiannual Financial Framework to allow the redeployment of scarce financial resources to these priority areas. Even if the **Structural Funds** operate with a long-term perspective, they can still be mobilised to help tackle the migration challenge in terms of integration measures like language learning or co-financing key infrastructure including housing and social infrastructure, and in emergency cases reception centres. Shorter-term funding is also available: the **fund for the most deprived** – a fund totalling €3.8 billion 2014-20 – is already used to support migrants and refugees in Belgium, Spain and Sweden. It can cover food and clothing from day one, or early integration support for asylum-seekers. This needs a commitment from Member States to re-programme existing plans to meet new priorities.

<b><i>Key Actions to deliver within six months</i></b>	<ul style="list-style-type: none"> <li>• Increasing the emergency funding for the most affected Member States by €100 million for 2015.</li> <li>• As from 2015, increase the capacity of the three key EU agencies with a 120 additional posts.</li> <li>• Increasing the emergency funding for the most affected Member States and the funding for Frontex, EASO and Europol by €600 million for 2016.</li> <li>• Member States should restore funding for food aid via the World Food Programme to 2014 levels. In addition, €200 million in EU funds for humanitarian aid will be mobilised in 2015 for direct support to refugees.</li> <li>• Increasing humanitarian aid by €300 million in 2016 to be ready to help refugees' essential needs like food and shelter.</li> <li>• Supporting the Trust Fund for Syria up to more than €500 million from the EU budget, to be matched by Member States.</li> <li>• Overhaul the allocation of EU funds (up to €1billion) for refugee-related actions for Turkey. Mobilising €17 million for Serbia and the former Yugoslav Republic of Macedonia.</li> </ul>
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<sup>15</sup> France and Spain (amounts to be determined).

### III.3 IMPLEMENTATION OF EU LAW

The European Agenda on Migration is based on a simple principle: help migrants in need of international protection and return migrants that have no right to stay on EU territory. To implement this European migration policy, it is essential that all Member States fully apply the common rules on asylum and irregular migration that were recently agreed at EU level.

Since the early 2000s, the Commission has tabled a series of proposals to build a **Common European Asylum System** (see Annex VII). And the Parliament and the Council have enacted this legislation, piece by piece.

Across Europe we now have common standards for the way we receive asylum seekers, in respect of their dignity, for the way we process their asylum applications, and we have common criteria which our independent justice systems use to determine whether someone is entitled to international protection.

Five different pieces of legislation form the core of the Common European Asylum System (the Dublin Regulation, Asylum Procedures Directive, the Qualification Directive, Reception Conditions Directive, and EURODAC rules on fingerprinting). All are very recent, and the last ones entered into force only in July 2015.

**The track record of implementation of EU law in this area is poor.** The Commission is determined to use all its powers to ensure that EU asylum and migration law is transposed and enforced and is today launching another series of infringement procedures to that effect – 40 new decisions on infringement cases (see Annex VII). The reality is that this year's crisis has been made worse by the failure to implement existing laws in areas like reception conditions, fingerprinting and return.

Special focus needs to be paid to **Greece** to prioritise the normalisation of the situation and a **return to the Dublin system within the next six months**. Greece's geo-political position has meant it has borne the brunt of the pressure over the past months. This comes on top of persistent problems in the fulfilment of Greece's obligations under EU law. Since 2011, following judgements by the European Court of Human Rights and European Court of Justice, Dublin transfers back to Greece have been suspended as the persistent deficiencies in the Greek asylum system make doing so a violation of an individual's fundamental rights. Greece now needs to work to ensure that the support on offer is put to use in terms of real intervention on the ground. For this, Greece should maximise its efforts to ensure, in particular, that:

- adequate personnel are appointed to the Asylum Service and the First Reception Service in order to guarantee an effective border management (screening, identification, fingerprinting) and an effective asylum procedure;
- the necessary investment is undertaken to address the reception needs of mixed migratory flows; in particular, Greece should maximise its efforts in establishing adequate reception capacity which covers the needs of the current influx and to ensure proper facilities for those in the relocation process;
- the procedures and systems for the absorption of EU funds are improved;
- an effective return system is in place (assisted voluntary and forced returns).

**Key Actions to deliver within six months**

- Full and swift implementation by Member States of EU law in the area of asylum and migration.
- Restoring normalcy and taking all measures in Greece needed so that Dublin transfers to Greece can be reinstated within six months.

**IV. NEXT LEGISLATIVE STEPS: ESTABLISHING A ROBUST SYSTEM THAT WILL BEAR THE TEST OF TIME**

The short term measures necessary to address the immediate crisis are not a long term solution. The Lisbon Treaty foresaw the framing of a common asylum system for precisely this reason. We now not only need to fully implement and enforce what has already been agreed but to accelerate work on the remaining components to create a truly European system. The policies needed to achieve a successful management of migration are closely interconnected. Weaknesses in the external border lead to pressure on the asylum system. Shortcomings in the identification and recording of migrants on entry sap confidence in the system as a whole. The low success rate in returning migrants not eligible to stay in the EU creates cynicism about the value of asylum decisions. And, as has been proved in the past weeks and months, an inability to address the root causes of migration or to mitigate the pressure from outside the EU creates massive strains for the EU. Action is therefore needed in the following areas:

(i) The **Common European Asylum System** is Europe's guarantee that its obligation to help people in need of international protection on a temporary or permanent basis, as well as migrants' fundamental rights, will be respected. This must remain the core of what we are trying to achieve. However, the pressure on the system this year has shown **the need to review the Dublin Regulation**<sup>16</sup> – as well as to ensure its full implementation. Part of an orderly and fair system is also to allow asylum-seekers to work: those Member States who make full use of the 9 month maximum under current rules could immediately commit to allowing asylum-seekers arriving under relocation schemes to work. In addition, long, drawn-out procedures undermine the credibility of the system and create uncertainty for everyone: putting in place an **EU system to recognise safe countries of origin** in asylum procedures, as the Commission has proposed for countries in the Western Balkans and Turkey, will be an important step to help distinguish those in most need.

Part of this work must be to be ready in case the Union were to face the kind of exceptional pressure it has seen this year again: that is why the Commission proposed, in addition to the two proposals for emergency relocation, an amendment to establish a **mechanism allowing the relocation of people in clear need of international protection in crisis situations jeopardising the application of the Dublin system**.. This proposal<sup>17</sup> should be adopted as a matter of urgency.

(ii) Part of the credibility of the system depends on knowing that those who are not eligible for international protection are returned to their homeland. The full implementation of the measures set out in the Commission's recent **action plan on return** would restore credibility

<sup>16</sup> Regulation (EU) No 604/2013 of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)

<sup>17</sup> COM(2015) 450, 9 September 2015

to the EU's return system.<sup>18</sup> This needs a dual track approach of action at EU level – through better information-sharing, increased resources at both EU and national level, stepping up the role of Frontex, and a new emphasis on readmission in our relations with third countries – and at national level, to ensure that the rules in place are effectively applied and return decisions implemented.

(iii) The EU cannot ignore the reality of the challenge faced today in Member States managing the Union's external borders. The external border remains the most important single point for establishing the stability of asylum and migration policy as a whole. It is a strong external border which allows us to free up our internal borders through the Schengen area, and to guarantee free movement of people. So we must work more closely together to manage our external borders. This means strengthening Frontex and enhancing its mandate, and developing a fully operational **European Border and Coast Guard**, to better protect the EU's external borders and strengthen the EU's ability to deploy resources quickly when a crisis occurs.

(iv) A more orderly and fair system of migration management must also involve shifting the focus onto the processing of migrants before they make the dangerous journey to Europe – whether refugees likely to be eligible for international protection, migrants looking to benefit from legal migration schemes, or indeed those who will take the risk of making their way to the EU, only to find that they are returned to their homeland. An effective approach needs to be centred on Europe's tradition of humanitarian support through a solid, EU-wide system of **resettlement**. Building on the experience of the scheme now under way, and as set out in the European Agenda on Migration, the Commission will develop a proposal for a structured system to ensure a collective approach to resettlement at times of intense refugee crisis. A more consistent approach and pooling of EU efforts would show that the EU is equipped to respond to the needs. It would also show to refugees that the best guarantee is to use established UNHCR channels. This would require a committed effort to support measures to ensure that migrants awaiting such processing are received under appropriate conditions and their rights are fully respected, as close to home as possible.

(v) Finally, a long-term approach must include opening **legal channels for migration**. This is part of establishing a robust system of migration management, and essential if we are to make migration less of a problem to be tackled, and more a well-managed resource for a continent facing a severe demographic decline.

<p><i>Key Commission Actions to deliver by March 2016</i></p>	<ul style="list-style-type: none"> <li>• Ambitious steps towards establishing a European Border and Coast Guard and extension of the Frontex mandate (December 2015)</li> <li>• Legal migration package including revision of Blue Card (March 2016)</li> <li>• Further reform of the Dublin Regulation (March 2016)</li> <li>• Proposal for a structured system on resettlement (March 2016)</li> <li>• Updated strategy on human trafficking (March 2016)</li> </ul>
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**V. CONCLUSION**

Since the beginning of the year, nearly 500,000 people have made their way to Europe – a trend which is set to continue.

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<sup>18</sup> COM(2015) 453, 9 September 2015

The European Commission has been consistently and continuously working for a coordinated European response on the refugees and migration front. We have achieved a great deal in a short space of time.

Heads of State and Government meeting in the European Council today now need to drive these efforts home by agreeing on the attached Priority Actions and implementing it with immediate effect.

### **List of Annexes**

I. Priority Actions under the European Agenda for Migration to deliver within six months

II. Migration Management Support Teams working in 'hotspot' areas

III. The Rapid Border Intervention Teams mechanism

IV. Financial Support to Member States under the Asylum, Migration and Integration Fund and the Internal Security Fund

V. Member State and Commission contributions to the World Food Programme

VI. EU Regional Trust Fund in response to the Syrian crisis ("Madad Fund")

VII. Implementing the Common European Asylum System