

EUROPEAN UNION



Committee of the Regions

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DRAFT OPINION

**Commission for Citizenship, Governance, Institutional and External
Affairs**

European Agenda on Migration

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This document will be discussed at the meeting of the **Commission for Citizenship, Governance, Institutional and External Affairs** to be held from **11 a.m. to 4.30 p.m. on 14 September 2015**. To allow time for translation, any amendments must be submitted using the online tool for tabling amendments (available through the Members' Portal: <http://cor.europa.eu/members>) by **no later than 3 p.m. (Brussels time) on 1 September 2015**. A user guide is available at <http://toad.cor.europa.eu/CORHelp.aspx>.

Reference document

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A European Agenda on Migration

COM(2015) 240 final

**Draft opinion of the Commission for Citizenship, Governance, Institutional and External Affairs
– European Agenda on Migration**

I. POLICY RECOMMENDATIONS

THE EUROPEAN COMMITTEE OF THE REGIONS

1. welcomes the discussions in the European Council on 23 April last and on 25-26 June and in the Justice and Home Affairs Council and the efforts to agree on a common approach to the migration crisis and how best to alleviate the situation;
2. regrets, nevertheless, that the meetings of heads of state barely addressed the humanitarian issue; in this respect, stresses that the strengthening of border controls and measures to tackle irregular migration is essential, but cannot take precedence over international obligations to save lives and respect human rights, or over the right to seek asylum in the EU, which must remain a place of refuge for people in need of international protection;
3. stresses that a stronger focus on the EU's commitment to upholding the principle of solidarity is necessary in order to create a fully-fledged migration policy tackling all the issues faced by local and regional authorities. In this respect, the CoR welcomes the resolution of the European Parliament that was adopted on 29 April and took a firm position on the need for effective measures and a comprehensive EU response to the developments in the migration field;
4. welcomes, in this respect, the publication of the European Agenda on Migration on 13 May by the European Commission; believes this to be an important step towards forming a comprehensive approach to the benefits and challenges of migration;
5. welcomes the importance given in that Commission communication to prioritising an effective and sustainable return policy, which respects the rights of migrants and takes into account the specific features of the countries of origin. For this purpose, practical cooperation between the local authorities and the relevant third countries must be improved in order to foster and create the most efficient voluntary return systems;
6. welcomes the fact that the Commission communication underlines the importance of saving lives at sea as a priority for "immediate action", and reiterates that solidarity, mutual trust and shared responsibility between Member States and local and regional authorities is the political compass that must be followed to achieve this objective;

The communication offers pragmatic solutions based on solidarity

7. welcomes the response to high volumes of arrivals within the EU proposed in the communication. Relocation is an effective means of solving the problem of uneven distribution of asylum-seekers and refugees between states and between and within regions;
8. reiterates, however, that it is time to establish more clearly what shared responsibility and solidarity may entail when it comes to asylum and migration issues. It is clear that different

countries, regions and local authorities have different ideas of what constitutes reasonable sharing of responsibility or solidarity, based on their specific circumstances and wishes. However, regrets that the Commission's communication does not suggest any solutions to the lack of forward planning and inability to prepare for reception sufficiently early. Improvised solutions can have negative social consequences, making it harder for new arrivals to adequately equip themselves for starting the integration process;

9. welcomes the budget increase for the EU operations Triton and Poseidon and the commitment from fifteen Members States to provide additional resources. However, regrets that the communication does not tackle sufficiently the issue of directly accessible financial resources for local and regional authorities to allow them to fulfil their obligations where migration and integration are concerned, ensuring they have access to national and EU funds (such as the Asylum and Migration Fund, the Neighbourhood Policy Instrument, the European Social Fund and the External Borders Fund);
10. welcomes the European Council decision of 26 June 2015 on the relocation of 40 000 migrants. It shows that the principle of solidarity and shared responsibility are not wishful thinking but an effective way to implement a common policy instrument to manage the arrival of migrants. However, the role of local and regional authorities should have been more prominent in the discussion as they have first-hand information on their capacity to welcome migrants;

The solutions must be implemented fast

11. regrets that the measures to save lives at sea are not yet implemented, and points out that a further massive tragedy was recently averted off the Libyan coast essentially thanks to the work of Médecins Sans Frontières. This illustrates the fact that despite the financial solutions presented in the communication for operations Poseidon and Triton, the situation is an emergency to which the only solution is common action by the EU day-to-day with regard to our human rights values;
12. reiterates that solidarity is a cardinal principle not only towards migrants but also towards local authorities that face the pressure to help those migrants on a daily basis;
13. underlines that during the last few months the issue has become more salient with the human tragedies unfolding in the Mediterranean and in Calais, but also because the number of migrants has risen in local and regional authority areas that were until recently crossing points. The case of Paris is interesting in this respect as camps of migrants are forming there, and the problems that have been faced by Calais and Lampedusa for years now are spreading to other cities. This fact is alarming, but must be taken as an opportunity to convince public opinion that relocation is the only solution before the routes between the Mediterranean and Calais become a series of localities overwhelmed by the size of migrants communities looking to settle in the UK;
14. wants to alert the Commission to the reality of the human tragedy that the migratory situation is creating in Europe: over 2 000 deaths in the Mediterranean according to the IOM, 700 deaths in the space of a few days in April 2015, and 9 deaths linked to migrants trying to cross the Channel;

The solutions can go further

15. calls for practical solutions to be geared towards local and regional authorities and not only Member States. In the aftermath of the events involving migrants and the Channel Tunnel, the debate is more focused than ever on the role of local and regional authorities and shows that the challenge is not only a matter of financial means but of physical capacity. Hence the Commission must further its ambition by pushing forward pragmatic solutions to enhance local authorities' physical capacities. The shared management of refugee camps is another way to alleviate the burden on local authorities. Police forces and administrative staff could be sent from one region to another to foster cooperation between neighbouring regions and bring enough manpower to manage the growing population in distress;
16. calls for a further increase of this budget in proportion to the changing needs for effective rescue operations and hopes that all Member States will commit to allocating the necessary additional resources; underlines that the swift release of funds and resources should be facilitated as much as possible without being delayed by unnecessary bureaucratic procedures;
17. urges that particular attention be paid to strengthening synergies between the various bodies and systems set up to date, on the basis of their specific remit and scope: such as Frontex, SIS II and EUROSUR, operating within the framework of migration and the movement of persons and, in terms of security, EUROPOL and EUROJUST, working to prevent and eradicate the criminal offences linked to illegal transits;
18. regrets that no specific measures for asylum-seekers have been put forward by the Commission to create safe and legal routes into Europe, in order to avoid further loss of human lives on dangerous journeys. These could include establishing a "humanitarian corridor", issuing more visas on humanitarian grounds and setting up reception centres in countries of transit for processing asylum applications or determining eligibility for legal entry into EU countries. The idea of a "humanitarian corridor" is in line with the idea of relocation and solidarity as it is the only effective means of tackling organised crime. The sooner the migrants are under the authority of European public authorities the easier the task of relocation will be. It is also the best way to alleviate the burden on southern Italy and northern France as they are both at the extremity of the route preferred by smugglers. Local and regional authorities could be very helpful in this respect;
19. regrets that the Commission did not echo the suggestion made by the Committee of the Regions to develop systems for sharing expertise and pooling experience and good practice. The Committee thus reiterates that a complete system of data sharing on the subject of migration and local authorities, based on the VIS system, should be implemented. This system could bring excellent results in terms of housing management, processing the claims of asylum-seekers and refugees, integration policies and tackling irregular migration and would offer practical solutions to set in motion the principle of solidarity between local authorities;

20. regrets that the need for data-sharing among local and regional authorities and Member States in processing the claims of asylum-seekers and refugees, and the issues of integration policies and tackling irregular migration have not been tackled in the Commission communication;
21. agrees that the full and coherent implementation of the Common European Asylum System should be a priority; suggests actively involving and harnessing the experience of local and regional authorities in the announced process of improving standards in reception conditions and asylum procedures, establishing training and networking of reception authorities as well as in the debate to be launched on the development and completion of the Common European Asylum System;

The choice of legal basis

22. regrets that once again Article 80 TFEU has not been used to take measures implementing solidarity and the fair sharing of responsibility with regard to mobility, including its financial implications, between the Member States. Commitments concerning migration and repatriation have been entirely voluntary, and in some cases it has been cities that have taken the lead in putting these commitments into practice;
23. regrets that the system for relocation has been based on Article 78(3) TFEU for which Denmark and the UK have an opt out. In the light of the recent events at the border between the UK and continental Europe, this gives an unclear signal as to what solidarity means and how this principle should be first and foremost applied when different authorities work together on two different sides of a border;
24. underlines that the legal basis, while being chosen for its efficiency, leaves the European Parliament out of the decision-making. As a consultative body, the Committee of the Regions must emphasise the importance of the input given by consultative bodies. While the European Parliament's political input will have to be carefully considered, the role and involvement of local and regional authorities is crucial in the response to the crisis;

The role of local and regional authorities

25. reiterates that multilevel governance is the most appropriate means of generating the necessary mix of measures and initiatives, in order to achieve optimum results in the integration of migrants. All levels of government throughout the EU should share the responsibility for the reception and integration of refugees and migrants, and improve inter-regional cooperation, coordination and solidarity through the development of a mechanism for redistributing them between Member States, regions and local authorities, taking into account structural constraints, resources, labour market needs, demographic situations and other relevant factors;
26. reiterates that local and regional authorities have first-hand experience of the situation: they need to be consulted and included in the process of relocation. Local and regional authorities constitute an efficient level of government for providing clear data on the number of migrants present in their territories and must be included in order to enforce a fair mechanism based on solidarity;

27. regrets, therefore, that the role that local and regional authorities can play in the development and implementation of medium and long term policies was barely taken into account in the European Agenda on Migration announced by the European Commission;
28. urges all Member States to cooperate with local and regional authorities in the implementation and operation of both the emergency relocation mechanism, which has been proposed by the European Commission, and should soon be put in place, and also in the future mandatory and automatically-triggered relocation system that should be proposed by the end of this year;
29. welcomes the incentive of EUR 6 000 guaranteed for each migrant relocated; however, urges that these funds be used by the level of authority in charge of welcoming the migrants;
30. expects that the European Agenda on Migration will become the reference point for the adoption and implementation of effective migration policies based on the respect of fundamental rights and solidarity between the EU, Member States, local and regional authorities and migrants;
31. reiterates that cooperation and solidarity would be considerably easier if more is done in terms of practical and pragmatic solutions. Local and regional authorities' expertise must not be neglected when aiming to identify the main issues;
32. underlines that the Committee of the Regions is well placed to reach out to cities and regions all over Europe, to facilitate and encourage the exchange of innovative ideas and practices and to carry forward the debate on the ways to achieve more efficient involvement of local and regional authorities in the design and implementation of immigration and integration policies, in line with multilevel governance and the subsidiarity principle;
33. reiterates that a bottom-up approach is necessary to address disparities between Member States and regions in the conditions in which asylum-seekers, refugees or irregular migrants are hosted on initial arrival and in the efficiency and speed with which applications and dossiers are processed;
34. urges that the EU, national and sub-national authorities work in close cooperation with civil society, migrants' associations and local communities and be receptive to their input;
35. reiterates that the EU should seize all opportunities to cooperate with institutional partners and to foster the debate in all relevant frameworks. Organisations such as the IOM and the CoR's ARLEM are important partners in this respect;

Brussels,

II. PROCEDURE

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| Title | European Agenda on Migration |
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| Legal basis | Art. 307(1) TFEU |
| Procedural basis | Rule 41 b)i) RoP |
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| Date of Bureau/President's decision | 27 May 2015 |
| Commission responsible | Commission for Citizenship, Governance, Institutional and External Affairs |
| Rapporteur | François Decoster (FR/ALDE) |
| Analysis | 22 July 2015 |
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| Date adopted by commission | Scheduled for 14 September 2015 |
| Result of the vote in commission (majority, unanimity) | |
| Date adopted in plenary | Scheduled for 3-4 December 2015 |
| Previous Committee opinions | <p>Stockholm Programme: Challenges and opportunities in view of a new multiannual programme on the EU area of freedom, justice and security, rapporteur Anna Terrón i Cusí (ES/PES)¹</p> <p>Delivering an area of freedom, security and justice for Europe's citizens – Action plan implementing the Stockholm programme, rapporteur Holger Poppenhäger (DE/PES)²</p> <p>Seasonal workers and intra-corporate transfer, rapporteur Graziano Ernesto Milia (IT/PES)³</p> <p>New European Agenda for Integration, rapporteur Dimitrios Kalogeropoulos (EL/EPP)⁴</p> <p>Global approach to migration and mobility, rapporteur Nichi Vendola (IT/PES)⁵</p> <p>Enhanced intra-EU solidarity in the field of asylum, rapporteur Theodoros Gkotsopoulos (EL/PES)⁶</p> <p>EU financial instruments in home affairs, rapporteur Samuel Azzopardi (MT/EPP)⁷</p> |

1 CdR 201/2009 fin.

2 CdR 170/2010 fin.

3 CdR 354/2010 fin.

4 CdR 199/2011 fin.

5 CdR 9/2012 fin.

6 CdR 11/2012 fin.

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| | <p>EU strategy towards the eradication of trafficking in human beings 2012-2016, rapporteur Jelena Drenjanin (SE/EPP)⁸</p> <p>Smart Borders, rapporteur António Costa (PT/PES)⁹</p> <p>2013 EU citizenship report, rapporteur Theodoros Gkotsopoulos (EL/PES)¹⁰</p> <p>Future EU policies in Justice and Home Affairs, rapporteur Lotta Håkansson Harju (SE/PES)¹¹</p> <p>The efforts to promote genuine solidarity on a real European migration policy, rapporteur François Decoster (FR/ALDE)¹²</p> |
| Date of subsidiarity monitoring consultation | N/A |

7 CdR 12/2012 fin.

8 CdR 1564/2012 fin.

9 CdR 3534/2013 fin.

10 CdR 3536/2013 fin.

11 CdR 8115/2013 fin.

12 CdR 5728/2014 fin.