



**European Committee
of the Regions**

CIVEX-VI/029

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OPINION

Implementation of the European Agenda on Migration

THE EUROPEAN COMMITTEE OF THE REGIONS

- considers self-evident that any action taken by the EU and its Member States must always be governed by the overarching principles of compliance with international law and protection of human rights;
- recognises the need for the EU to take even more radical measures to: beef up the assistance provided to Member States on the frontline of migrant and refugee arrivals, with particular emphasis on supporting LRAs in regions which receive the bulk of refugees and migrants owing to their geographical location; ensure strict implementation of the EU-Turkey agreement in full respect of the humanitarian and international law standards; and provide the necessary assistance to the groups of people most severely affected by these movements, in particular unaccompanied minors;
- urges the European Commission to develop a set of guidelines for setting up and running reception and identification centres ("hotspots") at the external borders of all the EU Member States, guidelines that among other things would ensure the full respect of EU and international fundamental rights and establish a specific administrative framework for these facilities;
- points out that it is crucial to consider, with the involvement of the local and regional authorities most affected, the long-term possibility of transferring responsibility for examining asylum applications from national to EU level; the CoR calls on the EU Member States to accelerate the procedures for examining asylum applications, without compromising legal certainty;
- would argue that applying the principle of solidarity between Member States is a precondition for sound management of the large number of asylum applicants;
- underlines the need to create safe routes to the EU for legal migrants or people entitled to international protection status under international law, such as humanitarian visas, increased family reunification and private sponsorship programmes; setting up hotspots on the territory of third countries is an important step towards this end;
- observes that the success of integration policies will always rest on the principles of democracy, respect for human rights, gender equality, tolerance, freedom of expression and the rule of law, these being the foundation of European values;
- underlines that local and regional authorities should be partly responsible for the management of the Asylum, Migration and Integration Fund.

Rapporteur

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Reference document

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Delivery of the European Agenda on Migration
COM(2017) 558 final

Opinion of the European Committee of the Regions – Implementation of the European Agenda on Migration

I. POLICY RECOMMENDATIONS

THE EUROPEAN COMMITTEE OF THE REGIONS

Preliminary remarks

1. Underlines that migratory movements for a number of different reasons are an integral part of human and notably European history; highlights that Europe's cities and regions are currently under pressure from the high number of migrants resulting from instability in countries outside the EU. The continent of Europe, and in particular the regions on its southern and eastern margins, and last year the western Mediterranean and the Spanish coast including Spain's southern Atlantic coast, have for a long time been at the origin of emigration, but have become in recent years a main arrival point for migratory and refugee flows from outside the EU.
2. The number of migrants and refugees, mostly from African and Asian countries as well as the Middle East, trying to enter European Union (EU) countries has increased sharply in recent years. In the period since 2015 Europe has received the largest number of migrants and refugees since the end of the Second World War. Factors such as the continuing crisis in Syria, the development of centres of unrest in various regions of Africa and Asia, and the attempt by many people on those continents to seek better living conditions in Europe, have been critical in exacerbating the trend. The main countries of arrival in the EU include those with coasts on the Mediterranean Sea, in particular Greece and Italy.
3. To address this unprecedented challenge as effectively as possible, in May 2015 the European Union announced a European Agenda on Migration¹. The immediate priority was to save lives at sea in view of the humanitarian tragedies in the Mediterranean, and therefore to develop European action in the following areas: (1) improving search and rescue operations; (2) combating criminal smuggling and trafficking networks; (3) relocation of refugees within EU borders; (4) return of displaced people to their place of origin; (5) cooperation with third countries to tackle migratory flows upstream; and (6) providing help to EU Member States that are on the front line of migrant and refugee arrivals. The European Agenda on Migration also established four pillars for the adoption of a comprehensive EU migration policy: (1) reducing the incentives for irregular migration; (2) saving lives and securing external borders; (3) providing the basis for coherent implementation of a Common European Asylum System; and (4) framing a new policy on legal migration.
4. Historical experience shows that migrants will be forced to seek more dangerous routes to destination countries in the absence of legal channels for migration. And this forces people to resort to smuggling networks, risking their lives and personal safety. This also considerably increases the vulnerability of women;

¹ COM(2015) 240 final.

Specific comments

5. The European Committee of the Regions (CoR) notes to begin with that while the European Agenda on Migration falls primarily within the remit of national governments, an important role is played by local and regional authorities (LRAs) in this area;
6. points out that LRAs play an important role in receiving the increased number of refugees and migrants. This is because LRAs, are the bodies which receive refugees and migrants, whom they are required to take care of, house and look after in conditions that ensure their human dignity, often for indeterminate periods of time and whom they need to help to integrate in many cases. This affects in particular regions on the outer borders of the EU (such as the Greek Aegean islands close to the Turkish coast, certain island regions of Italy, as well as the coast of Andalucía, and especially migrant arrivals in the provinces of Cádiz, Granada and Almería, the territories of Ceuta and Melilla; and the Canary Islands,) where migrants first arrive in EU territory;
7. in view of these facts, observes that LRAs need to be involved in every stage of framing and implementing the European Agenda on Migration, including setting priorities, evaluating outcomes, as well as monitoring the consequences, for local and regional authorities of government policies in this area; this process should include all layers of governance, in a transparent manner, starting with municipalities and local authorities;
8. commends the EU's efforts to support the establishment of sustainable political and administrative structures in relation to issues of migration and asylum, and considers that these efforts should include supporting regional and local institution-building by providing for effective funding, technical assistance and training for LRAs, so that optimum use is made of humanitarian aid and existing and future financial resources, particularly for initial reception; in this connection, the regions most affected by migratory flows or with a high proportion of migrants should have direct access to EU integration funding;
9. points out that the subnational authorities represented in the CoR are mounting a considerable effort and investing equally considerable resources to tackle on the ground the humanitarian issues arising from refugee and migration flows. In this context the CoR has already proved itself to be a valuable partner to the other bodies concerned (including the European Commission) in implementing the European Agenda on Migration;

Priorities

10. considers self-evident on the one hand that the complexity of this issue makes close cooperation necessary between the EU Member States and on the other that any action taken by the EU and its Member States must always be governed by the overarching principles of compliance with international law and protection of human rights;
11. believes it is absolutely essential that the EU continue its efforts to establish and strengthen the common European framework for migration and asylum, as well as its preventative action so as to help address irregular migration, help promote stability and the upholding of fundamental

rights in its neighbourhood. The EU must be in a position to offer help to those of its Member States that bear a heavier burden with respect to migratory and refugee flows, basing its policy on the fundamental principle of solidarity; the Mediterranean area needs broad-based support in this respect, as do the Spanish overseas territories like Ceuta and Melilla;

12. underlines the need to step up preventative action relating to irregular migration so that assistance can be focused on those in real need of protection. Also expresses deep concern over the slave trade that has developed in some countries in Africa as a result of the illegal smuggling routes and activities, and particularly the trafficking of women and girls for the purposes of sexual exploitation;
13. considers that the EU, as the largest international donor, should make efforts to ensure that migration policy and international development cooperation are coordinated public policies. At the same time, the CoR considers dangerous the tendency of some international organisations (such as the OECD's Development Assistance Committee) to allow the costs incurred by developed countries in dealing with refugees to be counted as official development aid;
14. stresses the crucial importance of international development cooperation as a public policy designed to promote the improvement of living conditions in third countries, to eliminate inequalities and, in the field of humanitarian action, to have an impact on situations which lead to forced migration;
15. as things currently stand, identifies six areas for action: (1) an immediate response and provision of help to Member States where urgent situations exist owing to increased refugee or migratory flows; (2) reducing the incentives for a continuation of irregular migration; (3) management of the EU's external borders; (4) political asylum; (5) management of legal migration and integration of migrants into society and (6) cooperation with the countries of origin;

Response to urgent situations

16. welcomes action taken to date by the EU to address the critical situations that have arisen as a result of increased migratory and refugee flows over recent years, measures that include:
 - joint operations Triton and Poseidon in the central and eastern Mediterranean respectively;
 - provision of special financial assistance to the Member States in greatest difficulty, which have to step up the basic health, social and legal services provided by the regions to this population;
 - setting up and running of reception and identification facilities ("hotspots") in Greece and Italy, as well as arrival points in Andalusia;
 - the EU-Turkey agreement, which had the effect of drastically limiting uncontrolled migratory flows from Turkey to Greece (although this should not be taken as a model for dealing with migration problems) while raising some concerns as to its compatibility with international human rights standards and its "sustainability" as part of a comprehensive EU policy response to the crisis;
 - provision of assistance to the Libyan coast guard, which was instrumental in reducing flows to Italy in the framework of the EUNAVFOR Med Operation Sophia;

- increasing funding for the European Asylum, Migration and Integration Fund, which enabled it to provide more help to the Member States; these funds must reach the regions;
17. recognises the need for the EU to take even more radical measures to:
- beef up the assistance provided to Member States on the frontline of migrant and refugee arrivals, with particular emphasis on supporting LRAs in regions (such as the Greek Aegean islands and Italy, as well as Spain's southern coast and islands) which receive the bulk of refugees and migrants owing to their geographical location;
 - relieve pressure on the regions receiving the bulk of refugees and migrants, taking into account factors such as the particular circumstances of islands;
 - ensure strict implementation of the EU-Turkey agreement in full respect of the humanitarian and international law standards, including the provisions for returning people to Turkey while ensuring the access to proper asylum procedures to those who are entitled to them;
 - provide the necessary assistance to the groups of people most severely affected by these movements, in particular unaccompanied minors;
18. draws attention to the positive role played by certain non-governmental organisations (NGOs) in addressing the acute problems of housing, food, healthcare, etc. for refugees and migrants, especially in regions receiving the largest influx of refugees and migrants, but notes the need for better coordination of NGO action in close partnership with LRAs so that the contribution of NGOs is more streamlined and effective, as well as compatible with local needs and situations, while they are also subject to the necessary transparency and social accountability requirements; considers that EVS could play a key role in the reception of refugees and migrants, in cooperation with NGOs and public administrations;
19. stresses the importance of the international humanitarian aid provided by the EU and its Member States to third countries where situations of emergency are closely connected with the increase in migration flows;

Discouraging irregular migration

20. sees as essential the continuation of EU efforts in cooperation with third countries to combat irregular migration networks, especially in countries of origin and transit;
21. underlines the need for a sound legal basis for operation EUNAVFOR Med Sophia to enhance its effectiveness and improve its ability to disrupt the business model of traffickers and human smugglers; for instance, calls for the EU institutions to cooperate with the Libyan Coast Guard to stop dinghies and boats leaving illegally to reach the EU; notes that patrolling activities, including support to search and rescue activities have gradually shifted from waters near the Italian territory to waters nearer Libya; acknowledges that one of the direct consequences of this has been a change in the business model of smugglers that place irregular migrants and refugees on cheap and completely unseaworthy inflatable dinghies that have no prospect of ever reaching the Italian shores, assuming they will be picked up near or within Libyan territorial waters;
22. welcomes the very productive step of setting up the European Migrant Smuggling Centre;

23. calls for more initiatives from the European Commission to establish a coherent action plan, involving all the EU Member States, the relevant EU bodies, as well as other bodies concerned by the issue, so as to provide a more effective response to smuggling networks;
24. believes it is essential to improve the effectiveness of the European framework for returning those without a right to stay so that the number of returns can be increased, in compliance with European and international rules;

Border management

25. welcomes the setting-up of the European Border and Coast Guard Agency as an extremely important development and a decisive step specifically towards more effective protection of the EU's external borders. The work of the European Border and Coast Guard Agency is making it possible to improve coordination between the EU Member States and ensures a prompt and efficient response to situations requiring urgent action at the external borders;
26. recognises that there is even more scope for action on the part of the European Border and Coast Guard Agency to help in areas such as: (1) providing technical and operational assistance to support search and rescue operations for people in distress at sea during border surveillance operations; (2) organising, coordinating and conducting return operations and interventions; (3) promoting operational cooperation between the Member States and third countries in relation to managing the EU's external borders; stresses the urgent necessity to reduce the numbers of crossings and to stop dinghies and boats from leaving illegally to reach the EU;
27. urges the European Commission to develop a set of guidelines for setting up and running reception and identification centres ("hotspots") at the external borders of all the EU Member States, guidelines that among other things would ensure the full respect of EU and international fundamental rights and establish a specific administrative framework for these facilities. This will mean drawing on the experience acquired (including that of the relevant LRAs) from setting up and running reception and identification centres in Greece and Italy, which among other things highlights the need to study the specific treatment of refugees and migrants;

Common asylum policy

28. considers it essential that the Common European Asylum System be adapted to the current pressing needs, and in this context believes that it is absolutely essential to review the situation with the Dublin system, which determines the criteria and mechanisms for deciding which EU Member State is responsible for examining an asylum application; in this context, calls on the Member States to make progress on the proposed reform of the relevant EU legislation which, despite being probably not sufficient, goes in the right direction;
29. points out that the prevailing system entails an unequal distribution of refugees and migrants between the Member States, with more pressure falling on Member States (in particular Greece and Italy) whose geographical location means that they receive the overwhelming majority of arrivals. The current situation contributes to social tensions and discontent in the countries

dealing with disproportionate numbers of arrivals of refugees and irregular migrants, in particular at the local level, and it generates subsequent secondary migration movements within the EU. If the problem is to be addressed more effectively, it is crucial to consider, with the involvement of the local and regional authorities most affected, the long-term possibility of transferring responsibility for examining asylum applications from national to EU level. Moreover, the CoR calls on the EU Member States to accelerate the procedures for examining asylum applications, without compromising legal certainty;

30. regards as constructive the plan to allocate refugees proportionately between all the EU Member States, while acknowledging that although progress has been made here, the system has not been working 100% effectively;
31. would argue that applying the principle of solidarity between Member States is a precondition for sound management of the large number of asylum applicants;
32. emphasises that protecting women (especially mothers and pregnant women) and children (especially unaccompanied children), who are the most vulnerable refugee groups, must be treated as particularly important; in Member States where the regions have administrative responsibility for the guardianship of unaccompanied minors, these regions should receive financial aid to enable them to assist these migrant minors;

Legal migration and integration

33. underlines the need to create safe routes to the EU for legal migrants or people entitled to international protection status under international law, such as humanitarian visas, increased family reunification and private sponsorship programmes. To achieve this it is essential both to establish and to broaden existing forms of cooperation with third countries, whether these be the countries of origin of displaced people or countries through which such people are travelling in order to reach the EU. Setting up hotspots on the territory of third countries is an important step towards this end, and therefore all the necessary measures should be taken by the EU to reach relevant agreements with such countries, ensuring full respect of EU law and international human rights standards. At the same time it will be necessary to develop a coherent framework of guidelines and rules to ensure all the essential elements are in place for the smooth operation of hotspots;
34. considers it a priority to integrate third-country nationals (legal migrants and refugees) as swiftly and as fully as possible into the societies of the EU Member States. Integration should be at multiple levels and should be comprehensive. However, account must be taken both of specific local features in the host countries and of the particularities and diversity (national, linguistic, religious, etc.) of the third-country nationals. The approach must therefore be adapted to the specific circumstances obtaining in each case;
35. observes that the success of integration policies will always rest on the principles of democracy, respect for human rights, gender equality, tolerance, freedom of expression and the rule of law, these being the foundation of European values;

36. believes that the involvement of civil society and the private sector at local and regional level is an essential part of any process aimed at the integration of migrants; in this connection, it should not be forgotten that having access to decent work is a precondition for the successful completion of any integration project. In this respect, draws the Commission's attention to existing best practices at international level that have built their success on the involvement from the outset of the population of the host territories;
37. considers that local and regional authorities have a crucial role to play in the development of "roadmaps" aimed at the full integration of migrants and refugees. In this respect, urges the Commission to take account of best practices and pilot projects supported by international organisations such as the UNHCR and already launched by European local and regional authorities;

The role of LRAs and of the CoR

38. underlines the particular role that LRAs can and must play in all the above areas. LRAs manage all issues relating to migratory and refugee flows on the ground, and it is therefore essential that they are provided with the necessary financial resources to meet these challenges; this requires an EU budget commensurate with the increased needs and distributed among the authorities according to the activities they actually carry out, under an EU responsibility for the protection of the Union's external borders and migration. Close involvement of subnational authorities and bodies would help to build up a system of governance capable of designing and implementing policies that are coherent and coordinated between the different levels. In this connection, local and regional authorities should be partly responsible for the management of the Asylum, Migration and Integration Fund;
39. finally, emphasises the role of the CoR both as the primary official body representing LRAs at EU level and as a body that can effectively promote dialogue – through organisations such as the Euro-Mediterranean Regional and Local Assembly (ARLEM) and the Conference of the Regional and Local Authorities for the Eastern Partnership (CORLEAP) – with the countries of origin and/or transit of refugees and migrants.

Brussels, 22 March 2018

The President
of the European Committee of the Regions

Karl-Heinz Lambertz

The Secretary-General
of the European Committee of the Regions

Jiří Buriánek

II. PROCEDURE

Title	Implementation of the European Agenda on Migration
Reference	COM(2017) 558 final
Legal basis	Article 307(1) TFEU
Procedural basis	Rule 41(b) i of the Rules of Procedure
Date of Council/EP referral/Date of Commission letter	
Date of Bureau/President's decision	
Commission responsible	Citizenship, Governance, Institutional and External Affairs
Rapporteur	Dimitrios KALOGEROPOULOS
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Discussed in commission	23 November 2017
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Result of the vote in commission (majority, unanimity)	Majority
Date adopted in plenary	22 March 2018
Previous Committee opinions	<ul style="list-style-type: none"> – Opinion on the protection of children in migration, rapporteur Yoomi Renström (SE/PES), COR-2017-02782-00-01-AC – Opinion on Migration on the Central Mediterranean Route, rapporteur Hans Janssen (NL/EPP), COR-2017-01261-00-02-AC – Opinion on the Reform of the Common European Asylum System Package II and a Union Resettlement Framework, rapporteur Vincenzo Bianco (IT/PES), COR-2016-05807-00-00-AC – Opinion on the Reform of the Common European Asylum System, rapporteur Vincenzo Bianco (IT/PES), COR-2016-03267-00-00-AC – Opinion on the Partnership Framework with third countries on Migration, rapporteur Peter Bossman (SL/PES), COR-2016-04555-00-00-AC – Opinion on Legal Migration, rapporteur Olgierd Geblewicz (PL/EPP), COR-2016-03699-00-00-AC – Opinion on the Action Plan on Integration, rapporteur Karl Vanlouwe (BE/EA), COR-2016-04438-00-00-AC – Opinion on the Protection of refugees in their areas of origin: a new perspective 2016, rapporteur Hans Janssen (NL/EPP), COR-2015-06328-00-00-AC – Opinion on the European Agenda on Migration, rapporteur François Decoster (FR/ALDE), COR-2015-02607-00-00-AC
Date of subsidiarity monitoring consultation	N/A