



European Economic and Social Committee

SOC/133

**Cooperation programme with
third countries/migration**

Brussels, 29 October 2003

OPINION

of the

European Economic and Social Committee

on the

**Proposal for a Regulation of the European Parliament and of the Council establishing a
programme for financial and technical assistance to third countries
in the area of migration and asylum**

COM(2003) 355 final - 2003/0124 (COD)

On 12 September 2003, the Council decided to consult the European Economic and Social Committee, under Article 262 of the Treaty establishing the European Community, on the

Proposal for a Regulation of the European Parliament and of the Council establishing a programme for financial and technical assistance to third countries in the area of migration and asylum
(COM(2003) 355 final -2003/0124 (COD)).

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 6 October 2003. The rapporteur was **Ms Cassina**.

At its 403rd plenary session (meeting of 29 October 2003), the European Economic and Social Committee adopted the following opinion by 118 votes to four, with two abstentions.

1. Introduction and content of the proposal

1.1 On 11 June 2003, the Commission published a Proposal for a Regulation of the European Parliament and of the Council establishing a programme for financial and technical assistance to third countries in the area of migration and asylum. The overall budget is to total €250 million and the programme will last five years (2004 -2008).¹

1.2 The conclusions of the Tampere European Council² set out the concept of partnership with third countries in the field of migration and stressed the need to adopt a comprehensive approach to address political, human rights and development issues in the countries and regions concerned³.

1.3 In 2001, for the first time, the budget authority included a number of appropriations under Article B7-667 of the general budget of the European Union which were intended to finance preparatory measures in the field of migration and asylum.

1.4 In the present document, the Commission proposes a legal framework and larger appropriations for this instrument for cooperation with third countries in the field of migration. The instrument provides for a multiannual programme (first phase: 2004-2008) of specific and complementary aid for third countries, in order to help them manage all aspects of migratory flows more effectively. It is intended in particular for third countries actively engaged in preparing or implementing a readmission agreement initialled, signed or concluded with the European Community.

¹ This proposal for a regulation follows on from the Communication to the Council and Parliament on integrating migration issues in the European Union's relations with third countries (COM(2002)703 final).

² See points 11 and 12 of the conclusions of the Tampere European Council of 15 and 16 October 1999.

³ This approach was confirmed at the Seville European Council (points 27-29 of the presidency conclusions) and at the recent European Council in Thessaloniki (points 19-21 of the presidency conclusions).

2. General comments

2.1 The EESC approves and supports the establishment of a programme with these goals and hopes that the European institutions will waste no time in endorsing it. The EESC would point out that in many opinions⁴ on migration it has reiterated the need to operate on two complementary fronts: first, to provide for organic and coherent legislation, procedures, programmes and best practice in order to encourage the legal entry and integration of migrants in the European economic and social context; and second, to engage in close cooperation with migrants' countries of origin. The EESC is convinced that the complexity of the migration situation calls for a clear effort to make a variety of policies work together to produce synergy, and welcomes and underscores the responsibility assigned to the Commission for ensuring consistency with other common policies (Article 8).

2.1.1 More specifically, the EU must equip itself with appropriate instruments that will prevent Member States from continually wavering between measures to protect or even close external borders, and attempts to deal with labour shortages on an ad hoc basis by taking on workers from third countries (the labour situation being exacerbated by the bleak demographic situation in EU countries). These instruments must be sufficiently flexible to respond to diverse needs, while at the same time having a Community dimension to ensure they are applied fairly and openly. The absence of such instruments has a negative impact on European workers' perception of the migration situation, which is presented one moment as a necessity and the next as a danger.

2.2 The EESC would stress the need to ensure that measures taken in the two spheres (transparent migration policies and cooperation with the countries of origin) are synchronised and coherent and are geared towards a set of goals embracing both the values and policies of the EU. Unfortunately, there are still gaps in the framework for a common migration policy, owing to the difficulties encountered in winning approval for certain provisions (for instance in the fields of family reunification, visas and long-term residence). These difficulties arise mainly from the refusal of Member State governments to abandon their own migration policies. The EESC regrets this state of affairs and would stress the need to act consistently and responsibly in implementing the decisions made at Tampere, Seville and Thessaloniki. In truth, a lack of procedural certainty and appropriate reception policies do far more than inadequate border controls to encourage illegal immigration.⁵ In the absence of a clearly defined visa, entry and integration policy, it is difficult to interpret the proposal for a cooperation programme with migrants' countries of origin in a balanced way, particularly when it comes to the setting of priorities.

⁴ See in particular the EESC opinions on: the Communication from the Commission to the Council and the European Parliament on a Community immigration policy, in OJ C 260 of 17.9.2001 (rapporteur: **Mr Pariza Castaños** – co-rapporteur: **Mr Mengozzi**); Immigration, integration and the role of civil society organisations in OJ C 125 of 27/05/2002, (rapporteur: **Mr Pariza Castaños** - co-rapporteur: **Mr Melícias**); and the Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities, in OJ C 80 of 3.4.2002 (rapporteur: **Mr Pariza Castaños**).

⁵ Furthermore, the above-mentioned Commission Communication (COM(2002)703) points out that: "In those cases where comprehensive immigration policies are not yet in place - which is also the case for the EU - workers will find their own (illegal) way to enter the globalised labour market" (point 4.2).

2.3 The proposal appears to give priority to readmission procedures (which include enforced repatriation, voluntary repatriation and the return of people who have enjoyed temporary asylum), to the detriment of other measures. A clear information policy is especially important, regarding both legal emigration procedures and the requirements and nature of labour markets in EU countries. Another crucial area is vocational training for potential migrants, particularly when conducted in the context of European companies investing and/or relocating in migrants' countries of origin, without forgetting the need to support social development in these countries and promote respect for basic social standards. Furthermore, the fact that the one proposal covers very diverse aspects of the mobility of third country nationals (economic migrants, refugees, people enjoying temporary protection, illegal immigrants) does not serve to improve its clarity.

2.4 The result of all this is an imbalance in the concept of "flow management", which is a lot more complex than simply keeping potential migrants in their country of origin or setting up schemes or programmes for returnees. In various opinions on migration⁶, the EESC has stressed the need for the dynamic and integrated management of migratory flows (both inward and outward), involving various measures and players.

2.4.1 More specifically, clear information is essential on expatriation procedures, the chances of finding work, vocational and administrative requirements for working in the EU, labour market requirements in host countries, contractual conditions, and measures and opportunities for individual and family integration. It is worth noting that if the prospect of an upsurge in economic growth in Europe becomes a reality, not least through a new move to develop the major infrastructure networks, it will create demand for a large number of workers, a significant proportion of whom might be non-EU nationals. It would therefore be short-sighted to attempt to meet that need under the current diverse and sometimes contradictory national laws. At the same time, it is also possible that the use of subcontracting systems which are not (or cannot be) properly monitored could mean that major Community projects end up employing large numbers of third country workers illegally and with no protection. This would be unacceptable.

2.4.2 The proposed programme could come into play here, however, in the interests of the Community and of third country nationals interested in emigrating to the EU. The EESC therefore calls for the proposed measures to include at the very least the launch, if only on a trial basis, of a system similar to EURES⁷, and involving the social partners in the EU and in the migrants' countries of origin.

⁶ See in particular the EESC opinions on the: Green paper on a Community return policy on illegal residents, in OJ C 61 of 14.3.2003 (rapporteur: **Mr Pariza Castaños**); and on the Communication from the Commission to the Council and the European Parliament on a Community return policy on illegal residents, in OJ C85 of 8.4.2003 (rapporteur: **Mr Pariza Castaños**).

⁷ EURES is a system of employment services designed to facilitate the free movement of workers in the European economic area. It operates by means of a network of advisers trained by and in constant contact with the European Commission. They provide workers with information on expatriation, living conditions (cost of living, tax system, school system, etc.) and working conditions (contracts, hours, pay, etc.), and employers with information to facilitate the recruitment of staff from abroad. EURES interacts and cooperates with national employment services and with workers' and employers' organisations.

2.5 Equally crucial is what can be done in terms of providing potential migrants with training, ranging from language courses to proper vocational training, arranged with the direct involvement of companies that need third country labour. Furthermore, the possibility of traineeships in Europe could mark a major step forward, both providing skilled workers for EU companies and helping the countries of origin to improve their competitiveness so as to be able to attract foreign direct investment.

2.5.1 The EESC understands that the proposed measures are designed to provide direct support for third countries, but it believes that the text can also be interpreted in such a way that certain initiatives could be carried out within the Member States, providing they further the programme's objectives. The Committee feels that this point should be made clearer in the proposal. In any event, it hopes that it might be possible to develop joint training schemes in Europe or other measures designed specifically to underpin repatriation measures by setting up economic initiatives in the third countries concerned, so as to offer job opportunities to returning emigrants. The Committee is aware that a few programmes – based on other joint instruments – already offer some opportunities in this respect, but calls for them to be bolstered and implemented in close synergy with the present programme.

3. Specific comments

3.1 The programme is aimed at third countries, but **Article 1 (2)** states: "It is in particular intended for the third countries actively engaged in the preparation or in the implementation of a readmission agreement initialled, signed or concluded with the European Community". The EESC would stress that this reference to third countries that have initialled, signed or concluded a readmission agreement must not be interpreted as an indication of exclusive priority. It notes that the greatest need for assistance may well lie in precisely those countries that have not or not yet signed readmission agreements: for there is often a strong pressure to migrate from countries that are in a state of economic and/or democratic transition, where there is legal uncertainty and where welfare systems and social structures are weak or non-existent. Under these conditions, support aimed at strengthening democracy, by upgrading administrative structures and implementing policies designed to establish fair and efficient social systems that respect basic social standards and encourage the development of organised civil society, would have a particularly positive impact.

3.2 The Committee would suggest amending the **third indent of Article 2(2)** as follows: "Structured dissemination of information – modelled on the EURES network - on the possibilities of working legally in the European Union and on the procedures to be followed to this end, and on the contractual, administrative and reception conditions in the various Member States;". In the **ninth indent of Article 2(2)** (actions), the EESC calls for an explicit indication that regional and sub-regional dialogue should involve not just the administrations in the countries concerned, but also the social partners. In other respects, this article is to be welcomed as it sets a series of priorities for objectives and actions with which the EESC concurs.

3.3 **Article 4** is crucial and should be positioned accordingly. The Committee would suggest either putting it in the place of or combining it with Article 1.

3.4 **Article 5** lists the partners eligible for financial support under the programme. The EESC calls for a specific reference to the social partners, which cannot be simply included in the term "NGOs". They have specific responsibility in the management of economic migration, which is by far the most common type. In confirmation of the above, **Article 6** seems to refer implicitly to the social partners. The EESC finds the predominantly administrative approach taken in Article 6 to be slightly restrictive, however: in the field of migration, adherence to the values listed in the current Article 4 is equally important.

3.5 The EESC notes that **Article 7 (3)** states that: "The co-financing of an action under this programme shall be exclusive of any other financing by another programme financed by the budget of the European Union". This does not preclude other measures financed by other Community programmes from working towards achieving the objectives of the proposal, as stated in **Article 4**: "If necessary, and as far as possible, the actions financed under this Regulation are associated with measures aiming to strengthen democracy and the rule of law".

3.6 **Article 11** provides for the Commission to present a report by 2006 and a final report by 2010. The EESC asks to be consulted accordingly.

Brussels, 29 October 2003.

The President
of the
European Economic and Social Committee

The Secretary-General
of the
European Economic and Social Committee

Roger Briesch

Patrick Venturini