

## Outcome of the extraordinary European Council of 23 April 2015

*At a special meeting on migration on 23 April 2015, the European Council committed to four priorities: **strengthening the EU's presence at sea, fighting traffickers in accordance with international law, preventing illegal migration flows, and reinforcing internal solidarity and responsibility**. This is based on a 10 point action plan on migration, agreed to jointly by the foreign and home affairs ministers at their meeting on 20 April 2015 in Luxembourg. The meeting followed the invitation of European Council President Donald Tusk, after the tragic events on the 19 April 2015 when 800 people died off the coast of Libya trying to cross the Mediterranean to Europe.*

### 1. Strengthening the EU's presence at sea

In order to strengthen the EU's presence at sea, the Heads of State or Government agreed to at least triple the financial resources for the EU Operations Triton and Poseidon, thereby increasing the search and rescue possibilities within the mandate of FRONTEX<sup>1</sup>. The European Council thus followed the proposal of European Commission President Jean-Claude Juncker to triple the funding to € 120 million, whereas a previously leaked draft statement by the European Council only spoke of "at least doubling the financial resources".

Triton is a FRONTEX joint operation launched in November 2014. With a current monthly budget estimated at €2.9 million, it is considerably smaller in scale than its Italian predecessor Mare Nostrum (around €9 million per month), which was put in place after the drowning of 360 people at the shores of the island of Lampedusa in October 2013. The tragedy put trans-Mediterranean migration back on top of the political agenda.

There has been confusion as to whether the Triton operation was intended to replace Mare Nostrum and some debate regarding the mandate of FRONTEX and the Triton operation: the Commission clarified before Parliament's Civil Liberties Committee that FRONTEX-led operations would contribute to national search and rescue (SAR) operations rather than replace them. Triton's operational scope is more limited as it covers an area of 30 nautical miles off the Italian shore. Even though Triton activities may be extended to the high seas in case of emergency, the vessels do not patrol waters closer to Libya's maritime zone where most boats are intercepted. In the view of President Donald Tusk and President Jean-Claude Juncker the border mission Triton does not need to change its mandate, as it already has the possibility to conduct 'search and rescue' operations, which are also on the high seas. This seems to be possible however only in emergency situations. The FRONTEX Poseidon Sea operation, hosted by Greece, covers the Eastern Mediterranean region and has a budget of over € 6.6 million.

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<sup>1</sup> FRONTEX is the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union and was established on 26 October 2004 by [Council Regulation \(EC\) 2007/2004](#).

## **2. Fighting traffickers in accordance with international law**

In order to disrupt trafficking networks, bring the perpetrators to justice and seize their assets, the European Council decided that swift action and increased intelligence and police-cooperation with third countries would be carried out by Member State authorities in co-operation with EUROPOL, FRONTEX, the European Asylum Support Office (EASO) and EUROJUST.

Additionally, the European Council agreed to undertake systematic efforts to identify, capture and destroy vessels before they are used by traffickers. The High Representative has been invited to immediately begin preparations for a possible Common Security and Defence Policy (CSDP) operation to this effect. EUROPOL has been charged with detecting and requesting removal of internet content used by traffickers to attract migrants and refugees, in accordance with national constitutions.

## **3. Preventing illegal migration flows**

With the aim of **preventing illegal migration flows**, the European Council wishes to "increase support to Tunisia, Egypt, Sudan, Mali and Niger among others, to monitor and control the land borders and routes, building on current CSDP operations in the region, as well as on regional cooperation frameworks (Rabat and Khartoum processes)".<sup>2</sup>

The European Council also agreed "to step up dialogue with the African Union at all levels on all these issues and reinforce the political cooperation with African partners at all levels in order to tackle the cause of illegal migration and combat the smuggling and trafficking of human beings". The EU will raise these issues with the African Union and the key countries concerned, with whom it will propose the holding of a summit in Malta in the coming months.

Furthermore, the European Council proposes to "launch Regional Development and Protection programmes for North Africa and the Horn of Africa". It also aims to step up cooperation with Turkey in view of the situation in Syria and Iraq.

The cooperation with third countries will include the deployment of European migration liaison officers in key countries to gather information on migratory flows, co-ordinate with national liaison officers, and co-operate directly with the local authorities, as well as working with regional partners in building capacity for maritime border management and search and rescue operations.

The Heads of State or Government invited the Commission and the High Representative to mobilise all tools to promote readmission of unauthorised economic migrants to countries of origin and transit. Furthermore, a new return programme for the rapid return of illegal migrants from frontline Member States shall be set up in coordination with FRONTEX.

## **4. Reinforcing internal solidarity and responsibility**

The European Council expressed its commitment to the "rapid and full transposition and effective implementation of the Common European Asylum System (CEAS) by all participating Member States, thereby ensuring common European standards under existing legislation."

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<sup>2</sup> The Rabat and Khartoum processes are initiatives to involve the countries of origin, transit and destination in preventing and fighting illegal migration and emphasise the regional aspect of the management of migration flows. Since 2006 the Rabat Process – the Euro-African Dialogue on Migration and Development with Western and Central African countries – has brought together more than fifty countries. Launched in October 2014, the EU-Horn of Africa Migration Route Initiative, known as the "Khartoum Process", has addressed human trafficking and smuggling from and via Eastern Africa. The participating countries include the EU's 28 Member States, Libya, Egypt, Sudan, South Sudan, Ethiopia, Eritrea, Djibouti, Somalia, Kenya and Tunisia.

The CEAS was completed in 2013 and comprises five key acts. Notably, the 2011 Qualification Directive clarifies the grounds on which international protection is granted to asylum-seekers in EU Member States. Furthermore, the 2013 Dublin III Regulation establishes the criteria for determining which Member State is responsible for examining an application for international protection, and provides for the transfer of asylum-seekers to the Member State.

The Heads of State or Government committed themselves to provide Frontline Member States "with additional emergency aid and to deploy there EASO teams for joint processing of asylum applications, including registration and finger-printing."

The European Council will also consider options for organising emergency relocation between all Member States on a voluntary basis and will set up a first voluntary pilot project on resettlement across the EU, offering places to persons qualifying for protection.

Currently, there is an ad hoc intra-EU relocation programme in place for Malta (Eurema II project), with Member States committing on a voluntary basis to take asylum-seekers. EU funding offers assistance to those Member States who are willing to implement resettlement programmes. Since 2005, some 700 persons have been resettled from Malta to other Member States, either within the Eurema projects or based on bilateral relocation agreements.

President Jean-Claude Juncker indicated that the 'resettlement pilot' project has to be a voluntary basis, because there is currently no legal text to make this request more constraining. Originally his proposal included quota (i.e. 10.000) for the resettlement of refugees across Europe.

For many, including European Parliament President Martin Schulz and European Commission President Jean-Claude Juncker, legal immigration is part of the solution to illegal immigration. However, this issue was not addressed by the European Council statement, even though the European Commission President Jean-Claude Juncker attempted to include this issue in the European Council statement, point of view which he reiterated when reporting to Parliament's plenary in Strasbourg.

## **5. Views and activities in the EP**

Prior to the European Council meeting, the chairmen of three of the biggest political groups in the European Parliament (ALDE, EPP and S&D) issued a joint declaration in which they highlighted four main points: "saving lives at sea; providing temporary protection; effectively fighting against human traffickers and smuggler networks and enhancing the speed of dealing with asylum applications".

In his speech to the extraordinary European Council of 23 April 2015, Parliament President Martin Schulz informed the Heads of State or Government that some of Parliament's group leaders called for a fundamental increase in funding for humanitarian and development aid as a condition for agreement on the EU's budget for 2016.

On 29 April 2015 European Council President Donald Tusk reported to Parliament's plenary on the outcome of the special European Council on migration. Heads of State or Governments, he said, were unanimous on the need to act concretely and rapidly. A challenge in the South is not only a challenge for Southern Europe but for the whole of Europe. He recalled that Europe did not cause this calamity. Rather, it is caused by poverty, war, instability, failing states and a population boom in Africa. He stressed that there are longer term solutions to these problems, such as more targeted development aid, but for now our efforts must be focused on saving lives.

Commission President Jean-Claude Juncker remained critical and stated that "the response by the European Council was instant but remains inadequate", as he would have liked to have been more ambitious.

The debate in Parliament was emotionally charged. European Parliament President Martin Schulz recalled at the opening of the debate that Parliament had for many years proposed suggestions and recommendations to address the migration issue that it finally should be listened to. This included numerous calls for a more holistic approach to asylum and migration (December 2014 Resolution (2014/2907(RSP))) and well as repeated requests for the creation of legal channels for EU entry.<sup>3</sup>

While a majority of the Members welcomed the convening of the special European Council on migration, many considered the results as not ambitious enough. Many Members from different political groups (EPP, Greens, ALDE and S&D) congratulated and supported European Commission President Jean-Claude Juncker for his views and his proposals on this issue.

Numerous members questioned the mandate of Triton, considering it too limited.

Following the debate, Parliament adopted a joint resolution (by the EPP, Greens, ALDE and S&D) calling notably for:

- A clear mandate for Triton so as to expand its area of operation and increase its mandate for search and rescue;
- A fair sharing of responsibility and solidarity towards Member States which receive the highest numbers of refugees and asylum seekers;
- Making full use of the existing possibilities for issuing humanitarian visas<sup>4</sup>;
- The Council to consider triggering the 2001 Temporary Protection Directive<sup>5</sup> or Article 78(3) of the TFEU;
- The Commission to establish binding quota for the distribution of Asylum seekers;
- Rapid and full transposition and effective implementation of the Common European Asylum system;
- The Commission to come up with an ambitious European agenda on migration, which takes into account all aspects of migration;
- Closer coordination of EU and Member States policies in tackling the root causes of migration.

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<sup>3</sup> Parliament's LIBE Committee (rapporteur Juan Fernando López Aguilar, S&D, Spain) is currently looking, within the review of the Visa Code (recast), into the provision of humanitarian visas to people in danger in third countries.

<sup>4</sup> The EU Visa Code provides for the possibility to issue humanitarian visas valid in one or more, but not all Schengen states. A request for such a visa can be made in a third country, thus enabling the person concerned to request protection without undertaking a potentially lethal journey. In its March 2014 Communication, the Commission recommended the use of Protected Entry Procedures (PEPS) starting with a coordinated approach to humanitarian visas. Moreover, in its Resolution of April 2014 resolution on the mid-term review of the Stockholm Programme, the European Parliament called on the Member States to make use of the current provisions of the Visa Code and the Schengen Borders Code allowing the issuing of humanitarian visas.

<sup>5</sup> Temporary protection is an exceptional measure making it possible to immediately protect displaced persons from non-EU countries unable to return to their country of origin, e.g. due to ongoing armed conflict. It applies in particular in case of mass influx of such persons which may lead to there being too many claims to be processed through standard asylum procedures. The purpose of the Council Temporary Protection Directive (Directive 2001/55/EC) is to provide a framework for responses to such mass displacement. The directive applies not only to persons already in the EU, but also makes it possible to allow the entry of displaced persons into the EU. So far no action has been taken on the basis of this directive.

## 6. Next steps

The Presidency and the Commission will present a roadmap setting out work up to June, when Council and the Commission will report to the European Council in June. The Commission's Communication on a European Agenda for Migration, in order to develop a more systemic and geographically comprehensive approach to migration is to be adopted by the European Commission on 13 May, with European Commission President Jean-Claude Juncker already indicating that this would include proposals on "quotas". President Martin Schulz stressed Parliament expects "the Commission to submit an ambitious and comprehensive proposal on both asylum and legal migration policies next month."

FRONTEX and Italy will now decide on a new operational plan for Triton, which will include, for example, the exact geographical coverage of the operation as well as the use and numbers of ships and assets.

Following a European Parliament resolution from 17 December 2014, Parliament is now drafting an own initiative report on "a holistic approach to the situation in the Mediterranean" by the end of the year.

## 7. Messages from previous European Council meetings

European Council Conclusions in 2013 and 2014 already mentioned many of the points of the most recent European Council statement. At the European Council meeting on 24-25 October 2013, immediately following the Lampedusa tragedy, the Head of States or Government already stressed "the principle of solidarity and fair sharing of responsibility" and called for "determined action" "to avoid that such human tragedies happen again". Already then, the European Council underlined "the importance of addressing root causes of migration flows by enhancing cooperation with the countries of origin and transit, including through appropriate EU development support and an effective return policy" and called for "the reinforcement of FRONTEX activities in the Mediterranean."

At its 27 June 2014 meeting, the European Council defined strategic guidelines for further legislative and operational planning in the area of freedom, security and justice. It stressed the Union's need for "an efficient and well-managed migration, asylum and borders policy, guided by the Treaty principles of solidarity and fair sharing of responsibility, in accordance with Article 80 TFEU and its effective implementation. A comprehensive approach is required, optimising the benefits of legal migration and offering protection to those in need while tackling irregular migration resolutely and managing the EU's external borders efficiently."

Regarding the issue of irregular migration in particular, it underlined that "addressing the root causes of irregular migration flows is an essential part of EU migration policy. This, together with the prevention and tackling of irregular migration, will help avoid the loss of lives of migrants undertaking hazardous journeys. A sustainable solution can only be found by intensifying cooperation with countries of origin and transit, including through assistance to strengthen their migration and border management capacity." The following priorities were identified: addressing smuggling and trafficking in human beings more forcefully; establishing an effective common return policy and enforcing readmission obligations in agreements with third countries; and reinforce its [FRONTEX] operational assistance.

## Key facts

- According to FRONTEX, in 2014, detections of illegal border-crossing reached the record high level of more than 280,000. Most migrants (about 170,000) were detected in the Central Mediterranean area.
- More than 3,000 people are known to have drowned in the Mediterranean route to Europe in 2014 alone. In 2015, to date, there have been at least 1,000 deaths reported (European Commission).
- Since 1 November 2014, more than 30,000 people were saved owing to activities under the Operation Triton (European Commission).
- The 'Mare Nostrum' operation rescued 150 810 migrants during 364 days (source EP Dec 2014 resolution on holistic approach).
- Eurostat data point to a considerable gap between the number of return decisions issued (around 397 960 in 2014) and effected returns to a non-EU country from the EU28 (around 156 470 in 2014).
- About 626,000 people applied for asylum in the EU in 2014 alone i.e. around 200 000 more than in the preceding year (See EPRS publication *Asylum in the EU: Facts and Figures*).
- Syria, Afghanistan, Kosovo, Eritrea and Serbia are the top five countries of origin of asylum seekers in the EU in 2014. (See EPRS publication *Asylum in the EU: Facts and Figures*).
- Figures for countries of origin (asylum applications) in 2014: Syria 123, 000, Afghanistan 41,000, Kosovo 38,000, Eritrea 37,000 Serbia 31,000 (See EPRS publication *Asylum in the EU: Facts and Figures*).
- Germany, Sweden, Italy, France and Hungary are the top five Member States receiving asylum applications in 2014 in absolute terms. (See EPRS publication *Asylum in the EU: Facts and Figures*).
- Figures for countries of arrival for asylum applications in 2014: Germany 203,000 Sweden 81, 000 Italy 65, 000 France 63, 000 Hungary 43, 000. (See EPRS publication *Asylum in the EU: Facts and Figures*).
- The provisional total number of persons known to be illegally present in the EU in 2014 has been estimated at 547 335 (See EPRS publication *Irregular immigration in the EU: Facts and Figures*)

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