

2020 Discharge to the Commission

**WRITTEN QUESTIONS TO COMMISSIONER
JOHANSSON**

Hearing on 9 November 2021

Questions concerning general issues

1. DG Home launched some initiatives as an EU Agenda and Action Plan on Drugs and an Action Plan on firearms trafficking. EU Strategy for a more Effective Fight against Child Sexual Abuse. What is the results of this?

Commission's answer:

The EU **Drugs Action Plan 2021-2025** was adopted in June 2021. In line with the Drugs Strategy adopted in December 2020, it addresses the existing and evolving challenges of the drugs phenomenon through 85 actions and 11 overarching indicators. With the current EU Drugs Strategy and the new Action Plan, the EU reaffirms its commitment to a balanced, evidence-based approach to address the drug phenomenon in Europe, with the preservation of human rights at its core. The Commission will evaluate implementation progress after thorough monitoring of implementation based on the 11 overarching indicators highlighted in the Action Plan.

The EU Action Plan on firearms trafficking was adopted in June 2021. It consists of dedicated actions that aim to: reduce risks of diversion of firearms from the legal to the black market through an effective implementation of the legal framework; improve knowledge and address the lack of comparable statistics on firearms events and seizures across the EU; reinforce law enforcement to stop the traffickers; and step up international cooperation, with a strong set of activities focussing on south-east Europe.

As part of the implementation of the action plan, the Commission adopted in October 2021 a report on the application of the **Firearms Directive**, which came into force in April 2021. A report on the application of the Directive was adopted by the Commission in October. The Commission also adopted rules on the systematic exchange, by electronic means, of information relating to refusals to grant authorisation to acquire or possess certain firearms. Work on an impact assessment to review the Regulation on imports and exports of firearms has started – the public consultation closed on 11 October. The Commission is also supporting a pilot project to establish real-time tracking of firearms related incidents across the EU to develop a permanently up-to-date picture. To support the work of law enforcement authorities, the Commission is leading the action on the establishment and development of Firearms Focal Points at national level.

The Commission has also been active in operational cooperation with South-East Europe, including by preparing a joint operation between Member States and

Western Balkan partners, and regional meetings of Small Arms and Light Weapons Commissions. The EU's Global Illicit Flows Programme has continued to be an effective mechanism for coordinating trans-regional action against organised crime and increasing the capacities of over 80 partner countries worldwide to disrupt trafficking of illicit goods, with a focus on narcotics and firearms. It has also supported EU agencies and EU Member States to have a wider law enforcement reach.

In July 2021, the interim derogation from the ePrivacy Directive was adopted, allowing companies to continue their voluntary activities to **detect child sexual abuse**. These interim rules will be replaced in due course by longer-term legislation with detailed safeguards to fight child sexual abuse more effectively. The Commission is currently monitoring the implementation of the Directive on combating the sexual abuse and sexual exploitation of children and child pornography. Following the infringement procedures launched in 2019 against 23 Member States, the Commission is continuing its assessment and will keep working closely with Member States to ensure their full compliance.

The Commission is also considering options for the creation of a **European centre to prevent and combat child sexual abuse**, as called for by the European Parliament in a 2019 resolution on children's rights. The Centre would provide support to Member States in the fight against child sexual abuse, both online and offline, in the areas of law enforcement, prevention and victim support.

2. How do you analyse the evolution of the refugee facility in Turkey? In particular, how do you see the operational links with NGOs to properly manage the funds and projects or the use of the resources made available? Have the projects put in place had the expected results? What kinds of controls did you organize in 2020 in Turkey?

Commission's answer:

The Facility for Refugees in Turkey is a key component of the 2016 EU-Turkey Statement. With it, the Commission has been able to mobilise € 6 billion for refugees in Turkey in record time – the Court of Auditors estimated that Facility assistance is on average five times quicker than regular EU external assistance – and it supports millions of refugees with basic needs, health care and education support. The Commission is also providing protection support, building schools and hospitals, and supporting host communities with municipal infrastructure. Facility support will run for a few years yet, with the last project finishing in 2025. The COVID-19 pandemic has caused delays in the implementation of some Facility projects, in particular in infrastructure.

The Facility is not a separate instrument or programme; the Facility is a coordination mechanism allowing us to mobilise significant funding from the EU budget including Member State contributions, and to coordinate complementary interventions from different existing EU external assistance programmes. No transfers to the Turkish government are taking place.

Currently, the Facility is implemented by means of the Humanitarian Aid and the Instrument for Pre-Accession Assistance. All interventions are subject to these

instruments' rules and procedures, including oversight and financial control of third parties involved in indirect management, covering Non-Governmental Organisations, International Financial Institutions, etc. All third parties involved in the implementation of the Facility have been pillar-assessed and – in the case of Humanitarian Aid – have been subject to a pre-selection procedure. Facility projects are also subject to customary audits.

As concerns Facility results, reference is made to the comprehensive and independent Facility Mid-Term Strategic Evaluation that was concluded over the summer and that can be accessed here: https://ec.europa.eu/neighbourhood-enlargement/strategic-mid-term-evaluation-facility-refugees-turkey-2016-201920_en.

Under the Facility, the Commission has put in place a comprehensive monitoring capacity providing detailed reporting twice a year on the implementation of the Facility. The most recent report can be found here: https://ec.europa.eu/neighbourhood-enlargement/facility-results-framework-monitoring-report-main-report-december-2020-annexes_en.

Additional information on the Facility can be found on the Facility for Refugees in Turkey website, including a detailed Facility projects table, annual reports, and monitoring reports: https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/negotiations-status/turkey/eu-facility-refugees-turkey_en.

3. Following the allegations in the press regarding pushback in Greece, can you give us an update of the situation and of the investigations?

Commission's answer:

In light of the persistent allegations, the Commission has been requesting the Greek Authorities to ensure that procedures are in place to effectively investigate any allegations of such violations and to establish an **independent monitoring mechanism** to detect and prevent fundamental rights violations at the borders.

The Commission has been consistently calling Greece to fully and credibly investigate all allegations, establish the facts and take the necessary follow-up actions if and when wrongdoing is established.

The Commission has continuously made it clear to national authorities that any **such practices are illegal and that they should investigate any allegations**, with a view to establishing the facts and to properly follow-up any wrongdoing.

Compliance with fundamental rights, as laid down in the Treaties and in the Charter of Fundamental Rights is ultimately the responsibility of the Member States. The Member States must fully respect obligations under the Schengen acquis, the asylum acquis and international law, including ensuring access to the asylum procedure.

Any measures taken to address a difficult border situation must be proportionate, necessary and **in full compliance with all fundamental rights**. Excessive use of coercive force against irregular migrants and turning back any persons to the

territory – including the territorial waters – of another country in contravention of the principle of *non-refoulement*, are not compliant with the EU acquis and all relevant allegations should be promptly and thoroughly investigated and followed-up.

Under the New Pact on Migration and Asylum, Member States would need to ensure that their national law allows for independent investigations in allegations of breaches of fundamental rights at the borders and that complaints are dealt with expeditiously and in an appropriate way.

With regards to Greece in particular, the Commission has received assurances by the Greek authorities for the establishment of a mechanism to strengthen the monitoring of the respect for fundamental rights and discussions are ongoing to set it up.

4. The joint investigation teams and the European Multidisciplinary Platform against Criminal Threats contribute to better coordination among the Member States. However, training of staff is significantly below the targets. Data at the national level show that some Member States have already attained or are close to their targets, while others have yet to report projects for training. In addition, the situation deteriorated from March 2020 onwards with the outbreak of COVID-19, which became a real obstacle. As Virtual training courses are not always possible for border control and security topics how can you remedy to this situation?

Commission's answer:

The Commission supports the European Multidisciplinary Platform Against Criminal Threats (EMPACT), the European Union Agency for Law Enforcement Training (CEPOL) and Member States in many ways but **cannot answer on behalf of Member States in relation to their national targets.**

EMPACT will remain a key instrument for Member States. As mentioned in the Council conclusions on the permanent continuation of EMPACT (6481/21), the Commission supported Member States, with the assistance of experts from relevant EU Agencies, institutions and bodies, in developing a General Multi-Annual Strategic Plan (MASP) with Common Horizontal Strategic Goals (CHSGs). During this step, preparing the next EMPACT cycle 2022-2025, the Commission made sure that **capacity building (including training) remains a strategic goal.** CEPOL will of course be a key actor for its implementation.

For information about how CEPOL and EMPACT stakeholders reacted to the COVID-19 outbreak, please see the report on the impact of COVID-19 on law enforcement training needs: <https://www.cepol.europa.eu/media/news/cepol-issues-fast-track-needs-analysis-impact-covid-19-law-enforcement-training>

CEPOL's online offer is being further strengthened on topics which are best suited for virtual activities.

5. Can we have some concrete examples for solidarity among Member States supported by AMIF: projects, Member States involved?
- What are the results achieved so far?

Commission's answer:

Voluntary relocations are a concrete example of solidarity amongst Member States supported by the Asylum, Migration and Integration Fund. These voluntary burden-sharing operations clearly show the **added value of EU action**, with receiving states participating voluntarily, EU Agencies providing support, the Commission coordinating, and around € 35 million EU funding supporting.

For example: An emergency assistance grant was awarded to carry out voluntary relocation to France of 2 392 people in need of international protection between 1 November 2019 and 31 December 2021 (EU grant: € 14 352 000), implemented by the International Organization for Migration. The beneficiary states of these relocations are Greece, Italy and Malta.

With regard to Greece in particular, in order to ensure the protection and care of some of Europe's most vulnerable people, as well as in support of Greece's efforts to turn around the critical situation regarding reception of asylum seekers, the Commission launched a voluntary relocation exercise. The scheme concerns the relocation of unaccompanied children and children with severe medical conditions and other vulnerabilities with their families **from Greece to other Member States**. Work is also ongoing to develop sustainable solutions for the protection and care of unaccompanied children and teenagers who will stay in Greece.

The Commission is coordinating the relocation exercise together with the Greek Special Secretary for Unaccompanied Minors, and provides financial and operational support to Greece and participating Member States in this respect. The European Asylum Support Office (EASO), the International Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR) and the United Nations International Children's Emergency Fund (UNICEF) are providing support for the implementation of the scheme.

Following the extensive efforts of the organisations involved, and the solidarity of Member States with the support of the Commission, from March 2020 to end of October 2021, **more than 4 400 persons have been relocated from Greece to other EU Member States and Associated Countries**, out of which 1 047 were unaccompanied minors. The Commission coordinated the exercise and made EU funding available to the participating countries and actors.

6. How does the Commission want to improve the humanitarian situation in refugee camps?

Commission's answer:

The Commission is very concerned about the ever-increasing number of forcibly displaced people in the world, which reached 82.4 million last year, including 26.4 million refugees. The Commission is today a leading donor to support responses to major refugee crises. Our action in situations of forced displacement brings together both the humanitarian and development budgets, in line with the Communication

‘Lives in Dignity: from Aid-dependence to Self-reliance. Forced Displacement and Development’, which was adopted in April 2016.

The Commission’s approach is to strengthen the resilience and self-reliance of the displaced, but also of their host communities, as it should not be forgotten that 86% of the world’s refugees are hosted in developing countries. The Commission improves the humanitarian situation in refugee camps by harnessing the productive capacities of refugees, which provides them with a sense of dignity and independence. In addition to meeting the most urgent needs of refugees, such as shelter, protection, food and safe water, the EU’s assistance helps refugees in accessing education, health care, housing, land, livelihood support, and other basic services in various situations of displacement around the world.

7. Where exactly have the EU funds been invested in the AMIF programs and which specific improvements did they cause? Does the Commission plan a corresponding report from for each of the member states concerned?

Commission's answer:

The Member States provide yearly reports to the Commission on the implementation of the programmes. This information, together with the annual accounts, allow to follow up on the use made of the funds. The Commission provides regular reporting both on its website (https://ec.europa.eu/home-affairs/funding/asylum-migration-and-integration-funds_en) and via the Annual Activity Report and Programme Statements. The comprehensive assessment of the results of the programmes will come with the ex post evaluation to be presented by each Member State by 31 December 2023, in accordance with Article 57(1) of the Common Provisions Regulation. However, some example of projects are provided below, illustrating activities supported by the Fund.

An area where the AMIF has contributed significantly is the approach to vulnerable groups in the asylum, integration and return systems. An example of a project which has great dissemination and exploitation potential is the Swedish project “In the best interest of the child”. The objective of this project is to compile, adjust and test a pedagogical model based on practical experience in the handling of unaccompanied minors arriving in Sweden, to develop training to roll out the methodology developed during the work with these minors to other municipalities in Sweden, to publicise it at national level and to develop courses for unaccompanied children in upper secondary level, based on the core curriculum of the primary school in the field of human rights, values, etc.

The project focuses on preparing unaccompanied minors arriving in Sweden for a possible negative decision on their application for asylum. The project also supports the minors during the different phases of the assessment of their application but the main goal of the project is to empower the minors and prepare them for the difficult transition.

In Austria, AMIF financed the NIPE Network (Network for Intercultural Psychotherapy after extreme trauma) project — psychotherapy for refugees: NIPE is a network of ten psychotherapy centres in Austria, where well-trained teams of

interpreters and psychotherapists work with refugee children and adults to help them deal with post-traumatic symptoms (2 500 patients per year).

A central project under the return specific objective of the German AMIF programme concerns nationwide financial support for voluntary returnees. The project involves cooperation with local authorities, charitable associations, specialist advisory services, central return advisory services and the United Nations High Commissioner for Refugees.

8. How does the Commission want to improve the length of asylum procedures and return rates? Which legislative progress has been made in 2020?

Commission's answer:

The **Asylum Procedures Directive** 2013/32/EC prescribes reasonable time limits for the examination of applications for international protection (normally six months, extendable for complexity reasons by nine months and another three months, with a maximum time limit of 21 months from the lodging of the application). The Commission currently conducts a horizontal exercise with all Member States to ensure that national legislation is in conformity with the Directive.

The **European Asylum Support Office** is providing important support to accelerate the processing of asylum applications, notably in the frontline Member States.

The Commission is also actively participating in the **Asylum Processes Network**, which gathers all Member States and is led by the European Asylum Support Office, soon to become the European Union Asylum Agency following the agreement reached earlier this year between the European Parliament and the Council under the Pact on Migration and Asylum. The Network's objectives are to exchange best practices and to achieve a more efficient asylum procedure in the Member States. At the recent Network's Senior Managers thematic meeting on Efficiency, participants stressed the need for comprehensive data gathering from the beginning of the asylum procedure, also in view of possible return.

The proposals for an **Asylum Procedure Regulation** (2016) and its amendment (2020) foresee shorter streamlined deadlines for the asylum procedure (again six months as a rule, but only extendable once by three months, with a maximum time limit of 15 months from the lodging of the application. There is also a new time limit of one month for determining the admissibility of an application). These time limits will be directly applicable in all Member States upon adoption of the Regulation. For returns to be effective, a common EU system for returns is needed, which combines stronger structures inside the EU with more effective cooperation with third countries on return and readmission. The main building block to achieve an effective EU return system is the 2018 proposal to recast the Return Directive. This return system will also provide effective operational support including through the European Border and Coast Guard Agency (Frontex). This approach would benefit from the process proposed under the Asylum and Migration Management Regulation to identify measures if required to incentivise cooperation with third

countries. For the common EU system for returns to be effective it should also integrate return sponsorship and serve to support its successful implementation.

9. What has to happen and which program and when, so that it is ensured that only migrants who are still registered at the external borders of the EU and with a preliminary asylum decision can be distributed in the landlocked states?

Commission's answer:

Migrants disembarked in **Italy and Malta** in view of voluntary relocation to other Member States are subject to the Standard Operating Procedures agreed in the framework of the Malta Declaration of 2019. This means that migrants are first identified and screened by the Member State of disembarkation (with possible support from EU Agencies and other actors). This includes: provision of information on applicable procedures (including relocation) to the disembarked migrants; registration and fingerprinting in the Eurodac system; check against national and EU information systems (Schengen Information System, Visa Information System, European Union Agency for Law Enforcement Cooperation and International Criminal Police Organisation databases). Health checks are also carried out and the list of nationalities and composition of the group are prepared, followed by the formal launch of the relocation exercise.

After registration as asylum applicants (Eurodac category 1) and interviews by the European Asylum Support Office (EASO), relocation candidates are proposed to relocating Member States on the basis of their pledges and possible preferences. If accepted, the applicants are then transferred to the relocating Member State, where they are again registered in Eurodac category 1 and the asylum procedure in the relocating Member State is launched. The Asylum, Migration and Integration Fund (AMIF) is used to finance the voluntary relocation process.

In **Greece**, Standard Operating Procedures for Reception and Identification Centres were adopted in June 2019. Initially, a first medical assessment takes place upon disembarkation to verify if immediate care is needed and identify individuals with serious vulnerabilities. This is followed by COVID-19 quarantine for 14 days including double testing; physical security check; and registration of personal data and assessment of nationality; taking and transmission of fingerprints (using Eurodac devices) for individuals over 14 years old; checks against the national and international security databases (SIS II, Interpol, Europol). The identification procedure includes information on asylum; full medical examination and provision of any necessary care and psycho-social support; information to third-country nationals about their rights and obligations; and follow-up procedures, including asylum, returns and Assisted Voluntary Return and Reintegration and relocation.

Moreover, identification and targeted assistance is provided to persons with special needs, in order to refer them to the appropriate structures and provide them with specialised care and protection.

10. At the end of 2020, 253 860 asylum applications had been pending for more than 6 months in EU 27, which is about 13 500 more than at the end of 2019. Regarding the

Annual activity report main objective is to reduce the number of pending cases till 2024.

Question: What is the overall price of the pending applications? What tool does the Commission intend to use to reduce the amount of pending applications?

Commission's answer:

In 2020 the backlog in asylum applications in the EU 27 has increased mainly because the COVID-19 pandemic has severely limited the ability of the Member States' authorities to examine asylum applications. It is difficult to estimate the overall price of the pending applications for international protection in the EU. The asylum systems in the Member States remain largely not harmonised, including in terms of the reception conditions provided to applicants for international protection. The costs resulting from the pending asylum applications vary in each Member State depending on the level of reception conditions provided and the duration of the procedures (including appeals), but also on other factors (for example possible increased costs due to detention, or to the additional time and costs needed to complete Dublin transfers or voluntary relocation, etc.).

Member States are responsible for processing their applications efficiently and avoid hardship to applicants (keeping people in uncertain situations for long periods while providing them with basic reception conditions). The Commission assists Member States in increasing their capacity to process applications and improving the reception conditions with the financial support provided under the Asylum, Migration and Integration Fund Programme and with the support of the European Asylum Support Office, where applicable.

11. Child and forced marriage (CFM) is a human rights violation and a harmful practice that disproportionately affects women and girls globally, preventing them from living their lives free from all forms of violence. CFM may lead to women and girls attempting to flee their communities or commit suicide to avoid or escape the marriage. Question: In some member states it has been found that forced marriage is used as a tool for obtaining a residence permit. What concrete actions DG Home is going to do to stop this human right violation and illegal way of immigration?

Commission's answer:

The European Commission's Third (2020) report on the progress made in the **fight against trafficking in human beings** reported on EU nationals who are trafficked for the purpose of forced and exploitative sham marriages with non-EU nationals to allow the latter to get residence permits in an EU country. Victims of trafficking for forced marriages are often also trafficked for other forms of exploitation, such as sexual or labour. Most of the victims are women and girls, and there is a prevalence of Roma victims.

In April 2021, the Commission presented its EU **Strategy on Combatting Trafficking in Human Beings 2021-2025**, which focuses on reducing demand that fosters trafficking, breaking the criminal business model of traffickers, both offline and online, and protecting, supporting and empowering the victims, especially women and girls. As one of the key actions of the strategy, the Commission is carrying out a study for the evaluation of the Anti-trafficking Directive. Based on the outcome of the evaluation, it will consider reviewing the Directive, which may

also include findings on the situation on **trafficking for the purpose of forced marriages**.

The **Gender Equality Strategy 2020-2025** foresees the adoption of a Recommendation on the prevention of harmful practices, such as child, early and forced marriage. The recommendation is envisaged to focus on the strengthening of public services, prevention and support measures, and capacity-building of professionals

Moreover, to prevent forced marriages, Article 4(5) of the **Family Reunification Directive** 2003/86/EC allows Member States, to require the sponsor and his/her spouse to be of a certain minimum age, before the spouse is able to join him/her. Article 15(3), 2nd sentence, provides that Member States must issue an autonomous residence permit to third-country nationals who have entered their territory by virtue of family reunification in the event of particularly difficult circumstances, which may include certain cases of forced marriages.

Article 59(1) of the **Istanbul Convention** establishes that victims of all forms of violence covered by the Convention, including forced marriage, must be granted individual residence permits following dissolution of the marriage. The EU Member States bound by the Istanbul Convention have a legal obligation to respect this provision.

12. Interoperability between Europol databases, the main EU databases (SIS II, VIS, EURODAC and future systems, in particular the Entry/Exit System and the European Travel Information and Authorisation System) and Interpol databases should further improve by 2023, as provided for in the 2019 Interoperability Regulation. What is the current state related to the interoperability of these systems?

Commission's answer:

The deadline for the implementation of the complete new interoperability architecture is end-2023. The renewed Schengen Information System (SIS), the Entry/Exit System (EES) and the European Travel Information and Authorisation System (ETIAS) are currently being developed and tested. Preparation for the implementation of the upgraded Visa Information Systems (VIS) has started. Despite delays in the implementation of the Entry/Exit System, the deadline for the implementation of interoperability of the EU large-scale information systems remains 2023.

13. Europol estimates that around 90 % of those who cross the EU borders irregularly are assisted by migrant smugglers, mostly criminal groups also involved in other crime areas, such as document fraud or human trafficking. While law enforcement activities to fight migrant smuggling are the responsibility of the Member States, the value of Europol's service depends largely on how actively its partners exchange information with it. ECA noted varying degrees of engagement among Member States. Did the Commission put forward any proposals to incentivise Member States to more actively engage themselves?

Commission's answer:

The Operational and Analysis Centre is Europol's information hub. The centre hosts the European Migrant Smuggling Centre, which targets and dismantles the complex and sophisticated criminal networks involved in migrant smuggling. Europol therefore has an important role to play in addressing migrant smuggling.

This is confirmed in the renewed **EU Action Plan against migrant smuggling**, adopted by the Commission in September this year. At the moment, exchange of information with Europol is voluntary, but strongly encouraged by the Commission as fight against organised criminal networks involved in migrant smuggling requires cooperation at EU level. More specifically, in the strategy the Commission asks Member States to intensify the use of Europol's European Migrant Smuggling Centre and of the Information Clearing House. The action plan also requests EU Member States to consolidate their use of the Secure Information Exchange Network Application (SIENA), involving Europol, as this would avoid a fragmented intelligence picture on migrant smuggling. Furthermore, national contact points on migrant smuggling could ensure a better exchange of information also with Europol.

In April this year, the Commission adopted the **EU Strategy on combating trafficking in human beings (2021-2025)**. In the strategy, the Commission invites Member States to cooperate with Europol to combat labour exploitation and encourages national authorities to intensify joining efforts with Europol (and other stakeholders) to carry out concerted and joint inspections in high risk sectors to identify victims and their exploiters. More specifically, the strategy invites Member States to make full use of existing instruments for operational cooperation, such as joint investigation teams, with support from Europol, and to systematically exchange data on investigations on human trafficking with the support of Europol. The Commission also invites Member States to enhance information sharing and criminal intelligence on trafficking and related crimes and criminal networks, with support from EU agencies such as Europol.

Finally, the Commission is to adopt by the end of the year a Directive on **information exchange between Law Enforcement Authorities of EU Member States**, repealing Council Framework Decision 2006/960/JHA. This proposal will be part of the Police Cooperation package. It seeks to ensure the mandatory use of Europol's SIENA for exchanges between Member States (unless otherwise regulated by EU law). It also seeks to ensure that Europol would systematically be put in copy of messages concerning offences falling under the Europol mandate, which notably covers migrant smuggling offences.

14. Each Member State uses its own definition of what constitutes migrant smuggling. Would you consider useful a European definition for that?

Commission's answer:

Within the EU, the Facilitators Package¹ constitutes the legal framework that **defines the offence of facilitation of unauthorised entry, transit or residence** in the EU and sets out related criminal sanctions. On this basis, in particular, Directive 2002/90/EC – the Facilitation Directive – obliges all Member States to appropriately sanction anyone who, in breach of laws, intentionally assists a non-EU country national to enter or transit through an EU country, or for financial gain, a non-EU country national to reside in an EU country.

15. Do you consider the “Facilitation Directive” fit for purpose?

Commission's answer:

In 2017, the Commission carried out the first comprehensive **evaluation** of the Facilitators Package. Acknowledging the concerns related to possible criminalisation of humanitarian assistance, the evaluation pointed in particular to a perceived lack of legal certainty and to the lack of appropriate communication between authorities and those operating on the ground. While it considered a legal revision at that stage to be unnecessary, the Commission proposed a more effective exchange of knowledge and good practices between prosecutors, law enforcement and civil society to address the practical consequences of those weaknesses.

As a follow-up, the Commission therefore launched a process of **regular consultation** with civil society and EU Agencies, including the Fundamental Rights Agency and Eurojust. The regular consultation will help **build up knowledge and gather evidence** to identify the issues linked to interpreting and applying the Facilitation Directive and to improve its enforcement. The Commission intends to further **report on the implementation** of the Facilitators package in 2023. If necessary, the Commission will propose to revise the legal framework to ensure that the EU is equipped to respond to the constantly evolving challenges in this area.

16. Can you give us more information on the current situation of hot spots and their management? Since September 2020, a taskforce migration management has been developed with the Greek authorities. Has the taskforce put in place had the expected results?

Commission's answer:

The situation in the reception centres on the Greek islands is quite different from that in September 2020. The number of people on the Eastern Aegean islands stands at 4 348 as of end October 2021 compared to 21 546 in September 2020. Worth to mention, on 26 October 2021, for the first time the number of persons accommodated in the temporary facility on Lesbos dropped below 3 000 persons.

This was made possible by the extensive efforts of the organisations involved, and the solidarity of EU Member States with the support of the European Commission, to relocate migrants to other EU Member States. Between September 2020 and end-

¹ Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence (OJ L 328/17) and Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (OJ L 328/1). These instruments were adopted together and are commonly referred to as the ‘Facilitators Package’.

October 2021 more than 4 400 persons have been relocated. These efforts coupled with a 60% decrease in arrivals in the first seven months of 2021 and intensive efforts to address overcrowding (including the transfer of more than 18 500 people from the islands to the mainland) have led to this result.

Since the end of September 2021, a new centre on Samos is operational, in line with the longstanding commitment of the Commission to improve the situation on the Aegean islands and create suitable and futureproof facilities that would be up to EU standards. Greek authorities have announced that the centres on Kos and Leros will follow in November 2021, with Lesbos and Chios centres expected to be ready in 2022. As the tender for a new facility in Lesbos has not yet been finalised, the temporary site on Lesbos continues to serve as an interim solution. Measures to improve the situation in this temporary site have also been taken over the past year, with tents being replaced with containers and refugee housing units, and electricity, water and sewage grids being installed. It remains a temporary solution.

Together with efforts to address overcrowding and the successful decongestion of the islands, the new centres will ensure adequate living conditions for arriving migrants and enable fair and efficient migration management.

In addition, it was crucial to improve the efficiency of the asylum and return procedures, and to develop better integration measures for new arrivals.

With the support of the European Asylum Support Office, and as of October 2021 the backlog of cases at first and second instance had been decreased by 48% compared to the same period last year.

Recognised beneficiaries of international protection get regularly supported through the EU-funded HELIOS programme. With 32 611 persons benefitting from the scheme so far, and 13 575 signing up since September 2020, the scheme has contributed to integration efforts into Greek society.

Together with the European Asylum Support Office, the Fundamental Rights Agency and the European Border and Coast Guard Agency (Frontex), the Task Force on Migration Management has been involved in this process to improve the situation on the islands, providing support and advice on how to cover essential needs, improve the reception standards, and ensure efficient migration management. A Memorandum of Understanding was signed between the Commission and EU Agencies, and the Greek government, in December 2020 outlining different milestones and this is gradually being implemented.

Many projects that were run over the past year through International Organisations (cash and accommodation support, camp management, etc.), supported by emergency assistance of the Commission, have been incrementally transferred to the Greek authorities, making the Member State responsible to manage its migration system.

The Commission regularly updates the information on the progress of the work of the Task Force Migration Management through the dedicated website:

https://ec.europa.eu/home-affairs/pages/page/task-force-migration-management_en

17. Can you give us more information on the current situation of hot spots and their management? What are the main problems encountered and how does the Commission deal with them?

Commission's answer:

Regarding the situation in the **Greek islands**, see also the reply to question 16.

Regarding the situation in the **Italian hotspots**, overall the Italian authorities have continued to apply the Standard Operating procedures, with support of EU agencies, despite the constraints imposed by the COVID-19 pandemic as regards the use of structures on the mainland and the use of ships to host disembarked migrants (adults and families only) to spend the compulsory period of quarantine (minors are hosted in dedicated centres). The increased migratory flows in Italy in 2021 as compared to the same period of 2020 (almost two-fold, currently around +95%) has created at times overcrowding in one of the Italian hotspots, Lampedusa, but expansion works have been carried out by the Italian authorities and the last works are about to be completed.

18. In 2020, 125 million has been spent to help the integration of legal migrants (922.000 persons). What is your assessment of this policy? The employment of foreigners remains problematic, especially in certain countries such as Belgium, France. How do you assess the programs set up in these countries to integrate foreigners with EU funds? How do you judge that the money has been spent correctly? What are the KPI used for this important policy?

Commission's answer:

The EU funds on integration have contributed to underpin the achievement of the 2016 Action Plan on integration and address the disproportionate negative impact of the pandemic on third country nationals. The projects selected by the Commission have focused on developing and implementing local integration strategies and promoting non-EU migrant access to basic services, including health, work rights and housing.

The 'effective integration and legal migration' strand of the Asylum, Migration and Integration Fund has been a real success: almost **6 million persons** in the target group have received integration assistance, which already surpasses the target set for the 2014-2020 Multiannual Financial Framework by 2.6 million. The other main Key Performance Indicators used to measure the policy are: the number of local, regional and national policy frameworks up and running, and the level of support for integration policies in Member States, as measured by the number of projects introduced in the national programmes (in both cases, by 31 December 2020 the results had exceeded the targets set). Some examples of projects are shown here below.

The Belgian integration project: ‘Civic integration program for low-literate women with young children’ targets low-literate third country national women who are either pregnant or mother of a child younger than 3, with a legal permit or in the procedure of obtaining legal status. It targets a specific group of migrants who do not usually participate in mainstream integration programmes, as these are not adequate to their learning needs and the care for the child leads to practical and psychological barriers to participate. The tailor-made integration programme, which lasts 15 months for a total of 60 class hours plus extra activities, is implemented in Brussels and five Flemish provinces and aims to strengthen the women and also stimulate the children in their development. Project activities include group sessions that combine civic orientation lessons, alphabetisation, Dutch language, parenting support and childcare (participants come to class with their child), plus individual guidance provided by councillors to the participants.

In the Netherlands, the Central Agency for the Reception of Asylum Seekers established, together with the International Organization for Migration and the Foundation for Refugee Students, a platform consisting of a website with information, mentoring opportunities and openings for language courses and work experience, along with a training programme tailored to non-western third-country nationals with a residence permit.

The integration and inclusion of migrants was also supported by the **European Social Fund (ESF)**. By the end of 2019, around 5.2 million people (among which almost 3.4 million (i.e. 65%) were reported in France, Italy, Germany and Spain) belonging to the group of ‘migrants, participants with a foreign background, minorities’ had received support from that Fund, out of a total of more than 33.4 million participants. The European Social Fund does not have a tracking system that would allow monitoring the exact expenditure related to the above target group.

The large diversity of needs of third country nationals and people with a foreign or migrant background is reflected in the variety of ESF-funded measures, ranging from language classes to mentorship, apprenticeship, work placement, education, training and social inclusion measures.

The Commission has been consistently monitoring the implementation of operations, in line with its responsibilities under shared management. The effectiveness of operations will be assessed in the context of evaluations. In Germany for instance, each European Social Fund programme has its own indicators for review to take into account regional differences of the target group and differences between direct and indirect measures. However, with a programme-specific performance framework, it is possible to already assess first information if specific measures are applied.

A report published in 2019 sheds light on the support of the European Social Fund and the Youth Employment Initiative (YEI) in the 2014-2020 programming period to migrants, people with a foreign background and minorities (including marginalised communities such as the Roma). This report is available at: <https://ec.europa.eu/social/BlobServlet?docId=21715&langId=en>

19. The AAR of DG HOME indicates that ‘In 2020, Member States spent € 125 million of Migration and Home Affairs Funds on legal migration and integration measures for the benefit of 999 222 migrants’
- In what way was the performance of integration and inclusion programmes affected by Covid-19?
 - Which lessons learned will be integrated into the performance framework of new European Social Fund+, focusing on the long-term socioeconomic integration of non-EU nationals?

Commission's answer:

We can provide some examples to illustrate how Member States adjusted their integration and inclusion projects to the pandemic. Generally speaking, most projects have found ways to adapt to the challenging circumstances.

In Sweden, delays were experienced as physical meetings had to be abandoned. While most projects were very innovative in dealing with the situation (smaller groups, outside activities, virtual training), it was challenging to continue projects for a particular target group: people with limited reading and writing skills. One project launched in 2020 particularly meant to address lack of knowledge about the spread of the Coronavirus and how to protect yourself from it.

In Finland, due to gathering and travelling restrictions, there was a need to adjust some project plans. The beneficiaries have been successful in adjusting to the situation and reached the target groups via virtual meetings and training. The pandemic has pushed the beneficiaries to develop new working methods and also prompted the target group to grasp new ways to participate and to use new technologies.

In Austria, adaptation was particularly reflected in a switch to digital offers, such as the provision of video-conferences. Project implementation as close as possible to the project concept/targets and health protection is a top priority.

Relating to the lessons learnt for the European Social Fund+, the pandemic has had a disproportionately higher negative impact on vulnerable groups including migrants. For example, it has affected the labour market situation of migrants more severely than that of native workers. While accounting for a significant share of the essential workforce, migrant workers were at higher risk of unemployment or inactivity and the employment gap between non-EU born and natives has widened in 2020. In addition, migrants are facing additional barriers, they are overrepresented in temporary employment, among the low wage workers; and in jobs that are less transferable to telework.

In 2021-2027, the Commission will be able to report on the European Social Fund+ outreach to migrants. The common output indicator on ‘third country nationals’ will be reported uniformly in all European Social Fund+ programmes. In addition, the number of ‘participants with a foreign background’ supported will also be learnt.

20. Did the Commission improve the AMIF performance indicators? Do the EMAS (Emergency Assistance grant scheme) projects contain input and outcome indicators with clear targets and baselines where appropriate? Could the Commission justify, when this is not the case?

Commission's answer:

As the indicators are used to track progress in the implementation of the funding, the targets set at the beginning of the programming period should remain relatively stable through the period, even if they are adjusted upwards or downwards, when additional funding is added to the national programmes or when there is a substantial change in the circumstances. Through these indicators, both the Member States and the Commission aim to provide reliable reporting on performance. However, it is important to keep in mind that the rhythm of reporting is closely linked to the level of implementation, so that not all information is updated at any given moment. In addition, indicators by themselves do not necessarily reflect the attainment of programme objectives. The indicator data should always be analysed in conjunction with other quantitative and qualitative information in order to assess the performance of the programme.

The new legal bases for the Funds (2021-2027) have defined a new performance framework, based on a list of output and result indicators set out in the regulations. These indicators will be regularly reported on by the Member States, and will be used by the Commission and the Member States for monitoring the implementation of the programme and reporting on its performance.

All EMAS projects contain the indicators relevant to their objectives. Impact indicators are required to measure the expected impact of the action and thus the achievement of the general objective. For each specific objective (expected outcomes) of the action, the beneficiary is required to explain the inputs needed and how the outcomes are expected to contribute to the general objective, again also by means of input and outcome indicators. The outcomes should address the core problems as identified in the needs assessment and should be defined in terms of direct benefits for the target groups. Non-prescriptive examples of indicators are provided as guidance to potential beneficiaries. For the 2021-2027 Multiannual Financial Framework, emergency assistance is one of the components of the Thematic Facility and subject to the general control and monitoring framework of the new Home Affairs Funds. The common output and result indicators, set out in the Fund-specific Regulations, apply to all management modes, including direct management. The indicators will therefore cover both national programmes and Thematic Facility. Similarly, the core performance indicators set out in the Fund-specific Regulations will include monitoring data on shared, indirect and direct management modes.

Questions regarding the European Border and Coast Guard Agency (Frontex)

21. How is the Commission supporting the European Border and Coast Guard Agency (Frontex) with political and legal guidance regarding the interpretation of the Frontex Regulation (Regulation (EU) 2019/1896) and other applicable EU regulations for

missions involving critical and difficult situations, particularly at sea or regarding the protection of the EU's external borders?

Commission's answer:

As illustrated by the extensive documentation shared with the Frontex Scrutiny Working Group in April and May 2021, the Commission has **extensively advised** the Agency on various matters related to the implementation of the regulatory framework, in particular the new 2019 mandate.

The Commission, furthermore, provides support and guidance in the context of its role as member of the Frontex **Management Board**. The Commission has delivered on numerous occasions **clarifications related to specific activities** of the Agency. For example, on specific situations at the EU's external borders, the Commission has repeatedly called in the Management Board for regular evaluations of the joint operations, as well as for having the reporting by the Fundamental Rights Officer as a permanent agenda item at Management Board meetings. At the request of the Management Board's Working Group on Fundamental Rights and Legal Operational Aspects of Operations, the Commission has also provided legal clarifications regarding the implementation of Frontex' activities at sea.

22. Given the length of discussions between the Commission and Frontex on legal guidance and adjustments of the structure - how is the Commission going to ensure that the future cooperation and communication with Frontex will improve so that past complications are not repeated? Does the Commission plan to establish permanent communication channels to ensure constant and timely exchanges, particularly on urgent requests for political and/or legal guidance?

Commission's answer:

The Frontex Scrutiny Working Group's report of 16 July 2021 recognises the Commission's continuous efforts to keep a permanent exchange going with the Executive Director in order to achieve a correct and timely implementation of the 2019 Regulation; in particular as regards the fundamental rights.

However, in order to further **streamline the existing channels of communication**, a number of important changes have been introduced with the objective of improving the existing communication and cooperation channels between the Agency and the Commission. Since February 2021, **regular high-level meetings** have been taking place between the senior management of DG HOME and Frontex, including dedicated sessions on specific strategic matters. This is followed-up by **discussions at technical level** where necessary. A **Frontex support group** has also been established inside DG HOME that brings together, in bi-weekly meetings, all units of the DG that cooperate with Frontex.

It should also be stressed that Frontex is not an Executive Agency of the Commission but a **decentralised Union Agency**. The rules of its governance are set by its founding Regulation (EU) 2019/1896 on the European Border and Coast Guard. The Commission is bound by those rules in case the Agency seeks political or legal guidance for the implementation of its operational tasks set out by the

binding provisions of Union law. The Management Board plays a central role for the Agency's strategic oversight and steering. In particular, in accordance with Article 100(4) of the EBCG Regulation, the Management Board can advise the Executive Director on any matter related to the management of external borders. The Commission representatives to the Management Board are regularly engaging with the Agency in preparation of the plenary meetings of the Management Board and the Executive Board.

The Commission is also represented in the **Working Group on Budget and Account**, where it regularly provides advice and guidance. At its meeting of 16-17 June 2021, the Frontex Management Board decided to strengthen the Management Board's oversight of the Agency by extending the Executive Board and reinforcing its expertise. Three Deputy Executive Directors were appointed on 21 October. The Commission has played an important role in this process and will continue to do so.

23. There are many growing problems between Greece and Turkey in recent years, how does this affect the work of DG Home and agencies such as Frontex?

Commission's answer:

On 12 October 2021, the EU-Turkey High-Level dialogue on Migration and Security took place in Ankara. As Commissioner for Home Affairs, I co-chaired the dialogue with Suleyman Soyly, the Minister of Interior of Turkey. The EU-Turkey statement, the situation in Afghanistan and other relevant migration and security matters were discussed in a constructive manner.

The Commission would welcome the improvement of operational cooperation between Frontex and the national authorities of Turkey competent in matters covered by the Agency's mandate. While the Commission has welcomed the agreed Cooperation Plan between Frontex and the Ministry of Interior of Turkey in January 2020 setting out concrete actions for pursuing operational cooperation, it, however, regretted that those actions have not been implemented. The Commission considers that operational cooperation in the field of border management and return, between Frontex and Turkey, as well as between Turkey and the Member States having common borders, is in the mutual interest of all sides concerned.

24. What initiatives have been put in place to develop joint Frontex flights and Smart Border programs especially in the frame of the covid situation?

Commission's answer:

Regarding the **joint flights**, the European Border and Coast Guard Agency (Frontex) has put in place a series of actions in its return operations to effectively deal with the COVID-19 situation, such as covering the cost of PCR tests for both returnees and escorts during return operations; allowing for more flexibility in ticket cancellation and enhancing the use of videoconferencing for identification interviews.

In relation to the interoperability of IT systems for border management, the ETIAS system currently in development will allow the monitoring of health related risks (high epidemic risks).

Questions concerning readmission-related issues

25. What is the list of countries where a readmission agreement has been decided at the European level? What is the status of the negotiations with North Africa? What improvements have been made with key country to develop efficient return policies?

Commission's answer:

The EU has concluded **readmission agreements** with the following countries: Hong Kong (1 March 2004), Macao (1 June 2004), Sri Lanka (1 May 2005), Albania (1 May 2006), Russia (1 June 2007), Ukraine (1 January 2008), North Macedonia (1 January 2008), Bosnia & Herzegovina (1 January 2008), Montenegro (1 January 2008), Serbia (1 January 2008), Moldova (1 January 2008), Pakistan (1 December 2010), Georgia (1 March 2011), Armenia (1 January 2014), Azerbaijan (1 September 2014), Turkey (1 October 2014), Cape Verde (1 December 2014), Belarus (1 July 2020).

In addition to these agreements, legally non-binding **readmission arrangements** have also been concluded with: Afghanistan (2021, not being implemented due to the new context in the country), Guinea (2017, on hold), Bangladesh (2017), Ethiopia (2018), The Gambia (2018) and Ivory Coast (2018).

The Commission has mandates for negotiations with **Morocco and Tunisia**. For both countries, the aim would be to embed discussions on ensuring effective readmission in a wider, more comprehensive dialogue on migration as both countries refuse the third national readmission clause.

While the Commission holds a mandate for a readmission agreement with **Algeria**, the country's authorities have this far refused to engage on the matter. The informal dialogue on all aspects of migration and mobility is the EU's main tool to engage Algeria on migration; the Commission used this year's dialogue held in July to propose consular workshops to improve practical conditions for returns.

Improvements with key countries to develop efficient return policies include facilitating of effective coordination and cooperation, setting clear obligations and procedures for the authorities of the non-EU country and of EU Member States, and supporting voluntary return and sustainable reintegration.

26. Some non-EU countries do not see added value in pursuing a EURA in preference to bilateral cooperation, in particular if they benefit from generous bilateral deals with some EU countries. What is the Commission doing in order to support Member States to develop closely aligned positions, as this could prove beneficial in unblocking negotiations and concluding readmission arrangements?

Commission's answer:

The European Council of 25 June 2021 called on the Commission and the High Representative, in close cooperation with Member States, to put forward action plans for priority countries of origin and transit in autumn 2021, indicating clear objectives, further support measures and concrete timelines. The preparations of the **action plans for third countries** in relation to which there are ongoing negotiations, mandates or intention to negotiate, are examples of joint coordination with the Member States, following a comprehensive approach, putting together all the various migration elements.

The Commission will work based on its annual assessment of readmission cooperation with third countries, pursuant to **Article 25a of the Visa Code** (see question 27).

The Commission and the European External Action Service will continue to work with Member States on **coherent messaging** and draw on the **privileged relations** some Member States enjoy with specific third countries by including them in the process of facilitating negotiations. This would ensure that Member States and the EU speak with one voice, in line with the principle of sincere cooperation.

The Commission remains committed to continue its efforts to secure readmission agreements or arrangements, which can be used by Member States.

27. What tools does the Commission have at its disposal to incentivise non-EU countries to implement their readmission obligations? How did the Commission apply its toolbox, for example the EU visa policy, whose revised provisions can be helpful in encouraging non-EU countries to cooperate on readmissions?

Commission's answer:

The topic of return and readmission has become increasingly central to the credibility of the entire migration management system. Fostering **cooperation on readmission**, which is also an obligation under international law, constitutes an essential element of the migration partnerships with countries outside the EU. To promote such cooperation, the EU needs to mobilise all available tools. The EU has now at its disposal a number of concrete elements to foster readmission: Article 25a of the Visa Code that links visa policy with an assessment of third countries' cooperation on readmission (more details below), the February communication on readmission (*Enhancing cooperation on return and readmission as part of a fair, effective and comprehensive EU migration policy*), the strategy on voluntary return and reintegration, increased competences of Frontex on return, etc.

Article 7 of the proposed Asylum and Migration Management Regulation, goes further towards links with policy areas beyond visa, to improve cooperation with third countries to facilitate return and readmission.

We have already seen the result of these efforts in the proposed new **EU Generalised Scheme of [Trade] Preferences (GSP) Regulation** adopted by the

Commission on 22 September, which links the GSP to the beneficiary country's obligation to readmit its own nationals.

Article 25a of the revised Visa Code establishes a new mechanism to foster cooperation on readmission. It allows the EU to, on the basis of a yearly assessment of cooperation on readmission, introduce temporary restrictive measures on short-stay visa. The Commission adopted the **first assessment report** in February 2021, which provides a factual assessment of the level of readmission cooperation of the main third countries for return in 2019. Based on this assessment and taking into account the overall relations of the EU with the third country, the Commission can propose restrictive visa measures for third countries, where the level of cooperation on readmission is insufficient and action is needed, as well as more favourable ones for cooperative countries.

In July 2021, the Commission proposed to the Council to adopt temporary restrictive measures on short-stay visas for applicants who are nationals of Bangladesh, Iraq and The Gambia. Based on that, the Council suspended in October the application of certain provisions of the Visa Code for nationals of The Gambia. The Council continues its discussions on Bangladesh and Iraq. The Commission will continue its engagement and work with the third countries concerned to improve cooperation on readmission.

The Commission is currently working on the second report which assesses third countries' level of cooperation on readmission in the year 2020.

28. The EU has been striving to help the Member States to improve practical cooperation on returns and readmissions, in particular by supporting networks, which successfully pooled national resources. ECA considers that these actions were broadly relevant. However, their real impact remains unknown, as there are a great many weaknesses affecting EU data on returns and readmission cooperation. What is the Commission doing in order to improve data collection?

Commission's answer:

The Commission acknowledges the importance of data collection and has been working on improvements that will help increase the availability and quality of data. With the entry into force of the amended **Regulation on Migration Statistics**, statistics on returned third country nationals by type of return are available per quarter since beginning of 2021. Additional information on voluntary return will also become available with the entry into force of the **EU Entry-Exit System** and the operationalisation of the **Schengen information System for return**. Furthermore, the amended **Eurodac** proposal will register information on whether voluntary return and reintegration assistance has been granted to irregular migrants. Finally, the future **Migration Situational Awareness and Analysis (MISAA)** reports will also reinforce the operational and situational knowledge on return in the Union.

29. The Court of Auditors recalled in various reports in 2019 and 2021 the low rate of return in the context of illegal immigration to third countries. Worse still this year the return rate has decreased from 35.6 in 2018 to 31.5% in 2019. This rate has not really changed since 2014. The return rate was very low in 2020 with 17,6% due also to covid situation. But return is supposed to be a key priority for Commission. Yet the EU funds received are important and the fight against illegal immigration is a priority. So how do you explain these low figures? Which measures have been taken in 2020 to deal with the backlog? How can we explain the low number of readmission agreements knowing that third countries also have a legal obligation to take back their nationals? What recommendations have you implemented following the reports of the Court of Auditors? What actions have been taken to increase the return rate? In what the appointment of a return coordinator can make a difference? What will be his mission?

Commission's answer:

The New Pact on Migration and Asylum addresses the internal and external obstacles to return and proposes a comprehensive approach to tackle them. The main external challenge is **securing third countries cooperation** on the readmission of their nationals. Internal obstacles include the **fragmentation of Member States' practices and legislation, insufficient resources** and the **level of cooperation** of third country nationals.

The measures proposed in the Pact include closing loopholes in migration procedures, the recast **Return Directive** and the amended proposal for an **Asylum Procedure Regulation**. Cooperation on return and readmission will also be strengthened through comprehensive migration partnerships with key countries of origin and transit. Moreover, with its new mandate, the **European Border and Coast Guard Agency** (Frontex) is becoming the operational arm of Member States for returns.

The Commission has taken note of the European Court of Auditors' report on EU readmission cooperation with third countries, which underlines the added value of Member States' political support to facilitate readmission negotiations. The Commission, in cooperation with the High Representative of the Union for Foreign Affairs and Security Policy, will continue to work with Member States in a Team Europe approach to seek a coordinated position towards third countries on migration. The Commission remains committed to continue its efforts to secure readmission agreements or arrangements, which can be used by Member States.

With respect to the implementation of the Court of Auditors' recommendations:

- Special Report No 24 /2019 *Asylum relocation and return of migrants - Time to step up action to address disparities between objectives and results* the Commission implemented all recommendations focused on return actions (addressing low returns from Greece and Italy)
- Special Report No 17/2021 *EU readmission cooperation with third countries: relevant actions yielded limited results* is a recent report, with recommendations to be implemented by end 2022/2023. The result of the discussion on the New Pact on Asylum and Migration will form of the basis of actions taken to implement the recommendations. The New Pact sets out an approach whereby a full range of the EU's and Member States' policies,

tools and instruments are pooled together and mobilised in a strategic way in order to achieve the desired objectives under the Pact. Return and readmissions are one of the elements of a comprehensive migration policy embedded in a broader policy framework.

Furthermore, on 27 April 2021, the Commission published the EU **strategy on voluntary return and reintegration**. The strategy contributes to the comprehensive approach of the Pact aimed at building a system that manages and normalises migration in the long term. The Commission considers that voluntary return contributes to humane and dignified returns, as it is better accepted by both the returnees and the third countries concerned, hence facilitating return procedures and cooperation on readmission. The implementation of the strategy and supporting partner countries in developing their own reintegration structures as envisaged in the NDICI programming 2021 – 2027 for the North of Africa will thus contribute to a more effective return system and more sustainable returns.

Important to note is also the developments in relation to **Frontex’ extended mandate**. The Agency is building up its capacity to become the EU operational arm on return, including in new areas such as voluntary return and reintegration and increased exchanges of return specialists between Member States. The establishment of a dedicated return division and the appointment of a Deputy Executive Director responsible for return will further reinforce the Agency’s capacity.

Generally speaking, many **third countries are reluctant to cooperate** on the readmission of their citizens, in particularly when it concerns non-voluntary returns, as they often consider that the negative effects of such cooperation on remittances, public domestic perception and the administrative resources it requires, outweigh the possible benefits. This also explains the relatively low number of formal readmission agreements.

The **Return Coordinator** will play an important role in the common EU return system. To support the overall coherence of this system, s/he will steer a high-level network of Member States’ representatives and will work closely with the Frontex Deputy Executive Director responsible for return. S/he will promote coordination and coherence of Member States’ practices on returns, ensure that these are aligned with readmission processes, and promote the implementation of solidarity measures in the area of returns, acting as a facilitator in the context of return sponsorship. The Coordinator will help gather information and identify the bottlenecks in cooperation with third countries, to build a seamless link between the internal and external phases of readmission. The Coordinator’s work, supported by the high level network, will feed into the Commission's stepped up engagement with partner countries.

30. ECA Special report 17/2021: “EU readmission cooperation with third countries: relevant actions yielded limited results” found that less than 1 in 5 actually do return to their own countries outside Europe. One of the reasons for the low number of returning irregular migrants is the difficulty of cooperating with migrants’ countries of origin. While the EU did formally engage in dialogue and launch negotiations with the countries with most non-returned irregular migrants, the Court noted that results for the 2015-2020 period

were rather limited. What kind of actions did the Commission initiate to address the findings of the Court?

Commission's answer:

See also the replies to questions 25-29.

The EU's experience over the last years shows that continuous monitoring, communication and outreach, as well as targeted support is necessary for cooperation and to deliver actual results. While the audit covered the period until mid-2020, the Commission's efforts have further developed since. With the **New Pact on Migration and Asylum**, the Commission proposes an approach pooling together and mobilising in a strategic way a full range of EU and Member State policies, tools and instruments and acting in unity, according to a Team Europe spirit, to achieve the desired objectives.

Indeed, certain initiatives under the New Pact on Migration and Asylum, the proposal to recast the Return Directive and the EU strategy on voluntary return and reintegration aim at **improving the EU return systems and enhancing cooperation of third countries on readmission**. To promote such cooperation, the EU needs to mobilise all available tools.

In this regard, two particular points stand out. Firstly, the **revised Visa Code**, as described under question 27. Secondly, the Commission proposal for a new EU's [Generalised Scheme of Preferences 2024-2034²](#) would allow for the **temporary withdrawal of preferences** in case of serious shortcomings in obligation to readmit nationals.

31. Do you agree with ECA's assessment that negotiations of EU readmission agreements (EURAs) are often jeopardised by the mandatory inclusion of the "third-country national" clause which is often opposed by non-EU countries? According to ECA negotiations of non-legally-binding readmission arrangements have been more successful, mainly because their contents are flexible and customisable. Do you share the Court's view on that?

Commission's answer:

A number of quantitative and qualitative elements and criteria need to be factored into the considerations if, when and how to engage on readmission, including the political opportunity for engagement in the context of the EU's overall relations with the third country. EU foreign policy interests and objectives, as well as political developments in the third country and corresponding domestic political considerations, should also be taken into account.

The Commission and the European External Action Service have consistently put migration on the agenda of high-level political meetings in order to facilitate cooperation on migration, including readmission. As outlined in the **Pact on Migration and Asylum**, this approach will be further pursued and intensified.

The **obligation to readmit third country nationals and stateless persons** is a reciprocal obligation **included in all EU Readmission Agreements**. The content of EU Readmission Agreements is largely determined by the negotiating directives

² COM(2021) 579 final.

adopted by the Council. To date, the Council has insisted on the obligation to accept third country nationals. The obligation to readmit third country nationals is extremely valuable with regard to transit countries or countries neighbouring the EU, where it is also a powerful incentive to strengthen border control. The Commission notes that the European Court of Auditors' report on EU readmission cooperation with third countries calls for taking a critical look at the inclusion of the third-country nationals' clause in negotiating mandates. As the dynamics in cooperation and migratory situation has evolved since some negotiating mandates were adopted, a critical look at the existing negotiation mandates may be needed. The Commission has started addressing the issue in strategic discussions with Member States.

The Commission also notes that the Report has valued positively the success achieved by the EU in negotiating legally **non-binding readmission arrangements**. By definition, such arrangements have a more limited scope than formal agreements, which may explain part of this success. Also, as they are usually not published, they do not create precedents. The report has made recommendations that can be summarised as follows: i) more flexibility in negotiating agreements – expectations, leverage and incentives must be in each case fine-tuned to the situation or needs of the partner country; ii) a more systematic consultation of Member States in the negotiations while ensuring that Member States and the EU speak 'with one voice' (a "Team Europe" approach) in order to achieve a positive result.

32. In another Special report 19/2021: "Europol support to fight migrant smuggling: a valued partner, but insufficient use of data sources and result measurement" ECA notes continuous challenges Europol faces in gaining access to all relevant criminal databases, and in making full use of external information sources. What steps have been taken to resolve this issue to enhance Europol's ability to track migrant smugglers? How could Europol's role as a coordination and information exchange hub be further developed in your view?

Commission's answer:

The New Pact on Migration and Asylum of September 2020 foresees to reinforce the fight against migrant smuggling with a renewed EU action plan for the period 2021–2025, which was adopted by the Commission on 29 September 2021. The action plan will focus on combatting criminal networks. In line with the EU's Security Union Strategy, it will **boost cooperation and support the work of law enforcement authorities to tackle migrant smuggling**.

The action plan will build on the work of the European Union's Law Enforcement Agency (Europol) and its European Migrant Smuggling Centre (EMSC), the European Border and Coast Guard Agency (Frontex), Eurojust and the EU Agency for Law Enforcement Training (CEPOL). New measures and strengthened inter-agency cooperation will address challenges in the areas of financial investigations, asset recovery and document fraud, and new phenomena such as digital smuggling.

Furthermore the Commission proposal for a **recast of the Europol Regulation** provides for a series of amendments that further develop the Agency's role as a

coordination and information exchange hub. For instance, Europol should be able to receive personal data from private parties, inform such private parties of missing information, and ask Member States to request other private parties to share further information. Lastly, Europol will have in the future further access to additional relevant external databases in the context of the EU interoperability agenda.

Questions concerning audits, risk management and reservations

33. How can the Commission improve the efficiency of the Member States' audit authorities in charge of the Amif (Asylum Fund) and the ISF (Internal Security Fund) so that they follow the Commission's instructions on sampling and calculation of the error rate?

Commission's answer:

The Commission provides continuous feedback to the Audit Authorities during the year. This feedback takes the form of tailor made letters to each audit authority following the review of the Annual Control Reports and detail the improvements these authorities are expected or invited to make in their audit work for both Funds. The improvements can range from more transparency in disclosure of the audit findings, sampling methodology, calculation of error rates and other audit related issues. The Commission notes a constant improvement year on year from the work of the audit authorities. These letters are in addition to dedicated workshops and continuous communication with the authorities concerned throughout the year.

Going forward (into the 2021-2027 period), the DG HOME Audit Authorities have been integrated into the network of AAs responsible for the Common Provisions Regulation. This allows the sharing of information and experience and ensures a common approach to the application of audit methodologies.

34. What were the types and outcomes of DG HOME Audits performed in Member States in 2020? Were any major irregularities or misuse of funds found?
- Could Commission provide figures on irregularities, if any?

Commission's answer:

DG HOME's audits for the current programming period (and not only 2020) until now have focused on system audits to assess the quality of the audit work of the Member States' audit authorities. Priority was given to those Audit Authorities that are not already auditing other EU Funds (e.g. Cohesion). Indeed, when the Audit Authorities are the same as those for other EU Funds, DG HOME relies to a large degree for its assurance on the assessment of the quality of the audit work that is performed by the audit services of DG REGIO or DG EMPL. DG HOME identified some audit authorities where additional work was required to be able to fully rely on their audit work for assurance, and for these programmes a non-quantifiable reservation was introduced in the 2020 Annual Activity Report mainly for the Audit Authorities of the German Internal Security Fund, the Danish Internal Security Fund, the Icelandic Internal Security Fund, the French Asylum, Migration and Integration Fund/Internal Security Fund as well as quantifiable reservations for the

Audit Authorities of the Finish Asylum, Migration and Integration Fund/Internal Security Fund.

Concerning irregularities, the system audits undertaken in 2020 are not designed to detect irregularities but rather to assess the effectiveness of the Audit Authorities' review work. It is up to the Audit Authorities of Member States to report irregularities in the context of the Annual Control Report. Any detected irregularities are corrected in the annual accounts submitted by the Member States. The preliminary findings stemming from the system audits point to procedural weaknesses that are currently being clarified.

35. How did the Commission follow-up on the Courts recommendation to issue guidance to the Member States' audit authorities for AMIF and the ISF (Internal Security Fund) on how to calculate audit coverage if they apply sub-sampling?

Commission's answer:

Following a consultation with the Audit Authorities for the Asylum, Migration and Integration Fund and the Internal Security Fund in the Member States (launched on 10 May 2021), DG HOME issued the guidance note on sub-sampling on 20 July 2021, which takes into consideration comments received on the draft text from some Member State audit authorities. The note underlines that audit authorities should aim primarily for statistical sub-sampling methods and only consider non-statistical sub-sampling methods when the size of the sub-population does not allow for statistical methods. In the latter cases, the audit authority is expected to detail its reasoning for non-statistical sub-sampling methods in the annual control report. The Commission would be especially attentive to the error rates reported by the Audit Authorities, when they choose the latter. This guidance note is applicable for audits of expenditure till the end of this programming period. The Commission is preparing a Delegated Act in collaboration with Member States on the basis of Article 79(4) of the Common Provisions Regulation on sampling methodologies to be applied for the 2021-2027 programming period.

36. Did the Commission reiterate to the Member States' audit authorities for AMIF and the ISF that they must follow the Commission's instructions on sampling and calculating the error rate?

Commission's answer:

DG HOME has continued to provide sampling guidance and feedback via the letters to the Audit Authorities in the context of the clearance of accounts exercise. With the entry into force of the revision to Delegated Regulation 1042/2014 that introduced the requirement for the national audit authorities to submit detailed annual control reports as from annual accounts 2018, DG HOME introduced the practice of sending to each Audit Authority detailed feedback letters following the analysis of the reports. In these letters, DG HOME provides specific and targeted feedback to each Member State audit authority including guidance on sampling as well as on correct calculation of error rates or extrapolation of errors to the relevant population where applicable. This provides each audit authority with the relevant

guidance to improve on the implementation and reporting of their audit work for the subsequent financial year clearance of accounts exercise.

37. What were the types and outcomes of DG HOME Audits performed in Member States in 2020? Were any major irregularities or misuse of funds found? Taking into account travel restrictions due to pandemics, were there difficulties to perform audits and how did Commission deal with that?

Commission's answer:

During 2020, due to the pandemic, the annual audit work based on desk review (review of the annual control reports as part of the annual clearance of accounts) was not affected and the Member States' audit authorities did not signal any difficulties to carry out the necessary audit work for the annual clearance of accounts. On the other hand, DG HOME's on-the-spot audit work on the field was affected by the travel restrictions etc. Planned audits were converted to remote audits. Notwithstanding no prior experience for remote audit work, with the inherent difficulties (lack of IT platform for exchange of audit documentation, other considerations such as data protection, security classification of audit evidence, linguistic difficulties), the audits are on-going albeit with delays. These remote audits have nevertheless allowed the Commission services to identify weaknesses and areas for improvement.

38. In its Annual Activity Report 2020 the Director General of DG HOME has issued four reservations, namely:
- Shared management – Reservation concerning SOLID funds 2007–2013 in several Member States
 - Shared management – Reservation concerning AMIF and ISF 2014–2020 in several Member States
 - Centralised Direct Management
 - Decentralised agencies: Reservation on reputational grounds related to weaknesses identified in the effective implementation of Frontex' new mandate in accordance with good governance and the requirements of the European Border and Coast Guard Regulation.

Could you please provide an update concerning the corrective actions taken?

Commission's answer:

The Director-General of DG HOME issued two reservations concerning shared management, one concerning funds in direct management and a last one, on reputational grounds related to weaknesses identified in the effective implementation of Frontex' new mandate in accordance with good governance.

Reservations in the 2020 Annual Activity Report: SOLID Funds

The reservations relating to SOLID Funds were maintained for transparency purposes, to give information about DG HOME actions on the necessary corrective measures related to the reservation. The Commission can already confirm that

following the completion of the recovery process, the reservations for Austria (EIF, ERF, RF,), Ireland (RF, ERF, EIF), Slovakia (RF, EBF), Lithuania (EBF) will be lifted. For the remaining Member States (Cyprus/EBF, Hungary/EBF, Slovenia/EBF) and Austria EBF, the recovery process is ongoing and every possible effort is being made to ensure the recovery process is completed by end March 2022 in order to lift the reservations.

Reservations in the 2020 Annual Activity Report: AMIF/ISF

The reservation concerning the Asylum, Migration and Integration Fund (AMIF) /Internal Security Fund (ISF) (for 2014-2020) is the result of system audits carried out by the Commission on the national programmes for the ISF in Denmark, Germany, Iceland, Ireland, and Finland, and for the AMIF in Finland. For all countries, the system audit revealed serious deficiencies in the management and control system. In addition, for France, the reservation is due to the fact that the 2019 accounts were returned due to incomplete audit work by the Member State Audit Authority for both Funds.

Regarding the reservations issued for Denmark ISF, Germany ISF and Finland AMIF/ISF and Ireland ISF, the final audit reports were sent to the Member States. DG HOME initiated conformity clearance process with Iceland (ISF) and Ireland (ISF) and will decide on launching a conformity clearance decision for other countries.

With respect to the reservation issued for France, the improvements undertaken by the authorities of the Management and Control system and corrective measures should enable the Commission to clear the accounts either in the second clearance decision of 2021 or in spring 2022.

Reservations in the 2020 Annual Activity Report: Emergency assistance and Union Actions

As concerns direct management, the Director-General of DG HOME maintained the reservation because audit results continue to show a cumulative residual error rate higher than 2% (2.23%). The main reasons for errors found in projects are irregularities related to public procurement and missing or inadequate supporting documentation. To reduce the extent of errors related to public procurement, in 2020 DG HOME initiated the revision of its internal Emergency Assistance control strategy, and organised a number of workshops and conferences with national authorities, addressing inter alia, national procurement practices and procedures.

A full re-assessment of the cumulative residual error rate will be performed at the beginning of 2022, in the framework of the assurance for the year 2021. If the cumulative residual error rate will be below the threshold of 2%, the reservation will be lifted.

Reputational reservation concerning the European Border and Coast Guard Agency (Frontex)

Progress was made in the implementation of the Agency's new mandate.

The Agency's new administrative structure was adopted in December 2020. However, in order to fully harvest the benefits of these changes, the new structure still needs to be adequately translated into the operational arrangements via the Frontex Internal Structure and Rules of Procedure.

Also, the internal governance will be reinforced following the appointment of three deputy Executive Directors at the Management Board meeting of 21 October 2021 and their successful integration into the Agency's administrative structure. This should entail the creation of effective reporting lines guaranteeing the oversight of the respectively assigned areas of responsibilities.

The Agency has also made progress in the establishment of the Fundamental rights monitoring framework. The new Fundamental Rights Officer took up his duties on 1 June 2021 and the first 20 fundamental rights monitors were recruited and trained by September 2021. However, the remaining 20 Fundamental Rights Monitors need to be still recruited as soon as possible at the appropriate level and the Agency needs to revise a complaint mechanism by the end of 2021 in line with the recommendations made by the EU Ombudsman.

For the roll-out of the standing corps, the Agency is experiencing some delays, largely due to the COVID-19 crisis, compared to the plan adopted in December 2020, according to which 700 Category 1 staff should have been recruited and trained for the deployment as team members of the standing corps by the end of 2020 (instead, 635 officers were recruited, but only 500 officers have been fully trained by now).

The Agency has launched in summer 2021 a call for the recruitment of 400 guards to be recruited in 2022 (at least 200 of them would need to undergo a 11-month training to be ready for the deployment as of January 2023). The recruitment of additional 20 fundamental rights monitors that should have been in place on 5 December 2020 is still outstanding.

The Agency still needs to put in place the relevant implementing measures for the data protection framework and to develop a multiannual strategy for the development and acquisition of the own technical capabilities. DG HOME is proactively working to support the Agency to deliver on these objectives through providing legal clarifications, technical advice and expertise.

Against the background of the discharge for the implementation of the 2019 budget by the Agency and the ongoing discussions on the finalisation of the 2022 budget, as well as awaiting the outcome of the OLAF investigation, the Commission will continue to closely monitor the implementation of all actions under Frontex' action plan to remedy all the shortcomings identified and take any further measures if necessary.

39. What is the forecast for decommitment level at the end of the programming period and what measures does the Commission undertake to assist member states to avoid decommitment?

Commission's answer:

It is impossible to estimate such a figure at this stage, as the Member States still have until 31 December 2022 to incur expenditure, to be declared by 31 December 2023. However, it is important to note that the open amount on commitments (RAL) has decreased by 35% since 2019, from € 5.03 billion to € 3.27 billion. The reduction of the amount from previous years is a good indicator, as it reflects the fact that, after an initial set-up phase, implementation is now at cruising speed and the project costs are being declared and paid.

Most of the RAL is linked to shared management. In the framework of shared management and at the current stage of programming period, such levels of RAL are not a matter of concern. Nevertheless, the Commission continues to closely monitor the implementation with the Member States in order to ensure that all committed amounts are consumed on time.

In addition, the Commission keeps the open commitments under regular observation. Member States are regularly warned (at least once a year) about potential risks of decommitment and invited to take the necessary measures to avoid it.

At this point in time, an amount of €28 million has so far been de-committed in relation to 2016 and 2017 commitments.

40. In 2020 alone, Greece has benefited from € 921 million from the AMIF and the ISF to support migration and border management and to improve the humanitarian situation. But In the same time in 2020, the population in the hotspots was significantly reduced, going from 42 000 persons at the end of 2019, to about 15 000 at the end of 2020. How do you control how the money from AMIF and ISF has been spent ?

Commission's answer:

The Member States have primary responsibility for setting up a management and control system to implement the national programmes, which complies with the requirements of the relevant Regulations, preventing, detecting, and correcting irregularities.

DG HOME plays a supervisory role by ensuring that the arrangements governing the management and control system are compliant. The DG does so by verifying the effective functioning of this system and making financial corrections, where necessary.

DG HOME also systematically monitors and supervises the implementation of its Funds, including through missions and regular exchanges with Member States' authorities. DG HOME has strengthened its efforts to provide guidance to national administrations, notably on irregularities and interpretation of rules.

Irregularities and system deficiencies are analysed, followed up with Member States and taken into account to further improve the Funds' implementation.

Questions regarding absorption rates

41. The AAR 2020 of DG HOME notes a slower absorption rate for ISF-Borders.
- Which measures is the Commission taking to assist Member states to increase absorption rates?
 - For both strands of the ISF, which measures is the Commission taking to improve the fulfilment of targets of the performance indicators related to the training of staff?

Commission's answer:

Please see the answer to question 39.

It should be noted that, unlike the Structural Funds, DG HOME shared management funds of the 2014-2020 period are paid to Member States only once a year in principle. So any “catching up” comes with a time lag. It should also be noted that the Commission added considerable amounts to the Member States’ shared management allocations in the second half of the Multiannual Financial Framework 2014-2020.

Significant amounts were added in 2018-2019 to the Member States programmes to help them implement the EU information systems in the Home Affairs area (in particular Entry/Exit System (EES) (€ 192.4 million), European Travel Information Authorisation System (ETIAS) (€ 96.5 million), Schengen Information System (€ 36.8 million), as well as IT systems in general (€ 79.1 million)). 2020 saw additions to reinforce border control activities such as border checks and border surveillance measures in areas facing currently or potentially high or disproportionate migratory pressure, or both, including activities related to the establishment, development and operation of hotspot areas (€78.9 million). The implementation of such projects require procurement procedures and coordination among several authorities at national and EU level, affected in 2020 to a certain extent by the COVID-19 pandemic.

In support of Member States, DG HOME provided guidance for the implementation of the EU information systems top-ups as well as clarifications upon requests on the eligibility of costs. The Commission urged Member States in several fora and on various occasions to make the best use of the top-ups allocated, given the policy objective, the high co-financing rate and the eligibility deadline of the expenditure under the previous Multiannual Financial Framework.

The indicators under the Internal Security Fund (Borders and Visa and Police), including relevant baselines, provide the minimum basis for evaluating the extent to which the objectives of the instruments have been achieved, and they are stipulated in annex to the Regulations. They include: a) number of staff trained and number of training courses in aspects related to the common visa policy with the help of the Instrument and b) number of staff trained and number of training courses in aspects related to border management with the help of the Instrument

The Commission asked Member States to review the relevant indicators, including those on training, when additional funding was provided by means of the top-ups to the Member States programmes. Regarding Internal Security Fund-Police

(shared management), the Commission in particular encourages Member States to make optimal use of the training opportunities offered by the European Union Agency for Law Enforcement Training (CEPOL) and ECTEG (European Cybercrime Training and Education Group).

42. Have you taken any particular measures to increase the absorption rate for the ISF and AMIF programs in some countries since you indicate that 12 countries seem to be lagging behind many others with excellent results?

Commission's answer:

Concerning Internal Security Fund-Borders, the Commission has reason to believe that the average absorption rate will improve in 2021, including for those Member States with below-average rates (such as Latvia, Slovenia, Poland, Belgium). While some Member States indicate that they do not expect to spend in full the top ups for these IT systems (citing complex eligibility rules, delays or complications in tendering) they nevertheless expect to submit considerable payment requests related to this category of projects next year and for the last clearance round in spring 2023.

Moreover, some Member States have taken useful measures to avoid under-consumption: for example, France has committed more than 100%, based on their experience that final payment requests will be lower than the amount awarded and committed.

43. Have you taken any particular measures to increase the absorption rate for the ISF and AMIF programs in some countries? What are the reasons for AMIF to be less successful in terms of sharing responsibility among Member States and are there measures, which could improve the situation?

Commission's answer:

See answer to question 42.

The Commission does not believe that the Asylum, Migration Integration Fund is unsuccessful in terms of supporting the sharing responsibility among Member States, however, the implementation of related measures depends on the voluntary participation of the Member States. Some responsibility-sharing operations that involve the transfer of persons, such as voluntary relocations, were delayed in their implementation due to the COVID-19 pandemic, but the implementation is expected to pick up.

The design of the Asylum, Migration and Integration Fund Regulation for the 2021-2027 Multiannual Financial Framework is intended to further maximise solidarity and the fair sharing of responsibility between Member States through financial incentives and a minimum financing requirement. In particular the Thematic Facility provides allocations for additional support for Member States contributing to solidarity and responsibility efforts and 20% of the Thematic Facility's budget is to be directed towards supporting solidarity and fair sharing of responsibility between Member States and with third countries.

