

**Question for written answer E-006589/2012/rev.1
to the Commission**

Rule 117

**Sylvie Guillaume (S&D), Claude Moraes (S&D), Tanja Fajon (S&D), Rita Borsellino (S&D) and
Silvia Costa (S&D)**

Subject: Migration control agreement between Italy and Libya

Last April Italy and Libya signed a migration control agreement which, however, fails to provide the assurance of international protection for those who may need it, despite the proven evidence that a large number of refugees from sub-Saharan Africa are present in Libya.

Given that Libya is not a signatory to the 1951 UN Refugees Convention, that UNHCR is still waiting for a new agreement to be concluded with the Libyan authorities concerning its delegation in Tripoli, and that a satisfactory system for assessing and recognising claims for international protection still needs to be put in place in Libya, we are concerned that this agreement may be in breach of the commitment not to return migrants to Libya following the European Court of Human Rights case, 'Hirsi Jamaa and Others v. Italy'.

1. Is the Commission aware of the content of the bilateral agreement between Italy and Libya, which includes provisions on the control of the EU's southern borders? If not, will it ask the Italian Government for a copy?
2. Is the Commission considering possible action to ensure that this agreement does not violate Italy's obligations under the EU Charter of Fundamental Rights?
3. Is the Commission envisaging financing any 'reception centre' for irregular migrants in Libya, as asked for by both the Italian and the Libyan authorities, despite the fact that such centres may prove similar to closed detention centres in poor conditions that put migrants at substantial risk of human rights violations?
4. Is the Commission intending to resume any kind of negotiation with Libya, in particular in the migration field?
5. Considering the previous context of the EU exerting increased pressure on Libya to halt migration flows towards the north, what does the Commission intend to do in order to ensure that migration is not reduced to a policy tool in EU-Libyan relations, given also the need to respect the principle of non-refoulement?