



21.10.2013

B7-0474/2013 }
B7-0475/2013 }
B7-0476/2013 }
B7-0477/2013 }
B7-0479/2013 }
B7-0480/2013 } RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 110(2) and (4), of the Rules of Procedure

replacing the motions by the following groups:

PPE (B7-0474/2013)
ALDE (B7-0475/2013)
S&D (B7-0476/2013)
EFD (B7-0477/2013)
GUE/NGL (B7-0479/2013)
Verts/ALE (B7-0480/2013)

on migratory flows in the Mediterranean, with particular attention to the tragic events off Lampedusa
(2013/2827(RSP))

Véronique Mathieu Houillon, Salvatore Iacolino, Roberta Angelilli

on behalf of the PPE Group

Juan Fernando López Aguilar, Sylvie Guillaume, Claude Moraes, Rita Borsellino

on behalf of the S&D Group

Guy Verhofstadt, Jan Mulder, Sonia Alfano, Cecilia Wikström, Nathalie Griesbeck, Marielle de Sarnez, Ramon Tremosa i Balcells, Alexander Graf

RC\1007512EN.doc

PE519.352v01-00 }
PE519.353v01-00 }
PE519.354v01-00 }
PE519.355v01-00 }
PE519.357v01-00 }
PE519.358v01-00 } RC1

Lambsdorff, Nadja Hirsch, Hannu Takkula, Andrew Duff, Niccolò Rinaldi
on behalf of the ALDE Group

Daniel Cohn-Bendit, Rebecca Harms, H  l  ne Flautre, Franziska Keller, Jean Lambert, Judith Sargentini, Jean-Jacob Bicep, Malika Benarab-Attou, Ra  l Romeva i Rueda

on behalf of the Verts/ALE Group

Marie-Christine Vergiat, Patrick Le Hyaric, Alda Sousa, Marisa Matias
on behalf of the GUE/NGL Group

Rolandas Paksas

on behalf of the EFD Group

Cristiana Muscardini

European Parliament resolution on migratory flows in the Mediterranean, with particular attention to the tragic events off Lampedusa (2013/2827(RSP))

The European Parliament,

- having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the Geneva Conventions of 1949 and the additional protocols thereto,
- having regard to Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office¹,
- having regard to the proposal for a regulation of the European Parliament and of the Council establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (COM(2013)0197),
- having regard to Regulation (EU) No 1168/2011 of the European Parliament and of the Council of 25 October 2011 amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union²,
- having regard to the position of the European Parliament adopted at first reading on 10 October 2013 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council establishing the European Border Surveillance System (EUROSUR),
- having regard to the Joint Communication of the Commission and of the High Representative of the Union for Foreign Affairs and Security Policy of 20 March 2013 entitled ‘European Neighbourhood Policy: Working towards a Stronger Partnership’ (JOIN/2013/0004),
- having regard to its resolution of 7 April 2011 on the ‘review of the European Neighbourhood Policy – Southern Dimension’³,
- having regard to Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning

¹ OJ L 132, 29.5.2010, p. 11.

² OJ L 304, 22.11.2011, p. 1.

³ OJ C 296 E, 2.10.2012, p. 114.

illegally staying third-country nationals¹,

- having regard to Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)²,
 - having regard to Oral Question 000021/2013 of 25 February 2013 on a voluntary permanent Union relocation scheme,
 - having regard to the report of its Committee on Civil Liberties, Justice and Home Affairs on the visit by its delegation to Lampedusa in November 2011,
 - having regard to the visit to Lampedusa by Commission President José Manuel Barroso and Home Affairs Commissioner Cecilia Malmström of 9 October 2013 and the related debate in plenary, held on the same day, on EU migratory policies in the Mediterranean, with particular attention to the tragic events off Lampedusa,
 - having regard to the final resolution of its Special Committee on Organised Crime, Corruption and Money Laundering, with particular reference to the fight against human trafficking and death traffickers,
 - having regard to Articles 77, 78, 79 and 80 of the Treaty on the Functioning of the European Union (TFEU),
 - having regard to Rule 110(2) and (4) of its Rules of Procedure,
- A. whereas the latest tragedies off Lampedusa left at least 360 migrants dead, with many more missing;
- B. whereas at least 20 000 persons have died at sea since 1993 according to the International Organisation for Migration, pointing once more to the need to do everything possible to save the lives of people in danger and to the need for Member States to abide by their international sea-rescue obligations;
- C. whereas there is still a lack of clarity at EU level regarding the division of responsibility among the various entities involved in rendering assistance to vessels in distress, and regarding responsibility for coordinating search and rescue operations;
- D. whereas smugglers and human traffickers exploit irregular migration, and victims are forced, lured or deceived into coming to Europe by criminal networks, and whereas those networks pose a serious risk to the lives of migrants and a challenge for the EU;
- E. whereas the principle of solidarity and fair sharing of responsibility is laid down in Article 80 of the TFEU;
- F. whereas the new revised Common European Asylum System (CEAS) aims to provide

¹ OJ L 348, 24.12.2008, p. 98.

² OJ L 121, 15.5.2009, p. 37.

clearer rules and to guarantee fair and adequate protection of people in need of international protection;

- G. whereas EU legislation provides some tools, such as the Visa Code and the Schengen Borders Code, which make it possible to grant humanitarian visas;
- H. whereas the Member States should be encouraged to make use of the funds that will be available from the Asylum and Migration Fund and of the funds available under the Preparatory Action to ‘Enable the resettlement of refugees during emergency situations’, which covers, among other things, the following measures: supporting persons already recognised as refugees by the Office of the UN High Commissioner for Refugees (UNHCR); supporting emergency action in the case of groups of refugees, identified as priorities, who are under armed attack and who face conjunctures of extreme vulnerability and of a life-threatening nature; providing, where needed, extra financial support during emergencies to the UNHCR and to its liaison organisations in the Member States and at EU level;
- I. whereas a new ‘Mare Nostrum’ patrolling, rescue and surveillance operation has been launched by Italy to enhance the humanitarian rescue activities in the Mediterranean;
1. Expresses deep sadness and regret at the tragic loss of life in Lampedusa; urges the European Union and the Member States to do more to prevent further loss of life at sea;
 2. Is of the opinion that Lampedusa should be a turning point for Europe and that the only way of preventing another tragedy is to adopt a coordinated approach based on solidarity and responsibility, with the support of common instruments;
 3. Calls for humanitarian assistance to survivors of such tragic events, and asks that the EU and the Member States be committed to guaranteeing migrants’ universal fundamental rights, in particular the rights of unaccompanied minors;
 4. Recognises the huge efforts made by the inhabitants of Italy and Malta, and especially Lampedusa, and by non-governmental organisations such as Caritas and the Red Cross as regards the initial reception of, and rescue operations for, all immigrants;
 5. Welcomes the Commission’s intention to establish a task force on the issue of migratory flows in the Mediterranean; considers that this task force should comprise both a political and an operational element; insists, in this connection, that Parliament should be involved in such a task force at either a political or a technical level; insists also that the establishment of such a task force can be considered only to be a first step towards a more ambitious approach;
 6. Asks for an increase in the budget for the European Asylum Support Office (EASO) and for the European Agency for the Management of Operational Cooperation at the External Borders of the Member States (Frontex) in order to assist Member States in circumstances requiring increased technical and operational assistance at the external borders, including situations which involve humanitarian emergencies and rescue at sea; recalls that the proper

funding of these agencies is vital in order to develop a coordinated approach; calls also on Member States to increase their practical cooperation with EASO and Frontex, including through aid in kind (posted officers, material support, etc.); asks the Council and the Commission to consider the possibility of establishing an EU coast guard and of setting up another Frontex operational office in areas of migratory pressure;

7. Underlines the importance of responsibility-sharing in the field of asylum, and recommends creating a mechanism based on objective criteria to reduce the pressure on those Member States receiving higher numbers of asylum seekers and beneficiaries of international protection, in either absolute or proportional terms;
8. Welcomes the Commission's proposals to deploy a search-and-rescue operation from Cyprus to Spain and to strengthen Frontex by increasing its budget and capabilities in order to save lives and combat human trafficking and smuggling;
9. Calls on the co-legislators to agree swiftly on the new interception rules for Frontex-coordinated operations at sea in order to achieve effective and coordinated rescue measures at EU level and to ensure that operations are conducted in full compliance with relevant international human rights and refugee law and standards, and obligations under the Law of the Sea;
10. Calls for the Union and its Member States to consider the possibility of establishing mechanisms for identifying places of safety for the disembarkation of rescued refugees and migrants;
11. Calls for the Union and its Member States to establish access to fair and efficient asylum procedures for those who may be in need of international protection, based on the understanding that disembarkation does not necessarily imply sole responsibility on the part of the state on whose territory people rescued at sea are disembarked;
12. Calls on the Member States to make sure that all the provisions of the various CEAS instruments are correctly implemented; reminds the Member States that people who are seeking international protection should be referred to competent national asylum authorities and have access to fair and efficient asylum procedures;
13. Calls on Frontex and the Member States to ensure that all border guards and other personnel of the Member States who participate in the European Border Guard Teams, along with Frontex staff, receive training in relevant Union and international law, including fundamental rights, in accordance with Article 5 of the revised Frontex Regulation;
14. Calls for the EU and its Member States to monitor mixed migratory flows by using the available European and national instruments, and to maintain good coordination and communications, such as the facilitation of information-sharing between national coast guards;
15. Calls on the Union, Frontex and the Member States to ensure that assisting migrants in distress and rescue at sea are among the key priorities of the implementation of the newly

RC\1007512EN.doc

PE519.352v01-00 }
PE519.353v01-00 }
PE519.354v01-00 }
PE519.355v01-00 }
PE519.357v01-00 }
PE519.358v01-00 } RC1

adopted EUROSUR Regulation;

16. Calls, as a matter of priority, for better coordination of EU means and resources including those at the disposal of Frontex (such as EUROSUR) and Europol, in order to step up, together with third countries, the fight against the criminal networks of human traffickers and smugglers;
17. Recalls that EU solidarity should go hand in hand with responsibility; recalls that the Member States have a legal obligation to come to the assistance of migrants at sea;
18. Urges the Member States to use their prerogative to rescue lives at sea in accordance with their international obligations;
19. Expresses concern that a growing number of people are risking their lives by embarking on dangerous boat crossings across the Mediterranean to the EU; calls on the Member States to take measures to enable asylum seekers to access the Union asylum system in a safe and fair manner;
20. Notes that legal entry into the EU is preferable to a more dangerous irregular entry, which could entail human trafficking risks and loss of life;
21. Calls for a more holistic approach to migration in order to ensure that issues interlinked with migration can be dealt with in a comprehensive manner;
22. Encourages the EU to develop a more comprehensive strategy, in particular for the Mediterranean, which places labour migration within the context of the social, economic and political development of its neighbourhood; calls for the EU and its Member States to consider the tools available under the EU's visa policy and EU labour migration legislation;
23. Calls on the Member States to lay down strong criminal sanctions for those individuals who facilitate human trafficking both into and across the EU, and to set up wide-ranging information campaigns to raise awareness of the kinds of risks faced by those who put their lives into the hands of traffickers and smugglers;
24. Calls for the EU and the Member States to amend or review any legislation sanctioning people assisting migrants in distress at sea; calls on the Commission to review Council Directive 2002/90/EC, which defines the sanctions in the event of facilitation of unauthorised entry, transit and residence in order to clarify that the provision of humanitarian assistance to migrants at sea who are in distress is to be welcomed, and is not an action which should ever lead to any form of sanction;
25. Calls for better, more efficient cooperation between the EU and third countries to prevent a repetition of such tragic occurrences as those off Lampedusa; considers agreements on migration management between the EU and transit countries to the EU to be a priority for the Union in the near future, and stresses the need for third countries to respect international law with regard to saving lives at sea, and to ensure the protection of refugees and respect for fundamental rights;

RC\1007512EN.doc

PE519.352v01-00 }
PE519.353v01-00 }
PE519.354v01-00 }
PE519.355v01-00 }
PE519.357v01-00 }
PE519.358v01-00 } RC1

26. Calls for the EU to continue to offer humanitarian, financial and political assistance in crisis areas in North Africa and the Middle East in order to tackle the root causes of migration and humanitarian pressures; calls on the EU, therefore, to monitor and make more democratically accountable the distribution of that funding, in order for such resources to have a positive effect, which has so far been lacking;
27. Calls for the EU and the Member States to take appropriate, responsible measures regarding a possible influx of refugees into the Member States; calls on the Commission and the Member States to continue to monitor the current situation and to work on contingency planning, capacity building, policy dialogue, and the upholding of their human rights obligations regarding detention conditions;
28. Calls on the Member States to respect the principle of non-refoulement, in compliance with existing international and EU law; calls on the Member States to put an immediate end to any improper and extended detention practices in violation of international and European law, and points out that measures to detain migrants must always be subject to an administrative decision, and must be duly substantiated and temporary;
29. Encourages the Member States to address acute needs through resettlement in addition to existing national quotas and through humanitarian admission;
30. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the parliaments and governments of the Member States, the Secretary-General of the United Nations and the UN High Commissioner for Refugees.