

**Committee of the Regions****CIVEX-V-054****109th plenary session, 3-4 December 2014****OPINION****The efforts to promote genuine solidarity on a real
European migration policy****THE COMMITTEE OF THE REGIONS**

- stresses the need for an active application of the principles of solidarity and shared responsibility in the European migration and asylum policy;
- suggests that solidarity should be the cardinal principle in shaping the future EU migration policy, considering the approach towards migrants and between all the levels of government;
- stresses that the strengthening of border controls cannot take precedence over the obligation to save lives and respect human rights or over the right to seek asylum in the EU;
- suggests paying attention to increasing the synergies between the various bodies and systems set up to date for example Frontex, SIS II and EUROSUR, operating within the framework of migration and the movement of persons and, in terms of security, EUROPOL and EUROJUST, working to prevent and eradicate the criminal offences associated with illegal transits;
- encourages the further development of dialogue and cooperation with third countries of origin and transit of migratory flows;
- points out that all levels of government through the Union should share responsibility for the reception and integration of refugees and migrants, and for improving inter-regional cooperation, coordination and solidarity through the introduction of a responsibility-sharing mechanism between the European Union, Member States, regions and local authorities;
- stresses the role local and regional authorities can play in the creation of safe and legal migration ways into Europe and in the integration of migrants in setting-up concrete measures of exchange of good practice as well as information on migration flows between local and regional authorities;
- encourages the cooperation between EU institutions and organisations such as the International Organization for Migration (IOM) and assemblies such as the CoR's Euro-Mediterranean Regional and Local Assembly (ARLEM) in order to identify solutions to the management of migration flows.



Rapporteur-General

François Decoster (FR/ALDE) Member of Nord-Pas-de-Calais Regional Council

Reference document

Opinion of the Committee of the Regions – The efforts to promote genuine solidarity on a real European migration policy

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General recommendations

1. stresses that a stronger focus on the EU's commitment to guaranteeing the principles of solidarity and responsibility-sharing is needed to create a fully-fledged migration policy addressing all the issues facing local and regional authorities. In this respect, the CoR welcomes the priority placed by the Italian Presidency on an over-arching migration strategy and the emphasis on promoting genuine solidarity on a real European migration policy for migrants, third countries of origin and countries of transit, as well as countries, regions and cities of destination, and between the different levels of governance;
2. welcomes the fact that the Italian Presidency is setting as a clear priority the development of a Common European Migration Policy based on the full respect for human rights, solidarity, mutual trust, international obligations and shared responsibility between Member States and local and regional authorities, capable of contributing to the EU's Growth Agenda and matched with a strategy for promoting economic growth in migrants' countries of origin;
3. believes that multilevel governance is a key instrument and a prerequisite to achieving optimum results in integrating migrants and second generations. All levels of government through the Union should share responsibility for the reception and integration of refugees and migrants, and for improving inter-regional cooperation, coordination and solidarity through the introduction of a responsibility-sharing mechanism between the European Union, Member States, regions and local authorities that takes account of structural constraints, resources, labour market needs, demographic situations and other relevant factors (such as family reunification). In this framework, it is crucial that the EU, national and sub-national authorities work in close cooperation with civil society, migrants' associations, home and transit countries of migrants outside the EU and local communities and be receptive to their input;
4. wishes to congratulate Italy on its activities in the context of the Mare Nostrum operation to save lives in the Mediterranean Sea; deplors, therefore, the decision of the EU to replace it with an operation of Frontex which does not have a clear focus on saving lives and rescuing people in distress; calls urgently on the European Union and the Member States to provide the necessary means to avoid deaths at sea;
5. considers that, in such a sensitive and strategic area, the European Union and its chief institutions should shape a genuine migration policy and assume the political responsibility for its implementation. This task should not be left up to individual states, particularly border states;

instead, states and local authorities should be included in a common migration strategy flanked by suitable operational measures;

6. recalls that 15 years after the first attempts to draw up a common migration policy, there is still a wide gap between practice and the principles and stated values. There has been insufficient recourse to Article 80 TFEU for adopting measures implementing solidarity and fair sharing of responsibility with regard to mobility, including its financial implications, between the Member States. Commitments concerning migration and repatriation have been entirely voluntary, and in some cases it has been local authorities that have taken the lead in making these commitments a reality;
7. welcomes the European Council's Strategic Guidelines for legislative and policy planning in the area of freedom, security and justice of June 2014 which makes the full and effective transposition and implementation of the Common European Asylum System (CEAS) an absolute priority;
8. recalls that the European Union needs migration both for the freedom of movement of its citizens between Member States, and as immigration from third countries, to respond to demographic change and potential labour market shortfalls; encourages the European Council to continue its action, also taking into account the need to address the issues of a lack of solidarity and the fair sharing of responsibility. However; the focus in the next legislative phase should not be solely on consolidating and implementing the existing rules while there is still no precise definition of how the solidarity principle might be encouraged and while there is no real comprehensive EU migration policy;
9. emphasises that, to ensure an effective implementation of the Strategic Guidelines at all levels, the involvement of local and regional authorities is key. The Committee of the Regions is ready to cooperate closely in drafting an action plan. As of 2015, the scope of the European Integration Forum, established by the Commission and the European Economic and Social Committee, will be broadened to encompass the area of immigration and asylum policy. This action plan could benefit from the expertise of an enlarged forum to which the CoR contributes. Therefore, the CoR reiterates the call to become a member of the Bureau of the future European Migration Forum alongside the European Commission and the European Economic and Social Committee;

A Europe based on a pragmatic and legal approach to solidarity and sharing responsibility

10. Local and regional authorities currently shoulder a considerable financial burden as regards the reception of migrants. However, reception is unevenly spread both within and between Member States, with some local and regional authorities taking a far greater share of the responsibility by processing a large proportion of new arrivals which often exceeds the capacities of individual regions;

11. sees the uneven distribution of asylum-seekers and refugees between states, and between and within regions, as a major challenge for local and regional authorities. Another issue is the lack of forward planning and inability to prepare for reception sufficiently in advance. Improvised solutions can have negative social consequences, making it harder for new arrivals to adequately equip themselves for starting the integration process;
12. therefore believes that it is time to establish more clearly and realistically what solidarity in the EU and within the Member States might entail when it comes to asylum and migration issues. It is clear that different countries, regions and local authorities have different ideas about what constitutes reasonable sharing of responsibility or solidarity, based on their specific circumstances and wishes;
13. points out that solidarity is a principle which is a driving force in the decisions taken by local authorities that receive large numbers of migrants. Places such as Lampedusa in Italy, Ceuta and Melilla in Spain and Calais in France are only a few of the entry and transit points for asylum seekers and migrants within the EU, however they are illustrative of the considerable difficulties that some local authorities have to cope with in terms of reception of migrants, management of migrants fleeing their countries and humanitarian responses;
14. feels that effective cooperation and trust between local, regional, national and EU levels with regard to the sharing of resources and responsibilities are absolutely essential for sustainable and fair reception of asylum-seekers and migrants;
15. considers that existing structures provide tools and a channel for the policy dialogue between the EU level, Member States at national level and civil society organisations, but the policy dialogue between the local/regional and European levels is fragmented or carried out on an ad hoc basis;
16. suggests a review of the accessibility of financial resources designed to allow local and regional authorities to fulfil their obligations regarding migration and integration, ensuring they have access to national and EU Funds (such as the Asylum and Migration Fund, the Neighbourhood Policy Instrument, the European Social Fund and the External Borders Fund);

Solidarity as a coordinated response to a security and humanitarian problem

17. stresses that the strengthening of border controls and measures to tackle irregular migration is essential, but cannot take precedence over international obligations (under UNCLOS, SOLAS and SAR, for example) to save lives and respect human rights, or over the right to seek asylum in the EU, which must remain a place of refuge for people in need of international protection. The CoR also wishes to underline the importance of always observing the UN Convention on the Rights of the Child with regard to the reception of minor asylum-seekers, refugees, migrants and unaccompanied child refugees;

18. calls for the strengthening of Frontex for more effective and efficiently reinforced and streamlined cooperation between national border authorities and for protecting migrants as well as the EU's external borders and cooperating in combating human trafficking;
19. supports the efforts to continue monitoring and implementing the strategies outlined in the "EU action on migratory pressures", calling on the European Union to focus its attention on the need to coordinate the action taken by the Member States with the central role played by the relevant EU Agencies, such as the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX), EUROPOL and the European Asylum Support Office (EASO);
20. considers it essential to continue efforts towards the further development of an integrated and balanced border management in order to improve external border control and deal more effectively with irregular immigration, the smuggling of migrants, human trafficking and other forms of cross-border crime and transnational crime linked to human trafficking;
21. supports the "smart border package" aimed at speeding-up, facilitating and reinforcing border checking procedures for foreigners travelling to the EU, including the Registered Traveller Programme (RTP) and the Entry/Exit System (EES), but recalls some of the concerns regarding the protection of privacy and the cost-effectiveness of the proposals it expressed in 2013. The CoR takes note of the results of the technical study by the European Commission and eu-LISA which proposes a long-term solution for the operational management of large-scale IT systems, which are essential instruments for implementing the EU's asylum, border management and migration policies;
22. suggests paying particular attention to increasing the synergies between the various bodies and systems set up to date, on the basis of their specific remit and scope: for example Frontex, SIS II and EUROSUR, operating within the framework of migration and the movement of persons and, in terms of security, EUROPOL and EUROJUST, working to prevent and eradicate the criminal offences associated with illegal transits;
23. promotes, with special regard to EUROSUR, the full implementation of the recently- adopted Regulation in order to reduce the risk of loss of lives at sea;
24. encourages efforts to look into measures for preventing irregular migration, to create safe and legal alternative routes into Europe, in order to avoid further loss of human lives during dangerous journeys. These could include establishing a "humanitarian corridor", issuing more visas on humanitarian grounds, increasing resettlement quotas and setting up reception centres in countries of transit for processing asylum applications or determining eligibility for legal

entry into EU countries¹. The local and regional authorities could play a very useful role in this respect;

25. welcomes the Task Force Mediterranean², that was set up following the Justice and Home Affairs Council of 7-8 October 2013 to provide a European Union response to the situation. Its primary aim is to identify the appropriate tools to avoid a repetition of the tragic events that have occurred off the coast of Lampedusa and to develop a more strategic, holistic and long term approach to the migration situation in the Mediterranean area. The CoR recalls, in this context, its own work in ARLEM and in particular the recommendations contained in the report on "the role of local and regional authorities in managing migration in the Mediterranean", recently adopted by the ARLEM ECOTER commission;
26. wishes to highlight that the "Frontex Plus" operation, launched on 27 August 2014 and scheduled to take the place of Mare Nostrum, does not cover the activities currently carried out by Mare Nostrum. The Frontex budget has been limited under the multi-annual financial framework. Frontex Plus will have to rely on Member States' contributions. Leaving aside the financial considerations, the spirit of the two operations is also different – Mare Nostrum follows a humanitarian approach while Frontex responds to a primary concern for border control;

Building bridges with third countries at local level

27. encourages the further development of dialogue and cooperation with third countries of origin and transit of migratory flows, in line with the EU Global Approach on Migration and Mobility, via the Mobility Partnerships instrument and via regional dialogues and processes, such as the Rabat Process;
28. supports Frontex efforts aimed at concluding operational cooperation agreements with third countries on border control and irregular immigration, which should promote ownership by the third countries concerned;
29. welcomes the initiative launched by the Italian Presidency to establish a similar dialogue with the countries of Eastern Africa. The promotion of legal migration is intended to help the EU's efforts for growth and thereby prevent the possible abuse of legal migratory channels which may lead to the credibility of the entire European migration system being undermined;
30. stresses the importance of the concept of circular migration which would help to balance the impact of migration on both home and host regions, contributing to the development of both.

¹ OIM Discussion Paper: Addressing Complex Migration Flows und Upholding the rights of Migrants along the Central Mediterranean Route (21 October 2013); Communication - An open and secure Europe: making it happen, COM(2014) 154 final, 11 March 2014.

² COM(2013) 869 final, SWD(2014) 173 final.
http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/139937.pdf.

This includes the need for an effective and sustainable return policy, which fully respects the rights of migrants and takes into account the specific features of the countries of origin. For this purpose, practical cooperation between the local authorities and the relevant third countries must be improved in order to encourage and create the most efficient voluntary return systems;

31. believes that the authorities at all levels must be actively committed to protecting and promoting dialogue and cooperation with third countries to give concrete support to legal channels of entry at political and economic levels, as well as to prevent and deal with irregular immigration and all related forms of crime by improving the institutional and operational capacities of the competent authorities of those countries;
32. emphasises that local and regional authorities can play a role in the joint effort with the EU and national level and with the third countries to address and prevent irregular migration through activities in the countries of origin (e.g. awareness-raising campaigns, information about the risks of illegal border crossing, measures preparing people for integration, training, assistance with family reunification, language courses and measures to improve intercultural dialogue) and in the countries of destination (e.g. setting up local selection systems in line with local needs, reception and support measures, etc.). They can also help to identify and protect the victims of human trafficking and help with the re-integration of irregular migrants who return to their countries. At the same time, effective legal migration and integration policies at local and regional level are a means of combating racism and xenophobia;
33. suggests that stepping up the resettlement of refugees in the EU must be an integral part of EU efforts to support the countries in the Southern and Eastern Mediterranean receiving large numbers of refugees³. This is an area in which European cities and regions have played a major role, promoting the integration of refugees into local communities and taking steps to boost social cohesion;
34. calls for 'Migration and Integration Partnerships' between cities and regions of the countries of origin and destination to be promoted, in order to increase cooperation and mutual trust and thereby ensure a more decentralised management of migration. The Committee of the Regions also reiterates its suggestion⁴ that local and regional authorities should be involved in the development of "Migration and Integration Partnerships" with third countries;

³ In 2007, these countries received 39% of all refugees in the world. Philippe Fargues (ed.) CARIM Mediterranean migration 2008-2009 report, Robert Schuman Centre for Advanced Studies, European University Institute, 2009, in http://cadmus.eui.eu/bitstream/handle/1814/11861/CARIM%20Migration_Report%202008-2009%20revised%20Oct09.pdf?sequence=3.

⁴ CoR Resolution 2333/2014.

Solidarity comes with awareness: sharing best practices, data and common guidelines?

35. emphasises that the Commission communication on the renewed European Agenda for Integration⁵ called for more action to be taken at the local level and points to the need for a genuine "bottom-up" approach for the development of integration policies;
36. argues that local and regional authorities should play a more significant role in establishing the broader context when it comes to tackling migration policy;
37. underlines the need for the sharing of best practice among local and regional authorities and Member States in processing the claims of asylum-seekers and refugees, integration policies and tackling irregular migration. The Committee of the Regions can help in this process to achieve more effective involvement of local and regional authorities in designing and implementing immigration and integration policies, in line with multilevel governance and the subsidiarity principle; this could also help to address disparities among Member States and regions in the conditions in which asylum seekers, refugees or migrants are received and hosted;
38. suggests that the Agency for Large Scale IT Systems, eu-LISA, develop in the near future a complete data sharing system on the subject of migration and local authorities, based on the VIS system. Such a system could be very helpful in sharing expertise and pooling experience in terms of housing management, processing the claims of asylum-seekers and refugees, integration policies and tackling irregular migration and would offer practical solutions for encouraging the principle of solidarity between local authorities;
39. the Committee proposes that a database be developed to help track migration flows between Member States. This database would include information on flows of people from countries of origin to countries of destination. Knowledge of these flows would facilitate decision-making at local, regional and European levels;
40. believes that cooperation and solidarity would be considerably easier if more were done as regards practical and pragmatic solutions. Local and regional authorities' expertise must not be overlooked when attempting to identify the main issues;
41. believes that the EU should seize every opportunity to cooperate with institutional partners and to foster the debate in all relevant frameworks. Organisations such as the International Organization for Migration (IOM) and assemblies such as the CoR's Euro-Mediterranean Regional and Local Assembly (ARLEM) are important partners in this respect;

⁵ COM(2011) 455 final.

42. welcomes the fact that the next ministerial conference of the International Organization for Migration (IOM) to be held in October 2015 will focus on how cities can contribute to migration management and will serve as an excellent platform for global dialogue between cities. Wishes to be involved in this conference and looks forward to contributing to the discussions.

Brussels, 4 December 2014

The President
of the Committee of the Regions

Michel Lebrun

The Secretary-General
of the Committee of the Regions

Jiří Buriánek

II. PROCEDURE

Title	The efforts to promote genuine solidarity on a real European migration policy
Reference(s)	Italian Presidency referral
Legal basis	Article 307 TFEU
Procedural basis	Rule 41 b) i
Date of Council referral/Date of Commission letter	20 June 2014
Date of Bureau/President's decision	23 June 2014
Commission responsible	Commission for Citizenship, Governance, Institutional and External Affairs
Rapporteur	François Decoster (FR/ALDE)
Analysis	10 October 2014
Discussed in commission	17 November 2014
Date adopted by commission	N/A (rapporteur-general)
Result of the vote in commission	N/A
Date adopted in plenary	4 December 2014
Previous Committee opinions	<p>Stockholm Programme: Challenges and opportunities in view of a new multiannual programme on the EU area of freedom, justice and security, rapporteur Anna Terrón i Cusí (ES/PES)⁶</p> <p>Delivering an area of freedom, security and justice for Europe's citizens – Action plan implementing the Stockholm programme, rapporteur Holger Poppenhäger (DE/PES)⁷</p> <p>Seasonal workers and intra-corporate transfer, rapporteur Graziano Ernesto Milia (IT/PES)⁸</p> <p>New European Agenda for Integration, rapporteur Dimitrios Kalogeropoulos (EL/EPP)⁹</p> <p>Global approach to migration and mobility, rapporteur Nichi Vendola (IT/PES)¹⁰</p> <p>Enhanced intra-EU solidarity in the field of asylum, rapporteur Theodoros Gkotsopoulos (EL/PES)¹¹</p>

⁶ CdR 201/2009 fin.

⁷ CdR 170/2010 fin.

⁸ CdR 354/2010 fin.

⁹ CdR 199/2011 fin.

¹⁰ CdR 9/2012 fin.

¹¹ CdR 11/2012 fin.

	<p>EU financial instruments in home affairs, rapporteur Samuel Azzopardi (MT/EPP)¹²</p> <p>EU strategy towards the eradication of trafficking in human beings 2012-2016, rapporteur Jelena Drenjanin (SE/EPP)¹³</p> <p>Smart Borders, rapporteur António Costa (PT/PES)¹⁴</p> <p>2013 EU citizenship report, rapporteur Theodoros Gkotsopoulos (EL/PES)¹⁵</p> <p>Future EU policies in Justice and Home Affairs, rapporteur Lotta Håkansson Harju (SE/PES)¹⁶</p>
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12 CdR 12/2012 fin.

13 CdR 1564/2012 fin.

14 CdR 3534/2013 fin.

15 CdR 3536/2013 fin.

16 CdR 8115/2013 fin.