COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL

Managing the refugee crisis: State of Play of the Implementation of the Priority Actions under the European Agenda on Migration

Managing the refugee crisis: State of Play of the Implementation of the Priority Actions under the European Agenda on Migration

I. INTRODUCTION

In the first nine months of the year, over 710,000 people[1] – refugees, displaced persons and other migrants – have made their way to Europe, a trend which is set to continue. This is a test for the European Union. The European Agenda on Migration presented by the Commission in May 2015[2] set out the need for a comprehensive approach to migration management. Since then, a number of important measures have been introduced – including the adoption of two emergency schemes to relocate 160,000 people in clear need of international protection from the Member States most affected to other EU Member States. The ongoing refugee crisis, however, requires further, immediate action.

For this reason, on 23 September, the European Commission detailed a set of **priority actions** to implement the European Agenda on Migration to be taken within the next six months[3]. This included both short term actions to stabilise the current situation as well as longer term measures to establish a robust system that will bear the test of time.

The list of priority actions set out the key measures immediately required in terms of: (i) **operational measures**; (ii) **budgetary support** and (iii) **implementation of EU law**.

The list was endorsed by the informal meeting of Heads of State and Government of 23 September 2015[4].

Three weeks later, this Communication sets out the ongoing progress in implementing the priority actions (see Annex 1). The European Council this week provides an opportunity for Heads of State or Government to make a clear and unambiguous commitment to starting a new phase in the EU's response to the refugee crisis: one of swift and determined implementation.

II. OPERATIONAL MEASURES

Effectively managing the pressure of migratory flows on some parts of the shared external Schengen border requires both responsibility and solidarity on the part of all Member States. The rapid roll-out of the 'hotspot' approach is providing support to the most affected Member States to ensure the proper reception, identification and processing of arrivals. In parallel, the measures proposed by the Commission and adopted by the Council to **relocate 160,000 people in clear need of international protection**. This will allow for a significant, if partial, reduction of the pressure on the most affected Member States. It is of crucial importance that these parallel measures will now be fully implemented, with the fingerprinting of all migrants, the prompt selection and relocation of asylum applicants and adequate reception capacities,

---

[1] Frontex figures published on 13 October 2015.
[2] COM(2015) 240 final.
[3] COM(2015) 490 final.
[4] Statement available at http://www.consilium.europa.eu/en/press/press-releases/2015/09/23-statement-informal-meeting.

accompanied by steps to prevent secondary movements and the immediate return to the country of relocation of relocated persons found in another Member State. The other essential component is action to secure swift return, voluntary or forced, of people not in need of international protection and who do not therefore qualify for relocation. The priority actions set out by the Commission focused heavily on the operational working of these measures.

II.1   Implementing the 'Hotspot' Approach

Well-functioning and effective migration management at the external borders which are under most pressure is key to restoring confidence in the overall system, and in particular in the Schengen area of free movement without internal border controls. Central to the EU's strategy and credibility is to demonstrate that the migration system can be restored to proper functioning, in particular by using **Migration Management Support Teams deployed in 'hotspots'**[5] to help Member States under the most intense pressure to fulfil their obligations and responsibilities. For the Support Teams to work they need a strong core of EU Agencies, the closest of cooperation with the authorities in Italy and Greece, and the support of other Member States.

The Commission has sent special envoys to both Italy and Greece to provide practical coordination and support. In Greece, a dedicated team is working under the leadership of the Commission's Director-General of the Structural Reform Support Service, reporting directly to the President. This team has agreed a step-by-step approach to identify the 'hotspots', deploy the Support Teams, start relocations, resume returns, and reinforce the border. The same model of direct, real-time support and coordination is in place in Italy. This intensive, full-time support from the Commission has made a real difference in helping the two Member States to move to the implementation phase of relocation (see Annex 2 and Annex 3).

Both in Greece and in Italy, the Migration Management Support Teams are being set up and coordinated by European Regional Task Forces, following the increased deployment of the Agencies set out in the European Agenda on Migration. Frontex, the European Asylum Support Office (EASO), Europol, and Eurojust all participate[6]. As a result, they can respond immediately to the needs identified in roadmaps presented by Italy and Greece.

However, their work relies heavily on the support of Member States. **Frontex and EASO have both launched calls for contributions** to request human resources and technical equipment from Member States. In both cases, these calls constitute unprecedented numbers when compared to requests made by the Agencies in the past, reflecting the exceptional nature of the challenges currently faced by the most affected Member States: it is essential that other Member States respond positively, concretely and quickly to these calls.

Frontex's latest call requested 775 additional border guards, screeners, de-briefers, and interpreters – all indispensable tasks for the effective management of the external borders of the European Union. The call was split into 670 officers – mainly for direct support to the 'hotspot' approach in Italy and Greece, covering estimated needs to the end of January 2016 – and 105 guest officers to be deployed at various external land borders of the European Union.

---

[5] A 'hotspot' is a section of the EU external border or a region with extraordinary migratory pressure which calls for reinforced and concerted support by EU Agencies.

[6] The representatives of these Agencies work together in shared offices, based in ports or specific reception centres, to coordinate the EU assistance to the national authorities in identification, registration and return as well as information and intelligence gathering, sharing and analysis to support criminal investigations of people-smuggling networks.

EASO's latest call for over 370 experts is intended to cover the needs in Italy and Greece until the third quarter of 2017. These experts would support the asylum management authorities of the two Member States in the registration process, information tasks related to relocation and the detection of possible fraudulent documents.

The need for personnel and equipment was explicitly recognised at the informal meeting of EU Heads of State or Government in September – with a deadline of November to meet these needs.

However, so far, the commitments made by Member States fall far short of the real needs. As of 8 October, only six Member States[7] have responded to the call for contributions for EASO with 81 experts, out of the 374 needed. So far six Member States[8] have responded to the call from Frontex with 48 border officials. **Member States should rapidly submit their contributions to meet the Agencies' needs assessment.**

Italy has identified as 'hotspot' areas Augusta, Lampedusa, Porte Empedocle, Pozzallo, Taranto and Trapani (see Annex 5). The first Migration Management Support Team is up and running, in Lampedusa. This builds on a European Regional Task Force set up in June 2015, in Catania, Sicily[9]. The Support Team currently consists of two debriefing teams from Frontex, plus EASO experts both at the 'hotspot' and at a nearby centre used for relocation. Frontex has already deployed 42 guest officers, while EASO has deployed 6 experts.

For the 'hotspot' approach to be effective, an increase in reception capacities is essential, in order to host asylum seekers before they are relocated. There also needs to be adequate capacity to detain irregular migrants before a return decision is executed. Italy has expanded its reception capacities and now has first reception centres in the four identified 'hotspot' areas, capable of housing approximately 1,500 people. Capacity will be expanded to provide for an additional 1,000 places by the end of the year, bringing the overall first reception capacity up to 2,500.

Greece has identified five 'hotspot' areas, in Lesvos, Chios, Leros, Samos and Kos (see Annex 4). The European Regional Task Force is fully operational, based in Piraeus. The first Migration Management Support Team will be based around the 'hotspot' in Lesvos. Frontex has already deployed 53 experts: at present one EASO staff member is permanently stationed in Greece to help organise the deployment of EASO experts.

Greece has expanded its reception capacities and now has seven first reception centres, screening centres and temporary facilities in four of the identified hotspot areas (Lesvos, Chios, Samos and Leros), capable of housing approximately 2,000 people. Capacity is being expanded further[10].

Part of the reception needs in 'hotspot' areas is linked to the identification and registration of irregular migrants who are not in clear need of international protection, and thus do not qualify for relocation. This requires sufficient capacity to be available with the facilities to prevent irregular migrants absconding.

---

[7] Austria, Belgium, the Netherlands, Romania, Slovakia and Spain.
[8] Belgium, the Czech Republic, Lithuania, Portugal, Romania and Sweden.
[9] The Task Force involves Frontex, EASO, Europol, the EU naval operation EUNAVFORMED-SOPHIA and the Italian authorities.
[10] For example, a temporary facility for 300-400 places in Kos by the end of the year.

II.2   Rolling out the Relocation scheme

On 14 September, the Council adopted the Commission's proposal for a Decision[11] to relocate 40,000 people in clear need of international protection from Italy and Greece. This was followed a week later by the Decision[12], again based on a Commission proposal, to relocate 120,000 people in clear need of international protection from Italy, Greece and other Member States directly affected by the refugee crisis. The Migration Management Support Teams are the tools to ensure that this relocation can happen at the Union's external borders.

Both Decisions require immediate follow up from the EU institutions, the Member States under pressure and the Member States who are committed to hosting relocated people.

On 1 October, the European Commission brought together over 80 delegates from the Member States, the EU Agencies, the International Organisation for Migration and the United Nations High Commissioner for Refugees (UNHCR) in a **Relocation and Resettlement Forum** to take forward practical implementation. Italy and Greece presented their roadmaps for relocation at the Forum – outlining measures in the area of asylum, first reception and return, as well as the steps they would take in the weeks to come to ensure a full roll-out of the relocation scheme.

The first relocations of people in clear need of protection have taken place, but much work is still needed to ensure that a substantial flow of several hundreds of relocations per month quickly follows. All Member States were asked to identify national contact points at home: so far, 21 Member States have identified national contact points[13]. They have also been asked to send liaison officers, if relevant, to Italy and Greece. So far, 22 Member States have dispatched such officers[14].

An essential part of the relocation chain is that adequate reception capacity exists in the receiving Member States to accommodate the relocated persons. So far, only six Member States have notified this reception capacity they have made available to host relocated people[15]. **All Member States should complete this notification by the end of October**.

First effective relocation of people in clear need of international protection

On 9 October 2015, a first flight left from Rome taking 19 Eritreans to start a new life in Sweden. Five women and 14 men left from Ciampino airport in the presence of Migration and Home Affairs Commissioner Dimitris Avramopoulos, Luxembourg Foreign Affairs Minister Jean Asselborn and Italian Minister of the Interior Angelino Alfano. It was an important symbolic moment which marked the start of a new, European approach to the way we treat asylum applications. However, beyond symbolism, relocations now need to become systematic, routine business in Italy and in Greece.

The first flight was the result of intensive preparatory work on the ground by the Italian and

---

[11] Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece (OJ L 239, 15.9.2015, p. 146).

[12] Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece (OJ L 248, 24.9.2015, p. 80).

[13] Austria, Belgium, Bulgaria, Croatia, Cyprus, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Luxembourg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden.

[14] From Austria, Belgium, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Ireland, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Spain, Slovakia, Sweden for Italy and Slovenia for both Italy and Greece.

[15] Austria, France, Germany, Luxembourg, Sweden and Spain.

Swedish authorities, by Frontex and other EU agencies, by local NGOs, and by the special envoys which the European Commission has deployed. Tireless efforts have ensured that the system is operational, and the necessary registration and processing can be done at each step of the way.

Outreach to the Eritrean community was crucial in ensuring the success of the first exercise. Initially asylum seekers were reluctant to be registered because they did not trust the system. It has taken a lot of effort over the past weeks from the Commission envoys on the ground, working with the UNHCR and local NGOs, to convince the first set of people that they really would be relocated.

Trust in the system is increasing, however, particularly since the first exercise was carried out. There are now queues of people wanting to register in Lampedusa and Villa Sikania. There are over 100 Eritreans already identified as candidates for relocation.

It is now crucial that further relocation exercises follow suit, particularly to avoid a 'bottleneck' of relocation candidates accumulating.

The successful transfer of the first groups of persons under the relocation exercises is an important first step. These exercises now need to be put on a firm and ongoing footing, at a sufficient scale. **All Member States should now provide the Commission with their clear commitments as to the number of people they will relocate from now until the end of the year,** bearing in mind the urgency of the challenge.

II.3 Resettlement

Resettlement of people in need of international protection directly from third countries both responds to the EU's humanitarian obligations, and provides a safe alternative for refugees as compared to taking the perilous journey to Europe themselves. At the Relocation and Resettlement Forum on 1 October, Member States confirmed the commitments made in July to welcome over 20,000 refugees in the next two years in this way. A Resettlement Workshop on 2 October developed practical solutions to ensure the effective application of resettlement. The first resettlements have now taken place[16]. **Member States should now provide the Commission with information on the number of people they will resettle over the next six months, and from where**.

II.4 Return and Readmission

A key element in the interlocking mechanisms which make up the EU asylum system is ensuring that those who do not have a right to international protection are effectively **returned.** At present, far too few return decisions are being implemented in practice and smuggling networks exploit this to attract migrants who are not in need of international protection. The more effective the return system becomes, the less chance that smugglers can persuade people that they will be able to 'slip through the net' if identified as not in need of international protection.

At the October 2015 Justice and Home Affairs Council, Member States endorsed the EU action plan on return proposed by the Commission[17]. **The focus is now on swift and effective follow-up.**

---

[16] 132 Syrians staying in neighbouring countries have already been resettled under the scheme agreed on 20 July 2015 to the Czech Republic (16), Italy (96), and Liechtenstein (20).

[17] COM(2015) 453 final.

Italy has recently carried out two return operations – 28 Tunisians were returned from Italy to Tunisia and 35 Egyptians were returned to Egypt. One joint return operation, coordinated by Frontex, is foreseen in October from Italy and two from Greece. The frequency of these operations needs to be increased.

Ensuring effective returns is a core part of the work of the Migration Management Support Teams in 'hotspot' locations.

This also requires efficient systems to be in place inside the EU for issuing and enforcing return decisions. Concrete steps have been taken over the past month to develop a system of integrated return management and to make use of the EU's information exchange systems to include return decisions and entry bans. Member States' return agencies must also be given the necessary resources to perform their role.

Returns can only be implemented if there is an agreement by the countries of origin to readmit the persons concerned. **Readmission** is an indispensable component of an effective migration policy. Those who return must be readmitted to their countries of origin. This requires a close partnership with third countries, using all available tools at our disposal. Member States and the Commission should work together to find the fine balance of pressure and incentives in their relation with third countries to increase the number of returns. To assist in the process**, it has been agreed that Member States deploy European Migration Liaison Officers in eleven countries by the end of 2015, but this deployment has not yet taken place**[18]. The High Representative/Vice-President has launched the first high-level dialogues with main countries of origin of irregular migration, and this will be followed up in a variety of broader dialogues with Ethiopia, Somalia, the African Union and the Sahel countries. **The immediate priority is to ensure that existing readmission agreements are effectively applied in practice.**

Making readmission work: practical cooperation with Pakistan

The EU has a readmission agreement in place with Pakistan since 2012. Given the large numbers involved (see Annex 9) – for many years, Pakistan has been the fourth largest source of non-EU nationals found to be in the EU in an irregular way – this agreement is of particular importance. But the estimate is that only around 54% of Pakistani citizens receiving return decisions in the EU are returned. The effectiveness of the implementation of the Agreement varies significantly amongst Member States. A particular blockage was identified in Greece, resulting from disputes concerning documentation. Dedicated readmission discussions between the Commission, Greece and the Pakistani authorities this month aim to restart the returns process:

- Discussions on the application of the EU-Pakistan readmission agreement took place in Athens between Commission, Greek and Pakistani officials;
- Contacts between the EU Delegation in Islamabad and the Pakistani Ministry of Foreign Affairs took place on the same day;

- Commissioner Avramopoulos will travel to Islamabad on 29 October to discuss a joint

---

[18] Council conclusions 8 October 2015: "Cooperation with the countries of origin and transit is key to successful return operations. In the short term, the EU will explore the synergies of the EU diplomacy on the ground, through the EU delegations, and in particular through the European Migration Liaison Officers (EMLOs), to be deployed by the end of 2015 to Egypt, Morocco, Lebanon, Niger, Nigeria, Senegal, Pakistan, Serbia, Ethiopia, Tunisia, Sudan, Turkey and Jordan."

plan on migration.

The result should be:

- A joint understanding on the application of the EU readmission agreement between Greece and Pakistan;

- Frontex will carry out a joint return operation for Pakistanis from Greece in November;

- The Commission will present an operational action plan for better migration management with Pakistan.

II.5   Other Ways to Support Member States

There are several other opportunities for Member States to call on the support of the EU to provide assistance in border and migration management but which still have not been fully exploited.

Member States can request the deployment of **Rapid border intervention teams** (RABIT) to provide immediate border guard support in cases of urgent or exceptional migratory pressure. The Commission considers that the circumstances faced by Greece over the last few months have been exactly the circumstances for which the Teams were devised. Neither Greece nor Italy has so far triggered the mechanism.

The **EU Civil Protection Mechanism**[19] can be activated by a country if it considers itself to be overwhelmed by a crisis. The Mechanism relies on voluntary contributions from Member States (including expertise, equipment, shelter, and medical supplies). Member States were asked last month to notify the Commission of the assets which can be held ready to deploy to help refugees. Only eight Member States[20] have notified that they have – limited – civil protection assets or experts they would be prepared to deploy still this year, should a request be made. **The Commission reiterates the need for Member States to support the mechanism with substantial contributions.**

The Mechanism has been activated twice in 2015 to assist Hungary[21], and once to assist Serbia[22], in responding to the urgent needs caused by an unprecedented inflow of refugees and migrants.

It should also be recalled that the support of Member States through the **Frontex Joint Operations TRITON and POSEIDON** continues to provide day-by-day support to the management of the external borders, rescuing thousands of migrants and refugees in the process. Currently 17 Member States are providing assets to TRITON, 18 Member States to POSEIDON[23]. However, the **assets made available still fall short of what is needed.**

---

[19] The Mechanism can mobilise various types of in-kind assistance, including expertise, equipment, shelter, and medical supplies.

[20] Belgium, Cyprus, Finland, Sweden, Slovakia, the Czech Republic, Lithuania, Latvia.

[21] These requests are now closed.

[22] This request is still open.

[23] Malta, Portugal, the Netherlands, France, Norway, Spain, Greece, Poland, Romania, the United Kingdom, Germany, Denmark, the Czech Republic, Bulgaria and Latvia in the case of TRITON, Denmark, the Czech Republic, Norway, Sweden, Portugal, Poland, Latvia, Germany, Croatia, the Netherlands, Finland, Italy, France, Spain, Belgium, the United Kingdom and Romania in the case of POSEIDON.

Progress Made	- First 'hotspot' working in Lampedusa (Italy). - First 'hotspot' in Lesvos (Greece) to be operational in the coming days. - Relocations to other Member States have started. - Migration Management Support Teams are operational. - The first resettlements have taken place. - Frontex supporting return missions
Next Steps	- Six 'hotspots' in total to be operational in Italy by the end of the year. - Five 'hotspots' in total to be operational in Greece by the end of the year. - Member States to meet calls for experts and equipment to support the Migration Management Support Teams to allow the Support Teams to be rolled out in full. - Member States to notify how many relocation and resettlement places they will provide, and specify their reception capacity. - Returns to Pakistan from Greece to restart. - Member States to provide adequate resources for Frontex Joint Operations TRITON and POSEIDON.

III. BUDGETARY SUPPORT

Three weeks ago, the Commission committed to reinforcing financial support immediately. Since then, the Commission has proposed amending budgets to increase financial resources devoted to tackling the refugee crisis by an additional **€1.7 billion for 2015 and 2016**.

This includes:

- Additional emergency assistance already in 2015 under the Asylum, Migration and Immigration Fund and the Internal Security Fund-Borders (€100 million) (see Annex 8);

- Reinforcement of the three key Agencies by 120 posts (60 posts for FRONTEX, 30 for EASO and 30 for EUROPOL);

- Additional funding for the European Neighbourhood Instrument (€300 million) and redeployment of other EU funds so that the EU Trust Fund for Syria can reach at least €500 million this year;

- An increase of the funding for Humanitarian Aid of €500 million (€200 million in 2015 and €300 million in 2016) to help refugees directly, notably through UNHCR, the World Food Programme and other relevant organisations to help refugees' essential needs, like food and shelter;

- €600 million in additional commitments for 2016 to increase emergency funding on migration issues (€94 million), to support the relocation package (€110 million), increased human and financial resources for FRONTEX, EASO and EUROPOL (about €86 million to assist on returns and in the 'hotspot' areas, as well as reinforcement of the Agencies), and additional funding to help Member States most affected by the refugee crisis (€310 million).

In total this means that the available funding to address the refugee crisis will amount to **€9.2 billion in 2015 and 2016**.

The European Parliament and the Council have acted swiftly to adopt the changes to the 2015 budget. The Commission has now adopted amendments for the 2016 budget and **calls upon the budgetary authority to make a similar commitment to fast-track the 2016 budget.**

It is crucial that national spending is now deployed to reinforce the overall European effort in addition to this substantial reinforcement of migration-related spending under the EU budget. This was recognised by the EU Heads of State and Government on 23 September, which highlighted the need for **national governments to contribute and match the EU funding** in the efforts made to:

- Support the urgent needs of refugees through **UNHCR, the World Food Programme**[24] **and other agencies**, to reach at least €1 billion. With the EU budget providing €200 million in additional support this year and €300m next year, this requires a commitment of €500 million from national budgets.

  Since 23 September, ten Member States[25] have committed to additional contribution, with the total reaching around €275 million. But in reality, over 80% of this has been pledged by only two Member States, the United Kingdom and Germany. **This still leaves a shortfall of over €225 million.**

- Support a substantial increase in the **EU's Regional Trust Fund responding to the Syria crisis**. The Commission calls on Member States to match the €500 million from the EU budget.

  However, despite the fact that Syria is at the core of today's crisis and that this Trust Fund offers a flexible and swift delivery tool, the response so far from Member States has been minimal, with just two Member States, Italy pledging €3 million and Germany pledging €5 million. **This leaves an almost total shortfall of €492 million.**

- Support with national contributions the **Emergency Trust Fund for stability and addressing the root causes of irregular migration and displaced persons in Africa**. The Commission considers that national contributions should match the €1.8 billion EU funding. Again, support committed so far has been negligible, with only three Member States at present, Luxembourg, Germany and Spain, pledging €3 million each. Six Member States[26] have informally confirmed their contributions but without clear figures. Four others[27] have said that it is "very likely" that they will contribute and four[28] are still considering it. Two non-EU countries[29] have informally suggested they might pledge in total around €9 million. **This leaves a huge shortfall of €1.791 million.**

Financial resources are an indispensable part of how we can both address the immediate plight of refugees and start to tackle the root causes. It is imperative that the shortfall

---

[24] Four Member States – the United Kingdom, Germany, the Netherlands and Sweden – rank in the top 10 donors to the World Food Programme in 2015 (source: World Food Programme, 6 October 2015).
[25] Cyprus, Czech Republic, Finland, Germany, Italy, Latvia, Luxembourg, Poland, Spain and the United Kingdom.
[26] Belgium, Denmark, France, Italy, Malta and the United Kingdom.
[27] Austria, the Netherlands, Finland and Sweden.
[28] The Czech Republic, Estonia, Latvia and Greece.
[29] Norway and Switzerland.

between the needs identified by the European Council and the reality of what just a few Member States have so far pledged is swiftly redressed (see Annex 7).

Progress Made	• Adoption by the European Parliament and the Council of the reinforcement of €800 million to support refugees and migration policies in 2015, as proposed by the Commission. • Further reinforcement of €900 million for 2016 now before the budgetary authority.
Next Steps	• European Parliament and Council should adopt the changes to the 2016 budget, as proposed by the Commission. • Member States need to complete the pledge of €500 million in support for humanitarian aid to refugees to reach €1 billion. • Member States to match the €500 million funding from the EU budget to the EU Syria Trust Fund and the €1.8 billion in EU funding for the EU Trust Fund for Africa.

In this context, questions have arisen about the treatment under the **Stability and Growth Pact** of expenditure incurred to manage the refugee crisis. The Commission has confirmed that, if it received a specific request from a Member State, it would examine whether and how this could be accommodated under the existing rules of the Stability and Growth Pact. This includes the flexibility that has been imbedded in the Pact to react to unforeseen circumstances and unusual events.

This assessment would need to be made on a case-by-case basis as part of the analysis of national fiscal documents. It would need to be based on evidence of the net costs incurred, in line with the agreed methodology for applying the Pact.

IV. IMPLEMENTATION OF EU LAW

The Common European Asylum System is based on helping people in need of international protection and returning migrants who have no right to stay on EU territory. To make this a reality, the EU now has a strong set of common rules on asylum and irregular migration. But these rules have to be properly applied.

One example of the Commission's efforts to promote effective implementation is in the area of return, where the Commission has been helping Member States to understand the consequences of the rules. The Commission has held dedicated dialogues with Member States to highlight steps that need to be taken to meet the obligation to enforce return. Member States should ensure the physical availability of an irregular migrant for return and use detention, as a legitimate measure of last resort, where it is necessary to avoid that irregular migrants abscond. As long as there is a reasonable likelihood of removal, prospects for such removal should not be undermined by a premature ending of detention. Finally, both the swiftness of decision-making, and the availability of staff and sufficient detention capacity, can have a key impact on the practical implementation of return decisions.

Since August, the Commission has sent **administrative letters** to five Member States concerning the Eurodac Regulation on fingerprinting, and ten concerning the correct implementation of the Return Directive. All Member States concerned replied on the Eurodac Regulation , and the Commission is now assessing the replies to see if they are sufficient or if

infringement proceedings should be launched. On the Return Directive, only one response[30] has been received so far: the Commission awaits the remaining responses and will swiftly assess the situation. A further administrative letter has been addressed to one Member State concerning the compliance with the Asylum Procedures Directive, the Reception Conditions Directive and the Schengen Borders Code.

In respect of the decision **on 40 potential or actual infringement decisions adopted in September**, concerning the Asylum Procedures Directive, the Reception Conditions Directive and the Qualifications Directive, in addition to the 34 cases opened before then, the Commission has not received any responses so far. Given the particular importance of this legislation, Member States are urged to respond as early as possible within the two month period.

The Commission will continue to pursue infringement procedures swiftly and effectively, where necessary, to ensure full compliance with EU legislation in this area (see Annex 6).

The priority actions identified in September stressed the need to devote particular attention to **Greece.** Member States have not been able to return asylum seekers to Greece since 2010-11. In 2010, the European Court of Human Rights ruled that there had been a number of violations of the European Convention on Human Rights. The European Court of Justice then confirmed that there could be no presumption that Member States respect the fundamental rights of asylum seekers if they return people to Greece under the Dublin system.

As noted above, the Commission has dedicated substantial resources to assisting Greece. Member States are now starting to add to these efforts. Significant progress has been made in a short space of time. With the Migration Management Support Teams up and running, the key deficiencies behind the effective suspension of Dublin transfers are being addressed – with reception facilities being expanded and a return being made to a robust system of asylum processing.

Progress so far has been encouraging and must continue. On this basis, **the Commission will assess the situation by 30 November 2015 and if all conditions are met, it will recommend to the European Council in December 2015 or in March 2016 to confirm the reinstatement of Dublin transfers to Greece**.

Several Member States have recently invoked the **temporary reintroduction of border controls** under the Schengen Border Code. This can be justified in exceptional crisis situations and notably for serious threats to public policy or internal security in a given Member State. But it can never be more than a short-term measure before the situation is stabilised.

The Commission is currently finalising its assessment of the situation by adopting an opinion on the prolongation of temporary border controls by Germany, Austria and Slovenia on the basis of the Schengen Border Code.

Progress made	• The Commission is addressing deficiencies by Member States in the full transposition and implementation of EU law. • Reception facilities are being expanded and conditions for a correct asylum system and processing are being put in place in Greece.

---

[30] Italy

Next steps	• The Commission will ensure active and swift follow-up of all infringement proceedings in asylum and return. • The Commission will assess by 30 November 2015 the situation concerning Dublin transfers to Greece.

V.   THE EXTERNAL DIMENSION

The European Agenda on Migration underlined that a successful migration policy must inescapably work outside as well as inside the Union. Europe must always welcome those in need of protection. But it is in everyone's interests that the crises which force refugees to leave their homes and travel in great danger are tackled at their roots.

At the core of the priority actions and the joint Communication of the Commission and the High Representative/Vice-President last month[31] was putting migration at the top of the EU's external concerns. This has been shown through the commitments to extra funding set out above. But the diplomatic offensive now under way has also put migration at the centre of bilateral, regional and multilateral dialogue.

Turkey is a pivotal partner. Together with Lebanon and Jordan, it has borne the brunt of the humanitarian effort to shelter Syrian refugees. Its geographical position makes it the dominant channel for migrants arriving in the Western Balkans. Turkey has shown that it is capable of taking decisive action to combat smuggling. The detailed Action Plan on Migration handed by President Juncker to President Erdoğan on 5 October set out a series of concrete measures covering both support of refugees, migrants, and their hosting communities, as well as strengthening cooperation to prevent irregular migration. It sets out short, medium, and longer term actions. **The Commission is now in active discussions with the Turkish authorities in order to finalise the Action Plan**.

Cooperation with Turkey was also a key aspect of the High-level **Conference on the Eastern Mediterranean – Western Balkans Route** convened on 8 October by the High Representative/Vice-President and the Luxembourg Presidency. This meeting agreed a series of practical steps to foster a more effective cooperation with partner countries along the route, including by supporting countries of first asylum and of transit, as well as underlining the broader issues of tackling root causes and fighting smuggling[32].

The High Representative/Vice-President has been engaged in extensive diplomatic contacts with a view to finding an agreement to the crisis in **Libya**. These efforts, political and financial, have been deployed in support of the Special Representative of the UN Secretary General, Bernardino Léon, who, on 8 October, presented a final text of the Libyan Political Agreement to all participants in the political dialogue. The focus is now on having this agreement endorsed by the parties, in which case, the EU stands ready with a substantial and immediate package of support to a new government of National Accord that will benefit the Libyan population. The Foreign Affairs Council of 12 October adopted conclusions in this respect.

On 7 October, the **EU military operation in the Southern Mediterranean – EUNAVFOR MED Operation Sophia** – moved to its second phase in international waters, after having successfully fulfilled the objectives of phase 1 (surveillance and assessment of smuggling and

---

[31] JOIN(2015) 40 of 9 September 2015
[32] This document can be found by following the link : http://www.consilium.europa.eu/en/press/press-releases/2015/10/08-western-balkans-route-conference-declaration/

trafficking networks), and contributing to the rescue of more than 3,000 people. It will now be able to conduct boarding, search, seizure and diversion, on the high seas, of vessels suspected of being used for human smuggling or trafficking, and will contribute to bringing suspected smugglers to justice. This represents a key development in disrupting the business model of traffickers/smugglers and received an important political endorsement from UN Security Council Resolution 2240 adopted on 9 October.

Under the chairmanship of the High Representative/Vice-President, the Foreign Affairs Council adopted conclusions on the **Syria** crisis on 12 October, on the basis of which the EU will enhance the level of its engagement in support of UN-led international efforts to find a political solution to the conflict. The High Representative/Vice-President is actively engaged with all of the key regional and international actors, including Russia, US, Saudi Arabia, Iran, Turkey and Iraq. The EEAS has taken measures to strengthen support to the political opposition inside and outside Syria as a party to a transition process and to continue to facilitate the rapprochement and unification of its numerous political and military segments behind a common strategy. On 7 and 9 September, the EEAS together with the UN Special Envoy, Staffan de Mistura, conducted detailed consultations with mediation practitioners, notably from Russia, Iran, Egypt and Saudi Arabia and Syria envoys from the Member States. The EU is also active in some of the working groups established by the Small Group of the Global Coalition against Da'esh, namely on stabilization, foreign terrorist fighters, counter-financing. Implementation of the EU regional strategy for Syria and Iraq as well as the Da'esh threat is on-going.

Migration was a key theme discussed by representatives of the EU institutions and of the Member States in the 70th **United Nations General Assembly** at the end of September. In this context, the need for a more proactive response and enhanced engagement by the international community to deal with the challenges of migration and human mobility was stressed, notably with regard to the Syrian refugee crisis.

The EU Action Plan against **migrant smuggling** presented in May[33] is now being implemented – as well as law enforcement operations both within and outside the EU – for example, campaigns are under way in Ethiopia and Niger to prevent smuggling at the source.

A major focus in the new priority on migration issues in the next month will be the **Valletta Summit on Migration** (11-12 November). This Summit is the subject of intensive preparation with African partners. It will represent an opportunity to show that both the EU and its African partners can deliver tangible action to address the root causes of irregular migration and to ensure orderly, safe, regular and responsible migration and mobility of people. Fundamental to such partnerships is that the EU must support its partners – with financial assistance, with expertise, with the confidence to work together and demonstrate a common effort. As such, its success is inextricably linked to a joint effort to deliver a major financial commitment to the EU Emergency Trust Fund for Africa (see above under point III).

Progress Made	• A series of high-level meetings by the High Representative/Vice-President and Commissioners have given meaning to the new diplomatic offensive on migration. • EUNAVFOR MED operation Sophia fulfilled objectives of phase 1.
Next Steps	• Finalising the Action Plan with Turkey. • High level dialogues foreseen by the High Representative/Vice-

---

[33] COM(2015) 285 final

	President with Ethiopia, the African Union and Somalia on 20-21 October.
	• EUNAVFOR MED operation Sophia implementing its phase 2.
	• EU to support a new government of National Accord in Libya.
	• EU to enhance level of engagement in support of UN-led international efforts to find a political solution to the conflict in Syria.
	• Valletta Summit on Migration.

VI. CONCLUSION

The operational and budgetary steps set out above are designed to provide the support needed to bring the EU's migration system back into an orderly approach where the rules are properly applied and the system is robust enough to react to the inevitable peaks in migration. An indispensable part of restoring stability is the external border. This is at the heart of the **Commission's commitment to bring forward before the end of the year proposals to develop a fully operational European Border and Coast Guard**, as a recognition that Member States must be supported more strongly in the challenge of managing Europe's external borders.

Summary of specific conclusions

- Member States should rapidly submit their contributions to meet the EU Agencies' needs assessment for the implementation of the "Hotspot" approach;

- Italy and Greece should increase their reception capacities;

- Member States should notify their reception capacity to host relocated people;

- Member States should provide clear commitments as to the number of people they will relocate from now until the end of the year;

- Member States should now provide the Commission with information on the number of people they will resettle over the next six months and from where;

- Member States should swiftly implement the EU action plan on return proposed by the Commission, for an effective system of return at EU level;

- European Migration Liaison Officers should be deployed by the EU in eleven third countries by the end of 2015,

- Member States should support the EU Civil Protection Mechanism with substantial contributions;

- Member States should make available sufficient assets for Frontex joint operations TRITON and POSEIDON;

- Member States should contribute to and match the EU funding in the efforts made to support the UNHCR, World Food Programme and other international organisations, the EU Trust Fund for Syria and the EU Trust Fund for Africa:

- The European Parliament and the Council should adopt the draft amending budget for

---

2016, as proposed by the Commission;

- The Commission will continue to pursue swiftly and effectively infringement procedures, where necessary, to ensure full compliance with the acquis in the area of Asylum and Return;

- The Commission will assess by 30 November 2015 if all conditions are met to recommend to the European Council in December 2015 or in March 2016 to confirm the reinstatement of Dublin transfers to Greece;

- The Commission will finalise its opinion on the prolongation of temporary controls by Germany, Austria and Slovenia on the basis of the Schengen Border Code;

- The Commission will finalise the Action Plan with Turkey.

List of Annexes

Annex 1: Follow-up of the Priority Actions

Annex 2: Greece – State of Play Report from11 October 2015

Annex 3: Italy – State of Play Report from 11 October 2015

Annex 4: Map of the 'Hotspots' designated in Greece

Annex 5: Map of the 'Hotspots' designated in Italy

Annex 6: Implementing the Common European Asylum System

Annex 7: Member States' financial pledges since 23 September 2015

Annex 8: Financial Support to Member States under the Asylum, Migration and Integration Fund and the Internal Security Fund

Annex 9: The functioning of the EU–Pakistan Readmission Agreement 2012-2014