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NOTE

from: General Secretariat of the Council
to: Delegations
Subject : Plenary Session of the European Parliament, Brussels, 9 May 2012
Council and Commission statements - Follow-up to the LIBE delegation visit to Sicily and Lampedusa

On behalf of the Council, Mr Wammen delivered the speech in annex I.

On behalf of the Commission, Commissioner Kroes delivered the speech in annex II.

For the political groups, the following speakers took the floor:

- Mr Iacolino (EPP, IT) deplored the fact that tragedies had not stopped in the Mediterranean. He stated that individual Member States could not tackle these emergencies alone and that the EU had to act, stressing the need for EU funds as part of the EU budget for 2013.
- Ms Borsellino (S&D, IT) explained that she was satisfied that the Italian approach on the management of migration flows had changed with the new government. However, she deplored the recent deaths at sea and the fact that that Lampedusa was still not a safe port of disembarkation. She also called for the opening of a first aid centre on Lampedusa which should function properly.
- Ms Wikström (ALDE, SE) took the view that Lampedusa should be a safe port for migrants and that further deaths would be unacceptable.

- Ms Keller (Greens/EFA, DE) stated that the EU had to protect the human rights of migrants and mentioned the “Hirsi case” in which the ECJ had condemned Italy concerning its push-back practices carried out in violation of the obligation of “non-refoulement”. She criticised bilateral agreements concluded by Member States and third countries over which the European Parliament had no control.
- Mr Borghezio (EFD, IT) criticised the fact that the EU tax payer would have to pay to rebuild centres that immigrants had destroyed themselves.
- Mr Triantaphyllides (GUE/NGL, CY) thought that clear figures were needed, e.g. on the number of arrivals in Lampedusa, in order to assess the situation. He asked the Commission whether it knew the content of the new agreement between Italy and Libya.
- Mr Claeys (NI, BE) considered that migration flows were the consequences of lax policies on immigration pursued by the EU and its Member States.

During the ensuing discussion:

Several MEPs (Mr Busuttil (EPP, MT), Mr Scurria (EPP, IT), Mr López Aguilar (S&D, ES), Mr Papanikolaou (EPP, EL)) considered that the Member States most affected by migratory flows could not be left on their own and pleaded for more EU solidarity and burden sharing. Mr Busuttil added that an EU agreement with Libya was needed. Mr López Aguilar called for more EU funding to meet humanitarian needs and for progress on the asylum package. Mr Papanikolaou deplored the fact that the current situation was feeding extremism in Greece.

Ms Griesbeck (ALDE, FR) condemned the unacceptable conditions in some retention centres and said that bad management of the migration flows was at the origin of the crisis. Mr Díaz de Mera García Consuegra (EPP, ES) stated that respecting human rights was essential in the EU. Mr Moraes (S&D, UK) and Ms Miranda (Greens/EFD, ES) said that a collective EU response was needed to minimise human suffering. Ms Alfano (ALDE, IT) was appalled by the fact that the Mediterranean was becoming an open cemetery and asked the EU and the Italian government to fulfil their responsibility. Ms Fajon (S&D, SI) questioned why the reception centre in Lampedusa had not been reopened and considered that such a dramatic situation required better management of migration and asylum policies.

Ms Thun und Hohenstein (EPP, PL) pleaded for a common EU policy in this area. Mr Pirker (EPP, AT) advocated an EU action plan to combat illegal immigration as well as EU preventive measures, e.g. development policy, awareness-raising initiatives, readmission agreements.

Mr Griffin (NI, UK) was of the view that there were no jobs for immigrants while there was massive unemployment in Member States. Mr Obermayr (NI, AT) and Mr Brons (NI, UK) raised the concerns of the citizens of Lampedusa.

On behalf of the Commission, Commissioner De Gucht replied that the Commission had launched a dialogue with Tunisia on the partnership for mobility, migration and security and hoped to conclude an agreement before the summer break. He also hoped that a similar agreement could be concluded with Libya. Referring to the “Hirsi case”, he stressed that Member States had to respect international and EU obligations, in particular the obligation of “non- refoulement” and that the Commission was monitoring the situation closely. He also referred to the EU financial support and expertise, notably via Frontex¹ and EASO².

On behalf of the Council, Mr Wammen concluded that there was a responsibility for the Member States and for the EU in this area. He added that the management of the migration and humanitarian situation was the basis of the work, emphasizing the obligation to comply with the Human Rights Convention and defending reasonable standards for reception centres.

¹ European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

² European Asylum Support Office

Annex I: speech delivered by Mr Wammen, President-in-Office of the Council

Mr President, I would like to thank Parliament for the opportunity to participate in this debate and to respond to some of the issues arising out of the recent visit by a delegation from the Committee on Civil Liberties, Justice and Home Affairs to Sicily and Lampedusa.

We all know the challenges that some Member States are facing when it comes to large and mixed migration flows to the EU. A number of these issues are more for the Commission to address. Furthermore, some of your questions should be answered by Italy as a Member State herself. I will therefore focus my comments on those issues which fall specifically within the remit of the Council. I will particularly try to clarify how the Council has sought to respond to the migratory pressures which Italy, among others, has faced recently.

The situation in the southern Mediterranean has been an important item for the Justice and Home Affairs Council, in particular following the Arab Spring. In that respect, the Council adopted last year conclusions on the management of migration from the Southern Neighbourhood, as well as on borders, migration and asylum. These conclusions underlined the need for genuine and concrete solidarity towards those Member States most directly affected, as well as for a comprehensive response to the underlying causes. Therefore, and building upon the work of the former Polish Presidency, the Council has discussed ways of better managing asylum and migration within Member States, in particular by preventing irregular migration and through cooperation with third countries.

As part of this work the Council agreed in March this year on a set of conclusions for concrete and practical ways to ensure solidarity towards Member States facing particular pressures on their asylum systems, including through mixed migration flows. They highlight, for example, the importance of responsibility and mutual trust, preventive cooperation, the need for solidarity in emergency situations, strengthened cooperation between EASO and Frontex, financial solidarity and strengthening cooperation with key countries of transit, origin and first countries of asylum.

On 26 April 2012 the Council agreed on an EU action on migratory pressures as a strategic response containing an extensive list of actions in six priority areas. The action plan aims to prevent and control the pressures arising from illegal migration as well as abuse of legal migration channels. It combines and develops common EU action points and tools to prevent irregular immigration. In addition to these measures, Member States have been encouraged to support the activities of Frontex in the region. This support includes a joint operation, EPN-Hermes, in the Mediterranean Sea, intended to assist Italy to address the increase in immigrants from North Africa trying to reach Lampedusa and Sicily.

Frontex has also assisted Italy in the area of border surveillance and search and rescue operations, screening of intercepted persons, debriefing activities and reaction capacity. According to data provided by Frontex, approximately 51 000 people were detected during 2011 in or near Lampedusa or in the surrounding area of Sicily. Most of them were Tunisians and sub-Saharan nationals.

Preventing such tragedies has to be a top priority. Support for Italy has also been provided through funds made available under the ‘Solidarity and management of migration flows’ general programme. We are also working on long-term solutions for those in need of international protection in the countries of the Southern Neighbourhood, such as resettlement opportunities and humanitarian assistance to countries in the region having to deal with people displaced because of the Libyan conflict. Hopefully this will help relieve some of the pressures on Italy.

The Council is expected to adopt a set of conclusions soon concerning the EU approach to migration and mobility, including on EU cooperation with third countries regarding migration. Of course we are also working to put in place a strengthened legal framework which will enable the Union and Member States to provide better responses to situations of this kind. The establishment of the Common European Asylum System is an important part of this and the Danish Presidency looks forward to continuing to work with Parliament and the Committee on Civil Liberties and the Commission in this area. For the Council it is crucial that Member States fulfil their obligations both in EU legislation and in international treaties, and that will be and will continue to be the position of the Danish Presidency.

Annex II: speech delivered by Ms Kroes, Vice-President of the Commission

Mr President, everybody is aware that Italy faced very high migratory pressure from North African countries last year, especially after the events in Tunisia and Libya. Some 60 000 migrants arrived, many of them needing protection. Numbers so far this year are much lower: 790 people were intercepted in the first three months of the year. We all hope the situation in North Africa will continue to stabilise, but people are still likely to try to cross the Mediterranean. Large influxes remain possible, and Europe needs to be ready to react. That, by the way, is not just an Italian issue; it is a matter of concern to the whole of Europe.

The EU acted quickly last year to support Italy, notably through the Hermes and Aeneas border surveillance operations coordinated by Frontex. Frontex stands ready to support Italy this year too. Those operations both intercept irregular migrants and rescue those in distress. Preventing tragedies at sea is a key objective. The Eurosur system we proposed last year should also help by improving detection and tracking of small boats, which should enable faster rescue missions.

Some of those arriving are fleeing persecution and violence and need international protection. EU asylum rules aim to ensure that those who need it have effective access to asylum procedures, even when they are part of mixed migration flows. The Commission closely monitors the implementation of those rules.

The closure of Lampedusa as a safe port of disembarkation is a matter of concern, something we quickly communicated to the Italian authorities. Commissioner Malmström was in Rome two weeks ago, and she was pleased to hear that Italy intends to renovate the damaged facilities so that Lampedusa can again become a point of first reception, assistance and initial screening before migrants are transferred to centres elsewhere in Italy, where their possible needs for protection can be assessed. The Commission looks forward to hearing the date for the reopening, and that reopening is part of a wider proposal which the new Italian Government has run up for an integrated strategy on management of the EU southern border. This proposal is very welcome, and we look forward to seeing how it is taken forward. The Reception Conditions Directive obliges the Member States to provide asylum seekers with appropriate accommodation. The Member States have some flexibility in how this is provided, and specifically-designated reception centres are one option.

The Commission is in close contact with the Italian authorities with a view to ensuring appropriate conditions and will not hesitate to take appropriate action. When it comes to the detention of irregular migrants, the Return Directive includes important safeguards, notably that the detainees must be kept in specialised facilities and must always be separated from ordinary prisoners. Families must be given separate accommodation, and children need access to education. The NGOs should be able to visit, and the detainees need to be able to contact their families and legal representatives. Both asylum seekers and those subject to a return procedure must have access at least to essential healthcare. Italy notified the Commission of its transposition of the Return Directive last year. We are currently checking that this was done in line with the directive.

As far as the guarantees I just mentioned are concerned, initial findings are that Italy has correctly transposed them. To help address those challenges, Italy has received substantial financial support from the EU, with a total of EUR 232 million allocated for 2010, making it one of the largest beneficiaries of the ‘Solidarity and management of migration flows’ general programme. This is before you count emergency financial support, which was over 18 million last year – and part of that was used to expand and develop government reception centres. The EU is also developing deeper contacts on migration and mobility issues with the southern Mediterranean countries where possible, notably including Tunisia and Libya.