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This document corrects COM(2015) 490 final of 23 September 2015.
Concerns the English version only.
Update footnotes and minor amendments in the Communication and minor errors in annexes 2, 3, 4, 6, 7.

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

Managing the refugee crisis: immediate operational, budgetary and legal measures under the European Agenda on Migration

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I. INTRODUCTION

Every day, thousands of people are forced to flee their homes to escape violence and seek refuge, in their own countries or abroad. The scale of displacement is immense and, as conflicts persist, the numbers are growing. Almost 60 million people are displaced worldwide – the world has not seen so many people fleeing conflict since the Second World War.

The current large numbers of refuges, migrants and displaced persons arriving at our borders is a test for the European Union. The European Agenda for Migration presented by the Commission in May set out the need for a comprehensive approach to migration management. Since then, a number of measures have been introduced – including the adoption of two emergency schemes to relocate 160,000 people in need of international protection from the Member States most affected to other EU Member States. The current refugee crisis, however, requires further, immediate action.

The purpose of this Communication is to identify a set of **priority actions** to be taken within the next six months. **Short term actions** to stabilise the current situation must be coupled with **longer term measures** to establish a robust system that will bear the test of time.

We are not starting from scratch: we already have legislation, financial resources and arrangements in place that are designed to cope with the current situation. The problem is that in many cases they have not been implemented, are not known or are insufficiently exploited.

The list of priority actions (see Annex I) sets out the key measures immediately required in terms of: (i) operational measures; (ii) budgetary support (iii) implementation of EU law and (iv) next legislative steps. The Commission is already implementing those actions within its responsibility. This now needs to be matched by coordinated action by Member States.

Together we must show the world that the Union is capable of managing this crisis. Doing so requires all Member States to play their part to ensure that the balance between solidarity and responsibility is maintained.

II.   WHAT HAS BEEN DONE

The **European Agenda for Migration** in May set out the need for a comprehensive approach to migration management: tackling the immediate crisis, but also action inside and beyond the EU to reshape how we fulfil our obligations towards those in need of protection, how to help the most affected Member States, to respect EU and international obligations on asylum, to return those who do not need protection to their home countries, to manage our external borders, and to address the root causes motivating people to embark on perilous journeys to Europe in the first place, as well as looking at Europe's long term need for legal migration.

The Agenda follows the twin logic of balancing responsibility and solidarity. That means all Member States must offer support, and it means the Member States under the most pressure must make restoring an orderly process their top priority. Both need to improve if we are to restore stability to the situation.

The implementation of the Agenda has begun.

Member States have demonstrated solidarity and agreed to **relocate 160,000 people** in clear need of international protection from the Member States most affected to other EU Member States.

We have mobilised **EU funding** in support of the most affected Member States – allocating over €75 million in emergency funding, on top of the €7 billion in multiannual funding allocated over the period from 2014-20 to support efforts in the field of migration, refugees and border management.

We tripled our presence at sea, increasing threefold the resources and assets available for **Frontex Joint Operations Poseidon and Triton**. 29 Member States and Schengen Associated countries are participating in the joint operations coordinated by Frontex in Italy, Greece and Hungary. Over 122,000 lives have been saved since then. Every life lost is one too many, but many more have been rescued that would have been lost otherwise – an increase of 250%.

We have redoubled our efforts to tackle smugglers and dismantle human trafficker groups, notably with the launch of the **naval operation EUNAVFOR MED**[1]. This has choked off the supply of ships, leading to fewer people putting their lives in peril in rickety, unseaworthy boats. As a result, the Central Mediterranean route has stabilised at around 115,000 arriving during the month of August, the same as last year.

The EU is providing **assistance to the population in Syria** – in particularly to internally displaced persons – and financial support to neighbouring countries hosting the highest number of refugees. So far €3.9 billion have been mobilised by the European Commission and Member States in humanitarian, development, economic and stabilisation assistance to Syrians in their country and to refugees and their host communities in neighbouring Lebanon, Jordan, Iraq, Turkey and Egypt. The European Commission has also decided to allocate €1.8 billion from the EU's financial means to set up an **'Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa'**.

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[1]   On 22 June 2015 a crisis management operation (EUNAVFOR MED) was launched to fight smuggling activities in the Southern Central Mediterranean. On 14 September 2015, Member States agreed to move to the second, operational phase, after a first, information gathering phase. This important transition will enable the EU naval operation to conduct boarding, search, seizure and diversion on the high seas of vessels suspected of being used for human smuggling or trafficking, within international law.

We have collectively committed to **resettling over 22,000 people** from outside of Europe over the next year, showing solidarity with our neighbours. Individual Member States[2] have also announced bilateral resettlement pledges.

Europe's response in recent months has been decisive. The current refugee crisis, however, requires further, immediate action. A sustainable resolution of the crisis needs a step change in the Union's migration policies – to ensure strong borders, fair procedures, and a system able to anticipate problems.

Key Actions Delivered	Action already taken under the European Agenda on Migration includes: • A tripling in resources and assets to ensure a presence at sea under the Frontex Joint Operations Poseidon and Triton. • A doubling of the emergency funding allocated to the most affected Member States. • Action against smugglers has choked off the supply of ships: the number of migrants crossing the Central Mediterranean in August 2015 was back down to 2014 levels. • The relocation of those in need of international protection already inside the EU can start quickly after the agreement to relocate 160,000 people this year. • Work is also under way with the UNHCR to resettle in Member States 22,000 refugees still outside the EU.

III.   PRIORITY ACTIONS FOR THE NEXT SIX MONTHS

The most pressing need is to support Member States managing exceptional numbers of refugees on their territory.

This requires action both inside and outside the EU. **Inside the EU** to support those Member States most under pressure by applying the procedures, providing financial and technical support, helping to alleviate pressure through an equitable relocation mechanism and strengthening our collective border. **Outside the EU** by creating the conditions where refugees can stay close to their home by strengthening our partnerships with neighbouring states providing temporary protection and key transit countries, ensuring funding for UNHCR and the World Food Programme and other relevant agencies, by stepping up the fight against traffickers and smugglers and by increased diplomatic engagement in key crises such as Syria.

III.1   OPERATIONAL MEASURES

Supporting Member States in need is at the heart of the relocation policy agreed by the Council in the past days to **relocate 160,000 people in need of international protection**. This will allow for a significant, if partial, reduction of the pressure on the most affected Member States. All Member States now need to identify national contact points for relocation as a matter of priority to allow applicants for relocation to a particular Member State to be swiftly identified and transferred. The rules preventing secondary movements – to ensure that

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[2]   This is the case for Ireland (committed to support 2 900 people in clear need of international protection, both relocation and resettlement, in addition to the EU scheme) and the United Kingdom (up to 20,000 Syrian refugees to be resettlement to the end of the current UK Parliament in 2020).

refugees remain where they are, once relocated – will also need an investment from Member States.

The most immediate practical support will come through **Migration Management Support Teams** working in 'hotspot' areas (see Annex II). The Support Teams will have an instant impact on the most critical point in the chain – where the most affected Member States are finding the sheer number of arrivals too great to manage effectively. Staff deployed by EU agencies and other EU Member States will help identify, screen and register migrants on entry to the EU. This is the first step to a secure future for those in need, and an early opportunity to identify those who should be returned to their home countries. The network of EU Agencies involved will also boost cooperation against migrant smuggling, identifying suspects and helping new investigations. The Support Teams can only work in partnership with national authorities. Only national authorities can set up (with the support of EU funding) and manage well-functioning reception infrastructures, provide the direction and the link with key players such as local authorities, social services, law enforcement and the managers of reception facilities. Frontex[3], the European Asylum Support Office (EASO)[4], Europol[5] and Eurojust[6] can provide the policy expertise, facilitate direct communication between Member States, and play a specific role in coordinating return operations. Italy and Greece now need, as a priority, to finalise and start to implement their roadmaps for relocation and for the Support Teams working in hotspot areas, and ensure adequate reception infrastructure.

Another aspect of key operational support remains the Frontex joint operations Triton and Poseidon. This is an example of effective solidarity which will need to be extended and replicated further and Member States should respond quickly and actively to Frontex's requests to make available further equipment and experts. There are several mechanisms available to Member States that could serve this purpose but which have not been fully exploited.

The EU Civil Protection Mechanism[7] can be activated by a Member State if it feels overwhelmed by a crisis. The Mechanism can mobilise various types of in-kind assistance, including modules (teams and equipment), shelter, medical supplies and other non-food items, as well as expertise. Participating States provide the assistance, and the Commission can co-finance the transport of relief items and experts to the country in question. In 2015, the EU

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[3]   The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) promotes, coordinates and develops European border management and was established on 26 October 2004 by Council Regulation (EC) 2007/2004.

[4]   The European Asylum Support Office provides practical and technical support to Member States and was established on 19 May 2010 by Regulation (EU) 439/2010 of the European Parliament and of the Council.

[5]   Europol is the European Union's law enforcement agency, assisting EU Member States in their fight against serious international crime and terrorism. It was established on 1 July 1999.

[6]   Eurojust is the EU's judicial cooperation Agency, supporting coordination and cooperation between national investigating and prosecuting authorities. It was established on 28 February 2002 by Council Decision 2002/187/JHA.

[7]   The EU Civil Protection Mechanism facilitates the cooperation in emergency response among 33 European states (28 EU Member States, Iceland, Montenegro, Norway, Serbia and the former Yugoslav Republic of Macedonia). Turkey has recently signed the agreement to officially join the Mechanism. These Participating States pool the resources that can be made available to one another and to countries all over the world. The European Commission manages the Mechanism through the Emergency Response Coordination Centre. Any country in the world can request assistance from the EU Civil Protection Mechanism. The United Nations and certain international organisations, such as the International Organisation for Migration, can also activate the mechanism to request assistance in non-EU Member States.

Civil Protection Mechanism has been activated twice to assist Hungary[8] and once to assist Serbia[9] in responding to the urgent needs caused by an unprecedented inflow of refugees and migrants.

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 (see Annex III). The Mechanism provides operational assistance for a limited period of time. Frontex funds and deploys national technical and human resources drawn from Member States. The Mechanism has been activated only once by Greece in 2010[10] when a large increase in arrivals affected the Greek-Turkish land border. During the operation, every week close to 200 well-trained guest officers from 26 Member States assisted their Greek colleagues in controlling the border areas as well as in identifying apprehended irregular immigrants. The successful operation at the Greek-Turkish border stabilised the situation and brought down the number of arrivals compared to the peaks in 2010.

In recent weeks some Member States have invoked the **temporary reintroduction of border controls** under the Schengen Border Code. This can be justified in exceptional crisis situations. But it can never be more than a short-term measure before the situation is stabilised. It should be seen as a signal of the urgency for all to act to restore the normal process of migration management as quickly as possible. Should these measures be prolonged or additional measures be requested, the Commission will formalise its assessment on the situation by adopting an opinion on the basis of the Schengen Border Code. Full implementation of the Relocation Scheme and Support Teams working in 'hotspot' areas should allow for the lifting of controls in the month to come.

The EU should also immediately step up the implementation of the **diplomatic offensive** set out in the recent joint communication on the role of EU External Action in addressing the refugee crisis in Europe[11]. At the heart of this is a balanced approach of underlining the EU's expectations of support from partners in tackling the migration issue, and at the same time reinforcing the support and cooperation the EU can offer to assist these efforts.

- The *Valletta Summit on Migration* on 11-12 November 2015 will be a key moment to show the new priority of migration issues in the EU's relations with African partners[12]. The EU has already scaled up efforts for the preparation of the summit in cooperation with all partners and international organisations concerned. The establishment of the Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa with an initial capital contribution of €1.8 billion has already provided a tangible demonstration of what the EU will contribute. This can form part of a two-way partnership to slow the flow of migrants from Africa and boost the return of those not eligible for international protection.

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[8]   Several EU Member States including Denmark, Bulgaria, Slovenia, Finland and Poland have already offered material support such as blankets, bed linen and tents, which have been accepted by the Hungarian authorities.

[9]   Assistance requested, on 21 September, includes vehicles, fuel, hygiene items, beds, mattresses and food. So far, Hungary has offered 50,000 protective masks.

[10]   The Operation at the Greek-Turkish border started on 2 November 2010 and ended on 2 March 2011 (when Frontex resumed the continuation of Joint-Operation Poseidon Land).

[11]   JOIN(2015) 40, 9 September 2015.

[12]   The Summit will be attended by the EU Member States, the African Union Member States, African countries party to the Rabat and Khartoum Processes, the UNHCR, the International Organisation of Migration. The Valetta Summit follows the European Commission-African Union Commission College-to-College meeting in Brussels on 21 April 2015.

- The ***High-level Conference on the Western Balkans route,*** which should take place back-to-back with the Justice and Home Affairs Council of 8 October 2015, will discuss the common task of tackling today's pressures and restoring stability to the management of migration via the Western Balkans route. The funding the EU provides to the Western Balkans serves to underline the EU's determination to support neighbouring partners facing a huge and rapidly-evolving challenge. This goes well beyond humanitarian support to refugees – helping to quickly step up capacity in migrant management and in tackling smuggling is also of central importance.

- Part of the EU's strategy should be to develop new ***operational cooperation*** so that the skills and knowledge being developed and pooled inside the EU are increasingly shared with partners outside the EU. Tools like joint teams of expertise, administrative arrangements and information exchange should increasingly be used to link up law enforcement and migration management services inside the EU and in neighbouring partners, including on return and readmission. Frontex, the European Asylum Support Office, Europol and Eurojust all have a role to play here.

- The refugee crisis is a global crisis and the EU should both contribute to and stimulate ***global efforts***. This means working closely with key international organisations such as the UNHCR, the United Nations Development Programme, the International Organisation for Migration (IOM) and the Red Cross. The EU is already stepping up cooperation with the UNHCR. It should also become a top priority in dialogues with strategic partners and with regional players such as the Gulf States.

Key Actions to deliver within six months	- Full roll-out of the Relocation Scheme and Migration Management Support Teams working in 'hotspot' areas - Member States to make use of existing measures by activating the Civil Protection Mechanism and deploying Rapid border intervention teams. - Normalisation of the Schengen area and lifting temporary internal border controls. - Stepping up the diplomatic offensive and intensifying cooperation with third countries.

III.2   BUDGETARY SUPPORT

Financial support will be reinforced immediately. The emergency funding available under the EU budget in the area of asylum, migration and border control has already been doubled this year, to reach €73 million. This has provided direct and immediate support in the crisis (see Annex IV). Under the **Asylum, Migration and Integration Fund** (AMIF) and the **Internal Security Fund** (ISF), Italy has, for example, received more than €19 million in emergency funding this year, Greece almost €5 million, with new requests now being processed. €4 million was allocated to Hungary last week, of a total of over €5 million so far this year. With several other requests now being processed, this funding has already been exhausted. The Commission will come forward next week with a proposal to add **€100 million to this budget for 2015**.

This is in addition to the large sums (over €300 million) being released in 2015 as pre-financing under **the multi-annual funds for migration and borders**. Last week, Greece received a first tranche of €33 million and Italy received €39.2 million in August.

This means that **resources are available** and are being made available, but to deploy them swiftly needs the commitment of a wide range of government agencies, as well as a smart approach to generate the biggest impact in the shortest possible timeframe. For example, rather than relying on the construction of traditional reception capacities, solutions could be found in the swift use of existing, public or private buildings.

The EU's Agencies play an essential role in ensuring cooperation and in using the expertise available to best effect. They are now being asked to be far more active on the ground than was originally envisaged. The EU Agencies working on migration-related areas need **a major injection of resources**. The Commission will propose next week to increase the capacity of the three key EU agencies with a combined increase of 120 additional posts: 60 for Frontex, 30 for EASO and 30 for Europol. The additional cost in 2015 is €1.3 million to be made available still in 2015. Further extension of the mandate of the three agencies would require immediate supplementary funding.

The Commission intends to make proposals to increase by €600 million the migration and border funds in 2016. This would be on top of the €780 million planned for the emergency relocation scheme. This additional funding will support the help to "hotspot" areas, give help to the Member States most affected, frontload the financial support to Member States on relocation, and strengthen the operational capacity of the Agencies. It will make a real difference to immediate needs for migration management, reception, return and border controls.

Priority must go to bridging the **shortfall in funding for the Syria crisis.** This is partly the direct cause of the increased flows of refugees in the Eastern Mediterranean. But it is also partly the result of "donor fatigue". If we are serious in our aim to help the majority of refugees to remain as close to their homes as possible then we must increase our funding. The United Nations estimates the total unmet humanitarian needs for the Syrian crisis for 2015 to be €4 billion.[13] But, only 38% of the funding requirements have been met. The impact of this shortfall is dramatic. UNICEF has reported that in recent months, up to 5 million people – about half of whom are children – have suffered major interruptions to their water supplies, with major risks of disease as a consequence. The EU and Member States should commit to cover at least half of this gap.

The World Food Programme, the Red Cross and the World Health Organisation and other partners have suffered major shortfalls and interruptions in the supply chain of food and health provision. Most EU Member States have reduced their contributions to the World Food Programme, some by up to 100% (see Annex V). The UNHCR reports that already, 1.6 million refugees have had their food assistance reduced; 750,000 children do not attend school despite the great efforts of the EU and other donors; and the funding gap means that 70,000 pregnant women are at risk of unsafe deliveries. It is hardly surprising if many refugees conclude that the dangers of the journey to Europe no longer outweigh the risks of staying. The Commission is calling on Member States to **restore funding for food aid via the World Food Programme to 2014 levels** to stabilise the supply of food to Syrian refugees. The Commission will increase emergency humanitarian aid and civil protection resources **by €200 million** for 2015 to provide immediate resources to respond to demands

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[13]   Financial Tracking Service of the UN Office for the Coordination of Humanitarian Affairs (OCHA).

from UNHCR and the World Food Programme and other relevant organisations in order to help refugees immediately.

In a rapidly-changing situation, flexibility is key. **Humanitarian aid** is amongst the most flexible and swift of the tools at the EU's disposal. This budget will be increased by an extra **€300 million** in 2016 compared to the level proposed in the draft budget. As the seasons change, it is essential that the EU retains its capacity to respond to requests from Non-Governmental Organisations (NGOs) or UN agencies to bring immediate, targeted help.

One of the most effective instruments to support Syrian refugees is the **EU Regional Trust Fund in response to the Syrian crisis** ('Madad Fund'[14] – see Annex VI). The EU has made start-up contributions to date of €38 million, with larger replenishments planned later in 2015 and beyond. Italy has contributed €3 million. Germany has pledged to contribute €5 million. The EU is preparing to contribute another €100 million by the end of 2015. This will result in a mobilisation of around €150 million for the Trust Fund in the first year alone**.** But given the needs on the ground and an impressive project pipeline worth €440 million already, much more is still needed. A clear and long-term commitment to the Trust Fund would be a powerful demonstration to the refugees, and to the international community, that EU support can be relied upon. The Commission will propose next week to reinforce the European Neighbourhood Instrument (ENI) in 2015 by €300 million to allow an increase of the Madad Trust Fund and provide assistance to third countries hosting refugees from Syria. Together with a further reorientation of funds from the Instrument for Pre-Accession, this will allow the total EU level funding for the Trust Fund in this phase to reach more than **€500 million**.

Member State contributions should match the EU funding: so that the Fund would reach a total of at least €1 billion. This would be a powerful global demonstration of the EU's commitment to help Syrian refugees.

For many years, pressure has been building on **Turkey, Lebanon and Jordan** as millions of refugees have fled Syria. It is clear that the root causes are long-standing. Addressing the political turmoil is complex but we must redouble our efforts. The EU has also been working closely with its neighbours to help tackle the migration challenge:

- In *Turkey*, €176 million has already been deployed for migration-related actions, including direct aid to refugees. The EU is now discussing with Turkey an overhaul in the allocation of EU funds, such that a total of **€1 billion** could be available for refugee-related actions in 2015-16, with actions ranging from infrastructure support to health services and teaching refugee children in their own language. A significant part of this will be implemented through the EU 'Madad' Trust Fund for fast delivery. In parallel to this substantial financial support, the Commission has launched a comprehensive migration dialogue with Turkey on all aspects, including registration, readmission and returns, on which Turkey must deliver more effectively. The EU-Turkey Action Plan on migration, should be finalised without delay.

- In *Serbia* and *the former Yugoslav Republic of Macedonia*, the unexpected arrival of tens of thousands of refugees from outside the region has put a massive strain on infrastructure. Whilst the main priority is to avoid this becoming more than a short-term situation, it is clear that these countries need two-fold support: aid and advice to build up migration management and refugee support, and immediate help to cope with

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[14] The Arabic name of the Trust Fund is 'Madad', broadly meaning providing help jointly with others.

the refugees on their territory today. €78 million from the EU have already been deployed, to improve reception centres and border controls. In addition, €1.7 million has been provided in humanitarian aid since July. A **further €17 million** package is being prepared by the Commission as the flow of refugees across the Western Balkans is unlikely to stop in the short run.

The Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa will target support on the structural weaknesses of migration management. The Trust Fund will help address the crises in the regions of the Sahel and Lake Chad, the Horn of Africa, and the North of Africa. It aims to help foster stability in the regions and to contribute to better migration management. Only two EU Member States[15] have so far confirmed they will contribute and add to the **€1.8 billion** from the EU level. Member State contributions should match the EU funding.

The dominance of the migration issue rightly points to the need to reinforce the core EU funding on these issues. But it is also the case that a variety of support, both funding and operational, can already be drawn upon by Member States in need. In cases where this requires re-programming of existing plans, this option exists precisely to allow Member States to react to circumstances such as the migrant crisis. There is an urgent need for greater flexibility within the Multiannual Financial Framework to allow the redeployment of scarce financial resources to these priority areas. Even if the **Structural Funds** operate with a long-term perspective, they can still be mobilised to help tackle the migration challenge in terms of integration measures like language learning or co-financing key infrastructure including housing and social infrastructure, and in emergency cases reception centres. Shorter-term funding is also available: the **fund for the most deprived** – a fund totalling €3.8 billion 2014-20 – is already used to support migrants and refugees in Belgium, Spain and Sweden. It can cover food and clothing from day one, or early integration support for asylum-seekers. This needs a commitment from Member States to re-programme existing plans to meet new priorities.

Key Actions to deliver within six months	• Increasing the emergency funding for the most affected Member States by €100 million for 2015. • As from 2015, increase the capacity of the three key EU agencies with a 120 additional posts. • Increasing the emergency funding for the most affected Member States and the funding for Frontex, EASO and Europol by €600 million for 2016. • Member States should restore funding for food aid via the World Food Programme to 2014 levels. In addition, €200 million in EU funds for humanitarian aid will be mobilised in 2015 for direct support to refugees. • Increasing humanitarian aid by €300 million in 2016 to be ready to help refugees' essential needs like food and shelter. • Supporting the Trust Fund for Syria up to more than €500 million from the EU budget, to be matched by Member States. • Overhaul the allocation of EU funds (up to €1billion) for refugee-related actions for Turkey. Mobilising €17 million for Serbia and the former Yugoslav Republic of Macedonia.

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[15]   France and Spain (amounts to be determined).

III.3   IMPLEMENTATION OF EU LAW

The European Agenda on Migration is based on a simple principle: help migrants in need of international protection and return migrants that have no right to stay on EU territory. To implement this European migration policy, it is essential that all Member States fully apply the common rules on asylum and irregular migration that were recently agreed at EU level.

Since the early 2000s, the Commission has tabled a series of proposals to build a **Common European Asylum System** (see Annex VII). And the Parliament and the Council have enacted this legislation, piece by piece.

Across Europe we now have common standards for the way we receive asylum seekers, in respect of their dignity, for the way we process their asylum applications, and we have common criteria which our independent justice systems use to determine whether someone is entitled to international protection.

Five different pieces of legislation form the core of the Common European Asylum System (the Dublin Regulation, Asylum Procedures Directive, the Qualification Directive, Reception Conditions Directive, and EURODAC rules on fingerprinting). All are very recent, and the last ones entered into force only in July 2015.

The track record of implementation of EU law in this area is poor. The Commission is determined to use all its powers to ensure that EU asylum and migration law is transposed and enforced and is today launching another series of infringement procedures to that effect – 40 new decisions on infringement cases (see Annex VII). The reality is that this year's crisis has been made worse by the failure to implement existing laws in areas like reception conditions, fingerprinting and return.

Special focus needs to be paid to **Greece** to prioritise the normalisation of the situation and a **return to the Dublin system within the next six months**. Greece's geo-political position has meant it has borne the brunt of the pressure over the past months. This comes on top of persistent problems in the fulfilment of Greece's obligations under EU law. Since 2011, following judgements by the European Court of Human Rights and European Court of Justice, Dublin transfers back to Greece have been suspended as the persistent deficiencies in the Greek asylum system make doing so a violation of an individual's fundamental rights. Greece now needs to work to ensure that the support on offer is put to use in terms of real intervention on the ground. For this, Greece should maximise its efforts to ensure, in particular, that:

- adequate personnel are appointed to the Asylum Service and the First Reception Service in order to guarantee an effective border management (screening, identification, fingerprinting) and an effective asylum procedure;
- the necessary investment is undertaken to address the reception needs of mixed migratory flows; in particular, Greece should maximise its efforts in establishing adequate reception capacity which covers the needs of the current influx and to ensure proper facilities for those in the relocation process;
- the procedures and systems for the absorption of EU funds are improved;
- an effective return system is in place (assisted voluntary and forced returns).

Key Actions to deliver within six months	• Full and swift implementation by Member States of EU law in the area of asylum and migration.
	• Restoring normalcy and taking all measures in Greece needed so that Dublin transfers to Greece can be reinstated within six months.

IV. NEXT LEGISLATIVE STEPS: ESTABLISHING A ROBUST SYSTEM THAT WILL BEAR THE TEST OF TIME

The short term measures necessary to address the immediate crisis are not a long term solution. The Lisbon Treaty foresaw the framing of a common asylum system for precisely this reason. We now not only need to fully implement and enforce what has already been agreed but to accelerate work on the remaining components to create a truly European system. The policies needed to achieve a successful management of migration are closely interconnected. Weaknesses in the external border lead to pressure on the asylum system. Shortcomings in the identification and recording of migrants on entry sap confidence in the system as a whole. The low success rate in returning migrants not eligible to stay in the EU creates cynicism about the value of asylum decisions. And, as has been proved in the past weeks and months, an inability to address the root causes of migration or to mitigate the pressure from outside the EU creates massive strains for the EU. Action is therefore needed in the following areas:

(i) The **Common European Asylum System** is Europe's guarantee that its obligation to help people in need of international protection on a temporary or permanent basis, as well as migrants' fundamental rights, will be respected. This must remain the core of what we are trying to achieve. However, the pressure on the system this year has shown **the need to review the Dublin Regulation**[16] – as well as to ensure its full implementation. Part of an orderly and fair system is also to allow asylum-seekers to work: those Member States who make full use of the 9 month maximum under current rules could immediately commit to allowing asylum-seekers arriving under relocation schemes to work. In addition, long, drawn-out procedures undermine the credibility of the system and create uncertainty for everyone: putting in place an **EU system to recognise safe countries of origin** in asylum procedures, as the Commission has proposed for countries in the Western Balkans and Turkey, will be an important step to help distinguish those in most need.

Part of this work must be to be ready in case the Union were to face the kind of exceptional pressure it has seen this year again: that is why the Commission proposed, in addition to the two proposals for emergency relocation, an amendment to establish a **mechanism allowing the relocation of people in clear need of international protection in crisis situations jeopardising the application of the Dublin system**,. This proposal[17] should be adopted as a matter of urgency.

(ii) Part of the credibility of the system depends on knowing that those who are not eligible for international protection are returned to their homeland. The full implementation of the measures set out in the Commission's recent **action plan on return** would restore credibility

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[16]   Regulation (EU) No 604/2013 of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)

[17]   COM(2015) 450, 9 September 2015

to the EU's return system.[18] This needs a dual track approach of action at EU level – through better information-sharing, increased resources at both EU and national level, stepping up the role of Frontex, and a new emphasis on readmission in our relations with third countries – and at national level, to ensure that the rules in place are effectively applied and return decisions implemented.

(iii) The EU cannot ignore the reality of the challenge faced today in Member States managing the Union's external borders. The external border remains the most important single point for establishing the stability of asylum and migration policy as a whole. It is a strong external border which allows us to free up our internal borders through the Schengen area, and to guarantee free movement of people. So we must work more closely together to manage our external borders. This means strengthening Frontex and enhancing its mandate, and developing a fully operational **European Border and Coast Guard**, to better protect the EU's external borders and strengthen the EU's ability to deploy resources quickly when a crisis occurs.

(iv) A more orderly and fair system of migration management must also involve shifting the focus onto the processing of migrants before they make the dangerous journey to Europe – whether refugees likely to be eligible for international protection, migrants looking to benefit from legal migration schemes, or indeed those who will take the risk of making their way to the EU, only to find that they are returned to their homeland. An effective approach needs to be centred on Europe's tradition of humanitarian support through a solid, EU-wide system of **resettlement**. Building on the experience of the scheme now under way, and as set out in the European Agenda on Migration, the Commission will develop a proposal for a structured system to ensure a collective approach to resettlement at times of intense refugee crisis. A more consistent approach and pooling of EU efforts would show that the EU is equipped to respond to the needs. It would also show to refugees that the best guarantee is to use established UNHCR channels. This would require a committed effort to support measures to ensure that migrants awaiting such processing are received under appropriate conditions and their rights are fully respected, as close to home as possible.

(v) Finally, a long-term approach must include opening **legal channels for migration**. This is part of establishing a robust system of migration management, and essential if we are to make migration less of a problem to be tackled, and more a well-managed resource for a continent facing a severe demographic decline.

Key Commission Actions to deliver by March 2016	• Ambitious steps towards establishing a European Border and Coast Guard and extension of the Frontex mandate (December 2015) • Legal migration package including revision of Blue Card (March 2016) • Further reform of the Dublin Regulation (March 2016) • Proposal for a structured system on resettlement (March 2016) • Updated strategy on human trafficking (March 2016)

V. CONCLUSION

Since the beginning of the year, nearly 500,000 people have made their way to Europe – a trend which is set to continue.

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[18]   COM(2015) 453, 9 September 2015

The European Commission has been consistently and continuously working for a coordinated European response on the refugees and migration front. We have achieved a great deal in a short space of time.

Heads of State and Government meeting in the European Council today now need to drive these efforts home by agreeing on the attached Priority Actions and implementing it with immediate effect.

List of Annexes

I. Priority Actions under the European Agenda for Migration to deliver within six months

II. Migration Management Support Teams working in 'hotspot' areas

III. The Rapid Border Intervention Teams mechanism

IV. Financial Support to Member States under the Asylum, Migration and Integration Fund and the Internal Security Fund

V. Member State and Commission contributions to the World Food Programme

VI. EU Regional Trust Fund in response to the Syrian crisis ("Madad Fund")

VII. Implementing the Common European Asylum System

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ANNEX 2

CORRIGENDUM
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Update footnotes and minor amendments in the Communication and minor errors in annexes
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ANNEX

to the

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

**Managing the refugees crisis: immediate operational, budgetary and legal measures
under the European Agenda on Migration**

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ANNEX II

Migration Management Support Teams working in 'hotspot' areas

I   INTRODUCTION

In the current refugee crisis, the EU is confronted with situations where the sheer number of persons crossing the external border of a Member State exceeds the capacity to manage the arrival of migrants in an orderly manner. In such situations, the Union must support a Member State which faces disproportionate migratory pressure at its external border. This is an imperative in a Union that is governed by the principle of solidarity. This support will enable the Member State concerned to comply with its legal obligations under EU law, including the identification, registration and fingerprinting of individuals upon arrival. For these crisis situations, the Commission developed the approach of Migration Management Support Teams in 'hotspots'.

What is the approach?

A 'hotspot' is an area at the external border that is confronted with disproportionate migratory pressure. Examples are Sicily and Lampedusa in Italy or Lesbos and Kos in Greece. It is in these 'hotspots' where most migrants enter the Union. It is here where the EU needs to provide operational support to ensure that arriving migrants are registered, and to avoid that they move on to other Member States in an uncontrolled way. It is through the EU Agencies Frontex, the European Asylum Support Office and Europol that the Union provides operational support to Member States, under the full control of the host Member State. The approach is an operational concept to maximise the added value of this support through Migration Management Support Teams. This is an operational framework for the Agencies to concentrate their support on the spot where it is most needed, to coordinate their interventions and to cooperate closely with the authorities of the host Member State. Currently, the approach is being rolled out in Italy and Greece.

How do EU Agencies provide support under the approach?

Under this approach, the EU Agencies Frontex, the European Asylum Support Office and Europol provide specific support to the host Member State according to their mandate and expertise. For that, the Agencies send teams of experts directly to the 'hotspots' in the host Member State. These teams consist of experts deployed by other Member States. The composition and expertise of these Support Teams are tailor-made to the specific situation and needs at the 'hotspot' where they operate to support the authorities of the host Member State. Frontex deploys screening experts and provides mobile offices to support the host Member State in registering and fingerprinting migrants upon arrival. In addition, Frontex deploys expert teams to support the debriefing of migrants to understand their routes to Europe and to gather information on the modus operandi of migrant smugglers. Where needed, experts from Frontex also provide pre-return assistance and coordinate return flights. The experts of the European Asylum Support Office support the host Member States with the registration of asylum seekers and the preparation of the case file. And Europol and Eurojust send teams of investigators to support the collection of information to dismantle migrant smuggling networks.

In each host Member State, there is a joint operational headquarters with representatives of all three agencies (the European Union Regional Task Force – EURTF). It coordinates the work of the Support Teams at the 'hotspots' and ensures close cooperation with the national authorities of the host Member State. Such a joint operational headquarters has been set up in

Catania (Sicily) to coordinate the work in Italy, and a similar headquarters will be set up in Piraeus for the 'hotspots' in Greece.

The approach will also facilitate the implementation of the Decisions to relocate persons in clear need of international protection from Italy and Greece. The identification, registration and fingerprinting of migrants upon arrival is a precondition for relocation to work, and the approach provides the necessary support for this. However, the approach functions independently from relocation, and the Commission is ready to apply it in additional Member States that face disproportionate migratory pressure at its borders.

The Support Team does not operate reception centres. For the approach to be successful, the host Member State has to provide well-functioning reception facilities in which the expert teams deployed by the EU Agencies can operate. This includes first reception and pre-removal centres. The existence of sufficient reception facilities is also a necessary precondition for relocation, and the EU provides substantial financial support to Member States to build this infrastructure.

2.   STATE OF PLAY: ITALY

- Technical meetings between the Commission, the EU Agencies and the Italian authorities, including on 23 July, where the Commission was present at a meeting in Rome, and video-conferences on 6 July and 10 September, and a meeting organised by the Commission in Brussels on 2 September. During this time there were several bilateral meeting and contacts between Italy and the Agencies.

- Submission of the roadmap for relocation to the Commission on 15 September in line with the Council Decision on Relocation, which includes a needs assessment for setting up the hotspots. The roadmap is being reviewed following comments provided by the Commission and a revised version is expected soon.

- Workshop on relocation on 21 September, where Italy presented its roadmap for relocation.

- Establishment of an EU Regional Task Force in Catania on 26 June 2015, composed of representatives of Frontex, EASO, Europol, EUNAVFORMED and national authorities to coordinate efforts of the Support Teams, ensuring coverage at different ports of disembarkation. Support of Eurojust to the Operational Frontex Regional Team in Catania and intensive cooperation with the correspondent of the National Antimafia and Antiterrorism Directorate (DNA) responsible for the district of Catania.

- Presence of Frontex for Joint Operation Triton.

- Reinforcement by Frontex with the deployment of 18 debriefing experts, 16 cultural mediators and 12 screening experts.

- Setting up of first reception centres at four hotspots namely, Pozzallo, Porto Empedocle, and Trapani in Sicily and the island of Lampedusa with a total capacity of approximately 1500. Two more first reception centres are planned for Augusta and Taranto by the end of the year.

- Agreement between EASO and Italy on operational plan for hotspots. Italy has accepted that EASO assists it with the provision of information, including on the relocation procedure, the relocation procedure itself and reinforcement of the Dublin unit.

- EASO has 45 experts ready to be deployed that have been committed by Member States.

- Pilot project between the asylum services and EASO.

- Regular presence of Europol at ports of disembarkation where it provides direct cross-match facilities and forensics support in coordination with the Italian Europol National Unit.

What still needs to be done

- Deployment of Frontex staff for assisting in fingerprinting.

- Deployment of EASO experts to Italy.

- Italy to submit their additional needs to Frontex as regards return.

- Submission of revised version of the roadmap on relocation, including needs assessment.

3. STATE OF PLAY: GREECE

- Technical meetings between the Commission, the EU Agencies and the Greek authorities, including on 26 August, where the Commission was present at a meeting in Piraeus, and video-conferences on 10 July and 11 September, and a meeting organised by the Commission in Brussels on 2 September. During this time there were several bilateral meeting and contacts between Greece and the Agencies.

- Visit by First Vice-President Timmermans and Commissioner Avramopoulos to Greece, including to Kos, on 3-4 September.

- Submission of the roadmap for relocation to the Commission on 14 September in line with the Council Decision on Relocation, which includes a needs assessment for setting up the hotspots. The roadmap is being reviewed by the Greek authorities following comments provided by the Commission and a revised version is expected soon.

- Workshop on relocation on 21 September, where Greece presented its roadmap for relocation.

- Identification of the Frontex Liaison Office in Piraeus as being the premises for the EU Regional Task Force.

- Presence of Frontex for Joint Operation Poseidon.

- Reinforcement by Frontex with the deployment of 33 experts (including Greek officials) and the installation of 7 mobile offices on the Aegean Islands (Samos, Lesvos, Chios, Kos, and Leros). Greece has accepted an offer by Frontex to deploy 30 more screeners and de-briefers.

- Ongoing discussions between EASO and Greece on an operational plan for hotspots. Greece has accepted that EASO supports it with the registration of applicants for international protection, the referral for outgoing Dublin 'take charge' requests and the provisional relocation measures. EASO has proposed the deployment of 28 experts. Once agreement is reached on this operational plan, EASO will launch the call for experts.

- Ongoing pilot project on Eurodac being run jointly with the assistance of Frontex, EASO, EU-LISA, and a technical visit to Lesvos regarding this pilot project is planned for the end of this week.

- Setting up of a first reception centre and a screening centre in Lesvos, with a total capacity of 480 persons, as well as a screening centre in Chios and another one in Samos with a total capacity of 393 persons.

- Establishment of two designated point of registration in Lesvos, with plans to set up another registration point soon.

What still needs to be done

- Submission of revised version of the roadmap on relocation, including needs assessment.

- Establishment of the EU Regional Task Force from where the Agencies can coordinate efforts on the ground and with the national authorities.

- Greece must put in place a clear method/arrangement for the systematic identification, registration and fingerprinting of migrants in EURODAC.

- Significant strengthening of first reception capacity for new arrivals in mixed migratory movements on the Aegean islands, for which the Commission has just awarded €4.1 million. There is urgent need for first reception capacity in Kos, where most of the third-country nationals arrive and where there is currently no reception facility.

- Greece should trigger the Civil Protection Mechanism to provide immediate assistance to migrants arriving on the islands, including shelter.

- Agreement with EASO on the operational plan for hotspots, on the tasks of the experts to be deployed and on the number of experts.

- Greece should restart taking and executing return decisions.

- Greece to submit their additional needs to Frontex as regards return and to Europol as regards investigations on migrant smuggling.

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ANNEX 3

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The Rapid Border Intervention Teams mechanism (RABIT)

The **Rapid Border Intervention Teams mechanism (RABIT)** was established in 2007.[1] It offers rapid operational assistance for a limited period of time to a Member State facing a situation of urgent and exceptional pressure at points of the external borders, with large numbers of third-country nationals trying to enter illegally the territory of the Member State.

Key features are:

- A request is needed from a Member State. A request is sent to Frontex, which has five days to assess the situation and to decide whether to approve a request;

- On approval, an operational plan is drawn up immediately specifying the duration, tasks and composition of the teams;

- Member States are obliged to send border guards if requested, unless they themselves face an exceptional situation;

- The host Member State retains command of the team. The members of the teams can perform border checks and surveillance in accordance with the Schengen Borders Code. They have broadly the same powers as the border guards of the host Member State: the host Member State can approve the use of force and service weapons (if the home Member State also agrees);

- All costs related to training, exercises and deployment are covered by Frontex (basic salaries are not covered). This includes travel, accommodation and subsistence allowance.

Though the RABIT mechanism has not been triggered since 2010, annual exercises take place to maintain readiness.

Example: Application of RABIT mechanism in 2010-11

In 2010, Greece requested the deployment of RABIT on the Greek-Turkish border. The operation lasted from November 2010 to March 2011. This followed a large increase in arrivals and successfully brought down the numbers, with detected entries falling month-on-month from the October peak of 7607 to 1632 by February.

During the operational period, every week close to 200 well-trained guest officers from 26 Member States assisted their Greek colleagues in controlling the border areas as well as in identifying the apprehended irregular immigrants. The operation has also helped the Greek authorities in gathering information on the migration routes and facilitator networks which exploit the desperate situation of irregular immigrants. Along with the Team 7 Thermo-vision

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[1] Regulation (EC) No 863/2007 establishing a mechanism for the creation of Rapid Border Intervention Teams (RABIT) and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers

vehicles, 24 patrol cars, 2 Schengen-buses equipped with IT devices, 3 mini-buses, 1 transport bus and a helicopter were deployed in the operational areas. Three mobile office containers were installed also.

Since the RABIT operation was launched at the beginning of November 2010, a gradual decrease in the flow of irregular entries was witnessed at the relevant border sections between Greece and Turkey. In October, prior to the operation, there were a total of 7 607 persons detected at the Greek-Turkish land border. In November, the operation reported a total of 4 616 detected entries and for the month of December, these detections had fallen further to 3 413. Subsequently, they decreased to 2 266 in January 2011 and to 1 632 in February 2011. **After the deployment of the RABIT operation, the numbers of irregular crossings dropped by approximately 75 %.** To put these figures into perspective, the total number of detected entries for the entire year of 2010, as reported by Greek authorities through the Frontex Risk Analysis Network, amounted to 47 706 detections.

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ANNEX IV

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

	Long-term Funding 2014-2020				First Payments in 2015 of Long-term Funding		Emergency Funding	
	AMIF Allocation	ISF-Borders Allocation	ISF-Police Allocation	TOTAL AMIF + ISF Allocations	First AMIF pre-financing payment (Green/Bold = Paid)	First ISF pre-financing payment (Green/Bold = Paid)	AMIF emergency assistance received and requested	ISF Borders emergency assistance received and requested
Austria	€64,533,977	€14,162,727	€12,162,906	€90,859,610	€4,937,378.39	€1,858,229.31	€5,030,000	
Belgium	€89,250,977	€17,519,321	€17,903,270	€124,673,568	€6,878,531.95	€2,745,441.37		
Bulgaria	€10,006,777	€40,366,130	€32,002,293	€82,375,200	€700,474.39	€5,093,194.61	€4,150,000	
Croatia	€17,133,800	€35,609,771	€19,095,426	€71,838,997	€1,199,366.00	€3,829,363.79		
Cyprus	€32,308,677	€34,507,030	€8,117,257	€74,932,964	€2,261,607.39	€2,983,700.09	€940,000	
Czech Republic	€26,185,177	€14,381,484	€17,029,012	€57,595,673	€1,937,962.39	€2,252,914.72		
Denmark		€10,322,133		€10,322,133		€722,549.31		
Estonia	€10,156,577	€21,781,752	€13,480,269	€45,418,598	€406,263.08	€2,468,341.47		
Finland	€23,488,777	€36,934,528	€15,682,348	€76,105,653	€3,089,714.39	€3,708,381.32		
France	€265,565,577	€84,999,342	€70,114,640	€420,679,559	€20,061,340.39	€12,401,478.74	€8,980,000	
Germany	€208,416,877	€51,753,437	€79,504,401	€339,674,715	€15,499,181.39	€9,411,698.66	€7,030,000 *Further requests pending*	
Greece	€259,348,877	€166,814,388	€20,489,650	€446,652,915	€18,154,421.39	€15,039,082.66	€1,180,000 *Further requests pending*	€7,500,000
Hungary	€23,713,477	€40,829,197	€20,663,922	€85,206,596	€1,687,943.39	€4,304,518.33	€5,210,000	€1,490,000
Ireland	€19,519,077		€9,243,080	€28,762,157	€1,587,535.39	€647,015.60		
Italy	€310,355,777	€156,306,897	€56,631,761	€523,294,435	€22,074,904.39	€17,142,206.06	€13,660,000	€5,460,000

	Long-term Funding 2014-2020				First Payments in 2015 of Long-term Funding		Emergency Funding	
	AMIF Allocation	ISF-Borders Allocation	ISF-Police Allocation	TOTAL AMIF + ISF Allocations	First AMIF pre-financing payment (Green/Bold = Paid)	First ISF pre-financing payment (Green/Bold = Paid)	AMIF emergency assistance received and requested	ISF Borders emergency assistance received and requested
Latvia	€13,751,777	€15,521,704	€16,941,431	€46,214,912	€962,624.39	€2,303,919.45		
Lithuania	€9,632,277	€178,704,873	€16,120,656	€204,457,806	€674,259.39	€13,716,537.03		
Luxembourg	€7,160,577	€5,400,129 €	€2,102,689 €	€14,663,395	€557,240.39	€525,197.26		
Malta	€17,178,877	€53,098,597 €	€8,979,107 €	€79,256,581	€1,202,521.39	€5,227,439.28		
Netherlands	€94,419,077	€30,609,543 €	€31,540,510 €	€156,569,130	€8,940,685.39	€4,596,203.71	€2,150,000	
Poland	€63,410,477	€49,113,133 €	€39,294,220 €	€151,817,830	€4,857,553.48	€6,188,514.71		
Portugal	€32,776,377	€18,900,023 €	€18,693,124 €	€70,369,524	€2,369,946.39	€2,705,442.04		
Romania	€21,915,877	€61,151,568 €	€37,150,105 €	€120,217,550	€1,710,161.39	€6,893,717.11		
Slovakia	€10,980,477	€10,092,525 €	€13,891,478 €	€34,964,480	€915,353.39	€1,678,880.21		
Slovenia	€14,725,477	€30,669,103 €	€9,882,037 €	€55,276,617	€1,030,783.39	€2,883,032.60		
Spain	€257,101,877	€195,366,875 €	€54,227,207 €	€506,695,959	€18,179,131.39	€18,348,545.74		
Sweden	€118,536,877	€11,518,706	€21,057,201 €	€151,112,784	€10,790,281.39	€2,280,313.49		
United Kingdom	€370,425,577	N/A	N/A	€370,425,577	€27,483,790.39	N/A		
TOTAL	€2,392,000,002	€1,207,730,043	€662,000,000	€4,440,434,918	€180,150,956.48	€151,955,858.67	€48,330,000	€14,450,000.00

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ANNEX VI

THE EU REGIONAL TRUST FUND ("MADAD TRUST FUND") IN RESPONSE TO THE SYRIAN CRISIS

Specialised EU Trust Funds are instruments designed to maximise efficiency, coherence visibility, flexibility and speed of delivery of EU support/action across various financial instruments and countries. These considerations led EU lawmakers to change the EU Financial Regulation which now allows the Commission to create and manage EU Trust Funds. The advantages of this approach are the following:

- *__Efficiency and coherence:__* While other already existing trust funds only have a national or sub-national scale, the EU Trust Fund in response to the Syrian crisis ("Madad Trust Fund") is the only EU funding instrument with a *truly* regional scope responding to a regional crisis. It covers not only Syria but Turkey, Lebanon, Jordan, Iraq, Egypt and also affected countries in the Western Balkans. This allows EU support to be more focused and coherent, avoiding the inefficient fragmentation that often plagues international assistance efforts.

- *__European visibility:__* The EU Trust Fund, which is open to Member States and third party contributions, considerably enhances EU & Member State visibility, which is often absent in the case of EU bulk contributions to United Nations, World Bank and other Trust Funds. By enhancing Europe's profile in a crisis, the EU Trust Fund gives more political leverage to Member States and the EU institutions on the ground. It is an important tool of public diplomacy ("single flag") to beneficiaries and other actors.

- *__Coordination:__* The Trust Fund greatly facilitates the engagement of others. It can pool contributions from the EU budget, Member States and other donors, public or private, thus increasing the financial power in the interest of its beneficiaries. Its governance structure broadly reflects contributions made. Bilateral and other donors have a say in setting the priorities for the trust fund.[1]

- *__Flexibility__*: The Trust Fund mixes a wide range of funding modalities (grants, budget support, delegated cooperation, etc.) adapted to each country and sector. The Trust Fund can, on request of donors and subject to approval of its Board, establish separate funding windows as required, permitting, e.g., the geographic ring-fencing of funding (e.g. for Turkey, a Western Balkans state etc.). Also, as this unprecedented crisis continues to evolve, the Trust Fund board can shift funding between and among countries in a much speedier way than is the case with regular, "pre-programmed" EU instruments.

- *__Speed:__* Finally, the EU Trust Fund ensures speedy delivery by using fast-track contracting and disbursements, using the crisis situation provisions of the EU Financial Regulation. Instead of lengthy procurement and calls for proposals, partners are engaged directly and are responding with substantial projects that can be adopted by the board at any time. The first programmes, adopted during the 29 May 2015 Board meeting, are almost all contracted already and underway. The project pipeline, ready for financing, once funds become available, is in the order of €440 million.

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[1] Decisions on EU contributions are made under the "comitology" rules in the relevant funding instruments.

BACKGROUND:

Needs not yet covered*:* Only 40% of the UN appeals for the Syrian refugee crisis covered after 9 months. The overall funding gap is some €4 billion for 2015, of which the longer term resilience, education, and livelihoods needs represent €1.5 billion, the rest being short-term humanitarian needs. The EU and Member States are expected to cover half of this gap (in line with our "traditional" share in global aid).

Current funding of the EU trust fund: The EU has made start-up contributions to date of €38 million, with larger replenishments planned later in 2015 and beyond. Italy has contributed €3 million. Germany has pledged to contribute €5 million. The EU is preparing to contribute another €100 million by the end of 2015. This will result in a mobilisation of around €150 million for the Trust Fund in the first year alone. But given the needs on the ground and an impressive project pipeline worth €440 million already, much more is still needed.

Complementarity with other EU actions*:* In the beneficiary countries, the EU Trust Fund focuses on the longer term resilience, education, and livelihoods needs (such as jobs, teaching and basic infrastructure), not on immediate humanitarian relief aid (such as food and water). Humanitarian relief through UNHCR, WFP, ICRC and NGOs continues to be managed by ECHO and funded bilaterally, but in close coordination between ECHO and the EU trust fund.

The Trust Fund's activities are very closely coordinated with other existing aid programmes and pooling mechanisms to avoid duplication and competition for funding in particular as regards the Syria Recovery Trust Fund based in Gaziantep (a Turkish city 60km from Aleppo), the World Bank Trust Fund for Lebanon, and World Bank and UN mechanisms in Jordan. The trust fund also aligns its decisions with the orientations provided by multilateral frameworks, e.g. the UN Regional Refugee & Resilience Plan and outcomes of other international fora and conferences (Kuwait conferences, G7; etc.).

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ANNEX VII

Implementing the Common European Asylum System

Since 1999, the EU has been working to create a Common European Asylum System (CEAS) and to improve the legislative framework.

EU rules have gradually been improved and strengthened, with the aim of setting out common high standards and stronger cooperation to ensure that asylum seekers are treated equally in an open and fair system — wherever they apply. The main components of the system are the following:

- the **Asylum Procedures Directive** harmonises asylum procedures and aims at fairer, quicker and better quality asylum decisions;

- the **Reception Conditions Directive** ensures that there are humane material reception conditions (such as housing) for asylum seekers across the EU and that the fundamental rights of the persons concerned are fully respected;

- the **Qualification Directive** clarifies the grounds for granting international protection;

- the **Dublin Regulation** contains the rules establishing the state responsible for examining asylum applications ;

- the **Eurodac Regulation** establishes the Eurodac system in order to allow comparison of fingerprints with the aim of assisting the application of the Dublin Regulation.

These rules are complemented by legislation on legal and irregular migration:

- the **Return Directive** provides for common rules for the return and removal of the irregularly staying migrants;
- the **Long Term Residence Directive** which covers the conditions for awarding long-term resident status to non-EU nationals.

In line with the principles of solidarity and responsibility, Member States must guarantee the same level of protection to persons in need of international protection. They must also apply an effective return policy. Systematic deficiencies in one or more Member States have an impact on the whole Union.

The Commission has launched 37 infringement procedures against 19 Member States for failing to transpose into national law, by July 2015, the new EU Directives making up the Common European Asylum System. The Commission also decided to continue infringement proceedings against two Member States for non-transposition of the Qualifications Directive. This legislation forms a coherent whole, designed to guarantee fair and consistent implementation of the asylum rules across the Member States.

By the same token, the failure to implement this legislation has a corrosive effect on the overall efficiency of the system. The Commission therefore decided to continue infringement proceedings against one Member State for bad application of the asylum acquis.

Finally, the Commission has recently sent requests of information to Member States in eight cases and will continue pursuing swiftly and effectively infringement procedures, where necessary, in order to ensure full compliance with the asylum acquis, the fingerprinting Regulation and the return Directive.

	Asylum Procedures Directive 2013/32/EU	**Reception Conditions Directive 2013/33/EU**	**Qualifications Directive 2011/95/EU**	**EURODAC Regulation EU/603/2013**	**Return Directive 2008/115/EC**
	Stage of Process	Stage of Process	Stage of Process	Stage of Process	Stage of Process
Austria		*LFN sent for non-communication of transposition*			
Belgium	*LFN sent for non-communication of transposition*	*LFN sent for non-communication of transposition*			
Bulgaria	*LFN sent for non-communication of transposition*	*LFN sent for non-communication of transposition*	*RO sent for non-communication of transposition*		
Cyprus	*LFN sent for non-communication of transposition*	*LFN sent for non-communication of transposition*		Administrative letter sent requesting clarifications on application	
Croatia					
Czech Republic	*LFN sent for non-communication of transposition*	*LFN sent for non-communication of transposition*			
Denmark	N/A	N/A	N/A		
Estonia	*LFN sent for non-communication of transposition*	*LFN sent for non-communication of transposition*			
Finland					
France	*LFN sent for non-communication of transposition*	*LFN sent for non-communication of transposition*			
Germany	*LFN sent for non-communication of transposition*	*LFN sent for non-communication of transposition*		Administrative letter sent requesting clarifications on application	Administrative letter sent requesting clarifications on application
Greece	*LFN sent for non-communication of transposition* *Second additional LFN sent for bad application*	*LFN sent for non-communication of transposition*		Administrative letter sent requesting clarifications on application	Administrative letter sent requesting clarifications on application
Hungary	*LFN sent for non-communication of transposition*	*LFN sent for non-communication of transposition*		Administrative letter sent requesting clarifications on application	
Ireland	N/A	N/A	N/A		N/A
Italy				Administrative letter sent requesting clarifications on application	Administrative letter sent requesting clarifications on application
Latvia	*LFN sent for non-communication of transposition*	*LFN sent for non-communication of transposition*			
Lithuania	*LFN sent for non-communication of transposition*	*LFN sent for non-communication of transposition*			
Luxembourg	*LFN sent for non-communication of transposition*	*LFN sent for non-communication of transposition*			
Malta	*LFN sent for non-communication of transposition*	*LFN sent for non-communication of transposition*			
Netherlands					
Poland	*LFN sent for non-communication of transposition*	*LFN sent for non-communication of transposition*			
Portugal					
Romania	*LFN sent for non-communication of transposition*	*LFN sent for non-communication of transposition*			
Slovakia					
Slovenia	*LFN sent for non-communication of transposition*	*LFN sent for non-communication of transposition*			
Spain	*LFN sent for non-communication of transposition*	*LFN sent for non-communication of transposition*	*RO sent for non-communication of transposition*		
Sweden	*LFN sent for non-communication of transposition*	*LFN sent for non-communication of transposition*			
United Kingdom	N/A	N/A	N/A		N/A

40 new decisions

LFN = Letter of Formal Notice
RO = Reasoned Opinion