



Refugee Crisis: European Commission takes decisive action - Questions and answers

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Tackling migration is one of the [ten political priorities](#) of this Commission. The [European Agenda on Migration](#) develops the political guidelines of President Juncker into tailored initiatives aimed at managing migration better in all its aspects. The Agenda, adopted on 13 May 2015 put forward concrete actions to respond to the immediate crisis and save lives at sea, and proposed structural responses for the medium and long term.

The European Commission has been consistently and continuously working for a coordinated European response on the refugees and migration front.

A [first implementation package](#) on the European Agenda on Migration was adopted on 27 May including a proposal to trigger for the first time Article 78(3) of the Treaty on the Functioning of the European Union in order to relocate 40,000 asylum seekers for the benefit of Italy and Greece; a Recommendation for a resettlement scheme for 20,000 persons from outside the EU; an Action Plan on Smuggling; and the necessary amendments to the Union Budget to reinforce the Triton and Poseidon operations at sea so that more lives can be saved.

How is the Commission ensuring implementation of the common, EU rules?

The flip side to showing solidarity with frontline Member States is that everyone must show responsibility in applying the common EU rules. 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 implement the common rules on asylum and irregular migration that were agreed at EU-level.

Five different pieces of legislation form the Common European Asylum System (the Dublin Regulation, Asylum Procedures Directive, the Qualification Directive, Reception Conditions Directive and the EURODAC rules on fingerprinting). All are very recent, with the first being proposed only in 2008 and the last ones to enter into force only as of 21 July 2015.

The Commission will prioritise the full and coherent implementation of the Common European Asylum System by closely following the enforcement of rules and initiating infringements procedures when necessary. The relocation schemes proposed by the Commission also make full implementation of EU rules a priority.

The Commission already has 32 infringement cases open against various Member States (see Annex), including frontline Member States, on the application of what are very new rules. Particular focus will be given to transposition and implementation of the obligation to fingerprint, the obligation to ensure material reception conditions and the obligation to systematically issue and execute return decisions.

In the past weeks, the Commission has already engaged in exchanges with a number of Member States on the compliance with the EURODAC Regulation that requires Member States to take and transmit the fingerprint data of every applicant for international protection and of every third-country national or stateless person who is apprehended in connection with the irregular crossing of an external border of a Member State, if they are at least 14 years of age.

In parallel, the Commission will take steps to ensure the compliance with the Reception Conditions Directive in a number of Member States. The functioning of the Common European Asylum system requires that all Member States provide appropriate reception conditions. As announced in the EU Action Plan on return adopted today, the Commission will also initiate infringements to ensure the full implementation of the return directive, including with the obligation to issue and execute return decisions.

What is the Commission proposing today?

Today's comprehensive package presented by the European Commission includes the following concrete measures to respond to the current refugee crisis and to prepare for future challenges:

1. **An emergency relocation proposal for 120,000 persons in clear need of protection from Greece, Hungary and Italy;**
2. **A permanent crisis relocation mechanism for all Member States;**
3. **A common European list of Safe Countries of Origin;**
4. **Making return policy more effective through a common Return Handbook and an EU Action Plan on Return;**
5. **A Communication on Public Procurement rules for Refugee Support Measures;**
6. **A Communication on addressing the external dimension of the refugee crisis;**
7. **An Emergency Trust Fund for Africa.**

1) An emergency proposal to relocate 120,000 refugees from Italy, Greece and Hungary

What is the legal basis for the emergency relocation proposal?

The legal basis is article 78(3) of the Treaty on the Functioning of the European Union (TFEU) which states that: "In the event of one or more Member States being confronted by an emergency situation characterised by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt provisional measures for the benefit of the Member State(s) concerned. It shall act after consulting the European Parliament".

What are the criteria for triggering Article 78(3) TFEU?

The criteria for triggering Article 78(3) TFEU are defined in the Treaty: one or more Member State(s) must be confronted with an emergency situation, characterised by a sudden inflow of third country nationals. The mechanism is to be triggered in exceptional circumstances when, based on clear and measurable indications, the functioning of the asylum system of a Member State(s) can be endangered by a consistently high of refugees arriving on its territory, and in particular of those in clear need of international protection. A high threshold of urgency and severity of the problem are therefore pre-conditions for the triggering of the mechanism.

How many people will be relocated and according to which criteria? How will this be paid for?

The Commission proposes to relocate **120,000 people** in clear need of international protection from **Italy** (15,600), **Greece** (50,400) and **Hungary** (54,000). The relocation would be done according to a mandatory **distribution key** using objective and quantifiable criteria (40% of the size of the population, 40% of the GDP, 10% of the average number of past asylum applications, 10% of the unemployment rate). It applies to nationalities of applicants with an EU-wide average recognition rate of 75% or higher^[1]. This comes in addition to the Commission's [proposal from May to relocate 40,000 people](#) in clear need of international protection from Italy and Greece to other EU Member States, thus bringing the **total proposed number up to 160,000**.

The EU budget will provide **dedicated funding of €780 million** to support this scheme. Beneficiary Member States will get €6000 per relocated person, including a 50% pre-financing rate to ensure that national authorities have means to act very swiftly. Italy, Greece and Hungary will receive €500 for each person relocated to cover transport costs.

Will all Member States have to participate?

The United Kingdom and Ireland have – according to the Treaty – an opt-in with the possibility to participate should they so choose, while Denmark has an opt-out without the possibility to participate.

The Commission's proposal foresees a distribution key that is mandatory for all Member States. If – for justified and objective reasons, such as a natural disaster – a Member State cannot temporarily participate in the mandatory solidarity mechanism or the emergency relocation mechanism, it will have to make a financial contribution to the EU budget of an amount of up to 0.002% of its GDP. The European Commission will analyse the reasons notified by the country and take a decision on whether or not they justify the non-participation of a country in the scheme for a maximum of up to 12 months.

The financial contributions will be used to finance the efforts undertaken by all other EU countries to cope with the crisis situation. The allocations that were foreseen for not participating Member States will be redistributed to the remaining EU countries.

How was the choice for Italy and Greece made and why are you now adding Hungary?

Since the beginning of this year, approximately 116 000 migrants arrived in **Italy** in an irregular manner, (including approximately 10 000 irregular migrants who have been registered by local authorities, but have yet to be confirmed in Frontex data). During May and June this year, 34 691 irregular border crossings were detected by Frontex and during July and August 42 356, which means an increase of 20%.

A strong increase was witnessed by **Greece** in 2015, with more than 211 000 irregular migrants reaching the country (including approximately 28 000 irregular migrants who have been registered by local authorities, but have yet to be confirmed in Frontex data). During May and June of this year, 53 624 irregular border crossings were detected by Frontex and during July and August 137 000, which means an increase of 250%.

More than 145 000 irregular border crossings were detected in **Hungary** in the first eight months of 2015 (including approximately 3 000 irregular migrants who have been registered by local authorities, but have yet to be confirmed in Frontex data). During May and June this year, 53 642 irregular border crossings were detected and during July and August 78 472, which means an increase of 150%.

What is the relocation scheme breakdown per Member State?

	Italy	Greece	Hungary	TOTAL
Austria	473	1529	1638	3640
Belgium	593	1917	2054	4564
Bulgaria	208	672	720	1600
Croatia	138	447	479	1064
Cyprus	36	115	123	274
Czech Republic	387	1251	1340	2978
Estonia	48	157	168	373
Finland	312	1007	1079	2398
France	3124	10093	10814	24031
Germany	4088	13206	14149	31443
Latvia	68	221	237	526
Lithuania	101	328	351	780
Luxembourg	57	185	198	440
Malta	17	56	60	133
Netherlands	938	3030	3246	7214
Poland	1207	3901	4179	9287
Portugal	400	1291	1383	3074
Romania	604	1951	2091	4646
Slovakia	195	631	676	1502
Slovenia	82	265	284	631
Spain	1941	6271	6719	14931
Sweden	581	1877	2011	4469
TOTAL	15600	50400	54000	120000

What will happen to the emergency relocation proposal of 40,000 proposed in May?

The proposal for the benefit of Italy and Greece, endorsed by the [Justice and Home Affairs Council](#) in July, remains on the table. The 120,000 figure proposed today comes on top of the 40,000 asylum seekers which Member States already agreed in principle to relocate over the next two years.

Which nationals are most likely to benefit from the relocation scheme?

The relocation mechanism will only apply to those nationals who have an average EU-wide asylum recognition rate equal to or higher than 75%, on the basis of EUROSTAT data for the previous quarter. For 2014, two nationalities had a recognition rate above 75%: Syrians and Eritreans. According to the

latest quarterly data in 2015, the 75% threshold is now passed by **Syrians, Eritreans and Iraqis**. The nationalities falling within the threshold will be updated quarterly on the basis of EUROSTAT figures.

Why did the Commission choose the 75% recognition rate?

The 75% recognition rate threshold has two objectives: to ensure that all applicants who are in clear and urgent need of protection can enjoy their right of protection as soon as possible; and to prevent applicants who are unlikely to qualify for asylum from being relocated and unduly prolonging their stay in the EU.

How has the distribution key for relocation been calculated?

The proposed distribution key is based on:

- a) the **size of the population** (40% weighting),
- b) the total **GDP** (40% weighting),
- c) a corrective factor based on the **average number of asylum applications** over the previous four years (10% weighting with a 30% cap of the population and GDP effect on the key to avoid disproportionate impact)
- d) a corrective factor based on the **unemployment rate** (10% weighting with a 30% cap of the population and GDP effect on the key to avoid disproportionate effect).

The corrective factors for the average numbers of asylum applications and unemployment rate are applied inversely, meaning that high existing asylum application numbers and a high unemployment rate would result in fewer individuals being relocated to a Member State.

Is the distribution key objective?

The key is based on objective, quantifiable and verifiable criteria and data, with appropriate weighting factors. The factors are straightforward and the information on which they are based is provided by the Member States and Associated States themselves to Eurostat.

Is this compatible with the Dublin system?

The Dublin system, which requires that asylum applications be dealt with by the first country of entry, remains the baseline system.

For relocated persons, the proposed decision entails a limited and temporary derogation from certain provisions of the Dublin Regulation, in particular as regards the criterion for determining the Member State responsible for examining an asylum application. This notably concerns the country to which an asylum seeker or beneficiary of protection would be returned in the case of secondary movements. For the remainder, the Dublin Regulation remains applicable and valid as a general rule for all asylum applications lodged in the European Union.

This means that after a person is relocated from, for example Italy, to another EU Member State, and is granted the right to asylum there, they only have a legal right to stay in that country. Should they move on to another EU Member State, the Dublin system would provide for their return to their country of legal residence.

The Commission has already launched an evaluation of the Dublin system and will consider a possible revision of the Dublin Regulation on that basis. Today's legislative package – through the permanent crisis relocation mechanism – further complements the Dublin Regulation.

What are the obligations and conditions for the Member States to benefit from the emergency relocation measures?

The Hotspot approach proposed in the European Agenda on Migration will also contribute to the implementation of the temporary relocation schemes proposed by the European Commission on 27 May and 9 September: people in clear need of international protection will be identified in frontline Member States for relocation to other EU Member States where their asylum application will be processed.

Italy and Greece are the first two Member States where this Hotspot approach is currently being implemented. Other Member States can also benefit from the Hotspot approach. On 15 July 2015, Commissioner Avramopoulos sent a roadmap to Member States for the implementation of the hotspots

to provide operational support for Italy and Greece, drafted jointly with the Member States and with Frontex, EASO, Europol and Eurojust.

The two hotspot systems will be operational very soon. Operational planning is in the final stages for both Italy and Greece, and a number of resources are already rolled out on the ground.

In addition to the operational support, the emergency measure envisages that benefiting countries need to submit a roadmap to the Commission which shall include adequate measures in the area of asylum, first reception and return, enhancing the capacity, quality and efficiency of its systems in these areas as well as measures to ensure appropriate implementation of the emergency relocation.

How will 'secondary movements' be avoided? Will people not just move on to another EU Member State?

When someone is relocated to another EU country, they only have the right to legally reside in that country and cannot move on to another EU country.

If they do, and are apprehended, they will be transferred back to the country of legal residence under the rules of the Dublin Regulation.

No person will be relocated from frontline Member States without first having had their fingerprints taken, meaning a person's country of legal residence can be quickly verified.

The fact that a relocated person will only be entitled to the rights attached to international protection in the Member State of relocation will also serve as a disincentive for secondary movements.

The Commission has also recommended to Member States that they consider imposing reporting obligations on relocated persons applying for asylum and only providing material reception conditions (providing food, housing and clothing only in kind).

2) A permanent crisis relocation mechanism for all Member States

Why is the Commission proposing a permanent crisis relocation scheme?

The ongoing refugee crisis has shown that extreme pressure on a Member State's asylum system may jeopardise the application of the Dublin rules. The current system does not allow for a derogation from the responsibility criteria, thus generating imbalances and in some cases aggravating the crisis. The Commission proposes to complement the Dublin Regulation in order to set up a crisis mechanism for the relocation of applicants in clear need of international protection. This will allow the EU to respond to an urgent situation and help Member States facing an emergency situation, without having to go through a lengthy adoption procedure by the Council each time.

The permanent crisis relocation mechanism should be activated by the European Commission when a Member State is confronted with a crisis situation characterised by a large and disproportionate inflow of third-country nationals which places significant demands on its asylum system.

How will it work in concrete terms? Who will decide when to trigger it?

The Commission determines whether there is a crisis based on:

- the increase in the number of asylum applicants in the last six months;
- the increase in the number of irregular border crossings in the last six months;
- the number of asylum applications per capita, compared to the EU average.

The Commission will also have to propose the number of persons to be relocated from the Member State which is in a crisis situation. It will take into account the following criteria:

- the number of applicants for international protection per capita in the Member State in the past 18 months (and in particular in the past six months) compared to the Union average;
- the capacity of the asylum system of that Member State;
- the participation of the Member State in previous solidarity initiatives as well as the extent to which the Member State has benefited from previous EU solidarity measures.

The number of persons to be relocated would be fixed by the Commission, not higher than 40% of the number of applications made in the past six months.

How will the distribution be determined?

The proposed distribution key is based on:

- a) the size of the population (40% weighting),
- b) the total GDP (40% weighting),
- c) the average number of asylum applications over the previous four years (10% inverse weighting with a 30% cap of the population and GDP effect on the key to avoid disproportionate impact)
- d) the unemployment rate (10% inverse weighting with a 30% cap of the population and GDP effect on the key to avoid disproportionate effect).

In addition, each receiving Member State appoints Liaison Officers to match the destination country with refugees' qualifications, language skills, family, cultural and social ties, to help integration.

Will all Member States have to participate?

As is the case for the emergency relocation mechanism, the United Kingdom and Ireland have – according to the Treaty - an opt-in with the possibility to participate should they so choose, while Denmark has an opt-out without the possibility to participate.

The Commission's foresees a distribution key that is mandatory for all Member States. If – for justified and objective reasons such as a natural disaster – a Member State cannot temporarily participate in the mandatory solidarity mechanism or the emergency relocation mechanism, it will have to make a financial contribution to the EU budget of an amount of up to 0.002% of its GDP. The European Commission will analyse the reasons notified by the country and take a decision on whether or not they justify the non-participation of a country in the scheme for a maximum of up to 12 months. The financial contributions will be used to finance the efforts undertaken by all other EU countries to cope with the crisis situation. The allocations that were foreseen for not participating Member States will be redistributed to the remaining EU countries.

Who will be relocated?

Relocation shall only be proposed for applicants belonging to nationalities for which the proportion of first instance decisions granting international protection is 75% or higher, based on the latest available updated Eurostat quarterly data. The 75% recognition rate threshold has two objectives: to ensure that all applicants who are in clear and urgent need of protection can enjoy their protection rights as soon as possible; and to prevent that applicants who are unlikely to obtain asylum are being relocated and unduly prolong their stay in the EU.

How will the applicants for relocation be identified?

The Member State benefiting from relocation will identify the individual applicants who could be relocated to other Member States. Priority shall be given to vulnerable applicants. Member States shall ensure that in the case of family members, they will be relocated to the same territory. In order to decide which Member State should be the country of relocation, specific qualifications and skills of the applicants will be taken into account. These will include their **language** and **professional skills**, and other criteria based on demonstrated family, cultural or social ties which could facilitate their integration. Each receiving Member State appoints Liaison Officers to help in the identification process.

The relocation procedure should be completed as swiftly as possible, and not later than two months after the relocating Member State has officially indicated the number of applicants who can be relocated to its territory.

3) A Common European list of Safe Countries of Origin

Why is the Commission proposing an EU list of safe countries of origin and which countries are on it?

Current EU asylum legislation allows for Member States to set up their own national lists of safe countries of origin, but does not provide for a common and binding EU list. 12^[2] EU countries already have national lists of safe countries of origin but there has never been a harmonised EU List.

The Commission is proposing to establish an EU list of Safe Countries to facilitate the use by all Member States of the procedures linked to the application of the safe countries of origin concept. The list should comprise, in a first instance, of **Albania, Bosnia and Herzegovina, Kosovo, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Turkey**. Around 17% of the total number of applications lodged in the EU come from citizens of these seven countries. Other countries may be included in the future – following a thorough assessment by the Commission and adoption by the co-legislators (European Parliament and Council).

This common European list will not only allow Member States to fast track asylum procedures for applicants originating from identified safe countries of origin, it will also reduce discrepancies among Member States in the approaches towards similar asylum claims. The list will also eliminate potential 'loopholes' and deter secondary movements of applicants for international protection who may currently seek to reach a certain Member State based on a perceived higher chance of being successfully granted protection. The safe countries of origin list will also allow for swifter returns of those applicants who do not qualify for asylum.

Why are these countries included?

These countries have been selected as they are considered, in principle, to fulfil the requirements set out in the [Asylum Procedures Directive](#). The Directive provides that a country is considered as a safe country of origin when on the basis of its legal situation, the application of the law within a democratic system, and the general political circumstances, it can be shown that there is generally and consistently no persecution, no torture or inhuman or degrading treatment or punishment and no threats by reason of indiscriminate violence or situations of international or internal armed conflict.

In addition, the majority of these countries have been designated as a candidate country by the European Council, fulfilling the so-called "Copenhagen criteria" (guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities). Candidates for EU membership are thus usually 'safe'. The Commission will regularly review the situation in the countries concerned, and where necessary can propose to temporarily suspend countries from the list. Progress of candidate countries in fulfilling the political and economic criteria as well as the alignment with the *acquis* is assessed every year in the Annual Progress Report of the European Commission.

Justification for the choice per country

Albania:

- ECHR violations in 4 of 150 applications in 2014
- 7.8% applications were well-founded in 2014
- 8 Member States already designated safe country of origin
- An EU candidate country

Bosnia and Herzegovina:

- ECHR violations in 5 of 1196 applications in 2014
- 4.6% applications were well-founded in 2014
- 9 Member States already designated safe country of origin

The Former Yugoslav Republic of Macedonia:

- ECHR violations in 6 of 502 applications in 2014
- 0.9% applications were well-founded in 2014
- 7 Member States already designated safe country of origin
- An EU candidate country

Kosovo:

- 6.3% applications were well-founded in 2014
- 6 Member States already designated safe country of origin

Montenegro:

- ECHR violations in 1 of 447 applications in 2014
- 3% applications were well-founded in 2014
- 9 Member States already designated safe country of origin
- An EU candidate country

Serbia:

- ECHR violations in 16 of 11 490 applications in 2014
- 1.8% applications were well-founded in 2014

- 9 Member States already designated safe country of origin
- An EU candidate country

Turkey:

- ECHR violations in 94 of 2899 applications in 2014
- 23.1% applications were well-founded in 2014
- 1 Member State already designated safe country of origin
- An EU candidate country

Why only these countries and not others as well? Can other countries be added and removed in the future?

This proposal should be seen as a first step in establishing a comprehensive common list of safe countries of origin at Union level. The Commission may therefore propose the inclusion of further third countries in the future, after the current proposal has been adopted by the European Parliament and the Council.

Priority will be given to identifying and adding third countries from which a significant number of asylum applicants originate and from which only a limited number of nationals are granted refugee status.

The proposed Regulation foresees that the Commission can suspend a country from the list for one year (renewable) in case of a sudden deterioration of the situation in that country. This suspension happens on the basis of a substantiated assessment, showing that the conditions for qualifying as a safe country of origin are no longer met.

What does it mean in concrete terms for citizens of these countries asking for asylum in an EU country? Will their request be denied by default?

Even if a person comes from a country which is considered safe, that does not mean that the asylum claim is not assessed or that he or she will immediately be returned. Anyone who applies for asylum has the right to have his/her claim processed according to the rules laid down in the Asylum Procedures and Qualification Directives, on an individual, case-by-case basis.

Being considered a safe country of origin only allows for a swifter asylum procedure for applicants coming from those countries, and a swifter return of such migrants to their home countries if they do not have a rightful claim to asylum. While the time limits under EU-law for examining asylum requests range from six to a maximum of 21 months, in the case of national lists of safe countries of origin, Member States can apply accelerated procedures which currently vary from five months to just a few days.

How will this help fighting abuses of the national asylum systems and of the Common European Asylum System?

The consistent use of procedural facilitations foreseen under the Asylum Procedures Directive will allow for swifter processing of asylum applications and therefore increase the overall efficiency of the national asylum systems of Member States. Furthermore, the establishment of the Safe Country of Origin List will deter attempted abuses of the European Asylum System, and allow Member States to devote greater resources to providing adequate protection to persons in genuine need.

4) Making return policy more effective through a common return handbook and an EU Action Plan on Returns

Why a European return programme?

Economic migrants pay large sums of money to smugglers to bring them to Europe, no matter how risky the journey is, in the expectation that once they are in the EU they have a good chance of staying. In 2014, **less than 40%** of the irregular migrants that were ordered to leave the EU actually left. This trend confirms the low return rate of recent years (in 2013, approximately 215,000 effective returns took place out of 430,400 return decisions, in 2012, approximately 178,000 effective returns took place out of 484,000 return orders; in 2011, approximately 167,000 effective returns took place out of 491,000 return orders).

One of the most effective ways to address irregular migration is the systematic repatriation, either

voluntary or forced, of those who do not or no longer have the right to remain in Europe. A strong policy on return enables a strong policy on asylum.

The [European Council](#) of 25-26 June 2015 invited the Commission "to set up a dedicated European Return Programme". The proposed EU Action Plan on Return and the Return Handbook are the Commission's response to that request.

What is the EU Action Plan on Return?

The EU Action Plan on Return offers a practical framework for both the short and long term to improve Member States' return policies. To enhance voluntary returns, the Plan will identify gaps between national voluntary return schemes and promote best practices on return and reintegration, with the support of the European Migration Network and funding from the Asylum, Migration and Integration Fund (AMIF).

The Action Plan also foresees an evaluation and possible revision of the Return Directive by 2017. Following an assessment of the Schengen Information System (SIS), legislative proposals are foreseen for 2016 on the compulsory introduction of entry bans and return decisions in the SIS, together with a revised proposal on Smart Borders. As announced in the European Agenda on Migration, the Commission will also propose in 2016 to expand the mandate of Frontex to manage returns. Finally, European Migration Liaison Officers will be deployed in EU Delegations in key countries of origin and transit to facilitate cooperation on readmission of returned nationals; **readmission** of irregular migrants is a clear priority in relations with third countries.

What is the proposed Return Handbook?

The Return Handbook provides practical guidance to personnel involved in return related tasks in all Member States applying the Return Directive. It offers clarifications, tools and examples of how to better implement the Directive. These include apprehension and detention conditions, voluntary departures and methods of removal, entry bans and procedural safeguards. The Handbook aims to harmonise the implementation of the Return Directive across all Member States and make it more efficient.

Who will be returned?

According to the Return Directive, the Programme targets third-country nationals staying illegally on the territory of a Member State. Return does not apply to those who apply for asylum or are in need of protection and fear war or persecution. The Return Directive also clearly states the obligation to respect the principle of *non-refoulement* (meaning no state shall expel or return ('refouler') a refugee to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion).

Who decides who should be returned?

Independent national justice instances issue return decisions. All the rules and safeguards concerning the return of irregular migrants are contained in the Return Directive, and the European Return Programme is built to ensure a more efficient implementation of the existing legislative instrument. The issuing of return orders remains a sole competence of the Member States.

How will Frontex be involved?

Frontex has a crucial role to play in increasing practical cooperation on return, which will be further scaled up. The Agency is tasked with providing assistance to Member States on the return of irregular migrants, in particular by organising **joint return operations**, and by identifying best practices on the acquisition of travel documents and on the removal of migrants. Frontex's role as an EU hub for exchanging operational experience and knowledge in return matters, through the network of Direct Contact Points on Return, will also be consolidated.

In 2016, the Commission will make **legislative proposals to strengthen the mandate of Frontex on return**. It will explore ways to give the Agency a dual mandate covering both the coordination of Member States' operational cooperation on external border management and the return of irregular migrants. The Commission intends to propose the creation of a dedicated **Frontex Return Office**, to better reflect the role of the Agency on return. In particular, building on the experience with 'hotspots', it will consider setting up **Frontex Rapid Return Intervention Teams**.

The Commission will also explore ways to expand the support that Frontex provides to **countries in**

the EU's neighbourhood[\[3\]](#) in the return of irregular migrants, through technical support and capacity building.

How does the Commission financially support return operations?

The main financial resource is the Asylum, Migration and Integration Fund (AMIF) which supports Member States by allocating **more than €800 million** to return operations for the period 2014-2020. Under the Annual Work Programme for 2015, the Commission has set up a Readmission Capacity Building Facility of €5 million. The Commission has proposed to increase the Frontex return budget for 2016 by up to €15 million.

How will the fundamental rights of people to be returned be guaranteed in the process?

All rights and guarantees foreseen in the Return Directive will be applied. These include – among others – the respect of the principle of *non-refoulement*, the right of appeal and safeguards concerning the conditions of reception and detention pending the removal, as well as the transport of the person (for example taking into account whether someone is physically fit to travel).

5) A Communication on Public Procurement Rules for Refugee Support Measures

What is the Communication about?

Member States have to satisfy adequately and swiftly the most immediate needs of asylum seekers for housing, supplies and services. The Communication provides guidance for national, regional and local authorities to ensure that they understand and comply with EU law when procuring these services.

European public procurement rules foresee several possibilities to meet unforeseen events and urgent needs. These range from considerable shortening of the generally applicable deadlines to procuring without prior publication of tender notices in exceptional circumstances, such as extreme urgency.

With regard to the current asylum crisis, the Commission has published a Communication to offer an overview of the public procurement possibilities for national authorities under the existing EU rules. Notably, the [current Public Procurement Directive](#) allows for an "accelerated restricted procedure" in cases of urgency and a negotiated procedure without prior publication in exceptional cases of extreme urgency. Moreover, the new [Public Procurement Directive 2014/24/EU](#) also provides for an "accelerated open procedure". All these existing provisions make it possible to award contracts quickly to address asylum seekers' urgent needs.

6) A Communication on addressing the external dimension of the refugee crisis

As a major global political player and leading humanitarian and development donor, the European Union is at the forefront of international efforts aimed at addressing conflicts and instability, as well as supporting affected populations. The EU provided substantial support to countries of origin and transit over the last years.

What is the EU doing in response to the crises in Syria and Iraq?

The EU has been supporting diplomatic initiatives to find political solutions since the beginning of the conflicts in Syria and Iraq. In this context, the Commission and the external Action Service have set out a policy framework for a regional strategy, including the fight against Da'esh in its Communication, adopted earlier this year, including financial commitments of €1billion.

The EU plays an active role at diplomatic and political level. The EU supports all efforts to reach a political solution by mutual consent based on the Geneva Communiqué of 30 June 2012 and in line with relevant United Nations Security Council resolutions. A lasting solution urgently requires a Syrian-led inclusive process towards political transition. The EU strongly supports the UN Special Envoy's efforts to facilitate consultations with Syrian parties, and encourages members of the international community with influence over Syrian parties to take a special responsibility to ensure a success of the efforts.

Since 2011, the EU and its Member States have mobilised over [€3.9 billion in humanitarian, development, economic and stabilisation funding](#) to assist Syrians within their country and in the region (Lebanon, Jordan, Turkey and Iraq).

An [EU Trust Fund](#) worth almost €2 billion has also been established to reinforce the coherence and magnitude of the EU response to the **Syrian** crisis on a regional scale, responding to the needs of

Syrians in Syria, Syrian refugees in neighbouring countries and communities and local administrations in host countries. Two first projects worth €17.5 million were launched today and will provide schooling opportunities and food security for 240,000 Syrian refugees in Turkey.

Turkey is the country that hosts the greatest number of Syrian refugees worldwide (currently 2 million people). The EU has mobilised more than €175 million to contribute to Turkey's huge efforts. These funds provide support both to Syrian and Iraqi refugees hosted in Turkey, notably to enhance their access to public services, and to help Turkish authorities cope with this challenge. In parallel, a dedicated dialogue is being opened with Turkey to identify further support for Syrian refugees, including in the fields of health and education, as well as to improve border control and fight organised criminals responsible for the smuggling of irregular migrants (see [MEMO/15/5535](#)).

Turkey will receive funding from the Instrument for Pre-accession Assistance in the area of home affairs of about €245 million for the period 2014-2016. Turkey will also benefit, together with Western Balkan countries, from a new regional migration management programme. EU financial assistance also supports Turkey's efforts to comply with the requirements of the EU-Turkey readmission agreement.

In **Iraq**, almost 3 million people are now internally displaced and in 2015 the Commission has allocated more than €65 million in humanitarian assistance in response to the Iraq crisis. The EU humanitarian aid to the country, including the Kurdistan Region of Iraq, includes life-saving operations as well as medical assistance for the most vulnerable.

What is the EU doing to help solve the crisis in Libya?

Absence of state control has turned Libya into a major crossing point for sub-Saharan Africans into Europe (mostly Italy), through the so-called Central Mediterranean route. The European Union is actively supporting the UN-led dialogue between Libyan parties in order to reach a peaceful settlement. The European Union confirmed many times its readiness to support a future government by all means.

What is the EU doing to support the Western Balkan countries faced with refugee flows?

The European Union is stepping up its support to the Western Balkan countries, which are currently experiencing large refugee flows, mostly from Syria. EU support includes enhancing reception and asylum processing capabilities, and stepping up cooperation to fight organised criminals responsible for migrant smuggling.

To this end, the European Commission is finalising a region-wide programme of support for protection and sensitive migration management in the Western Balkans, which will focus on three areas: identification of migrants, intra-regional and interregional information sharing and mechanisms to offer return solutions, while applying practical protection safeguards to reflect specific needs of migrants.

These issues will be further discussed at the High-level conference on the Western Balkans later this year.

Since 2007, the EU has offered around **€600 million** in financial support for migration-related activities in the Western Balkans and Turkey.

What is the EU doing with African partners?

Sub-Saharan Africa continues to face growing challenges of demographic pressure, environmental stress, extreme poverty, internal tensions and institutional weaknesses which in some places have spilled over into open conflict, displacement, criminality, terrorism and radicalisation, as well as irregular migration and trafficking and smuggling. The EU is tackling these challenges together with African partners through its regional Strategies (Sahel, Horn of Africa, Gulf of Guinea) and development policies through Regional and National Indicative Programmes in the region.

Today, the European Commission is **proposing the creation of a €1.8 billion European Trust Fund for Africa** (see below). The fund will focus on addressing the crises in the Sahel, the Lake Chad region, the Horn of Africa, and North Africa. It will support stability, promote resilience, and contribute to economic development, security and migration management.

What about external action to fight traffickers?

Fighting organised criminals responsible for migrant smuggling and human trafficking remains a key priority. Criminals are responsible for the death and suffering of countless persons in search of a better life. Enhancing international cooperation between the police and judicial systems of countries of origin and destination, as well as with relevant EU agencies and Member States is crucial. In many countries, this will also require supporting the development of police, judicial and border management

capabilities. Migration liaison officers and security experts deployed in key EU Delegations will contribute to cooperation on these matters. A number of Common Security Defence Policy (CSDP) operations and missions are already playing an important role in the fight against organised crime.

EUNAVFOR MED

On 18 May 2015, the European Council decided to establish a crisis management operation (EUNAVFOR MED) to fight smuggling activities in the Southern Central Mediterranean. Tackling these networks is an essential part of the European Union's effort to save lives and prevent the exploitation of migrants.

[EUNAVFOR](#) has already shown its value in gathering key intelligence. The External Action Service has proposed to move to the second phase of these operations, allowing EUNAVFOR to respond operate in high seas to fight the traffickers and smugglers. This will be done in full respect of international law.

EUCAP Sahel Niger and EUCAP Sahel Mali

[EUCAP Sahel Niger](#) is in the process of being reinforced to enable support to the Niger authorities for better control, prevent and manage irregular migration flows through Niger and in particular Agadez, a major transit hub en route to Europe via Libya.

[EUCAP Sahel Mali](#) is already contributing to preventing irregular migration by training national security authorities and has reached its full operational capacity in August. A similar expansion of its mandate, as in Niger, may be considered.

What about readmission agreements?

Currently 17 readmission agreements are in force with the following countries: Hong Kong, Macao, Sri Lanka, Albania, Russia, Ukraine, former Yugoslav Republic of Macedonia, Bosnia and Herzegovina, Montenegro, Serbia, Moldova, Pakistan, Georgia, Armenia, Azerbaijan, Turkey and Cape Verde.

The EU has received the mandate for negotiations with Morocco (since 2000), Algeria (since 2002) and Tunisia (in 2014) but with little progress so far. The mandate for negotiating readmission agreements has also been received for China and Belarus.

7) An Emergency Trust Fund for Africa

The European Commission has allocated around €1.8 billion from EU financial means to set up an "Emergency Trust Fund for stability and addressing root causes of illegal migration in Africa".

What is a Trust Fund?

A Trust Fund is a mechanism used in the field of development cooperation to pool large resources from different donors. The aim is to have one single instrument, following a single strategic framework so that the allocation of funds can be done in a swifter and less bureaucratic way. The EU new Financial Regulation (2013) authorises the European Commission to set up and manage European trust funds under an agreement concluded with other donors.

Which regions/countries would benefit from the Trust fund?

The Trust Fund would benefit the **Sahel region and Lake Chad** area: Burkina Faso, Cameroon, Chad, the Gambia, Mali, Mauritania, Niger, Nigeria and Senegal.

It would also benefit **the Horn of Africa**: Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, Tanzania and Uganda.

And finally, it would benefit the **North of Africa**: Morocco, Algeria, Tunisia, Libya and Egypt.

What is the aim of the Trust Fund?

The Trust Fund will help address the crises in the regions of the Sahel and the Lake Chad, the Horn of Africa, and the North of Africa. It aims to create stability in the regions and to contribute to better migration management. More specifically, it will help address the root causes of destabilisation, forced displacement and irregular migration, by promoting economic and equal opportunities, security and development.

The EU wants to help the Sahel region at large to face the growing challenges of demographic

pressure, environmental stress, extreme poverty, internal tensions, institutional weaknesses, weak social and economic infrastructures, and insufficient resilience to food crises, which have in some places led to open conflict, displacement, criminality, radicalisation and violent extremism, as well as irregular migration, trafficking in human beings and the smuggling of migrants.

How is the support helping to deal with irregular migration?

The financial support for the regions should also help address the growing flow of **forced migration**, including across the Sahara desert, the Mediterranean and other routes towards Europe. The EU has already responded by increasing its humanitarian aid and development assistance to refugees and migrants across the region. The European Agenda on Migration aims to prevent further loss of lives at sea and to reinforce our overall cooperation with key countries of transit and origin. It also wants to tackle root causes of irregular migration and forced displacement in countries of origin and transit, in particular by strengthening the rule of law, creating economic and education opportunities, enhancing legal mobility and building better governance, including on border management, the fight against human trafficking and smuggling, and the effective sustainable return, readmission and reintegration of irregular migrants not qualifying for protection. This requires a firm commitment to supporting capacity building of third countries in the field of migration and border management, as well as to the stabilisation and development of these regions of Africa, from the Sahel to the Horn of Africa, and the North of Africa.

What types of projects could be financed by the Trust Fund?

- Establishing economic programmes that create employment opportunities, especially for young people and women in local communities, with a focus on vocational training and creation of micro and small enterprises. Some actions will in particular contribute to supporting the reintegration of returnees into their communities.
- Projects supporting basic services for local populations such as food and nutrition security, health, education and social protection, as well as environmental sustainability.
- Projects improving migration management, including containing and preventing irregular migration and fighting against the trafficking of human beings, smuggling of migrants and other related crimes.
- Supporting improvements in the overall governance, in particular by promoting conflict prevention and enforcing the rule of law through capacity building in support of security and development as well as law enforcement, including border management and migration-related aspects. Some actions will also contribute to preventing and countering radicalisation and extremism.

Where is the money coming from exactly?

The Commission pooled together money from different financial instruments under the EU budget, mainly the European Development Fund. The total financial allocation is expected to reach at least €2 billion, with Commission managed instruments amounting to €1.8 billion:

Instruments	Commitments (EUR)
Reserve of the 11th EDF	1 000 000 000
Regional Indicative Programme for West Africa – 11th EDF	200 000 000
Regional Indicative Programme for Central Africa – 11th EDF	10 000 000
Regional Indicative Programme for Eastern Africa, Southern Africa and the Indian Ocean – 11th EDF	25 000 000
National Indicative Programmes for Horn of Africa 11th EDF	80 000 000
Special Support Programme for South Sudan – 9th and previous EDFs	80 000 000
European Neighbourhood Instrument	200 000 000
Instrument contributing to Stability and Peace	10 000 000 TBC
Humanitarian aid, food aid and disaster preparedness	50 000 000
Development Cooperation Instrument	125 000 000

DG HOME Budget lines	20 000 000 TBC
EU Member States contributions	Amounts to be confirmed
Balance available	1 800 000 000
Total for the measure proposed	1 800 000 000

The European Commission budget of €96.8 billion allocated for the 2014-2020 period for EU external cooperation, including for development assistance, plays a key role in supporting regions and countries most affected by today's global migration challenges. This assistance supports partner countries in addressing poverty, insecurity, inequality and unemployment.

Will Member States contribute to the Trust Fund?

An EU Trust Fund by definition requires that at least one EU Member State (or 3rd party donors including, for example, other countries or international organisations) contribute to the Trust Fund.

Several Member States have expressed interest in participating. Spain has already confirmed its participation. We would expect significant EU Member States' contributions that match the ambitious EU budget put into the Trust Fund.

Why is Syria not included in this list of benefitting regions, despite being the country of origin of the majority or the refugees looking for asylum in Europe?

The EU is a leading donor in the response to the Syrian crisis with around €3.9 billion mobilised by the European Commission and Member States collectively 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.

In response to the Syrian Crisis, the EU has already set up a regional Trust Fund (see above):

The EU regional Trust Fund held its first board meeting in May 2015 and adopted European response programmes worth €40 million. It will provide aid to 400,000 Syrian refugees and host communities in need in Lebanon, Turkey, Jordan and Iraq, focusing on education, livelihoods and food security, especially targeting children and young people.

The Trust Fund that is being proposed now will coordinate actions with the EU regional Trust Fund in response to the Syrian crisis and increase synergies in responding to the refugee crisis. It will not fund actions in Syria directly.

What are the next steps for this Trust Fund to be established?

The proposal to set up the Trust Fund will be submitted to Member States. It will then go through the appropriate decision-making procedures, including consultation of the European Development Fund (EDF) committee. It is the Commission's objective to complete the necessary procedures in time for the Valletta Summit on 11-12 November 2015, when the constitutive act of the Trust Fund should be signed.

That is when the Trust Fund will formally begin to exist. It will become operational immediately thereafter.

[1] On the basis of current data, this would thus apply to applicants from Syria, Iraq and Eritrea.

[2] Austria, Belgium, Bulgaria Czech Republic, Germany, France, Ireland, Luxembourg, Latvia, Malta, Slovakia and the United Kingdom.

[3] In accordance with Article 15 of the Frontex Regulation, the Agency and the Member States need to comply with norms and standards at least equivalent to those set by Union legislation also when cooperation with third countries takes place on the territory of those states.

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