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NOTE

from: General Secretariat of the Council
to: Delegations
Subject : European Parliament Plenary session in Strasbourg on 10 May 2011 :
Migration flows and asylum and their impact on Schengen (debate)

Ms Györi, on behalf of the Council, delivered the speech set out in Annex I.

Mr Barroso, President of the Commission, delivered the speech set out in Annex II.

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

- Mr Weber (EPP, DE) said that the Schengen system was one of the greatest achievements of the European project and it should not be jeopardised. He thought that it should not be called into question by the arrival of 25.000 Tunisian refugees. As for the accession of new members to Schengen, he considered that those who complied with the requirements should be able to join the system.
- Mr Schulz (S&D, DE) believed that the situation could be solved by proper burden sharing and pointed out that the Schengen agreement already provided the mechanisms to deal with extraordinary circumstances. Therefore he was dissatisfied with the Commission's communication and disagreed with new mechanisms allowing for the reintroduction of border controls.

- Mr Verhofstadt (ALDE, BE) rejected the idea of establishing new border control mechanisms, as it contradicted the whole principle of the EU and constituted an inadequate response given the extent of the problem. He also asked for clarification as to whether the Commission was planning to introduce new measures or to strengthen the existing provisions. He could support the latter.
- Mr Kirkhope (ECR, UK) thought that it was the right time to introduce tighter controls at the borders of the Member States and of the EU itself. Nevertheless, he was not in favour of introducing new provisions and called for a strengthening of the current system.
- Mr Cohn-Bendit (Greens/EFA, FR) was convinced that it was not a problem of security, but rather a problem of solidarity. Furthermore, he feared that border controls would be applied in a discriminatory fashion.
- Mr Tavares (GUE/NGL, PT) also disagreed with the proposal for the new border control mechanisms and called for a fairer redistribution of refugees and the necessary funding.
- Mr Farage (EFD, UK) thought that the nation states, in seeking to control their own borders, were anticipating the common measures advocated by Mr Barroso and was disappointed that they were being viewed negatively.
- Mr Claeys (NI, BE) thought that the Schengen agreement was not being properly implemented. Member States should therefore recover their right to control borders without EU interference and Frontex should send back refugees to their respective countries.

During the ensuing discussion, a large majority of members agreed that Schengen was a major achievement that needed to be preserved and strengthened, and were against the introduction of any new border control mechanisms. Some of them thought that the Commission communication has been drawn up specifically to respond to certain Member States (France, Italy) (Ms Ludford (ALDE, UK), Mr Enciu (S&D, RO), Ms Romero López (S&D, ES), Ms Blinkevičiūtė (S&D, LT)) and advocated a Community approach (Mr Coelho (EPP, PT), Ms Guillaume (S&D, FR), Mr Pirker (EPP, AT)). The common asylum and immigration policy was highlighted in particular (Mr López Aguilar (S&D, ES), Ms Lunacek (Greens, AT), Mr Sassoli (S&D, IT)), and some members were disappointed that the legislation was blocked in the Council (Ms Weber (ALDE, RO), Mr Moraes (S&D, UK)).

Others welcomed the communication and were in favour of authorising Member States to temporarily reintroduce border controls (Ms Mathieu (EPP, FR), Mr Iacolino (EPP, IT), Mr Szymański (ECR, PL) and Mr van de Camp (EPP, NL)). Non-attached members spoke in favour of giving back to Member States the power to determine their own immigration and asylum policies. Bulgarian members called for an early accession of their countries to Schengen.

Members also called for more solidarity and burden sharing (Mr Busuttil (EPP, MT), Mr López Aguilar, Ms Ernst (GUE/NGL, DE), Mr Moraes, Mr Papanikolaou (EPP, EL)) and for the strengthening of controls at the external borders (Mr Coelho, Mr Papanikolaou, Mr Mauro (EPP, IT), Mr Messerschmidt (EFD, DK) and Mr Kovatchev (EPP, BG)), mentioning in particular a stronger Frontex as one of the tools (Ms Mathieu, Mr Lambrinidis (S&D, EL), Ms Gál (EPP, HU) and Mr Pirker).

In her closing remarks, Ms Malmström, on behalf of the Commission, reiterated that the Commission was trying to put together a coordinated and coherent response in relation to borders and immigration. These were two different things and needed a clear EU framework. With regard to the communication as such, she underlined that it did not respond to any individual national requests. She agreed that the situation in North Africa was not a reason for reintroducing border controls. However, it was a reason for the EU to act, in order to assist the migrants to find their future and work in their home countries. Regarding the Schengen system, she advocated the strengthening of current legislation, in particular a EU evaluation mechanism involving the EP and the tools to help Member States to improve the protection of the EU's external borders. On border controls in particular, she referred to existing provisions that could be used in very clear circumstances. Nevertheless, she reiterated that Member States should not proceed unilaterally.

In her concluding remarks, Ms Györi gave an overview of the progress on the asylum package negotiations. Regarding the Schengen system, she stressed that the HU PRES would oppose any measure that went against the system. She underlined that border controls should be reintroduced only in extraordinary situations, on a temporary basis and based on a Community decision. She added that controls at external borders should be a matter of shared responsibility. She also saw a need to distinguish between refugees and illegal immigrants. On the accession of Bulgaria and Romania, she said that all Schengen technical requirements had been met, but she did not give a specific timetable.

Speech by Ms Gyóri on migration flows and asylum and their impact on Schengen, Plenary session of the European Parliament, 10 May 2011

Mr President, the developments in the Southern Neighbourhood and the ensuing migration flows are posing a serious challenge for the European Union. They have served to underscore the importance of looking at the whole issue of how we manage migration and refugee flows.

Therefore the European Council in March called upon the Council and the Commission to submit before the June European Council a plan for the development of capacities to manage migration and refugee flows as a response. The conclusions adopted by the Justice and Home Affairs Council on 11 and 12 April 2011 and the communication issued by the Commission last week are important steps in this direction. The Presidency has convened an extraordinary meeting of the Council on Justice and Home Affairs for 12 May in order to discuss the issue of the management of migration and refugee flows. These discussions will help to prepare for the meeting of the European Council on 21 June which will address the same issues.

We cannot of course stand idle in the face of events on the other side of the Mediterranean. The EU and the Member States are ready to assist both those displaced as a result of the latest developments in North Africa and those Member States most directly concerned. Over the past few months the EU and the Member States have made available approximately EUR 96 million of emergency humanitarian aid and we are committed to continue to provide further support as and when the situation requires.

The Council has also invited all Member States to continue their support for UNHCR, the International Organisation for Migration, the Red Cross and all relevant actors, the efforts of which are paramount in helping those displaced as a consequence of protracted violence in Libya. Those Member States more directly affected by these developments are receiving contributions of funding, equipment and technical expertise; for example the Commission announced earlier that approximately EUR 25 million from emergency funds could be made available for Member States such as Italy and Malta. Furthermore, the newly-created European Asylum Support Office, although still in the process of becoming fully operational, is also available to help. Some Member States, including Hungary, have already said that they are ready to reallocate refugees from Malta in order to alleviate pressure on the authorities there.

Apart from the specific measures intended to address this particular situation, the Council remains fully committed to the further development of the common European asylum system. Work is under way in the Council and Parliament and some progress has been already achieved, despite the technical difficulty and the politically sensitive nature of this subject. In general the management of migratory flows in the EU and in individual Member States requires the effective management of borders. As far as the management of external borders is concerned, Frontex has an important role to play in a number of ways, including the monitoring of the EU's external borders and providing operational support.

In the light of the latest developments in North Africa, joint operation Hermes was launched on 20 February 2011 following a request from the Italian Government. This is aimed at preventing and detecting illegal border crossings to Lampedusa, Sicily, Sardinia and the Italian mainland. Frontex is also supporting the Italian authorities in second-line border control activities by the briefing and screening of migrants.

The Council also welcomes the Commission's decision to mobilise supplementary funds needed by Frontex to continue its planned joint operations. We have urged Member States to provide further human and technical resources as required in support of the agency's operations, including Hermes.

As you know, the new proposal concerning Frontex is in this House and we have been negotiating it. I very much count on the support of Parliament in bringing this legislative proposal to a conclusion and ensuring the success of the negotiations. Against the background of the recent migratory pressure from North Africa, the strengthening of Frontex has become a high priority for the Council. I would like to express my thanks to Mr Busuttil and the shadow rapporteurs for their good cooperation and I very much hope, as I have just emphasised, that a first-reading agreement can be achieved by June 2011, as was called for by the European Council in March.

Developments in the southern Mediterranean, in particular in relation to the Tunisian migrants arriving in Lampedusa, have also raised questions about controls at internal borders. This in turn touches on the issue of freedom of movement within the European Union. The Council fully agrees with the view held by almost everyone here that the free movement of persons within the Schengen area is a major achievement. Those Member States that have asked for the revision of the Schengen system have also underlined that they were proposing this with the intention of preserving the free movement of our citizens, which is one of the cornerstones of the Union.

Improving the security and governance of the Schengen area in a time of increased pressure is a means to this end. That said, in the light of the increased pressure on some external borders and the calls from Member States to strengthen the system of the Schengen rules, the Council needs to look into how we can further guarantee the principle of free movement and, at the same time, citizens' need for maintenance of a high level of internal security.

At the Council meeting on 12 May 2011 the Presidency plans to initiate discussions on the various ideas on the Schengen acquis which have been put forward by the Commission in its communication on migration of 4 May. The Council looks forward in particular to examining the Commission's suggestions for a mechanism concerning the coordinated and temporary reintroduction of controls as a measure of last resort, based on objective criteria and respecting the Community method. The Council will also have a chance to discuss how to continue work on the revision of the Schengen evaluation mechanism to ensure more efficient and uniform implementation of the acquis.

Of course our immediate priority is to deal with the effects of the dramatic events in the southern Mediterranean, but we also have to draw lessons for the future. In short we need to put in place a strategy for the longer term. Some of the issues which I have set out will help in creating such a strategy, but I look forward to discussions which can lead to a comprehensive approach to migration, fully in line with our global approach to migration. Along these lines Prime Minister Orbán has recently said that we should clearly differentiate between economic migrants and political refugees. Europe must welcome the latter if she wants to be true to herself. Europe must help, through means similar to a Marshall Plan, the countries of North Africa so as to create liveable conditions there, thus tackling the root causes of migration. That will require not only agreement amongst ourselves, but also consultations with our neighbours and in particular in partnership with the countries of Northern Africa, and it will need to take into account a wide range of factors such as international protection, migration, mobility and security.

To conclude, from a wider perspective, our southern neighbours will be assisted by all available means in their transition to open, democratic and prosperous societies. This is the best possible way of addressing the push factors driving irregular immigrants towards our shores.

Speech by Mr Barroso on migration flows and asylum and their impact on Schengen, Plenary session of the European Parliament, 10 May 2011

Mr President, today we are here to debate migration and cross-border movement of European citizens, but let me start by reminding all of us that yesterday was the 61st anniversary of the Schuman Declaration, which laid the foundations of the European Union, and from that day began a process in which European people have been willing to come together and put aside their differences, to build a European continent without borders, where our citizens can move freely between countries.

For regions like the one where we are now, here in Strasbourg and in Alsace generally, living on a frontier no longer equates with being restricted by borders, and the benefits extend far beyond these border regions. For the vast majority of European citizens, the right to move freely is the embodiment of the European project and one of the most tangible results of the European Union, and I am pleased to say that most Europeans use their right to the full – people make around 1.25 billion journeys as tourists within the European Union countries every year.

That would be completely impossible without the European Union. I still remember when we had to overcome many difficulties in order to travel from my country, Portugal, to Spain. So it is indeed a great mark of the progress of civilisation that countries are able to lower barriers at their borders and let citizens move freely.

Moreover, in terms of the economy too, free movement is central to the success of the single market and Europe's continued efforts to boost growth and jobs. To put it plainly, free movement is to Europe what foundations are to buildings. Remove it and the whole structure is undermined.

Last week the Commission presented a communication on a more structured approach to migration, referring, inter alia, to a proposal on a reinforced Schengen governance system. Other proposals will follow in the coming weeks, and here I want to praise the work of Commissioner Malmström who, with great intelligence and sensitivity, is doing her best to find the right approach to this complex matter.

Let me concentrate on the governance of Schengen because I understand that this is the most important concern here in Parliament. Of course there are many other proposals, on the reinforcement of Frontex and on a common European asylum system, for example, but I hope we will have other occasions to discuss such issues in greater depth.

Last year the Commission put forward proposals to preserve and strengthen the Schengen evaluation mechanism as a central element in the *acquis* of our common project, and I want to emphasise that last year – i.e. well before the recent developments – the Commission had already identified some problems in the governance of Schengen. We will now update and complete these proposals and we will do all we can to achieve swift results.

The current migration situation in the Mediterranean and the resulting pressures have highlighted some weaknesses and uncoordinated reactions by Member States in the management of Schengen. In the wake of these exceptional circumstances, we urgently need to reinforce the governance of Schengen and of the external borders. We need better coordination between the Commission and Member States and, above all, between Member States themselves.

While recent events have provided a spark of urgency in bringing this matter to the table, the Commission is taking this opportunity, through the communication, to address the long-standing underlying inconsistencies and unresolved issues that have provided scope for some Member States to act unilaterally and not necessarily with a European Union perspective. It is time to nip this tendency in the bud: to stop it ab ovo.

The Commission has already taken short-term measures to deal with the situation in the Mediterranean. In addition, the package we put forward last week urges rational reflection, taking into account short-term needs for strengthened external borders as well as a broader approach to asylum and migration. These issues must also be considered in the light of our neighbourhood policy, trade with North Africa and support for democratisation, as well as Europe's own long-term labour shortages and efforts to boost European competitiveness.

This is not a knee-jerk reaction. This is not improvisation. This is and must be a broad range of measures built on the foundations of a strong and successful European policy, defining the best interests of the European Union and its citizens now and into the future.

At the same time, the aim is to give relief to those Member States who are trying to cope with an unfair share of the migration burden. When thousands of people arrive on the shores of one country, it is not because they dream of living in Malta or Lampedusa; it is because they are seeking a better life in Europe. Countries that are more directly exposed to massive migrant inflows cannot be expected to deal with them alone. The rules on free movement of citizens benefit all countries in the European Union. It is the duty of all countries to support those countries that come under particular pressure at one time or another. This means that burdens have to be shared equitably. It also means that all Member States need to take their responsibilities seriously.

When looking at burden sharing, all the pressures and all the contributions need to be taken into account, and this is the very spirit of the European Union: the management of crisis by solidarity and responsibility. Solidarity and responsibility are the key words in our response. Immigration is a European challenge. Immigration requires a European response.

That is why the Commission's proposal aims to take Union governance of the Schengen system a step further, showing that there can be solidarity between Member States. This is about common governance, not unilateral moves. I emphasise once again that this is part of an overall approach. The strengthening of Frontex and the move to a common European asylum system are also aspects of such an approach.

Allow me to make one point crystal clear: this is not about finding ways for Member States to reintroduce border controls. I firmly believe that to do so would not only catastrophically undermine what Europe has constructed over the past 61 years, but also sabotage the viability of our efforts to build a prosperous and integrated Europe for the future.

Moreover, Member States already have the right to exercise this option unilaterally under the existing Schengen system. That right has been exercised in the past to help Member States cope with specific short-term exceptional circumstances, for example in the wake of terrorist attacks or in relation to the movement of drugs.

These exceptions should remain exceptions, for I cannot emphasise strongly enough that reintroducing border controls is not a desirable development for Europe, neither in the current circumstances nor in relation to the future challenges that we will face sooner or later. They should be an absolute last resort.

Moreover, we all know that internal controls can be sporadically useful but they are not part of a constructive approach to European integration, nor do they represent a cost-efficient long-term solution to monitoring movement and coping with immigration pressure. This has always been the case. The fact is that when faced with a massive arrival of migrants no Member State will ultimately be in a better position if it tries to deal with them alone. Only if Member States face the situation together, can a lasting solution be found.

The proposals we put forward one year ago to strengthen Schengen, through an evaluation mechanism and intensified coordination of border surveillance, will help create a sense of Union-wide discipline and shared guidance in the system. They will ensure that, in the future, countries will not feel pressured to take decisions alone that affect all Schengen signatories.

This is not, I emphasise, a new policy that undermines the Union. It is a chance to strengthen it – a step forward for joint European governance, not a step back. It is the intention to reinforce the Schengen acquis, not to depart from the Schengen acquis. We cannot be blind to the fact that recent events have revealed a problem in Schengen governance which we have to solve. If we do not reinforce existing mechanisms, Member States will continue to act alone. They will, in fact, be encouraged to act alone. We will be giving arguments to the populists, the extremists and, in some cases, the xenophobes who want to call into question the great acquis communautaire in this area. This is why we think the best way to avoid putting Schengen at risk is precisely to reinforce the rules of governance of Schengen and clarify some of its aspects.

This is not, I insist, about caving in to pressure from any part of Europe. By enhancing our capacity to deal with crisis situations, it will put a more robust governance system in place that will equip decision-makers with better tools to resist populist or extremist pressure in the future.

It is not a proposal intended simply to deal with short-term events, but there can only be real confidence in long-term solutions if we show that we can effectively address the short-term issues as well. It is not about turning back time: it is about getting the governance right today for the challenges Europe will surely face tomorrow. It is not about abandoning citizens' rights of free movement. It is about valuing their integrity by strengthening the rules.

I am confident that this House will support our approach and our efforts. We are united in our determination to uphold the principles on which our Union is founded, against any populist temptation. We know that it is now fashionable in some quarters to be extremist or populist, or indeed sometimes to wave the flags of xenophobia. This is not what we are going to do. We will resist all these kinds of pressure, but to succeed in this we need to give citizens the confidence that we stand firm on two things: first on correcting the shortcomings of the existing system so that effective relief can be brought to situations of pressure and crisis; and, second, on ensuring, on this basis, full respect for human rights and the humanitarian principles on which our Union is founded. The people are ready to exercise solidarity, internally and externally, if they are confident that their security concerns are addressed decisively and comprehensively.

I count on the support of this House in calling on the Member States to take the necessary decisions quickly. Our proposals are on the table. Now is not a time to wait: it is a time to act, so that an open European Union comes out of this challenge, united and stronger.