



SENSITIVE*:
Solidarity Platform “Pact”

**SOLIDARITY PLATFORM ‘PACT’
THURSDAY, 1 DECEMBER 2022
OPERATIONAL CONCLUSIONS**

1. Introduction and follow up to the 25/11 extraordinary JHA Council

European Commission DG HOME Deputy Director General Beate Gminder, chairing the meeting, informed about the outcome of the 25/11/2022 extraordinary Home Affairs Council. Ministers welcomed the efforts of the Commission in developing its Action Plan for the Central Mediterranean Route, and expressed their readiness to contribute to its swift implementation.

The Action Plan is composed of 3 pillars, including 20 actions. Among those, the revision of the Relocation Standard Operating Procedures is foreseen with the view to speed up relocation (action 18). The Action Plan also mentions that the Solidarity Platform will match proposed projects and financial contributions to start implementing the alternative measures of solidarity through projects coherent with the activities and needs identified. The links between the voluntary solidarity mechanism and actions envisaged in the external dimension of migration will also be strengthened (action 19). The last action point of the new Action Plan states that the EUAA will prioritise support to Member States in the swift implementation of the voluntary solidarity mechanism (action 20).

Cooperation with and between Member States on implementing the Action Plan in the next months is crucial and it must be a shared commitment, while in the longer term, the Pact on Migration and Asylum remains the comprehensive framework for structural solutions and ensures the balance between solidarity and responsibility.

In this framework, the Commission congratulated Member States for the progress made at the Scifa meeting on 30/11/2022.

The Czech Presidency also stressed the very good progress on the Pact and the invitation made to the Commission to develop a new Action Plan also on the Western Balkans.

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2. Relocation: state of play and bottlenecks

Bottlenecks/revision of SOPs:

The Commission reported about the ongoing transfer of 90 applicants from Italy, which brings the total concluded transfer under VSM to 207 (so far all from Italy). The Commission also reported about the ongoing progress registered in all Med5 countries since our last meeting, such as the creation of new relocation hubs. The process remains generally cumbersome with around 600 pre-acceptances but very few transfers, leading to a rather disappointing intermediate result for the end of 2022.

In light of the mandate to propose a revised Relocation workflow, and taking stock of the Concept Paper shared in September and the experience of the last months, the Commission presented main bottlenecks for discussions.

Some of them, for example the need to channel relocation candidates to a few relocation hubs, where procedures can be centralised, and the related activation of internal transfers from Lampedusa to facilitate the relocation process, have been addressed.

Other bottlenecks remain to be addressed:

- The need to ensure that all Member States, both pledging and beneficiary Member States, allocate sufficient resources for the preparation, implementation and processing of all files related to the relocation process.
- the need that preferences indicated by the pledging States remain flexible and reflect the reality of arrivals in beneficiary countries. Due to the sometimes restrictive preferences expressed by pledging States, it is not always possible to match suitable candidates with the active pledges.
- the need to ensure a quick registration and processing of the cases on the side of both the benefitting and the relocating States
- Additional interviews organised on the ground take a lot of time and efforts on all sides, and considerably slow down the whole process. In the case of relocation the asylum applicants in the EU have gone through a series of thorough security checks by the competent authorities, in line with EU legal requirements and often with the operational support of Frontex and Europol. Less resource-intensive measures could be privileged, such as remote security checks/ interviews.
- the need to shorten the time elapsing between the proposal of a list and the final acceptance of the proposed candidates, that would also help reducing the number of candidates absconding.
- According to feedback received from several Member States, it appears that considerable time is sometimes lost because of different practices in the Member States regarding the compilation of the forms composing the so-called NIST files [*a data format for the exchange of fingerprints and other personal data between relevant authorities*], and the way how fingerprints are taken. The Commission encouraged the Member States concerned to discuss and agree on how these practices could be harmonised, so as to ensure a swifter and more efficient processing of files. The Commission stands ready to facilitate such bilateral contacts.

The need to ensure flexibility and avoid that the process is delayed or blocked was also outlined as regards the practice of some pledging States asking to take

themselves the fingerprints of the relocation candidates they are interviewing in the beneficiary Member States, while this is already done in the beneficiary State.

- After the final acceptance of candidates, the various preparatory activities should ideally take place in parallel (finalisation of take charge requests in Dublinet, collection of consent to the transfer, pre-departure orientation sessions and health checks, organisation of the flight including laissez-passer; etc.) in close coordination between the authorities of the Med5 countries, EUAA and IOM.
- In addition to these, there is the need to ensure reliable and consistent information provision to candidates on the relocation process, including by ensuring regular feedback to the candidates on the status of their files. EUAA can ensure consistency and support Member States in these tasks in cooperation with IOM.

In general, the Commission noted also that the continuous registration of candidates without sufficient transfers can jeopardize the relocation scheme (notably with the risk of increasing absconding or renunciations if relocation candidates wait for too long, resulting in a general loss of trust in the mechanism).

For **IT** an organic revision of the workflow is a priority, quoting in particular the need to conduct only remote interviews (when needed), to reduce the time between interview and transfer, to avoid the duplication of the work conducted by the police for example, as the transfer of NIST file or the fingerprinting are in line with international standards. IT also requested to be kept informed about the grounds leading to rejections of take charge on security grounds and to avoid restrictive preferences on nationalities.

DE is ready to examine potential for acceleration through revision of SoPs, even though conducting additional interviews remains important and other potential for improvements lies outside its area of intervention, like the procedures to share the NIST files, to be received ideally two weeks before the interviews.

FR is open to discuss possibilities to increase the number of persons to be relocated. According to FR, this depends largely on the availability of interpreters and offices in beneficiary States.

NO can consider remote interviews and even whether there is a need for additional interviews at all.

The Commission will further reflect, on the basis of this discussion and of bilateral exchanges with the Member States with more extensive experience on relocations, on possible concrete proposals for modifications of the SOPs. This will also be the occasion to clarify a number of issues that have come up so far in the implementation of the exercise.

Relocation updates

The Commission reported to be close to the conclusion of the new **IOM contribution agreement to support Med5 countries** in the implementation of relocation process, in complementarity with the already ongoing projects implemented by IOM, and the activities carried out by other actors including EUAA. A joint presentation with IOM will be made at one of the next technical meetings. It remains important to also exhaust all resources still available under the current AMIF projects on relocation.

The Commission provided a draft workflow on the **relocation of Unaccompanied Minors (UAM)** for comments by 29 November, and received feedback from EUAA, IOM and Germany, to be discussed at a next technical meeting on relocation. The Commission asked participating countries to be kept informed about the possibility to relocate UAM, as this category of vulnerable migrants would deserve priority under the VSM. During the meeting, **MT** expressed interest to relocate this category.

The Commission also clarified a matter concerning the operationalisation of the pledge from **PT**. Following communication to the Med5 countries of the possibility to start preparing lists for Portugal, the Portuguese authorities have informed the Commission of new developments that require additional clarifications before transfers under the VSM can start to be planned next year. In order to ensure a coordinated approach, the Commission asked that the beneficiary Member States do not submit any new **lists of candidates to Portugal until further notice**. **The Commission** will also be in contact with Portugal and the relevant States to provide further clarifications regarding Portugal's pledges related to previous voluntary relocation exercises. **These clarifications should be provided swiftly**.

Finally, following the questions raised by some of the countries at the previous meeting regarding the **consent to relocation to be provided by the relocation candidates**, the Commission considers that the current practice of gathering a consent to relocate in general terms is in line with the acquis. However, in order to ensure flexibility in line with the respective practices in the Med5 countries and the possible preferences of the pledging States, it is also possible for the beneficiary Member States' authorities to collect the consent to be relocated to a specific country before sending the take charge requests via Dublinet. On the question whether, if a candidate would at that stage refuse to be relocated to that specific country, EUAA could re-match the candidate with another pledging State, the Commission will discuss further with Member States and EUAA, notably in the process of revising the SOPs. It will be important to ensure the best balance between a flexible system that works and avoiding a 'pick and choose' approach on the side of the candidates. One option could be to allow relocation candidates to refuse their consent to be relocated to a specific pledging State only once.

IT reported about progress in implementing the VSM: the transfer of 90 applicants to DE (1/12/2022), the ongoing additional DE mission to interview 100 candidates in the relocation hub in Bari, the bilateral with HR to clarify some points on the list to be prepared, the preparation of a list for RO and the new pledges received from NO (75) and IE.

EL informed that collecting the specific consent to be relocated to a specific country (RO) resulted in one acceptance out of 20 candidates. The Commission mentioned the need to ensure a system that is efficient, flexible and fair at the same time.

CY informed to be able to transfer the first 54 applicants to DE before Christmas with the support of the AMIF-funded IOM project for supporting Greece. The challenge will be ensuring the high number of transfers that can be foreseen on the basis of the pool and pledges available, even with the support of EUAA. Concerning the procedures, **CY** is wondering whether the need for individual take charge requests could be skipped in the case of additional interviews. The interviews are also taking a lot of time. The relocation of UAM would be complicated in light of the different ministries involved.

ES informed it will not ask for relocating UAM for similar reasons. The two lists for FR and DE were sent for pre-acceptance, with 47 and 44 candidates respectively. The first identification mission by FR will take place between the 12th and the 16th December with the aim of transferring candidates in February. The identification mission by DE will take place in January. ES is looking at increasing the pool of candidates to be interviewed. ES called for flexibility as regards preferences since most of the nationalities preferred by pledging countries are not those present in the reception system.

MT informed to have collected some consents from candidates to be relocated to RO, hoping to continue in this direction. MT is available to relocate UAMs. MT had already started working on a list to be proposed to PT but that work is now on hold until the Commission gives its go-ahead.

FR reported to be organising transfers of 89 persons interviewed during 2 missions in Cyprus. The first identification mission will take place in Spain in December.

NO informed to have decided to activate its pledges of 200 as follows: 75 from IT, 75 EL and 50 CY, with preferences for asylum seekers with specification of the nationalities with high recognition rate in NO, and the need to avoid a direct link with search and rescue operations conducted by NGO vessels. The NO responsible agencies will enter in contact with the beneficiary countries for the details.

The Commission thanked IE and FI for the first efforts in operationalising the pledges.

EUAA presented its role in support of relocation thanks to the resources available in the Operating Plans to the beneficiary countries: identification of the candidates, support to the interviews (i.e. provision of interpreters) and presented a few slides with updates on relocations (attached). EUAA drew attention to the presence of large pools of candidates and the significant number of provisional acceptances, while there is a need to speed up transfers.

IOM, that is finalising the contribution agreement, welcomed the discussions on the SoPs.

The Commission also reminded participating countries to always **keep the Commission services in copy for issues concerning relocation** (except when discussing individual cases). Beyond the Home Solidarity Platform functional mailbox to be used for main communication (i.e. pledges), the Commission suggests to always copy also one of the country-contact HOME colleagues to prevent that some messages are lost in the spam.

3. Financial solidarity

With regard to the **financial solidarity** work strand of the Voluntary Solidarity Mechanism, the Commission summarized the projects already proposed by the benefitting States and urged Med5 countries, who have not yet done so, to communicate their proposals and share fiches with more detailed information on the projects. The Commission also reminded contributing States to communicate their concrete contribution proposals based on the needs identified by the benefitting countries, and any bilateral agreements with Med5 for information purposes.

There have been **three matches** between projects and contributions so far, namely for support to the CY Office for Voluntary Returns by CZ, as well as support by CH (pending formal approval) to the operation of safe areas for unaccompanied minors on the Greek islands and cultural/linguistic mediators for the IT police. **CH** informed that it is already in contact with **EL** to explore the implementation of the project and enquired about possible interest by other contributing States to fund the IT project, as CH is only offering partial financial coverage. **EL and NL** also confirmed that they are currently discussing the implementation of integration projects, as well as the use of the *ParticAppate* integration application, while also exploring possibilities to extend their existing partnership on shelters for vulnerable people. Finally, **CZ** informed that it will be in touch with the Commission soon to communicate its contribution to additional projects.

4. Operational conclusions and next steps

- Regarding **relocations**:
 - Next relocation technical meeting on 15 December
 - COM will submit proposed revised SoPs

- Regarding **financial contributions**:
 - EL and CY to send **by 6 December COB** more information and budgetary needs on pending project proposals
 - Contributing Member States to share **by 6 December COB** their concrete contribution proposals based on the needs identified by the benefitting countries.
 - Next technical meeting on financial solidarity on 8 December.