

Brussels, 5 April 2011  
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Your Excellency,

As you are fully aware, the situation in the Southern Mediterranean has been quite dramatic recently, both from a general political point of view and as regards migration issues. Since the beginning of the year, we have seen a massive displacement of populations from several North African countries. According to the latest official sources, approximately 430,000 persons have left the territory of Libya to flee the violence in that country. These persons have found hospitality in the neighbouring countries, primarily in Tunisia and Egypt. Most of them have returned to their respective home countries, but evacuations need to continue and solutions must be found for those who cannot safely go back to their countries of origin.

Migratory flows have also been putting the protection and reception systems of some of our Member States under increasing strain. Approximately 20,000 migrants, mainly from Tunisia and, to a lesser extent from other African countries, have managed to enter the Union irregularly, reaching the shores of the Italian island of Lampedusa and of Malta, both of which are under strong migratory pressure.

### **Urgent measures already undertaken**

The European Union has responded to these serious challenges in a rapid and effective manner, taking in particular three concrete actions:

1. To manage the humanitarian emergency generated by the sudden inflows of migrants and refugees in the countries neighbouring Libya, the Commission has mobilised 30 M EUR, which, together with the funds provided on a bilateral basis by the EU Member States and by other international donors, have made it possible to offer assistance in the provision of temporary shelter to the migrants and refugees, to meet their basic needs and to assist in their return to the respective countries of origin. This has also been made possible thanks to the laudable work carried out by the IOM and UNHCR.
2. In order to promptly respond to the irregular and mixed migration flows across the central Mediterranean Sea, FRONTEX, with the assistance of several Member States, launched, the Joint Operation EPN Hermes Extension 2011, aimed at assisting Italy in controlling vessels carrying migrants and refugees. EUROPOL has deployed a team of experts to Italy, with the aim of helping its law enforcement authorities to identify possible criminal networks of trafficking of human beings.

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3. To ensure that, in the short term, those Member States most exposed to the growing flows of refugees and irregular migrants can cope with the financial consequences of the displacement, the Commission has rapidly identified 25 M EUR which could be mobilised under the External Borders Fund and European Refugee Fund, following concrete requests to be made by the Member States; so far, only one such request has been made. The Commission stands ready to consider urgent requests.

As you know, I also decided to personally visit Egypt and Tunisia, together, respectively, with the Hungarian Minister of Foreign Affairs, Mr Martonyi and my colleague Commissioner Füle. In both countries I held meetings with the local authorities, including the Ministers of the Interior, where I expressed the EU's support in assisting the migrants and refugees and contributing towards a solution to the crisis situation, while at the same time encouraging the local authorities to show an open approach towards all the migrants and refugees that continue to come from Libya.

### **Measures to be taken in the short-term**

In anticipation of our discussions in June and in order to steer the debate at our forthcoming meeting in Luxembourg on 11 April, I would like to outline some short-term measures which, in my opinion, the EU should rapidly take to effectively cope with the situation in the Mediterranean.

The following actions appear urgent in order to face the continuous and possible increase of inflows of irregular migrants coming from the South Mediterranean:

- 1) The Joint Operation EPN HERMES Extension coordinated by FRONTEX should be considerably strengthened with additional technical resources made available by Member States. Other joint operations taking place in other parts of the Mediterranean, such as POSEIDON, should also be continued. FRONTEX will stand ready to provide, in accordance with the applicable legal framework, logistical and financial support to assist the Member States having been targeted by large inflows of irregular migrants to organise joint return flights and to deploy RABITS at the request of the Member States concerned.
- 2) It is essential that the competences of FRONTEX be strengthened rapidly and more effective tools are put at its disposal. The amended regulation establishing the FRONTEX agency should be adopted by the Council and the European Parliament as a matter of urgency.
- 3) FRONTEX should be invited to speed up negotiations with the countries of the Region to conclude working arrangements with the competent authorities of the countries of origin and transit of irregular migration in the Mediterranean (Egypt, Morocco and Turkey). A mandate to start negotiations with Tunisia should be decided by the Management Board without delay. In this context, FRONTEX will stand ready to provide technical assistance to help those countries to enhance their capacity building in the area of border management.
- 4) In appropriate circumstances, and if requested by a Member State under particular pressure of migrants seeking asylum, the European Asylum Support Office could deploy asylum support teams to assist the State's authorities in coping with the processing of claims and the reception of the persons concerned.

- 5) A special, joint EU-Tunisia operational project is being considered as part of wider measures to address the overall situation of irregular migration in the Mediterranean region. This project would help to strengthen the capacity of the Tunisian authorities to deal with such flows by
- (1) better controlling their borders, in cooperation with the relevant authorities of the EU Member States,
  - (2) fighting criminal organisations promoting the smuggling of migrants and trafficking in human beings,
  - (3) facilitating the return and social and professional reintegration of returnees,
  - (4) identifying and registering migrants entering their territory and treating them in accordance with international standards by offering asylum to those in need of international protection and assistance for voluntary return.
  - (5) assisting the local authorities of the most concerned EU Member States to address the immediate repercussions of the migratory flows on the local economy and infrastructure.

Member States should ensure that full use is made of the financial resources allocated to them under the External Borders, the Return and the European Refugee Funds. In the implementation of the national allocation of these funds, in case of need, Member States can modify up to 10% of the programmed destination of the funding without requiring prior Commission approval. On request, wider modifications of the programmes can be quickly agreed upon with the Commission.

The continuous and possible increase of flows of refugees, in need of international protection, coming from Libyan territory is also an issue of major concern. In this context, the Commission will continue to support the provision of humanitarian assistance and funds for resettlement, which can represent not only a life-saving measure for those concerned but an important responsibility-sharing gesture on the part of potentially receiving countries towards the countries hosting them. Showing solidarity to the neighbouring countries that are under pressure through resettlement can help to maintain protection space as well as contributing to dialogue and cooperation to other issues of migration and border management.

I welcome the information provided by some Member States on the occasion of the meeting organised by the Commission on 25 March 2011, on their commitments to resettle a number of refugees from the region and on the further reflections that are taking place currently in their Capitals. EU Member States should seek to offer resettlement places in the spirit of responsibility-sharing and in close cooperation with UNHCR. The Commission is ready to review with Member States willing to engage in such resettlement efforts all the possibilities for financial support, in particular under the European Refugee Fund.

Within this context, it is imperative that the Council and the European Parliament make an effort to rapidly reach an agreement on the adoption of the proposal for the establishment of an EU joint resettlement programme.

It is also urgent to develop further the Regional Protection Programme (RPP), designated in April 2010, encompassing Egypt, Libya and Tunisia. Under the Thematic Programme for the

Cooperation with third countries in the area of migration and asylum, the Commission has already foreseen an allocation of 3.6 MEUR to finance such RPP.

In case of a massive inflow of persons who are likely to be in need of international protection and if the conditions foreseen in the Directive are met, the Commission would be ready to consider proposing the use of the mechanism foreseen under the 2001 Temporary Protection Directive, so as to provide immediate protection and reception in the territory of EU Member States for persons concerned, to give a "breathing space" for the national asylum systems and to promote voluntary solidarity measures between Member States.

Finally, EASO teams could be deployed to the most concerned Member States with a view to helping the authorities to screen the asylum seekers. EASO budget would already enable the deployment of such teams to be financed. In the event of such a deployment, Member States should show their solidarity and make available asylum experts to join the EASO teams, as well as accepting the relocation to their territories of some of the beneficiaries of international protection. The Commission would be ready to support these efforts through the European Refugee Fund, building upon the lessons learnt with the Malta pilot project carried out between 2009 and 2011.

### **Longer term measures**

In the joint Communication of the Commission and the High Representative for "*A partnership for democracy and shared prosperity for democracy and shared prosperity with the Southern Mediterranean*", a new approach for a long-term partnership for migration, mobility and security was proposed. It was broadly endorsed by the European Council at its meetings of 11 and 25 March 2011. In this context, on my visits to Egypt and Tunisia I emphasised that enhanced bilateral relations, including increased mobility of people, will be developed with the Southern Mediterranean countries in a tailor-made manner, subject to their willingness and ability to meet certain pre conditions. I asked those authorities to make a determined effort to effectively prevent irregular migration flows, to cooperate in the readmission of irregular migrants, to patrol their maritime borders, to generally enhance their law enforcement capacity, and to take steps aimed at facilitating the sustainable reintegration of irregular migrants who return home. This cooperation will be a key condition for the development of further cooperation with the EU.

I agreed with my counterparts in Egypt and Tunisia that a structured dialogue at senior officials' level should be set up between the EU and the countries concerned, which will allow both parties to exchange views, clarify expectations and needs, and identify areas of potential cooperation. This will allow us to prepare political decisions to be taken later.

I believe that the EU response to the emergency situation has been comprehensive. It is clear, however, that we all share the obligation to do more and to create the conditions for implementing a more structured, sustainable plan which could cover the various dimensions of the phenomenon, including greater solidarity between Member States and in full respect of the EU's international obligations.

Building upon the European Council Conclusions of 11 and 25 March, and the joint Communication of Commission and High Representative of 8 March, I intend to propose to the Commission to present to the June JHA Council, a package of proposals that would address the EU approach in the area of migration, mobility and security with the Southern Mediterranean countries.

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I am confident that these short-term measures, coupled with those that I will present later this Spring aimed at addressing the longer-term challenges arising from the crisis developing in the Southern Mediterranean region, will allow the EU to face up to its responsibilities by taking firm measures in response to the dramatic events taking place in the region. I am convinced that the EU must give a genuinely European response to those challenges. Such a response will only be fully effective if it is based on concrete solidarity between Member States, if it is made in partnership with the countries on the opposite shore of the Mediterranean, and if all available means and instruments are mobilised.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Cecilia Malmström', written in a cursive style.

Cecilia MALMSTRÖM