

New Pact on Migration and Asylum: comments by Greece, Italy, Malta and Spain

Over the past decade, the European Union has shown its resilience and capacity to face different crises. The Member States have demonstrated their commitment to reaching agreements and their conviction of the need to work together to improve and advance on a common project. The reform of the EU common migration and asylum policy constitutes another part of this package of reforms, so essential to strengthening the European Union and preparing for future crises.

Greece, Italy, Malta and Spain appreciate the efforts of the European Commission in proposing a new Pact on Migration and Asylum, and recognize that this proposal represents a constructive starting point for our common work. However, the imbalances we see in the proposed elements of solidarity and responsibility need to be addressed to make it very clear that equitable burden-sharing is an essential factor for a truly European migration and asylum policy, one that is sustainable and acceptable to all Member States, and one for which they all assume ownership.

Our countries understand that reaching an agreement will be challenging, but we will maintain a constructive attitude in view of a comprehensive policy agreement enabling the European Union to advance towards joint management of migration and asylum. Following the format of the negotiations of the 2021-2027 Multiannual Financial Framework and subsequent negotiation of its regulatory details, the Member States should strive to reach a basic common agreement on the Pact's key elements. This must be done in an integrated, simultaneous manner, encompassing all the solidarity and responsibility elements of the different areas covered by the Pact, in the spirit of “nothing is agreed until everything is agreed”. We are aware that this is not easy, but we believe that it is the best way to overcome our differences and reach solutions capable of ensuring the approval of the Pact.

Specifically, we believe that this comprehensive policy agreement must include the following:

Real balance between solidarity and shared responsibility

The rules set forth in the proposed Pact are detailed and strict as to the responsibilities of the States of first entry while the solidarity mechanism remains complex and vague—solidarity can be expressed flexibly, depending on the circumstances, through relocation, operational support (also to Third Countries), or return sponsorship. The notion of mandatory relocation should remain and be pursued as the main solidarity tool. At the same time, there should be enough safeguards to guarantee the successful implementation of the return sponsorship tool.

We consider that predictability is a crucial element for solidarity in this Pact, with the aim of overcoming *ad hoc* solutions and establishing a permanent structural mechanism, dealing with all components of migration flows. We believe that solutions based on the “fictio juris” of not allowing entry in the EU of those not eligible for international protection are unrealistic and will not work.

We also welcome the solidarity mechanism following search and rescue operations: we must guarantee European solidarity with regard to all disembarking migrants in these particular circumstances.

However, we believe that the solidarity rules and the related commitment of all Member States must be clearly defined. The front-line Member States cannot face the migratory pressure on the whole European Union. We must find feasible and coordinated solutions to our common challenges.

Procedures at the border, including pre-screening

The principle of compulsory border procedures must be revised. In spite of the exceptions set forth in the proposal, in practice the text comes close to a generalized application of this rule, which would ultimately hamper the respect of deadlines and lead to effects opposite to those sought for. Whether or not to apply border procedures, as well as the categories of persons to whom these should apply, should remain a prerogative of Member States, that are best placed to decide if a procedure is feasible given their specific circumstances.

Furthermore, although the Commission's proposal does not explicitly include this possibility, we need to be sure that the final regulation of procedures at the border does not pave the way to undesirable effects. Setting-up large closed centers at the external borders is not acceptable. The management of asylum must fully respect human rights and the rights of asylum-seekers, which are to be reflected in the regulation of the relevant procedures.

External dimension

The external dimension must remain a key element of the new Pact on Migration and Asylum and as such must go hand in hand with all other Commission's proposals. Although it is true that the Commission devotes a section of its umbrella Communication to relations with third countries, the language of this section is not sufficiently specific and tangible. The approach to relationships with third countries must be made clearer, as well as the financial instruments meant to support this effort. Promoting agreements with third countries must be enhanced immediately and put into practice without further delays.

We must invest in **political relationships with our migration partners**, particularly with our Southern neighbouring Countries. This means, firstly, building relationships based on trust and equal footing through frequent contact at the political level, and then, once such relationships are consolidated in the area of migration, forging policy tools with funds earmarked for actions in those countries. Third countries need to be fully equipped to manage their migration management, with the necessary capacity building measures including equipment, so that they can improve their performance in limiting the flows of irregular migration. This is not just a question of more money, rather of actions truly matching our partners' interests, responding to their needs, and accordingly being able to meet the operational needs of migration management. To this end, we should be careful that migration cooperation funds are managed with the same flexibility, responsiveness, and focus on the needs of our migration partners on the model of the Trust Fund for Africa. Besides, programming and disbursement of funds carried out within a stable legal framework, including a sustained focus on results, will facilitate the long-term involvement of migration partners.

The issue of **returns**, presented by the Commission as a pillar of the Pact, is closely linked to the external dimension. In fact, the Commission proposes sponsorship of return as a new channel for solidarity. We agree on the importance of an effective system for returns. However, we stress that, if we want sponsorships to be an effective tool for the enhancement of the return policy and an effective measure for the alleviation of the burden of front line MS, timing and modalities should be made more efficient and implantable. To ensure progress in this respect, internal and external dimensions should be linked through a dense network of close partnerships with the countries of origin and transit, and a coherent set of agreements on readmission. Specifically, in the available toolbox, particular emphasis must be placed on promoting wide-ranging commitments involving third countries, through positive incentives.

Legal channels for migration and asylum

The proposal presented by the Commission does not address legal migration, which is closely intertwined with irregular flows. The coordination of safe, regular, and orderly channels of migration and asylum will make it possible to reduce irregular flows and contribute to orderly management, with a positive impact both on the countries of destination and on the countries of origin/transit, addressing economic and demographic challenges. This would also enhance trust in the relationships with our partners.



We stand ready to tackle this negotiation constructively, building on the positive elements of the Pact. We also call upon the other Member States to act with ambition and commitment towards reaching a final agreement at the highest political level that will benefit the European Union as a whole.