

Opinion of the Committee of the Regions on the ‘Communication from the Commission to the European Parliament, and the Council in view of the European Council of Thessaloniki on the development of a common policy on illegal immigration, smuggling and trafficking of human beings, external borders and the return of illegal residents’

(2004/C 23/09)

THE COMMITTEE OF THE REGIONS,

having regard to the Communication from the Commission to the European Parliament and the Council in view of the European Council of Thessaloniki on the development of a common policy on illegal immigration, smuggling and trafficking of human beings, external borders and the return of illegal residents (COM(2003) 323 final);

having regard to the decision of the European Commission of 31 July 2003 to consult it on this subject, under the first paragraph of Article 265 of the Treaty establishing the European Community;

having regard to the decision of its Bureau of 1 July 2003 to instruct its Commission for External Relations to draw up an opinion on this subject;

having regard to the Green Paper of the European Commission on a Community return policy on illegal residents (COM(2002) 175 final);

having regard to its opinion of 20 November 2002 on the abovementioned Green Paper;

having regard to the decisions taken at the European Councils in Tampere (October 1999), Laeken (15 December 2001) and Seville (June 2002);

having regard to the Santiago Action Plan;

having regard to the Brussels Declaration adopted at the European Conference on Preventing and Combating Trafficking in Human Beings (September 2002);

having regard to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on immigration, integration and employment (COM(2003) 336 final);

having regard to the decisions taken at the Thessaloniki European Council (19 and 20 June 2003);

having regard to its draft opinion (CdR 250/2003 rev.) adopted on 5 September 2003 by its Commission for External Relations (rapporteur: Mr van den Brande, Senator, Belgian Parliament, member of the Flemish Parliament (BE/EPP));

whereas:

- 1) the Committee of the Regions recognises the importance of and need for a Community policy on illegal immigration, smuggling and trafficking of human beings, external borders and the return of illegal residents;
- 2) a coherent approach, integrated legal instruments and appropriate follow-up action are urgently required;
- 3) this is a matter of major concern to regional and local authorities in the context of the EU and of their respective Member States;

adopted the following opinion at its 51st plenary session, held on 9 October 2003.

1. Views of the Committee of the Regions

smuggling and trafficking of human beings, external borders and the return of illegal residents;

The Committee of the Regions

1.1. is pleased to note that the European Commission has issued a communication in which it highlights the particular importance of a common policy on illegal immigration,

1.2. believes that the various aspects of migration are rightly regarded as a top political priority for the EU, as demonstrated by the large number of measures introduced by the Commission on this subject and the decisions taken at the European Councils in Tampere, Laeken, Seville and Thessaloniki;

1.3. trusts that this common policy will be marked by a coherent approach, will be based on integrated legal instruments and will benefit from appropriate and effective follow-up action;

1.4. considers that the existing legal basis and operational instruments need to be strengthened and that wherever and whenever necessary, appropriate new instruments will have to be introduced;

1.5. deplores the lack of a common blueprint and measures for legal migration and asylum policy, despite the fact that such measures could reduce and discourage illegal immigration;

1.6. believes that a return policy must always be implemented with due respect for human rights and human dignity, within the framework of a common return policy;

1.7. highlights the need for operational cooperation and the exchange of information in all areas;

1.8. attaches great importance to a well thought-out visa policy, as such a policy can make a considerable contribution towards preventing illegal immigration; such a policy must be based on an effective information system which is coordinated with and linked to the Schengen Information System;

1.9. highlights the need for an efficient border control system in which the responsibilities and efforts of the Member States are important and which is coordinated by a common EU unit;

1.10. urges that every effort be made to combat the smuggling and trafficking of human beings, activities which are often linked to organised crime;

1.11. demands that special attention be paid to the degrading problem of trafficking in women; all resources must be harnessed to combat this problem;

1.12. believes that a common policy to tackle illegal immigration can only be effective if it forms part of a general framework of relations between the EU and other states; readmission agreements are of fundamental importance in this context as they can lead to a strong partnership;

1.13. expressly emphasises that a common policy can be effective and credible only if it is backed up by adequate funding, from the outset for the initial period and then under more permanent budgetary arrangements, for the period post-2006;

1.14. draws attention to the fact that local and regional authorities are generally the bodies first in line when it comes to tackling these situations and the related problems and are frequently called upon to take action;

1.15. considers it essential and obvious that both the EU and the Member States should therefore involve local and regional authorities fully in the common policy;

1.16. attaches particular importance to the special situation facing regions and local authorities which are no longer situated at the external frontiers of the EU or find themselves situated there for the first time;

2. Recommendations of the Committee of the Regions

The Committee of the Regions

2.1. calls for the rapid completion of a comprehensive common European policy to tackle illegal immigration, smuggling and trafficking of human beings, external borders and the return of illegal residents;

2.2. stresses the need for a coherent approach, integrated instruments and appropriate, effective follow-up;

2.3. draws attention to the fact that in any common return policy, human rights and human dignity must be fully respected and that further work needs to be carried out on a separate EU instrument to back the priorities set by the Council in the action programme which it endorsed; it also points out that immigration must take place within a clear legal, procedural framework; a directive on minimum standards for return procedures and the mutual recognition of return decisions also appears to be advisable;

2.4. expects that concurrently a common blueprint will be drawn up for legal migration and asylum;

2.5. supports a well thought-out visa system and the establishment of a Visa Information System (VIS), linked to the Schengen Information System (SIS II) which is to become operational by 2006; the requisite technical, legal and financial measures will have to be introduced;

2.6. calls for an effective border control system and an integrated policy for managing the EU's external frontiers; the Common Unit for External Borders Practitioners, which meets as a working party in the so-called SCIGA+ formation, has its limitations; the day-to-day management should therefore be taken over by a body which has a more operational nature and is managed efficiently; also demands the establishment of a European border guard, whilst recognising the key role played by the national services;

2.7. expresses the wish that a start be made on recast of the Common Manual of External Borders and that consideration be given to whether new institutional machinery should be established to strengthen operational cooperation in the management of external borders and to whether controls at maritime borders need to be tightened up;

2.8. asks the Commission to pursue forceful measures to combat people smuggling and trafficking, which are often in the hands of organised crime; to step up all forms of cooperation between the enforcement bodies and victims, and also to consider any concrete measures, standards, best practice and schemes which can prevent people trafficking; asks the Council to endorse the proposal to grant to the victims of illegal immigration and people trafficking a short-term residence permit;

2.9. calls upon the Commission and the Council to pay particular attention to combating the degrading practice of trafficking in women and to mobilise all resources to this end;

2.10. urges that operational cooperation and the exchange of information in all fields be stepped up; in this context, it recognises the value of establishing a platform for the exchange of information based on modern and secure web technologies (ICONet) and also recognises the value of setting up a network of immigration liaison officers (ILO);

2.11. advocates that the complete migration agenda be included in the dialogue with third countries on existing and future association and cooperation agreements; advocates the conclusion with these countries of readmission agreements leading to a reciprocal, global partnership whereby measures to combat illegal migration can be improved and return facilitated in a way which is acceptable to both the Member States and the receiving countries; the establishment of a legal framework for the creation of a multi-annual programme of cooperation with third countries in the field of migration is to be recommended;

2.12. attaches particular importance to the release of adequate funding to enable these global objectives — which the EU regards as a top political priority — to be fulfilled in a credible way and regrets the fact that at the present time this is in no way the case; endorses the solution supported by the Commission, namely the revision of the ARGO programme for meeting immediate needs, the use of the margin available from 2004-2006, and then to rely on the post-2006 financial perspectives for the area of JHA;

2.13. wants to see a realistic and fair system of burden-sharing, based on a number of conditions and criteria; specific account needs to be taken of the basic principles of subsidiarity and additionality; only those types of expenditure directly linked to the EU dimension should be cofinanced;

2.14. regards it as self-evident that the EU and the Member States involve local and regional authorities in the common policy as partners, since these authorities are generally also the first to have to deal with such situations and problems and are often called upon to take action; their expertise and good practice can — and must — therefore be exploited;

2.15. proposes that provision be made for Schengen facilities for those local authorities which are no longer situated at the EU's external borders or find themselves situated there for the first time; proposes that a list of requirements be drawn up in various fields, including infrastructure and the loss of regular transit traffic, and that the requisite assistance and resources be made available;

2.16. urges that steps be taken to involve as many actors as possible — both authorities and social players — so as to arrive at a broadly-based common policy;

2.17. endorses the proposal to set up a European Refugee Fund.

Brussels, 9 October 2003.

*The President
of the Committee of the Regions*
Albert BORE