Eerste Kamer der Staten-Generaal

1

Vergaderjaar 2020–2021

35 612 EU-voorstellen: EU-migratiepact 2020 COM (2020) 609, 610, 611, 612, 613 en 614[1]

E

VERSLAG VAN EEN DESKUNDIGENBIJEENKOMST

Vastgesteld 9 april 2021

De vaste commissie voor Immigratie & Asiel / JBZ-Raad[2] heeft op 23 maart 2021 gesprekken gevoerd over **het Europese Migratie- en Asielpact**.

Van deze gesprekken brengt de commissie bijgaand geredigeerd woordelijk verslag uit.

De voorzitter van de commissie,
Faber-van de Klashorst

De griffier van de commissie,
Van Dooren

[1] Zie dossiers E200018, E200019, E200020, E200021, E200022, E200023 op www.europapoort.nl

[2] Samenstelling:
Kox (SP), Faber-van de Klashorst (PVV) (*voorzitter*), De Boer (GL), Van Dijk (SGP), Van Hattem (PVV), Jorritsma-Lebbink (VVD), Oomen-Ruijten (CDA), Rombouts (CDA), Stienen (D66) *(ondervoorzitter)*, vac. (PvdD), Van Rooijen (50PLUS), Adriaansens (VVD), De Blécourt-Wouterse (VVD), Doornhof (CDA), Frentrop (FVD), Karimi (GL), vac. (Fractie-Nanninga) Veldhoen (GL), Vos (PvdA), De Vries (Fractie-Otten), Keunen (VVD), Dittrich (D66), Van Wely (Fractie-Nanninga), Nanninga (Fractie-Nanninga), Raven (OSF), Karakus (PvdA)

kst-35612-E
ISSN 0921 - 7371
's-Gravenhage 2021

Voorzitter: Faber-van de Klashorst
Griffier: Van Dooren

Aanwezig zijn negen leden der Kamer, te weten: Backer, Faber-van de Klashorst, Huizinga-Heringa, Karimi, Keunen, Raven, Stienen (via videoverbinding), Vos en Van Wely,

alsmede, via videoverbinding, de heer Korlaar, de heer Mouzourakis, de heer Nicolosi, mevrouw Vonkeman en mevrouw Woollard.

Aanvang 14.07 uur.

The **chairperson**: Good afternoon everybody. First, I apologize for the ten minutes' delay, but we had to do our core business, namely voting in the Senate. I would like to welcome the experts, who are with us via a video connection, and the members of the committee, who are either present here in the Plenary Hall or take part via a video connection. My name is Marjolein Faber. I am the chair of the standing committee on Immigration & Asylum/JHA Council of the Senate of the Netherlands. During this meeting, we will talk about the European Pact on Migration and Asylum, which the European Commission published in September 2020. On 2 March this year, we held the first expert meeting on the subject. We invited Dutch NGOs and scholars to talk about this subject. Today, experts from the international field will share their views on the proposed European policy on Migration and Asylum.
The meeting is organized as follows. The speakers will have a maximum of ten minutes to explain their points of view. After each contribution, the members of the committee will be given the opportunity to ask questions.

Part 1

Talk with:
– Ms A. Vonkeman, Head of Office UNHCR Netherlands
– Mr L. Korlaar, Senior Protection Officer UNHCR

The **chairperson**: The first speaker today is Ms Vonkeman, Head of Office UNHCR Netherlands. She is joined by Mr Korlaar, who is available for answering questions. Ms Vonkeman has indicated she will have to leave this expert meeting early, due to other obligations.
I now give the floor to Ms Vonkeman.

Ms **Vonkeman**: Thank you very much, Ms Faber. Good afternoon everyone. First of all, I would like to thank the standing committee on Immigration and Asylum of the Senate for the invitation to the UNHCR to give its expert opinion on the Commision's proposal for the Immigration Pact. As shepherd of the 1951 Refugee Convention, we have a keen interest in progress in the negotiations. Forced displacement and mixed movements are global phenomena. As of 2019, almost 80 million people had been forced to flee their country, and their numbers are rising. Globally, 1 person out of every 100 is displaced internally or seeking asylum. That number has risen significantly over the past five years. Recent events, such as the crisis in Moria, Greece, have highlighted the urgency for the EU to find a truly common, well-managed and predictable approach to address mixed movements of refugees and migrants effectively in accordance with international law.
Access to territory has been increasingly called into question by the repeated nature of reported pushbacks at EU external land and sea borders. UNHCR continues to call for investigations into and a halt of this practice. Deterrence measures, such as pushbacks and building fences result, we believe, in part from the dissatisfaction with inefficient asylum

systems and the lack of solidarity between EU Member States and onward movement. Indeed, it is a reality that applications are four times higher than the actual arrivals in the EU.
In my presentation, I will address the questions that have been asked by the committee. Not individually, but in a general manner, focusing on the issues that have arisen in the Council. I would like to mention access to territory, border procedures and also of course the Asylum and Migration Regulation.
Let me start with the screening regulation. We welcome first of all the screening of all irregular arrivals. That is something we have been calling for at UNHCR for a long time. We believe it could help to quickly identify persons in need of international protection and those who are not, speeding up processes for those in limbo situations.
We also welcome the proposed independent national monitoring mechanism, and I would like to call on the Netherlands to actively support its rollout. We have one concern, namely that the mechanism needs to be really effective and independent, in particular because the mechanism will be set up under national law. We therefore urge that the UNHCR and NGOs, but also lawyers, have unhindered access to the border reception processing facilities, to monitor procedures there.
We are concerned about the fiction of non-entry in this regulation. It has triggered proposals, as you know, about externalizing protection into third countries. An example is the recent Danish law proposal. UNHCR is not supporting the externalization of asylum obligations.
We are also concerned that reception standards via screening will be regulated by national law. This could result in detention practices and substandard reception conditions, which would violate international and EU law. We therefore actually call for detention of asylum seekers not be used systematically for all arrivals, but rather that it remains the exception. We encourage that alternatives are explored first.
We welcome the attention given in the screening regulation to persons with vulnerabilities and specific needs. We regret the absence in the proposal of independent legal assistance in the provision of information, and also that access to NGOs and international organizations or lawyers who provide independent information is lacking. We would like to encourage the Netherlands to grant those organizations access to border reception and processing facilities.
Another concern we have with regard to the screening regulation is that there is no judicial review of the screening. It is merely considered as an information stage. In our view, it is important that applicants and their representatives should have access to the form created at the end of the screening, to enable them to rebut the presumtions derived from the information collected. This is very important, because it bears influence on where they are later channelled into or not, for example the border procedure.
As regards the amended asylum procedures regulation, we generally support the introduction of border procedures and we also support the proposal's aim to make a link between all stages of the procedure, from arrival to processing the asylum request and the final decision. This to limit onward movement as well as unnecessary appeals and subsequent applications, where they are solely lodged to frustrate or delay return or made when return is imminent. We even support that in such cases suspensive effect should not be automatic. However, this joint procedure should in our view be applied with respect for pre-procedural safeguards, including an effective remedy and respect for the principle of non-refoulement.
In general, we welcome the use of accelerated procedures at borders to quickly identify those whose claim is manifestly unfounded, or who present a security threat. But procedural safeguards must be adhered to at all times.

We also want to mention the possible use of accelerated procedures for manifestly well-founded cases, as they could speed up case processing and contribute to the decongestion of reception facilities at border points. We further welcome the proposal concerning decisions at the border for complex and likely well-founded cases. But we are concerned that admissibility procedures based on the safe third-country concept remain, because they could make the responsibility shift towards states with less capacity and poorer quality procedures, with an eroding effect on the international protection systems as a result.
The triaging proposed in the border procedure should be based on proper case work monitoring and analysis, considering country information, but also risk profiles.
Regarding the three case profiles proposed, we believe that the 20% recognition rate to channel people into a border procedure could be a starting point, but it will require a closer look, notably as regards identification of individuals with potential risk profiles, for example LGBTI from Northern African countries, but also countries like Trinidad and Tobago, and Russia for example.
We welcome the proposed exemption from the border procedures of unaccompanied children and certain cases with special procedure needs. We are concerned that the proposed border procedure allows for the use of movement restrictions and detention during the pre-screening, for five days and ten days if there are larger numbers, and during the asylum border procedure itself up to twelve weeks, because it means a considerable discretion to individual states as regards the implementation modality. Again, as I said before, we as UNHCR strongly encourage Member States to focus on alternatives for detention. There are a couple of other measures, we believe that could reduce onward movements. For example granting residence permit after three years instead of five years, which is also proposed by the Commission, in combination for example with treating particular cases that move onwards as subsequent applications, with no suspensive effect. So, using a carrot and stick approach instead of detention.
Moving on to the asylum and migration management regulation: we encourage the Netherlands to support proposal, which aims to address the weaknesses of the Dublin system, as you well know, and also endeavours to reduce onward movements and seeks to introduce a solidarity mechanism. We believe it essential that this purpose is achieved on this instrument, because solidarity is a very crucial element for the practical solution at the EU external borders.
We welcome the inclusion of search and rescue, disembarkation, in the proposed solidarity mechanism and also the clear indication in the recommendation of search and rescue. It is important to not criminalize NGOs saving lives at sea. We also support the establishment of the proposed disembarkation arrangement on the basis of advanced preparedness, and mandatory solidarity mechanism.
Solidarity includes sharing responsibilities. We support that individuals with low chances to be granted international protection are not eligible for relocation in certain cases. This is important for the integrity of the system. As I said before, we encourage the Netherlands to support the proposal of beneficiaries of international protection to gain long-term residence after three years as opposed to five. In our view, this can curb irregular onward movement and work as an incentive to stay in the member State responsible.
We welcome the priority given to family unity and the best interests of the child in the hierarchy of criteria when determining the Member State responsible for an asylum seeker and we also welcome the expansion of the definition of «family» with «meaningful family link» to all the Member States, when for example determining the Member State responsible in the context of relocation.

On the crisis and force majeure regulation, we welcome the greater focus on preparedness, as I said before, and action in times of crisis, from an ad hoc response as we have seen before to a comprehensive and predictable response. We also welcome the fact that Member States can grant a form of protection in situations of crisis fairly quickly, but the possibilities for family reunification should be looked into and considered as well, because that may not come with that status that is granted.
We are having some concerns about the broad definition of crisis and force majeure, because it leaves a wide margin of discretion for Member States, and may cause excessive recource to those derogations and the consequent reduction of protective standards.
On the derogations themselves: a suspension registering asylum applications is not foreseen in international law. Registration is vital to ensure that persons have access to basic services and are protected against refoulement. Registration should never be suspended, not even in crisis situations.
We are also very concerned with the very wide use of detention in this regulation, in situations of crisis and force majeure, also because of the number of people that may be concerned. In situations of crisis and force majeur of course there may be more congestion at the border, leading to overcrowding, substandard living conditions and Moria-like situations. Again, we believe that alternatives to detention should be explored first, before detaining someone.
Then finally, a few remarks on the recommendation on resettlement and humanitarian admissions. This is not a legally binding instrument, but we would like to mention it nevertheless. We welcome the very strong message asking Member States to commit to expanding the resettlement programmes and other legal pathways for refugees a call to show solidarity with third countries that host large numbers of refugees. We also acknowledge challenges faced by all the resettlement countries due to the pandemic, affecting the EU 2021. Less admissions will of course affect refugees directly and the global resettlement needs are very high: 1,44 million. UNHCR has asked EU Member States to admit 30,000 refugees in 2020 and 45,000 in 2021.
We would like to call on EU Memer State to scale up resettlement, also with the developments in de US in mind. We also call upon the Netherlands: do everything possible to meet the targets of 2020 support the swift adoption of the Union Resettlement Framework, meaning that you have consolidated, predictable and sustainable settlement programmes.
I will leave it at that. Thank you very much. If there are any questions, I am happy to reply to them. I also have my colleague Luke Korlaar with me, who can answer questions about the Dutch context specifically.

The **chairperson**: Thank you, Ms Vonkeman. I am sorry to tell you, but your speech was a bit hard to follow, because of the poor quality of the connection, but the members will try to make a round of questions. Does any of the members of the committee have a question for Ms Vonkeman?

Ms **Karimi** (GroenLinks): Thank you very much for your introduction. It was really very difficult to follow. What I could understand was that you welcomed many parts of the Pact. Could you please clearly summarize your concerns?

Ms **Vonkeman**: I hope the sound is better now. OK. I think our concerns are specifically about this non-entry fiction and the screening regulation. One could argue that at the border international law and EU law do not apply. Therefore, we call it the non-entry fiction. This is something we find problematic. Another problem we have is with detention. I noted that this is part of the screening regulation: five or ten days. In the asylum procedure regulation it goes up to three months. In what could be widely

interpreted as a situation of crisis or pressure, it could go up to a year. So, people could be in detention for a long time. What we argue is that one should look at alternatives for detention and not systematically detain people who seek asylum. Those are very strong concerns that we have. Another concern that we have is about the possibility to apply admissibility procedures in the border procedure. Think for example about the Greece-Turkey statement, where similar procedures were applied. In practice, we have seen that these do not work all too well. They are very comprehensive, the judicial review process may be cumbersome and long. Also there is this possible shift of responsibilities to states outside the EU, many of which have less well equipped asylum systems. Therefore, we fear that there may be an erosion of the protection regime if this admissibility procedure is applied systematically. We certainly have a concern about the possibility to apply admissibility procedures within the border procedure.

Ms **Vos** (PvdA): I would like to continue on this. It was not very clear to me. I understood that you are having concerns about the length of the detention. This has been our concern for ages. Do you, or perhaps Mr Korlaar, have any suggestions on how to prevent a lengthy duration of detention? Is it a matter of more personnel? Is it a matter of different regulations? This is something which is difficult for me to understand. We want to solve things. We see the problems, but the key is: are there any alternatives?

Ms **Vonkeman**: That is a very good question. Of course this is a concern of everyone. You already see the pressure now in countries such as Greece and Italy. It has definitely to do with staffing. That will require an enormous effort, because you have to quickly triage cases. You also have to quickly process cases. That requires an enormous investment. You have to have trained officers, smooth procedures et cetera. This will require an immense effort from agencies such as EASO, national authorities et cetera. This is a huge operation and even more complex in situations of crisis, when there is a lot of pressure.
What I already said in my exposé is that there are different ways of keeping people at the borders. As you know, UNHCR is not only concerned about the length of detention, but also about the detention of people per se and the practice of systematically detaining people. We are always encouraging that it is a matter of international law not to systematically detain people who seek asylum. You have to have an individual review of the necessity to detain a person, the proportionality, the duration et cetera. Detention has to serve a legitimate aim. It is really an ultimum remedium, in accordance with international standards and international law.
You could for example have the carrot and stick approach that I outlined earlier. You could say to people who arrive: OK, after three years, you will be granted a residence permit in the EU. This will allow people to move and look for work, or to settle elsewhere. This may be an incentive for people to stay on in the first country where they arrived and that was responsable for their application, because they know that ultimately, if they want to move on, this a possibility. At the same time, you could also, instead of detaining people, look at measures to discourage people from moving on. You could for example say: if you move on, and if you will have been finally rejected, with an appeal and all remedies exhausted, your application could then be treated as a subsequent application, without suspensive effect, meaning you can then not stay in the territory pending the decision. So that is another possibility. If people are informed about these options and penalties, so to speak, if they move on, they have to bear the consequences. Of course, instead of detention you could also have reporting requirements.

There are all kinds of alternatives to detention that exist, which help to keep people close to where their claims are being adjudicated. I know they are hard to apply in border procedures. Still, we believe that these alternatives should be tried first. If there is a risk of absconding, there is the last resort of detention.

Ms **Stienen** (D66): Thank you very much. Indeed, the line is not very good. I have two questions. One is about the rapporteur for the Parliamentary Assembly of the Council of Europe to the migration committee, on gender aspects of migration policies. If the UNHCR has made any publications on this subject, also with reference to the EU migration pact, I would welcome them. You can e-mail them to me.
The other question I have is as follows. My old party has mentioned in its election manifesto that we are willing to invite people to the Netherlands. This has probably occurred in other countries as well. What is the status of the UNHCR settlement programme at this moment? How does this relate to the EU Migration and Asylum Pact?

Ms **Vonkeman**: Thank you for that question Ms Stienen. I will answer part of the question and I will leave the second part, relating to the national component, to my colleague Luke Korlaar. As I tried to explain – and I apologize for the poor quality of the line – resettlement is something the UNHCR really encourages, as you know. 85% of displaced people are hosted in low and middle income countries outside the EU. Therefore, we believe that it is very important to keep supporting those countries and to show solidarity and do our part. We encourage political parties and the government as well to increase the actual resettlement quotas. As you know, there is an annual quota of 500. During the last cabinet period this number was increased to 750, but then again it was reduced to compensate for the «children's pardon». It was again reduced under the Moria agreement. Resettlement should really be maintained and increased, because people who need resettlement are really at risk in the countries where they are now. They are not safe in the countries of asylum. We are talking about political activists and people who fight for gender equality and LGBTI for example. They live close to home, basically in the same communities where they are persecuted. Those 1.44 million refugees who are in need of resettlement should be resettled. We should show solidarity with those countries who are helping the majority of all the refugees worldwide.
And yes,resettlement should remain a protection tool, instead of being made conditional on agreements with third countries, or in exchange for reducing relocation quotas is important to consider who needs protection, who is not safe in the country of asylum close to home. That is something we would like political parties to focus on. We really believe that in the long run this is potentially an alternative for refugees engaging with smugglers and coming to Europe in an irregular manner.
My colleague Luke Korlaar can tell you more about the state of play in the Netherlands and about the Dutch situation with regard to the Dutch resettlement programme.

Mr **Korlaar**: Thank you, Andrea, and thank you, Ms Stienen, for your question. I believe that you asked about the current state of the UNHCR resettlement programme. In recent years, numbers have declined significantly because of the reduction by the United States of resettlement quota. Giving the intentions of the new presidency of the US, these numbers will hopefully increase. Of course, this decline has had a significant impact on our capacity to process cases. Luckily, we have always been able to process those cases that we were requested to process, because we can inflate and deflate our capacity and we rely on certain deployment schemes. So, if there is an increase in demand from

this resettlement programme there will be absolutely no problem in meeting this increased demand. Of course, that is if they will be realised in the new coalition.
We know that the Dutch resettlement programme has a quotum of 2.000 people, spread over a period of four years, so 500 people per year. In addition, the Netherlands currently also takes 1.000 people under an immigration deal between the EU and Turkey. We refer to this as the migration resettlement component. So these numbers add up to 1.500 people per year.
Because of the pandemic, these numbers were not met in 2020. Intentions were voiced to make up in 2021 for the numbers that were not resettled in 2020, but this is already facing delays, due to the mitigating measures taken because of the COVID-19 pandemic. We hope that at least the 2,000 part of the four year quota will be carry-over quota, so that these numbers can always be carried over to the following years. We hope that this will also be the case for the quota from Turkey to resettle 1,000 Syrians. To the best of my knowledge, it has not yet been expressly mentioned that all migration quota from previous years will be resettled, but hopefully this will be the case, because it is quite a significant number.

The **chairperson**: Mr Korlaar, could you please wrap up your answer, because we are running out of time, I am sorry to say.

Mr **Korlaar**: I have finished.

The **chairperson**: Thank you so much. Thank you. I would like to thank Ms Vonkeman and Mr Korlaar for their time and for the information they have given us. Thank you for taking part in this video conference.

Part 2

Talk with:
– Ms C. Woollaard, Secretary General European Council of Refugees and Exiles (ECRE)

The **chairperson**: Our next speaker is Ms Woollaard. She is the Secretary General of the European Council of Refugees and Exiles. Please take the floor, Ms Woollard.

Ms **Woollard**: Thank you very much. Thank you for the invitation. We have been asked to comment on three questions. 1. Our assessment of the pact. 2. The role of the Netherlands. 3. What can be preserved from the current setup?
First of all, our assessment of the pact. As ECRE we share many points mentioned in your first session some time ago, in particular the points made by Femke de Vries from our member organisation VluchtelingenWerk and by Jorrit Rijpma, the expert at the university of Leiden. So I will not go into detail, but just give you the headlines and refer back to your previous discussions.
I will start with a positive comment. One element of the pact and of the presentation of the pact that we see as positive is the narrative put forward, particularly by Commissioner Johansson. There is a strong attempt by the European Commission to normalize this policy issue of asylum and migration. This is necessary to move toward a more effective and pragmatic approach, away from crisis policy making.
That said, many elements of the pact pull in another direction. Firstly, it is still based on a model of containment at borders, with a screening process and an increased use of border procedures. This will create humanitarian crises, with more people in detention, even if it is not called «detention», at centers at the border. People will be in substandard

conditions, leading to physical and psychological suffering and undermining their later chances of integration. This derives from the very model itself.
Secondly, more people will be subject to substandard asylum procedures, which in our view border procedures are. They are second rate procedures. On this point, we refer to the detailed analysis published by the European Parliament last year to which ECRE contributed. This was also referred to in your first session.
The model will also increase the burden on countries at the borders and the inefficiencies in these countries. These countries will have to run detention centres and detention procedures as well as the regular procedure. I think this relates to one of the questions already asked by one of your members: what are the alternatives? Well, the alternative is to invest in the regular procedure, particularly in countries were things are not working effectively.
All of that said, the Netherlands should perhaps consider this focus on the borders a success, because it is an idea that the Netherlands has been lobbying for in recent years in Brussels, based on the model of the Schiphol Airport border procedure. We do have doubts, however, about the effectiveness of replicating or trying to replicate such a model across the borders of the EU. I think it reflects the priority of some countries, which is stopping so-called secondary movement or onward movement within the EU, regardless of the cost. Here I would like to refer to the study on secondary movement commissioned by the Dutch government itself from the Adviescommissie voor Vreemdelingenzaken. This study shows the complexity of the phenomenon of secondary movement and the need for a more sophisticated approach rather than one based just on detaining people at borders.
The basis of the pact is a sort of deal in which there is increased border containment in exchange for increased solidarity with the countries at the external borders. In our view, these solidarity measures are not sufficient. As you heard in your first session, the rules on responsibility sharing that appear in the Dublin Regulation remain largely the same. The default option is the country of first arrival, although according to the current Dublin rules and the rules of the future pact if they are accepted, family reunification should be a higher priority than the default option of where people arrive. In practice, this rule is not applied by many Member States, with the frequent turning down of «take charge» requests based on the family reunification criterion, including by the Netherlands. So we do not imagine that things will work differently. Despite some small positive changes, there are also negative changes that have recurred, including on family definitions.
There are two solidarity mechanisms proposed, one for search and rescue and one for migratory pressure. In a sense, we welcome these, but our suggestion would be to reform the basic rules instead of keeping unfair and dysfunctional rules on responsibility and then adding corrective mechanisms, which themselves are highly complex legal constructions. So you add complex legal constructions onto dysfunctional rules. It is very bad law, ultimately.
The solidarity mechanisms are initially voluntary and then become compulsory. There are options for the Member States: relocation, return sponsorship and capacity building in certain circumstances. Our concern here is that it may make it politically impossible for countries to choose relocation, which is the solidarity option that is desperately needed.
Return is a theme throughout the proposals. This is based on the rather simplistic analysis that increasing returns will solve all problems in Europe. It really will not. Most people arriving do have protection needs. This is often overlooked, because there is a focus on first-instance decision making, whereas if processes are followed through to the end,

we see that the majority of those arriving do have protection needs. As UNHCR has explained, forcible displacement is at record levels.
The border monitoring mechanism was discussed in your last session. We agree it could be a positive element, but is has to be independent, it has to monitor borders and it has to be a mechanism. There is a risk that it is none of these things. I would like to draw your attention to the current situation in Croatia, where the Commission may approve a mechanism that is essentially a whitewash managed by the ministry that is supposed to be being monitored. The screening proposal also proposes a very limited mechanism that does not look at all the things happening at the border.
The second question was about the role of the Netherlands. Reflecting on the role of the Netherlands in the EU policymaking on this issue in recent years, we would draw a distinction between the role of Dutch MEPs in the European Parliament and the role of the Dutch government in the Council of the EU. Dutch MEPs across political groups have played a key role, an important role: largely informed, defending fundamental rights, promoting effective, pragmatic and European solutions. In the Council, unfortunately, the Netherlands has often been focused on the objective of preventing secondary movement regardless of the impact, rather than on making asylum work. At times this approach is conflictual and leading to tension rather than to compromise with other Member States. We have seen it be both patronising and antagonistic towards other Member States. This makes improvement in those Member States and a European solution more difficult.
The Netherlands has a new government coming in. Many of the parties that I referred to in a positive sense as having MEPs active on this issue and doing important things at the European Parliament, may be in that new government. So we would hope to see a broader approach from this government towards the pact, looking at all objectives, as well as a focus on compliance with existing law in asylum issues, but also in related areas such as the law of the sea, which ultimately is a Dutch invention, if we may say so, but is undermined by some of what is happening within Europe.
We would also suggest a greater effort to understand other perspectives, including the perceived unfairness that the current system poses for certain Member States. Here I would refer to some of the points in another piece of advice from the Adviesraad Internationale Vraagstukken. We would not agree with all recommendations, but some of those on understanding the ideological differences of other Member States are important, I think.
Finally, let me conclude with the third point: what can be preserved. If we look at the pact ...

The **chairperson**: I am sorry, Ms Woollard, but can you please conclude your speech? Thank you.

Ms **Woollard**: Certainly. Let me conclude with our suggestions for what can be preserved. For the pact, I would summarize what can be preserved as safeguards, alternatives, and status quo. Safeguards throughout. We have produced detailed, article by article analysis of the legislative proposals, so you have more information there. We would also suggest looking at alternatives, such as an alternative crisis mechanism, based on giving protection to those who have manifestly founded cases and operational crisis response. Also, we suggest removing elements such as a force majeure legal regime, which allows derogation in situations of supposed crises. The last thing we need now is allowing derogations when there is flagrant noncompliance with EU law.
Finally in this process of negotiating the pact, I would suggest to not neglect the fact that we already have extensive, complex asylum law. One

of the key issues is to look at the existing implementation gaps and to put an end to this suggestion that things are currently happening in a vacuum. That is not the case, and one of the reasons why we see flagrant human rights violations and violations of asylum law, for instance at the borders.
Thank you.

The **chairperson**: Thank you, Ms Woollard. Who would like to ask Ms Woollard a question? Everybody is speechless because of your contribution, Ms Woollard! I think it was rather clear. Thank you again for your clear speech, which left us with no questions.

Part 3

Talk with:
– Mr M. Mouzourakis, Legal Officer at Refugee Support Aegean

The **chairperson**: We go to the next speaker, Mr Mouzourakis, Legal Officer at Refugee Support Aegean. Please take the floor, Mr Mouzourakis.

Mr **Mouzourakis**: Thank you very much, chair, and good afternoon, honorable members. Thank you very much again for the kind invitation to today's discussion.
Catherine's intervention was absolutely clear and on point on the elements that have also occupied us when it comes to our assessment of the new Pact on Migration and Asylum. So in an attempt to be as brief as possible, I would like to quickly discuss three key issues that have been identified and three points of potential focus for the Dutch position going forward.
As previous speakers have said, the border procedure undergoes a multidimensional expansion in the pact. That means that more people will go through border procedures for longer periods and potentially in more physical spaces. The fiction of non-entry means, in our reading, deprivation of liberty, whether formally or de facto. This raises crucial fundamental rights issues as well as feasibility issues. Can we actually implement such a policy at all external borders of the Union?
More specifically when it comes to the screening, which is largely modelled on the existing reception and identification procedure applied at Greek points of arrival – mainly the islands, but also the Evros land border – we also raise questions regarding the added value of the proposal. This particular proposal largely legislates aspects that already exist in EU law, be it registration, vulnerability assessment or referral to appropriate procedures. So the risk of creating an additional layer of procedure that would be governed by domestic law instead of by EU law, with potentially high risks to fundamental rights, even though more legislation is not necessarily the answer when implementation problems persist, is a huge question mark for us. The onus would still be on the Commission to explain why we need more laws, even though the already existing and in force provisions are not being applied.
The second issue relates to solidarity in relocation, which has already been amply discussed as well. What gives us pause from a Greek perspective is the fragmentation of it all. Even within the rubric of relocation we have a bric-à-brac of ad hoc schemes that seem to codify the existing approach. We have one scheme for search and rescue, such as the one applied from Italy and Malta, a different scheme regardless of mode of arrival for vulnerable people, which is one of the many schemes currenty applied in Greece, and different possibilities to relocate beneficiaries of international protection, also happening in Greece following the Moria fires of September.

One of the very difficult lessons that we are encountering from the Greek context at the moment is that there is very much welcomed political impetus in action to share responsibilities regarding relocation from Greece, but there is also a persisting underlying lack of clarity and consistency on the system itself. In one country we have at least four different relocation schemes, implemented voluntarily by different Member States, subject to different criteria and different procedures. It is impossible to have a uniform picture of how the process is happening.
The third issue relates to crisis, namely the crisis and force majeure proposal that was put forward by the Commission. I would very much echo Catherine's point that this contributes to an ill-fitting crisis framework, crisis rhetoric, in terms of managing migration, contrary to the Commission's overall objective of normalizing this policy area. I would also highlight that the CEAS in force provides quite a few possibilities for Member States to gain flexibility when encountering large numbers of arrivals. This has also been acknowledge by the Commisison itself in litigation before the EU Court of Justice.
The risk of misuse by Member States is quite palpable. I think we have various examples to back that up, ranging from the extreme case of Hungary legislating on mass-migration derogation regimes consistently, even with zero arrivals, to the Greek example of a country that has implemented a fast-track border procedure by way of derogation on the grounds of mass influx, uninterrupted through the full implementation of the EU-Turkey deal. Whether we had high numbers of arrival or, as in 2020, very sharp drops in arrivals, the fast-track procedure stayed intact. So in our view this is quite detached from the notion of crisis and large arrival numbers.
I have three quick points on areas which we deem useful for the Dutch position to move into, specifically when it comes to negotiations in the Council, as these are progressing. One aspect, previously touched upon, relates to the often unequivocal insistence on pushing border procedures. This is something that the Dutch government has very much advocated for in the Council, where different Member States have of course very different positions. One thing that is quite crucial to us is that the border procedure applied at Schiphol Airport is fundamentally different from the one rolled out on the Greek islands. There are very important distinctions that would need to be taken into consideration, not only in terms of numbers. To illustrate this point, according to available statistics in 2019 the number of people that went through the border procedure in the Netherlands was 920, while 42,000 people went through the Greek border procedure in that same year. That is a more than 40 times higher caseload that has to be dealt with, under very truncated deadlines in very confined points at the external borders.
The second issue that is often largely overlooked is the scope of processing. EU law is quite clear that the border procedure should not look at the full merits of a case, but at questions such as admissibility or manifest unfoundedness. This is also the approach that is followed by Dutch legislation in practice. In contrast, despite clear legal standards at EU level and even in Greek legislation, the fast-track border procedure in Greece has actually been fully processing the majority of cases since the very beginning of its implementation in 2016. So we have claims that are processed either on admissibility or on admissibility and full merits. That means more time, more complex assessments in a procedure that is not equipped for that purpose.
A second area where we think it would be useful for positions to evolve would be ...

The **chairperson**: I am sorry Mr Mouzourakis, but can you wrap up your speech, please?

Mr **Mouzourakis**: Absolutely. Thank you.
A second element relates to demanding clarity and better law making from the side of the Commission as a co-legislator. For us, the Netherlands has been not only a key ally in a coalition of Member States willing to have a different approach in terms of the CEAS, but also one of the countries that has actually pushed the development of CEAS standards, not only politically through legislation, but also through judicial interaction. The number of references to the EU Court of Justice by Dutch judges that have made sure that EU law is clear and proctective is quite telling of the role that the Netherlands has to play. So in that sense we would urge to resist the regression of standards that comes with many of the proposals, specifically the APR but also the AMMR, and to focus on the implementation of some of the very positive but very much theoretical existing provisions.
Thank you very much.

The **chairperson**: Thank you for your introduction, Mr Mouzourakis. Who would like to ask a question to Mr Mouzourakis? Ms Vos, please take the floor.

Ms **Vos** (PvdA): I did not understand your last point very well. Could you please repeat what you said and what you meant regarding the Dutch procedures and CEAS? I just could not grasp it.

Mr **Mouzourakis**: Yes, my apologies. This point relates to several provisions in the Commission proposals regarding the EU pact that attempt a regression of existing standards. Examples include the right to appeal in Dublin decisions, where the Commission attempts to restrict the scope of appeal, despite clear positions from the Court of Justice that have been the result of Dutch preliminary references. Other examples relate to the suspensive effect of appeals in the APR, where contrary to the Commission's own admission in the preamble that the suspensive effect would only be excluded in cases that are presumed to be unfounded, this is actually expanded to a wide number of cases, including implicit withdrawal, where the authority has actually never looked into the merits of the case. So these would be a couple of examples where very protective standards, not only in terms of refugee protection but also in terms of the rule of law, are being tampered with, with the aim of facilitating deportations.

Ms **Vos** (PvdA): And you would like the Dutch government to be opposed to that?

Mr **Mouzourakis**: Indeed, yes.

The **chairperson**: Thank you. Ms Karimi, please take the floor.

Ms **Karimi** (GroenLinks): Thank you very much. I would like to ask a question to both Ms Woollard and Mr Mouzourakis. The German presidency tried to achieve a kind of political agreement amongst Member States regarding this pact which was presented in September. But that agreement was not possible. The Portuguese presidency is now trying to do the same, but has not made a lot of progress in that endeavour until now. You are both from European organisations, so you are active in different Member States. What is your appreciation of the situation? What do you think? What do you hear from other Member States? How do you think this will achieve an actual result? Could you share some information you may have about this? Maybe Ms Woollard wants to reply first.

Ms **Woollard**: Thank you. This gets to the heart of the politics of the situation. I think what we have seen is that the deal underlies the pact. Currently, it is not enough, particularly not for the countries with external borders. I would refer to the group of five Mediterranean states that recently met and expressed a very strong opinion, rejecting many elements of the pact. We assume that Portugal is also part of that grouping. Currently Portugal holds the presidency, as you have mentioned, Ms Karimi, and so it has to be more neutral, but this gives us at least six countries that are strongly opposed to elements of the pact. I think that their calculation is that they are not being offered enough solidarity to compensate for an increased responsibility and for the political tension that would be created in their own countries through having to manage detention centres, border procedures and so on. That piece of solidarity is not sufficient, because the Dublin rules themselves largely remain unchanged. There is even an increased responsibility in some cases and the solidarity mechanisms do not adequately compensate and do not always involve relocation. So it may be that the political conflicts that we saw after the 2016 reform proposals came out have not been resolved.

So is there another deadlock planned? Likely. I would say that what is slightly different this time is that the conflict between east and west, if we put it like that, the blocking minority of the Visegrad Four countries is a bit less relevant, because there is a sense that they have just given up on trying to get any kind of solution with those countries. In the end, we are in an attempt to get some sort of qualified majority. This involves making sure that the countries at the borders agree to this. That is based on our analysis, from our members in Italy for instance. It is very hard to see a way out of this that will be acceptable to those countries. If there is a deal offered, it will probably go beyond the asylum and migration domain and be offering something else.

This is one of the reasons why the German presidency was unable to reach a political agreement, as you have mentioned. I think in that context – I will wrap up with this point – there are two risks to avoid. One is the sense that currently there is nothing. No: there is a detailed, complex legal framework and no Member State should be excused from implementing it. Secondly, in the absence of agreement among the Member States, the option is to look outside Europe. This is highly damaging, both for global protection and for Europe's foreign policy, because in this way foreign policy becomes co-opted and used as a way to try to prevent people moving or to bribe countries to accept readmission of people who get to Europe, rather than foreign policy being used to prevent forced displacement in the first place.

I would say the Netherlands is so strong on development, on modern and effective approaches to security, all the causes of forced displacement, that one of the elements of your position could be to defend those policy areas, so that they are not used to be counterproductive and to put in place measures that may lead to more displacement. I would refer to the research of the Clingendael Institute on this, which is really looking at the impact of internal affairs objectives seeping into external policy.

The **chairperson**: Thank you Ms Woollard and Mr Mouzourakis. Is there another question?

Mr **Mouzourakis**: Perhaps I could make a short addition. We are based in Athens and work mostly on the Greek asylum system, so beyond the Greek perspective, we would probably not be extremely helpful. What I would perhaps highlight is that of course, Greece is a very relevant and topical Member State for these discussions, and the extent to which this has created national tension, especially with the island communities, cannot be understated. So the whole discussion on border procedures is

something where the central government is already facing very high levels of resistance, given the past five years as an experience for the islands. Bearing in mind the united Mediterranean position in that regard, as expressed by the Med5 and in the 2020 joint statement at the heads of state level, which also conveyed a very important political message, we would say that the disagreements that led to the deadlock surrounding the 2016 proposals have not really been overcome.
One aspect that might be interesting to consider is how implementation and how current practice can not only avoid the risk that we perceive the current situation in a vacuum, but also drive healthier discussions in the Council, to avoid toxicity and to avoid a deadlock. There we see relocation as a very good example. Beyond and in spite of the very strong disagreement between the Member States, there is still a relocation scheme being carried out from Greece, where a significant number of Member States are involved in the game. There, I think, support for a more effective participation in relocation that would be meaningful also to the Member State requesting assistance, could be one way to provide momentum again. It could bring Member States around the table under different rules to continue the discussion.

The **chairperson**: Thank you Mr Mouzourakis. Does anyone else have a question? That is not the case. Thank you.

Part 4

Talk with:
– Mr S. Nicolosi, Assistant Professor in European and International Law at Utrecht University

The **chairperson**: Our last speaker today is Mr Nicolosi. He is Assistant Professor in European and International Law at Utrecht University. Mr Nicolosi, the floor is yours.

Mr **Nicolosi**: Thank you very much, chair, for the invitation. I am very pleased to be here this afternoon to present my point of view on the proposals underpinned by the new Pact on Migration and Asylum. My short presentation is based on the research that I conduct at the Utrecht Center for Regulation and Enforcement in Europe, where I also coordinate the building block on citizenship and migration. In an attempt to provide an assessment of the proposals underpinning the new pact, I would like to reflect on the main issues of the legal framework and also on the enforcement dynamics in the new pact proposal. As I will explain, the pact reflects a legal framework that does not fit the existing divergences between the Member States. It presents incompatibilities with international law obligations, while at the level of enforcement, the legal design seems very precarious from the perspective of the role of the EU agencies and the legal remedies for the migrants.
Let me now move to the first point. As regards the legal framework, I would like to reflect first of all briefly on the principle of solidarity, which is a big deal in the new pact. With reference to solidarity, I would like to mention that Advocate General Sharpston very recently stressed that Member States and their nationals in the EU integration project have obligations as well as benefits, duties and rights. This requires one to shoulder collective responsibilities and burdens to further the common good. The common good in our case is the common European asylum system and this system should be beneficial to different actors, the Member States and the asylum seekers.
The pact seems to pursue a more pragmatic approach, offering different forms of mandatory solidarity. As has been highlighted, Member States can choose to relocate asylum seekers, to sponsor returns to help another

Member State repatriate irregular migrants or to provide other types of support, including external cooperation for migration management. This model of solidarity may in my view actually produce adverse effects, because it discourages Member States from prioritizing the relocation of asylum seekers. On the other hand, considering that only 40% of third-country nationals are effectively returned from Europe, the new pact raises few expectations as to the role of these return sponsorships. Finally, it seems that this type of flexible but mandatory solidarity scheme, instead of producing consensus, leaves the situation in a permanent negotiation between the Member States. That can, of course, result in risks for the asylum seekers.

A particular controversy in the proposal for the asylum and migration management regulation is also that it is not very cost-effective and it is not even practical, compared to the situation we have now. To give you an example: according to the proposal under article 58, if an asylum seeker is relocated for instance from Italy to the Netherlands, there still is a procedure to determine the responsible state, which the Netherlands is asked to apply. This means that the asylum seeker in question can be returned from the Netherlands to another Member State of the European Union. As a result, the procedure is even more complicated and before landing in a place where the asylum seeker can have his or her application assessed, in fact the asylum seeker can undertake even two transfers. This is a situation that is not tenable in my view, also from a human perspective.

The second point that I would like to raise as to the legal framework, is the role of the border procedures, in particular the system that has been designed, including the pre-screening procedure. I see it as a problem of incompatibility with international law that the screening procedure would apply to three categories of migrants. These migrants are those who entered in an unauthorized manner, but also asylum seekers who entered without authorization and persons disembarked after search and rescue operations. I see as problematic in particular the fact that according to the proposal, even asylum seekers are not considered as authorized to enter the territory of the Member States. This is a flagrant deviation from the refugee convention which predicates that asylum seekers can have access to the territory, even if they come without any prior authorization.

The refugee convention also enshrines a number of rights for people that are in the territory within the jurisdiction of a state, for instance the right to receive identity papers, freedom from penalization for illegal entry and that any limits imposed on their free movement have to be duly justified. I do not see in the proposals adequate guarantees for all these rights that stem from the refugee convention. What is more, if I move to the border procedure, I see another point of concern, namely the fact that the border procedure in particular should apply in cases that can be considered inadmissible. Cases that are to be considered inadmissible, are cases of applicants that come from allegedly safe countries. The problem is how to define the concept of «safe country». I see that the existing proposal in fact departs from the former legal framework in the sense that, in order to define a third country as «safe», the amended proposal for an asylum procedure regulation refers to the fact that applicants receive protection in accordance with substantive standards of the refugee convention or even sufficient protection. This new wording replaces the obligation to ensure that an applicant is transferred to a third country that is fully in compliance with the refugee convention. There I see the risk that in fact the Member States can abuse the use of the notion of safe country even more than is happening nowadays. It can become possible for applicants to be transferred to countries that do not offer the necessary guarantees that an asylum procedure in line with the refugee convention is in place. Also, I would like to mention that at the level of enforcement, what happens at the borders is supported by the role of the new agencies, in

particular Frontex and the new Asylum Agency, at the moment the European Asylum Support Office. I see that the proposals do not render justice to what these agencies are doing in practice. I see this in connection with the de facto expansion of the mandate of these agencies, with for instance the European Asylum Support Office that in the Greek hotspot has been involved in interviews with asylum seekers or in vulnerability assessments, without having the statutory competence, because the regulation at the moment does not give this competence to the European Asylum Support Office. So I expect that the proposal could render justice to what is factually happening in these procedures at the borders of the European Union. However, if we read the explanatory memorandum of the proposal for the European Union Asylum Agency, the fact remains that the wording still emphasizes the role of support and assistance that this agency has to play, without clearly embedding the executive mandate that this agency de facto already has in procedures at the border.
Particularly concerning is the fact that... Frontex already has a sort of more sophisticated fundamental rights mechanism. However, the problem here is that this framework does not seem to apply to applicants that are for instance subject to intra-European Union transfer. To give you an example: a migrant who is under a return obligation in the territory of, for instance, Greece and whose return is sponsored by for instance the Czech Republic or by the Netherlands under bilateral cooperation, cannot take the advantage of the Frontex complaints mechanism, because according to the current proposals, this situation is not covered in the existing legal framework. Also, when it comes to the agency, I would like to make a point about the need to ensure that the funding is taken into account as well.

The **chairperson**: I am sorry, Mr Nicolosi, but can you complete your introduction please?

Mr **Nicolosi**: Yes. My last point is that the allocation of funds is important when it comes to implementation. It is important for instance that the asylum, migration and integration fund considers not only the GDP or the number of applications, but also the material resources that countries have. Because the resources of Greece are different from the resources of the Netherlands.
Finally, at the institutional level I would like to stress that particularly Member States from the south – Italy and Spain – are asking for a package approach. In my view the package approach is not a way to speed up the procedure and the negotiations. After all, the current proposals are extremely sophisticated and addressing these proposals as a package, would risk to delay any sort of compromise on the new proposals and also to delay the possibility to adopt other proposals such as the qualification regulation, for which a compromise was already reached. Perhaps it is also important that these proposals are discussed at the European Council, because I did not see as much involvement of the European Council as there was in the past with the multiannual frameworks. I see that this pact reflects the ambition of the European Commission, but I think that sooner or later the Member States should address, at the European Council level, what kind of consensus is feasible. Without these two institutional points, I think that this pact would remain a dead letter as did the former proposals from 2016. Thank you very much.

The **chairperson**: Thank you, Mr Nicolosi. Does the committee have any questions for Mr Nicolosi? I see that Ms Stienen has a question. Please take the floor, Ms Stienen.

Ms **Stienen** (D66): Thank you Mr Nicolosi. I am trying to digest what you and the other speakers have said. It does not make me very optimistic that this new EU Migration Pact will actually bring any solutions. You said that we might enter a permanent discussion without really giving justice to the people involved; that is a very pessimistic thought. Maybe you said it in between the lines, but I am also curious to know your assessment of what the opportunities are for legal migration in 2021 at an EU level. To what extent can the EU Asylum and Migration Pact be helpful or detrimental to developing some kind of a blue card or of legal ways for people to migrate to the European Union?

Mr **Nicolosi**: Thank you very much Ms Stienen for this question. Indeed, legal migration is also a point that is addressed in the pact, be it in a less direct way, as compared to the proposals in the field of asylum. What I can say about the legal migration is that there is a reference to the reform of the blue-card directive, for instance to lower the salary threshold and to increase intra-EU mobility possibilities. But this proposal, although welcomed by some Member States, is being opposed by certain other Member States, and I am afraid that the Netherlands is one of the Member States opposing major changes to the blue-card directive, particularly the lifting of the restriction concerning the national schemes and the possibility to prioritize EU-workers over third-country nationals. So I think that there are good points, but in my view, there is more doubt than certainty at this point that proceeding with this reform is feasible politically.
Another point concerning legal migration is how to make a good advantage of the directive on the long-term residents. Because at the moment, although this is a directive that can ensure free movement to third-country nationals after five years, the objective is in particular to create a better framework that allows free movement after three years. However, the divergent approach of Member States is particularly evident in this area. I do not see any consensus to reduce the five-year period before this directive can become applicable to third-country nationals. There are also other interesting points that can to a certain extent link to the practice of other states in the international community such as Australia or Canada, particularly the way to create an EU talent pool for skilled workers. However, a EU-framework, which replaces 27 different national frameworks, is particularly difficult to realize. So in practice, there are all sorts of national issues that have to be addressed before a genuine model of legal migration in that regard can be materialized, in my view.

The **chairperson**: Thank you, Mr Nicolosi. Other questions? Yes, please, Mr Keunen.

Mr **Keunen** (VVD): I have a question for all three speakers. My name is Jan Keunen. Many thanks for your comments. Do you have a message for the members of the Dutch Senate to take home with them? What is important for us to take home from here today? Can you each give a statement on that?

The **chairperson**: Okay, who wants to go first?

Ms **Woollard**: I think a key message is that there are alternatives. We and other experts you have heard from have been critical of the pact. That is because we do not see it resolving some of the current challenges. That does not mean that these challenges cannot be resolved. There are multiple ways forward and the message that should absolutely not be taken, is that asylum in Europe is impossible. No. We would suggest another deal, a deal based on solidarity in exchange for compliance with existing standards, compliance with international law. We suggest

offering solidarity only when some of these serious compliance issues are dealt with. Safe and legal pathways have been mentioned by many. Massive expansion of asylum and non-asylum legal channels. Part of that could be through the EU, but it does not necessarily have to be brought into EU law. Which country currently offers most legal migration places for non-asylum migration? That is Poland and putting this into the EU legal order is not necessarily going to increase numbers. But there still are multiple things the EU can do, for instance looking at questions of exploitation of undocumented and other third-country nationals, which is actually much more of a pull factor than many of the factors we hear spoken about. And then inclusion, integration through rights, respect, regularisation in some cases, but rights to employment, housing and stable status, mutual recognition of asylum decisions, more legal opportunities to move once people have status. There are many things to add: looking at the root causes and prevention of forcible displacement rather than co-opting foreign policy. As I mentioned before, I think those are areas in which the Netherlands has really interesting solid experience and evidence.

The **chairperson**: Thank you Ms Woollard. Mr Mouzourakis, would you like to add some of your views?

Mr **Mouzourakis**: Thank you very much. Along similar lines, I would agree that the new Pact on Migration and Asylum is not the answer to our discussion. In our view it is not the basis for a way forward. Three key takeaways would be the following. First, to implement the existing rules – because there are rules – and I would add: to push the Commission to add more tools and more political power to do enforcement. Not only in the extreme cases of let us say Hungary-type situations, but across all Member States, because problems arise in most Member States. The second one would be to give tangible and meaningful support for solidarity through relocation, to ask, to assess the needs in the countries that require and request relocation and to respond to those. And finally, going forward in political debate to decouple asylum and refugee protection from the border. This is a connection that I think is at the heart of many problems and of deadlock. Thank you.

The **chairperson**: Thank you Mr Mouzourakis. Mr Nicolosi, would you like to add some of your views?

Mr **Nicolosi**: Just three messages, madam chair. First of all: avoid confinement at the borders, because this can create a situation like the one in Moria and we see how bad the impact is on the health of asylum seekers. Second, make sure that the system is accessible. We need a system, a common European asylum system that is accessible. So let us change the approach. What we need is not necessarily to prevent that any person arrives in Europe, and if a person does arrive in Europe, to make sure that he or she remains trapped at the borders. We have to make sure that people who arrive in Europe can have a clear and safe itinerary to integration. Finally, if we have to negotiate this pact, let us make sure that the negotiation can produce some fruit. Let us move away from the package approach, because there are proposals that can still be adopted. One proposal that can already be adopted is, for instance the qualification regulation that can be also implemented, while keeping the existing rules. Third, keep the focus on implementing the existing rule, as the other speakers stressed before. That is the threefold message with which I want to conclude.

The **chairperson**: Thank you Mr Nicolosi. I would like to close the meeting now. I thank the experts who have shared their views with us and

I thank the senators for asking their questions. Thank you so much for taking part in this videoconference. Thank you.

Closing 15.32 hours.