



Exchange of Views between Commissioner Dimitris Avramopoulos and MEPs at the LIBE Committee in the European Parliament

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Brussels, Committee on Civil Liberties, Justice and Home Affairs in the European Parliament

Honourable Members,

It is an honour and pleasure for me to exchange of views with you for the first time since the hearing.

The first four weeks since I took office have been very busy: last week as you know, I had my plenary 'baptism', I have attended some important conferences and meetings in order to deliver our political line in key topics and most importantly, we worked on the work programme 2015 in order to define the strategy on some of our main dossiers. I will refer to some of the work that has been done in my speech.

Let me start with the migration issues. Together with the Presidency, we had a chance to exchange views on this point last week in Strasbourg. I want to thank you for a fruitful and constructive discussion, regarding in particular on: the scale of migratory pressures, Joint Operation Triton, safe routes of entry for asylum seekers as well as the importance of close cooperation with third countries. I have taken careful note of your interventions.

On the state of play on the implementation of the actions agreed under the Task Force Mediterranean, and the latest Justice and Home Affairs Council conclusions of October, I would like to draw your attention to a scorecard table we have shared with you. I trust it should, for the time being, answer most of your questions. I intend to continue on this path and I am looking forward to your resolution after our debate last week.

We need to step up our action to counter the criminal networks of smugglers, who violate migrants' most basic rights and put their very lives at risk. This is one of my priorities in work to prevent further loss of lives. To this end, the Commission is developing an EU plan to counter migrant smuggling, anchored in the full respect the fundamental rights of all migrants, irrespective of their status. This is a message that I also made clear in my intervention in the Fundamental Rights Agency conference, dedicated to "migration and fundamental rights".

We are already taking initiatives to reinforce intelligence sharing, and to improve investigation capacities and prosecution of criminals, for instance through joint operations with a support of Europol. But if we want truly sustainable and effective solutions, these efforts have to be part of an integrated approach, where our action in the EU is coupled with an enhanced cooperation with third countries.

One clear example of the integrated approach is the Khartoum Process, launched last week in Rome. This process is a good example of how to engage in policy dialogue with third countries based on mutual trust and shared interests and underpinned by concrete projects and appropriate financial means. In the framework of the process, we will finance the first projects that will support migrants and refugees stranded along the migration routes from Eastern Africa. Moreover, EU funds have been allocated in order to help strengthen the cooperation with our African partners for the fight against smugglers and traffickers.

Let me tell you that last week's meetings in Rome have been politically important. Not only because we managed to bring in the same negotiations' table countries like Eritrea and Ethiopia, but also because we had the possibility to hear the points of view of our African counterparts.

Turning to legal migration, I reconfirm my commitment to making a new European policy on regular migration my top priority. A successful migration policy will be a key contribution to economic growth and the protection of our social model. As I stressed in the OECD conference on legal migration only two days ago, occasional regularisation campaigns are an inadequate response. Among others, they create uncertainty for potential migrants, who may consider regularisation as a real, but very unpredictable, admission channel.

Instead, we should focus on creating adequate legal channels. In elaborating this policy, we will work closely together with business - including small companies - and unions and with interested Members of this House. You know better than me what a difficult issue this is. The engagement of economic stakeholders is also for this reason essential: in order to change the narrative on migration, which is a pre-requisite for the success and the impact of any policy change in this area. I count as well on your precious political support.

We will start by looking at existing policies, such as the EU Blue Card, and see how to increase their attractiveness and effectiveness. Another important element of a new legal migration policy is the recast of the Students and Researchers Directives. We have made an ambitious proposal for more modern and attractive rules. I thank the European Parliament for the strong support it has given to our proposal.

The Member States have not yet established a common position. But the Italian Presidency has managed to advance the discussions in an important area, such as intra-EU mobility. I hope that by the end of the year the Council will have agreed its mandate. We are determined to maintain the level of ambition of our proposal. Here as well I count on your continued support in future negotiations.

We must bear as well in mind that most migrants from outside the EU come for reasons other than employment. Family reunification remains the most important category, with a substantial number also being issued visas and permits on grounds of international protection and for humanitarian reasons. These people come with their education and skills. It is in the host countries' interest to allow them to contribute to the maximum of their abilities. Labour market integration of legally residing migrants is therefore an area where we will be increasingly working at EU level.

Let me turn to last week, when Parliament decided to seek the opinion of the European Court of Justice concerning the PNR Agreement between EU and Canada. We have to wait for the Court's opinion. The Commission hopes that the Court will soon provide the clarity required to move ahead with this Agreement, so that the additional rights this new agreement gives to all passengers can become a reality.

In the Commission's view, last week's decision does not have an impact on the substance or on the ongoing discussions on the EU PNR directive. There are three main points though, that are related to the EU-PNR: the necessity of the EU-PNR scheme, the data protection package which is currently under negotiation and the data retention ruling (which, nevertheless, concerns a different scheme than the PNR). We continue to support the reasoning that underpinned our proposal. An EU-PNR is necessary to enhance substantially the security of all people living in Europe.

Some of you still have doubts about the necessity of PNR processing. As I told the Chairman, I am ready to facilitate a specific briefing by Member States' experts who will explain with real-life examples how PNR data has been instrumental in tackling serious crimes and terrorism, and will be available to answer all possible questions from Members. It would be useful to hold such a presentation as soon as possible.

Because of the necessity for the security of EU citizens and in the same time, the need to keep a European approach on the issue, the Commission believes that we have to act quickly, anticipating the necessary elements to this instrument that the data protection package might introduce once eventually adopted.

The Commission believes that there are number of changes that need to be introduced in the EU-PNR proposal in order to ensure a high fundamental rights protection and to make sure that the proposal is fully in line with the data retention ruling, such as: strengthening the oversight over the activities of the national Passenger Information Unit, which is responsible for PNR processing, by creating the role of an Independent Data Protection Officer; ensuring that the staff working within the Passenger Information Unit are trained in fundamental rights and data protection issues; introducing additional data protection safeguards, and; giving the Commission 2 years (instead of 4) to review the operation of the Directive and to report to the Parliament. We are eager to work with the Parliament and the Council to help to make this kind of progress on the EU-PNR. You will certainly propose amendments to improve the EU-PNR proposal.

I strongly encourage you to do so and I would like to work with you on that: the Commission will support efforts to make the current proposal more robust from the point of view of fundamental rights guarantees. We should not delay working on EU-PNR. Several Member States are setting up their own national systems.

We are following very closely these developments to make sure in particular that this work does not affect the protection of the fundamental rights of our citizens, including the protection of their personal

data. I don't want to come back to the same question concerning the funding of national PNR schemes, the Commission has given a clear answer and I would like to note as well: even without funding, some Member States move ahead with national PNR systems.

In the absence of European rules on PNR, we risk having diverging national PNR systems with different degrees of protection of fundamental rights. We need an EU-wide system. Furthermore, the Commission will host in January a meeting between national experts involved in the PNR projects and representatives of their national Data Protection Authorities to strengthen the co-operation between them.

In the end of the day, I have to take into consideration the will of the two co-legislators. So I am addressing you this call: it is a matter of a realistic choice. We can work together, to substantially improve the current proposal and ensure a high level of protection for European Citizens at EU level.

Remaining on the subject of data collection: data retention. The old Data Retention Directive is gone. But telecommunications data can be crucial for law enforcement, in particular for preventing and fighting serious crime and terrorism. We need therefore to reflect on a policy that guarantees at the same time the full respect of the right to privacy and the protection of personal data, citizens' security and the good functioning of the internal market.

The new Commission will examine, as promised, the best options for the way forward as regards the retention of telecommunications data, taking into account all considerations. Here the Court ruling on the Data retention Directive is our guide for the way forward.

I would like to inform you also about what is being done on the problem of the "foreign fighters". We are working with Member States to develop a common approach on making the best use of existing possibilities under EU law, both as regards checks on documents and checks on persons. The Commission intends to issue guidance to border guards in the near future and we are working very closely with Member States to implement swift and efficient measures concerning the Schengen Information System. These measures will allow an accelerated and improved information exchange on specific check alerts issued on foreign fighters.

Now, I would like to turn to Smart Borders. Building on recent discussions on Smart Borders with the co-legislators and the outcomes of the agreed "proof of concept", the Commission will present a new proposal and in parallel will withdraw the legislative package of 2013. The second, the testing phase of the "proof of concept", is expected to be completed by September 2015. The Commission intends to present its new proposals after, in late 2015 or early 2016. This revision will aim to address the concerns of the Parliament and the Council and to maximise the overall effectiveness of Smart Borders while improving its cost-benefit ratio.

The contribution of Parliament to the development of Smart Borders is key in directing the current review. We will be cooperating closely with you and in particular with the two rapporteurs – Ms Fajon and Mr Diaz de Mera. I look forward to joining the hearing you plan with the National Parliaments in the end of February. Moreover, I would like to thank you for the letter addressed to me, inviting me, among others, to a trilateral meeting on the 9/10 of December. But I won't exaggerate at all when I tell you that my agenda is full the next 3 weeks (on those days: on the 9th I am in Geneva for an important conference on resettlement of Syrian refugees and on the 10th we all Commissioners have to go to Luxembourg right after the College for the "prestation de serment").

I suggest that the meeting does take place, because it is important for this to happen before the COREPER meeting. My Director General can represent me this time. We have taken the initiative to ask the Council to provide you with their draft political guidelines for the second phase of the "proof of concept". In this phase the Commission maintains the full right of initiative but our clear intention is to work closely with both the European Parliament and the Council. And as you mention in your letter we are and will continue to involve the data protection Authorities.

Honourable Members of Parliament, the first month has been tough, there were too many things planned even before I took office. We have started working and there are still issues to be tackled.

My wish is to multiply as well the contacts with Members of the Parliament on specific dossiers and to be in a constant dialogue with LIBE committee.

My intention was to start with meetings during the last Strasbourg session but thanks to you, dear LIBE Committee, I had to focus to the plenary agenda!

Thank you for your attention.

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