

## INFO FLASH 23/05

The European Commission published its [report on the application of the Charter of fundamental rights in the EU in 2016](#) and its [12<sup>th</sup> report on relocation and resettlement](#). It also closed an infringement case against Austria on [free movement of students](#) and followed up on Commission on the infringement procedure against Hungary concerning [its asylum law](#) (ECRE reported on the same topic too). Eurostat released the [latest data on asylum applicants considered to be unaccompanied minors](#).

The Council of the EU adopted a [new European consensus on development](#) and adopted conclusions on [indigenous peoples](#) and on the [annual report 2017 on EU development aid targets](#).

Key publications include the [Annual Report on the Consultative Forum on Fundamental Rights](#) by Frontex, a publication by ECDPM on [irregular migration and the refugee situation on development assistance spending](#) and a briefing document on [development financing](#) by EPRS.

### EU INSTITUTIONS

#### European Commission

**(18/05) Revised European Neighbourhood Policy: supporting stabilisation, resilience, security.** The ENP was reviewed in 2015 to respond to the new challenges of an evolving neighbourhood. The [latest report shows](#) results following a new approach based on differentiation, joint ownership and flexibility. The revised European Neighbourhood Policy (ENP) reinvigorated the relations between the European Union and its neighbours to the East and South, with a greater focus on stabilisation, resilience and security. Today's neighbourhood-wide Joint Report on the implementation of the European Neighbourhood Policy demonstrates that the new policy approach ensures stronger joint ownership and more flexibility by recognising different aspirations and diversity of each partner. The report is a follow-up to the European Neighbourhood review which was adopted in November 2015.

**(18/05) European Commission reports on the application of the Charter of fundamental rights in the EU in 2016.** The European Commission has published its annual Report on the application of the EU Charter of Fundamental Rights. The report outlines the initiatives taken in 2016 by the EU to strengthen fundamental rights. It also looks at how these rights were applied across a range of EU policies and in the Member States in 2016. This year's Report concludes that recent developments pose serious threats to fundamental rights. The Commission will ensure that all EU legislative proposals and all bodies bound by the Charter will continue to respect it. We will pay particular attention to the important system of checks and balances, in particular the key role of supreme courts and constitutional courts in upholding the EU's common values. In terms of specific legislative developments, the report notes that in 2016 the EU: made important steps to ensure protection of children in cross-border parental responsibility disputes ([Brussels IIa regulation](#)) and to [help international couples](#) to clarify the rules applicable to property regimes; launched an Online Dispute

Resolution [Platform](#) to help strengthen consumer protection; agreed on a [Code of Conduct](#) on countering illegal hate speech online with Facebook, Twitter, YouTube and Microsoft; and maintained an important dialogue with Member States on the rule of law. The final adoption of the data protection reform in April 2016 established one single set of rules giving people easier access to their own personal data, a right to data portability, a clarified “right to be forgotten”, and certain rights in case of a data breach. The Commission also concluded the [EU - U.S Privacy Shield](#) and [Umbrella Agreement](#) to better protect Europeans' personal data when it is transferred to the U.S. The right to a fair trial was also given concrete effect in 2016 through the adoption of a set of directives on the presumption of innocence and the right to be present at trial; on legal aid; and on procedural rights for children (see details [here](#)). Democracies based on the rule of law need to protect fundamental rights of minorities and of the most vulnerable. The European Institutions must also comply with the Charter in all their actions. The [Directive on combatting terrorism](#) is a good example where several fundamental rights were taken into account at the drafting and negotiating phase. Full press release [here](#).

**(17/05) Free movement of students: Commission closes infringement case against Austria.** The European Commission [decided](#) to close its longstanding infringement procedure against Austria regarding restrictions on access to medical and dental studies for students from other Member States. Based on the data provided by the Austrian authorities, the Commission has concluded that the quota system in place for medical studies is justified and proportionate in order to protect the Austrian public health system and can be maintained. The Commission, nevertheless, calls on Austria to continue monitoring the situation closely and to report to the Commission every five years on the necessity for maintaining the restrictions. On the other hand, the Commission concluded that the restrictions in place for dental studies were not justified as no shortage of dentists is likely in Austria. The infringement procedure is, therefore, closed with the proviso that these restrictions be removed in time for the 2019/2020 academic year. If these restrictions are not removed by then, the Commission reserves the right to pursue the infringement procedure.

**(17/05) Commission follows up on infringement procedure against Hungary concerning its asylum law.** The European Commission has decided to move forward on the infringement procedure against Hungary concerning its asylum legislation by sending a complementary letter of formal notice. Following a series of exchanges both at political and technical level with the Hungarian authorities over the past weeks, the letter sets out concerns raised by the amendments to the Hungarian asylum law introduced in March this year and comes as a follow-up to an infringement procedure initiated by the Commission in [December 2015](#). The Commission considers that of the five issues identified in the letter of formal notice from 2015, three remain to be addressed, in particular in the area of asylum procedures. In addition, the letter outlines new incompatibilities of the Hungarian asylum law, as recently modified by the amendments of 2017. The incompatibilities focus mainly on three areas: asylum procedures, rules on return and reception conditions. The Commission considers that the Hungarian legislation does not comply with EU law, in particular [Directive 2013/32/EU](#) on Asylum Procedures, [Directive 2008/115/EC](#) on Return, [Directive 2013/33/EU](#) on Reception Conditions and several provisions of the Charter of Fundamental Rights. Full press release [here](#).

**(16/05) Relocation and Resettlement: Commission calls on all Member States to deliver and meet obligations.** The Commission [adopted](#) its twelfth progress report on the EU's emergency relocation and resettlement schemes, assessing actions taken since 12 April 2017. As a result of the increased efforts of Member States, the number of persons relocated so far

in 2017 is almost as many as in the whole of 2016. The total number of relocations now stands at 18,418, proving that relocation works if there is the will to abide by what was agreed together in a spirit of sincere cooperation. However, whilst most Member States are active and relocate regularly, some have still not relocated at all, disregarding their legal obligation. On resettlement, Member States have continued to make significant progress, with safe and legal pathways being provided to 16,163 persons so far, beyond two thirds of the agreed resettlements under the EU scheme. Building on the recommendations from the previous month, today's report is in particular focusing on those Member States that are not delivering on their commitments.

## European Parliament

**(18/05) Globalisation: how the European Parliament is making it work.** Globalisation offers great potential to create wealth and jobs, but it also has the capacity to disrupt. The EU has always tried to make the most of it, while mitigating its negative effects by setting rules and working together with other countries. The European Commission published on 10 May a reflection paper on how the EU should deal with globalisation in the future, which was debated by MEPs in plenary on 16 May. [Read on](#) for an overview of what Parliament has already done recently.

**(18/05) EP urges EU countries to speed up relocation of refugees, particularly children.** EU countries must fulfil their obligations to take in asylum-seekers from Greece and Italy, giving priority to unaccompanied minors, said Parliament on Thursday. MEPs condemn that, despite having agreed to move 160,000 refugees from Greece and Italy by September 2017, EU member states have relocated just 11% of their total obligations ([18,770 persons as of 16 May](#)). They find the lack of solidarity and responsibility-sharing disappointing. In a resolution backed by 398 votes to 134 with 41 abstentions, Parliament urges EU countries to honour their commitments and prioritise the relocation of children without family and of other vulnerable applicants. MEPs point out that "only one single unaccompanied minor was relocated so far". Full press release [here](#).

**(17/05) António Guterres: "A strong and united EU is fundamental to a strong UN".** "A strong and united Europe is an absolutely fundamental pillar of a strong and effective United Nations," [said António Guterres](#), addressing MEPs in Strasbourg on 17 May. The Portuguese UN Secretary-General, the first European one since Austria's Kurt Waldheim in the early 1980s, said global challenges such as the multiplication of conflicts, a human rights violations, climate change and globalisation required the EU and the UN to work together. Welcoming Guterres, Parliament President Antonio Tajani pointed out that both the UN and the EU were created after the Second World War "to ensure peace and prosperity through a multilateral cooperation". "Together, we have to find political solutions to the conflicts in Syria, Libya, and Yemen and to address Isis," he said. "Together, we need to have to defend the dignity and freedom of people, give perspectives to the new generation and put into practice the agenda 2030."

## European Council / Council of the EU

**(19/05) The Council adopts a new European consensus on development.** On 19 May, the Council [adopted](#) a new European consensus on development. This joint statement by the three institutions (Parliament, Council and Commission) sets out a new framework for

development cooperation for the EU and its member states. The consensus is important given the crucial role of the EU in the area of development cooperation. The EU remains the world's largest development aid donor, providing more than half of assistance worldwide. The overarching goal is the eradication of poverty, by promoting good governance, human and economic development and tackling universal issues such as fighting hunger and preserving the world's natural resources. The European consensus for development is the EU's response to the UN 2030 agenda for sustainable development. It sets out the main principles which will guide the approach of the EU and the member states to cooperation with developing countries over the next 15 years, as well as a strategy for reaching the sustainable development goals (SDGs). In line with the global strategy on the EU's foreign and security policy, the consensus will also help achieve the priorities of the EU's external policy.

**(19/05) Council conclusions on annual report 2017 on EU development aid targets.** The Council [adopted](#) conclusions regarding information on the EU's official development assistance (ODA), analysing trends with regard to its commitments and delivery in 2016. The ODA is a major source of finance for least developed countries and fragile states which particularly lack the domestic capacity to raise finance from other sources. Last year, ODA reached €75 billion. This constitutes an 11% increase compared to 2015.

**(15/05) Italy, Germany call for EU mission on Libya-Niger border.** The German and Italian interior ministers [have called for an EU mission](#) to be installed on the border between Libya and Niger to stem migrant crossings to Europe. In a letter to the European Commission dated 11 May, of which AFP obtained a copy on Sunday (14 May), ministers Thomas de Maizière and Marco Minniti said they “are convinced that we all must do more” to “prevent that hundreds of thousands of people once again risk their lives in Libya and on the Mediterranean Sea in the hands of smugglers”. Italy had already registered nearly 42,500 migrants coming by sea by mid-April this year and 97% of them arrived from Libya, the letter said. It called for the setting up of “an EU Mission at the border between Libya and Niger as soon as possible”.

**(15/05) Council adopts conclusions on indigenous peoples.** The Council [adopted](#) conclusions on indigenous peoples, recalling that the EU is founded on values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. The Council underlines the importance of addressing discrimination and inequalities based on indigenous origin or identity as well as the importance of actions taken to address the threats to and violence against indigenous peoples. The Council also highlights the crucial importance of further enhancing opportunities for dialogue with indigenous peoples at all levels of EU cooperation. These conclusions follow the joint staff working document "Implementing EU external policy on indigenous peoples" published by the High Representative and the European Commission in October 2016. The joint staff working document identified ways for the EU to strengthen its support to indigenous peoples through existing external policies and financing.

**(11/05) Schengen area: Council recommends up to six-month prolongation of internal border controls.** On 11 May 2017, the Council [adopted](#) an implementing decision setting out a recommendation to prolong temporary internal border controls in exceptional circumstances. As from this date, when the previous decision expires, Austria, Germany, Denmark, Sweden and Norway may prolong proportionate temporary border controls for a maximum period of six months. Before prolonging such controls, those member states concerned should exchange views with the relevant member states to ensure that internal

border controls are carried out only where it is considered necessary and proportionate. They should also ensure that internal border controls are only carried out as a last resort and when other alternative measures cannot achieve the same effect. When they provide the same security results, the use of police powers across the territory should be preferred.

## Others

**(19/05) FRA - Access to education failing many migrants.** Asylum seekers and refugees in many parts of Europe risk being confined to a life of inequality and disadvantage due to gaps in their education and the lack of support in schools for trauma victims. These are some of the main concerns from the [latest summary report](#) of the EU Agency for Fundamental Rights (FRA) on migration-related fundamental rights in selected EU Member States which assesses the educational prospects of migrants.

**(19/05) Committee of the Regions - Sofia proves that investment in culture creates growth, jobs and social inclusiveness.** Local and regional politicians from EU Member States [met in Sofia](#) on Friday 19 May to discover the city's efforts in the fields of cultural policy and social inclusion of migrants and minorities. President of the European Committee of the Regions Markku Markkula and Mayor of Sofia Yordanka Fandakova highlighted that the Bulgarian capital is among the first cities that have established an encompassing Cultural Innovations Fund to support and develop creativity and culture in the city through a partnership between public institutions and private sector.

**(18/05) FRA - Fundamental rights support to Italian authorities in migration hotspots.** The Agency [held](#) a fundamental rights workshop for hotspots operators in Taranto on 11 May in cooperation with the Italian Ministry of Interior, the European Commission migrants support team in Italy and in partnership with the UNHCR and International Organization for Migration.

**(18/05) FRA - Measuring hate crime data.** The Agency [gave](#) a presentation to six OSCE missions in the South East Europe region as well as OSCE's Office for Democratic Institutions and Human Rights (ODIHR) on 11 May on measuring and improving the collection of hate crime data.

**(17/05) FRA - Safe havens needed for LGBTI people fleeing persecution.** Lesbian, gay, bisexual, transgender, and intersex people suffer persecution in many places around the world. On this year's International Day against Homophobia, Transphobia and Biphobia, the EU Agency for Fundamental Rights (FRA) [calls for greater efforts](#) to provide sanctuary to LGBTI asylum seekers and refugees.

**(16/05) Frontex - Arrival of migrants in April: Italy higher than year ago, numbers in Greece drop.** There were more than 14 100 detections of illegal border crossings on the three main migratory routes into the EU in April, 2% higher than the number of detections from the previous month. The total number of detections in the first four months of 2017 fell 84% from the same period of last year to almost 47 000, even though Italy continued to see numbers higher than a year ago. Full press release [here](#).

**(16/05) EIB - EIB backs EUR 11 billion of new financing and welcomes European Parliament [support to expand Investment Plan for Europe](#).** The Board of the European Investment Bank today approved a total of EUR 10.8 billion of new financing for 43 projects in

the fields of energy, social housing, and support for business and innovation investment across Europe and beyond. “The EIB continues to deliver for Europe’s citizens, mobilising new investment to enhance economic opportunities. Financial projects approved today will support construction of new homes for thousands of families and allow high-speed internet access in towns and rural areas across Europe.” highlighted Werner Hoyer, President of the European Investment Bank.

**(15/05) EIGE - Tackling violence requires more comparable data.** Violence against women is happening in all corners of the EU but we still do not know its full extent. More reliable and comparable data are urgently needed to ensure that policy responses to violence are as effective as possible. EIGE’s new project on improving administrative data takes the Institute’s previous work on the topic one step further. It aims to improve the availability, quality and comparability of data collected by police and justice services on intimate partner violence and rape. Full press release [here](#).

**(11/05) Committee of the Regions - Cities and regions call for a more bottom-up European Semester process.** During the plenary session of the European Committee of the Regions (CoR) Rob Jonkman (NL/ECR) presented his outlines of a Code of Conduct to make the European Semester more effective and increase its ownership on the ground. The [opinion](#) adopted in unanimity on 11 May calls for a territorial dimension to be included in the key documents of the European Semester and for a structured and regular involvement of local and regional authorities in its planning and implementation. Full press release [here](#).

**(11/05) Eurostat - Asylum applicants considered to be unaccompanied minors - 63 300 unaccompanied minors among asylum seekers registered in the EU in 2016 - Over half are Afghans or Syrians.** In 2016, 63 300 asylum seekers applying for international protection in the Member States of the European Union (EU) were considered to be unaccompanied minors, a number down by about a third compared with 2015 (with almost 96 500 unaccompanied minors registered) but still about 5 times higher than the annual average during the period 2008-2013 (around 12 000 per year). Full report [here](#).

## [COUNCIL OF EUROPE](#)

### [CIVIL SOCIETY](#)

**(19/05) ECRE - Regional governments in Italy to provide additional capacity for detention of 1.600 people.** On 9 May 2017, the Interior Minister of Italy [asked](#) the regional governments to provide a total of 1,600 additional beds in detention centers. This corresponds with political ambition of returning unsuccessful asylum-applicants as illustrated in the recent legislation on [accelerated asylum procedure and returns](#). The Interior Minister first [expressed](#) in late December 2016 stated that measures were necessary to combat ‘irregular migration’, potential terrorist threats and the flight of migrants. Since then, a [circular](#) outlining a stricter policy on migration control was distributed to the police authorities around the country. The new centers will be provided for those who do not have the right to remain in Italy and are [aimed](#) at becoming “permanent centers for repatriation”. This has been firmly [criticized](#) by ASGI. Full press release [here](#).

**(15/05) Social Platform - Open the front door to migration, before closing the back door.** “You first have to close the back door, before you can open the front door”, was the

answer by Ann Mettler, Head of the European Political Strategy Centre, on how to ensure legal avenues for low- and medium-skilled workers coming to Europe, asked during our General Assembly on 27 April. The idea that one first has to stop irregular migration before opening regular channels is not only the view of Ms Mettler, it is shared by many politicians. Decision-makers agree on making agreements with Afghanistan and Turkey to keep migrants out of the EU, and return policies for those not granted the right to stay, rather than on how to foster solidarity and a welcoming society for those fleeing war, persecution and poverty. The [2016 Annual Report on Migration and Asylum](#) shows that countries such as Sweden that welcomed most refugees and migrants are now making their legislation more restrictive. Full article [here](#).

**(12/05) ECRE - Central Med: Mounting number of drownings amid sparking debate on civilian search and rescue operations.** During the last week-end [245 people](#) are feared dead or missing in the Central Mediterranean. This puts the number of persons who have died crossing from North Africa to Italy to more than [1,300](#) since the beginning of the year. Meanwhile, the debate on the impact on the impact on civilian search and rescue (SAR) operations on migration control continues. This week the NGOs, [Jugend Rettet](#), [Sea-Watch](#) and [Sea-Eye](#), involved in SAR were invited to the Italian senate defence committee to offer further explanation on their activities. At the same time media [reported](#) that the Italian parliament is considering stricter regulations especially on financial transparency for SAR NGOs. Full press release [here](#).

**(12/05) ECRE - Hungary leaves negotiations with EU Commission and prepares for legal battle.** After [redrawing from negotiations](#) with the EU Commission a [government statement](#) was issued on May 4 underlining that Hungary have no intention to implement proposals for bringing asylum law in compliance with EU rules and is ready to face legal disputes. Among the topics of the negotiations between the EC and the Hungarian representatives were the closed transit zones and the policy of holding unaccompanied minors over the age of 14 in the zones along with adults. Full press release [here](#).

**(10/05) POLITICO.eu - Court says non-EU parents could get residency rights.** Parents of children that are European Union citizens, but who are not EU citizens themselves, could have the right to live in the bloc and receive child support from the state, the European Court of Justice [ruled](#) Wednesday. Judges were ruling on a number of cases in which Dutch men married women from outside the EU and had children with them who now live mainly with their mothers. The court had to determine whether not allowing the child's mother to be an EU citizen and claim benefits would "have the effect of depriving EU citizens [the children] of the genuine enjoyment" of the rights of citizenship. Full press release [here](#).

**(8/05) Social Platform - Young migrants and their struggle to access the labour market.** Both migration and youth unemployment in the European Union remain high; in March alone, 66,908 asylum claims were made, and 3.9 million young people remained unemployed. Yet initiatives aimed at managing these two issues are usually looked at in isolation. To keep the conversation going and draw attention to the vulnerable position young migrants tend to find themselves in, Social Platform members [Eurodiaconia](#) and the [Platform for International Cooperation on Undocumented Migrants](#) (PICUM) organised a conference on 'Improving labour market integration and inclusion of young migrants' on the 3 May, bringing together representatives of European institutions, national governments, trade unions and civil society. Full press release [here](#).

## **PUBLICATIONS**

**European Commission** - [EU emergency trust fund for Africa](#) (Fact Sheet)

**Frontex** - [Frontex Consultative Forum on Fundamental Rights](#)

**ECDPM** - [Making Waves: Implications of the irregular migration and refugee situation on Official Development Assistance spending and practices in Europe](#)

**EUvisions** - [Citizens' views on freedom of movement: The role of occupational class.](#)

**Committee of the Regions** - [Horizon 2020 and the Local and Regional Authorities](#)

**EPRS** - [The Future Of Multilateralism: Crisis Or Opportunity?](#)

**EPRS** - [António Guterres, United Nations Secretary-General: A Strong Reformist Agenda In Difficult Times](#)

**EPRS** - [The Second Forum On Financing For Development](#)