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NOTE

From: Presidency
To: Council
Subject: European coordination for the reception of refugees from Ukraine

Since 24 February, over three million people – the vast majority of them women and children – have fled Ukraine and sought refuge in the European Union, following military aggression by the Russian Federation. The EU demonstrated its unity and solidarity by deciding as early as 27 February to make use of the temporary protection provided for in Directive 2001/55/EC – for the first time since its adoption – and by subsequently adopting the decision on 3 March. It is also providing humanitarian support to Ukraine and Moldova, notably through the Union Civil Protection Mechanism (UCPM).

Unity and solidarity are just as necessary when it comes to ensuring proper reception of the persons concerned. For this, enhanced European coordination is needed on several issues, to respond to the exceptional nature of the situation. The Presidency is organising weekly IPCR meetings, so that we can discuss the different aspects of the crisis and combine our efforts, while the regular meetings of the solidarity platform should address the needs expressed by the Member States.

Guidance from ministers would be valuable, in particular on the reception of refugees and coordination of their travel.

1. Implementation of material and financial support for Member States

The Commission has put forward several initiatives aimed at strengthening EU financial support for Member States for the reception of refugees.

The CARE (Cohesion's Action for Refugees in Europe) initiative allows Member States to use amounts available under the 2014-2020 cohesion fund programming to cover costs related to the reception of refugees (around EUR 100 million is still unprogrammed). The 2022 tranche of the REACT-EU funds (EUR 9.5 billion) can also be used. The CARE initiative also allows for flexible use of the European Regional Development Fund (ERDF) and the European Social Fund (ESF) to support actions for refugees. In addition, it extends the period of application of the exceptional 100 % EU co-financing rate by one year: this could increase payments to EUR 5 billion in 2022 and EUR 1 billion in 2023.

The revision of the rules on European home affairs funds also releases available funds from Member States' national programmes under the 2014-2020 Asylum, Migration and Integration Fund (AMIF) programming and extends the eligibility of programmes by one year. This flexibility is in addition to the resources made available to Member States under the 2021-2027 programming in the framework of direct management:

- EUR 63 million in emergency support for 2022 under the AMIF and the border management support instrument (BMVI);
- EUR 150 million in support for the reception, asylum and return systems of Member States experiencing high migratory pressure.

Expenditure on the reception of persons concerned coming from Ukraine will be covered at a rate of 100 % or 90 %. Lastly, under the BMVI, EUR 499 million will be made available to Member States for the protection and surveillance of external borders.

Coreper approved the proposals for the 'CARE' and 'Home Affairs Funds' Regulations on 16 March. The texts must now be adopted by the European Parliament at its session on 23 and 24 March and should enter into force around 7 April.

Member States have asked for:

- a complete and clear overview of all the financial instruments available, and of the amounts available to the Member States;
- a ‘one-stop shop’ to be set up for submitting applications: the Commission has just responded to this request;
- due account to be taken of the diversity of needs, including in terms of education and educational resources, bearing in mind the high proportion of minors among the refugees.

The resources mentioned above will help meet immediate needs. At the same time, consideration could be given to anticipating possible longer-term needs, based on an economic analysis.

In addition, the EU agencies have begun to increase their support to the Member States.

257 Frontex officers are currently deployed at the borders with Ukraine, Moldova and Belarus, including 204 Romanian officers (157 at the Ukrainian border and 47 at the Moldovan border).

There are 18 officers in Poland, 18 in Moldova, and 14 in Slovakia.

The Agency for Asylum is preparing for action in Romania.

Lastly, Europol is monitoring the risks linked to the destabilisation of the Ukrainian borders (people smuggling, arms or vehicle trafficking, etc.). It has deployed four officers in Slovakia, four in Poland and two in Moldova.

Ministers are invited to indicate their assessment of the resources deployed, as well of any additional needs.

2. Monitoring and coordination of travel within the European Union

Organising the reception of refugees gives rise to a number of issues regarding implementation. On 23 March, the Commission presented a communication taking stock of the matter.

Member States are currently working to implement Implementing Decision (EU) 2022/382 of 4 March 2022, which has the effect of introducing temporary protection. A number of questions have been raised regarding verification of the criteria set out in Article 2 of the Decision (in particular in the absence of a biometric passport or of any identity document, or in relation to accepting applications from third-country nationals) and also regarding registration of the persons concerned. Some answers were provided in the guidelines presented by the Commission on 21 March.

Data collected by front-line Member States when refugees enter the EU should be transmitted to other Member States to ensure the protection of refugees and to facilitate their onward journey within the EU and their subsequent registration for temporary protection. Simple, pragmatic solutions should be found in the short term for exchanging alphanumeric data collected by front-line Member States, until a permanent solution can be found.

Proper organisation of the reception of the persons concerned requires coordination at European level. The need for such coordination is three-fold: it will ensure that refugees themselves are taken care of well; it will ease the pressure on front-line Member States; it will provide the predictability needed by Member States of destination and transit.

This will imply organising the exchange of information between Member States on inflows, reception capacities and even certain categories of persons – in particular vulnerable persons, and especially unaccompanied minors. It will also mean establishing coordination to enable refugee flows to the different Member States to be anticipated and predicted, in particular by organising transport links and utilising hubs situated in relevant locations.

The exchange of accurate, comparable and up-to-date data from Member States will be of paramount importance for implementing an effective policy, in particular data on the number of persons entering and leaving each Member State concerned.

Some Member States have started to set up coordination systems among themselves for organising and planning the transport of refugees in a concerted manner. Such coordination, EU-wide, would be useful and effective; it could be entrusted to the Commission, which has already set up a solidarity platform to enable coordination and facilitate close cooperation between Member States in all these areas.

Ministers are invited to indicate whether further clarifications are needed on the application of temporary protection (residence regime etc.). In particular, the registration procedure is an important element for the monitoring, reception and protection of the persons concerned: it is proposed that the Commission be asked to develop a solution enabling, in the near future, the consolidation at European level of registrations made in national databases.

Ministers are invited to indicate their expectations regarding the solidarity platform: should the Commission, via the platform, be responsible for coordinating the transport of refugees within the European Union, by setting up information channels and scheduling travel from pre-identified assembly points, doing so with the support of Union agencies?

3. Reception of refugees coming from Moldova: monitoring of commitments and operational implementation

In view of the particular situation of Moldova, the European Union has deployed numerous resources, in particular in terms of humanitarian aid. Some 15 Member States have already provided support to Moldova through the UCPM, including medical equipment, camp beds and hygiene kits. A status agreement allowing the active intervention of Frontex on Moldovan territory in support of Moldovan border guards was also negotiated and signed within a few days. As a result of this agreement, border guards have been deployed as reinforcement since 20 March.

There is now an urgent need to receive people within the European Union who have come from Ukraine to Moldova seeking refuge. The Commission has invited Member States to submit reception commitments. As of 17 March, six Member States, as well as Norway, have submitted such commitments, representing a total of 11 500 persons who can be received. Romania has agreed to establish a reception centre on its territory.

To organise this reception, the Commission has drawn up, as part of the solidarity platform, standard operating procedures specifying the conditions under which the persons concerned will be identified, selected, transported and received in the Member States. The organisation of the relocations themselves could be entrusted to the Commission. Some Member States have expressed the wish that the transport of the refugees be supported financially by the European Union.

Ministers are invited to:

- **submit a reception commitment;**
- **confirm their wish that operations be initiated as soon as possible in accordance with the standard operating procedures, with a date of effect to be specified within a very short time-scale.**

4. External border control and security issues:

The Ukraine crisis underlines the importance of having robust external border procedures as well as the capacity to rapidly adapt those procedures and to intervene to deal with crises. Robust security procedures must be implemented: it is important that all persons crossing the external border of the Union be checked against the relevant information systems, particularly the Schengen Information System (SIS). Member States are invited to inform Europol, via the Secure Information Exchange Network (SIENA), of matches (or hits from checks) where that appears relevant.

The provisions of the Schengen Borders Code make it possible to adapt the level of control to the threat while ensuring a high level of security. On 2 March the Commission presented guidelines setting out preferred operational methods.

Moreover, the mandate of the agencies – Frontex and Europol – is particularly aimed at assisting Member States when they face such challenges.

Frontex has capacity to deploy more than 2 600 officers for all border guard activities for this crisis and has started to arrange repatriation flights for third-country nationals in need. The deployment of Europol officers complements this support by providing expertise for additional in-depth border checks. On the basis of relevant information provided by the Member States, Europol is also able to provide accurate analysis of criminal threats as well as support for investigations initiated by Member States into criminal or terrorist acts related to the ongoing conflict.

Furthermore, the Commission has indicated its readiness to financially support operations carried out jointly by the Member States, for example when one Member State makes available to another Member State members of the security services, within the legal framework of the Prüm Decisions. A mechanism is required to match the operational needs of the Member States most affected and the support that other Member States are able to provide.

Finally, the current situation facilitates the development of various forms of serious and organised crime exploiting people's vulnerability (trafficking in human beings, sexual exploitation, forced labour – with an increased risk in the case of minors and war orphans – smuggling of migrants, trafficking in false documents, exfiltration networks for men refusing general mobilisation, online scams, misuse of funds and donations for Ukraine, cyberattacks, arms trafficking, drug trafficking, etc.). This justifies alerting and activating the EMPACT¹ community, a European network of practitioners in the fight against various forms of crime, which can make use of the know-how acquired over the last ten years through this mechanism (criminal intelligence gathering, exchange of information, operational targeting, intervention, prevention). The strengths of the EMPACT mechanism (adaptability, responsiveness, flexibility, complementarity of operational actors and services) will enable Member States to hold joint operations for the security of the Union.

It is essential to protect the most vulnerable arrivals, in particular children, from all forms of exploitation and trafficking in human beings, as soon as they enter the Union. For that purpose, it is important to quickly put in place preventive and awareness-raising measures to ensure the safety and security of refugees, including by establishing cooperation between police and security services at national level and humanitarian organisations and other civil society organisations in order to identify emerging threats and potential victims of trafficking.

Member States are invited to provide Europol with all information relevant and useful for the prevention of security risks related to the Ukraine crisis.

Ministers are invited to:

- **make known any expectations they might have regarding the European Union's support for carrying out security checks at the external border;**
- **confirm their expectations regarding mobilisation of the EMPACT network to tackle in a coordinated way all criminal phenomena that might benefit from the Ukraine crisis.**

¹. European Multidisciplinary Platform Against Criminal Threats.