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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EU) 2019/816 and (EU) 2019/818 for the purpose of introducing the screening of third-country nationals at the external borders **(first reading)** - Adoption of the legislative act = Statements

Statement by the Republic of Bulgaria

Bulgaria thanks the Spanish and Belgian Presidencies for the hard work during the negotiations with the European Parliament that resulted in finalisation of the asylum reform.

We welcome the political agreement achieved between the co-legislators. The new asylum system will provide for fully-fledged and structured common European response while ensuring a balance between solidarity and responsibility. Being a front line Member State permanently exposed to risk of migratory crisis and with increased commitments for guaranteeing the proper functioning of the Schengen area Bulgaria will rely, in a spirit of solidarity, on fair shared responsibility and support provided by the Union funds for the implementation of the new rules.

In 2018, the Bulgarian Constitutional Court adopted a decision stating that the Council of Europe's Convention on Preventing and Combatting Violence against Women and Domestic Violence promotes legal concepts related to the notion of gender that are incompatible with main principles enshrined in the Bulgarian Constitution and intends to differentiate between "sex" as a biological (women and men) category and "gender" as a social construct.

Therefore, Bulgaria is grateful for the efforts made to address the national concerns linked to the use of gender related terms in some acts part of the asylum package given the decision of the Constitutional court of the Republic of Bulgaria.

Bulgaria does not oppose the adoption of the Pact on Migration and Asylum, but wishes to stress that we will interpret the gender-related terminology used in some acts part of the asylum package within the meaning of a biological (women and men) category.

Statement by the Czech Republic

The Czech Republic acknowledges the need of the reform of the current rules governing the EU migration and asylum policy. Several challenges and notably the developments since the refugee crisis of 2015-2016 manifested the vulnerability of our system, which is no longer sustainable. Since only a common solution at the EU level could provide an adequate response to issues that the EU and Member States face both together and individually, we therefore appreciate the effort to address the major shortcomings.

Throughout the negotiations of the Pact on Migration and Asylum, the Czech Republic pursued particularly the objectives of enhanced protection of external borders with a view of a safer Schengen area as well as a functional balance between responsibility and solidarity.

The Czech Republic specifically welcomes the fact that the final compromise does not establish an obligation to relocate third country nationals from other Member States or third countries. At the same time and while appreciating other improvements to the current system, the Czech Republic notes that the outcome of the interinstitutional negotiations did not quite meet the ambition of the Council mandate and that the efficiency of some instruments had been compromised by additional administrative burden on the Member States, generating practical difficulties as well as increased costs.

With a view of the above and in line with the package approach, the Czech Republic decided to abstain from voting on the legislative instruments of the Pact. Yet, the Czech Republic appreciates the spirit of EU unity and views this milestone as a new opportunity to continue, with a reinforced effort, in reforming the EU migration and asylum policy further and with a specific focus on the external dimension and innovative ideas there.

Statement by Hungary

Hungary remains firmly convinced of the need to develop a Common European Asylum System which aims at tackling the root causes of illegal migration, minimises and ultimately eliminates the incentives for illegal migration and discourages persons who wish to abuse the asylum system from entering the European Union, and includes the possibility for examining asylum applications in third countries on the basis of the principle of extraterritoriality. To be able to achieve these goals we need to, first and foremost, acknowledge that global migration challenges cannot be solved on the territory of Europe, therefore we should not import unsolvable problems, but take the help where it is needed.

To be able to develop an effective Common European Asylum System, it is essential to strike a balance between responsibility and solidarity, but we believe that this balance has not been achieved by the proposed legislative acts.

Furthermore, Hungary recognises and promotes equality between men and women in accordance with the Fundamental Law of Hungary and the primary law, principles and values of the European Union, as well as commitments and principles stemming from international law. Equality between women and men is enshrined in the Treaties of the European Union as a fundamental value. In line with these and its national legislation, Hungary interprets the term ‘gender’ as a reference to ‘sex’ in the relevant legal acts.

Finally, and in line with the repeated call of the European Council, Hungary remains firm on the need to find consensus on an effective migration and asylum policy without creating new pull factors.

Taking into account the aforementioned reasons, Hungary is not in a position to support the adoption of the Screening consequential amendments Regulation, as it is an inseparable element of a fundamentally flawed system.

Statement by the Republic of Poland

1. The Government of the Republic of Poland appreciates the efforts of the EU Council, the European Parliament and the European Commission to reach a compromise on a comprehensive and responsible response of the European Union to meet the challenges of current migration processes. At the same time, we emphasise that the Government did not have the real chance to participate in the negotiations on the Pact on Migration and Asylum.

2. The Government of the Republic of Poland notes a possibility to improve the management of some of the aspects of migration and asylum system. However further analysis of the legal acts within the Pact shows that they do not sufficiently address the specific situation of the Member States which border with Belarus and Russia and due to this fact have been under constant and high pressure resulted from artificially created migration routes. In this context, it is worth noting that the European Council repeatedly, including its conclusions from 14 and 15 December 2023, has stressed the negative consequences of the phenomenon of instrumentalisation of migration and condemned the instrumental use of migrants by third countries for political purposes.

3. The Government of the Republic of Poland takes the position that the Pact on Migration and Asylum does not assure the right balance between responsibility and solidarity and could potentially be a room for future disputes between EU institutions and Member States.

4. In view of the above, the Government of the Republic of Poland has decided to vote against the all the legal acts falling within the scope of the Pact.

Statement by the Slovak Republic

The Slovak Republic recognizes the need to reform the Common European Asylum System. We greatly appreciate the efforts of all participating Presidencies. At the same time, we are aware that reaching the compromise was not an easy task.

It is however essential, that we do not retreat from the positions that we have held and declared for a long time.

We appreciate that the Pact focuses on solving the causes of migration in the countries of origin, which can help alleviate the pressure on the external borders of the EU.

We believe that the priority of a successful European migration policy should be the consistent protection of EU external borders, as well as an effective return policy.

It is desirable to take all measures to prevent illegal migration and, at the same time, help those in need of international protection.

While we acknowledge that the concept of mandatory relocation quotas has largely been abandoned, we are not convinced that the presented proposals strike the right balance between solidarity and responsibility.

Solidarity is an important principle in managing migration, but we believe the choice of the form must always be entirely in the hands of the Member State. Unfortunately, the proposals do not meet this requirement since financial contributions are mandatory if a certain number of asylum seekers are not relocated. At the same time, if certain conditions are met, Dublin responsibility offsets also become mandatory. These elements constitute strong pull factors and provide incentives for secondary migration.

Considering the above, the Slovak Republic votes against the submitted proposals in the area of solidarity – the Asylum and Migration Management Regulation (AMMR) as well as the Regulation addressing situations of crisis and force majeure in the field of migration and asylum.

In view of the interlinked nature of all submitted proposals, we abstain from voting on the other proposals.