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Section 2.3 Key developments

With displacement hotspots increasing around the world, and the European Commission and the two Presidencies of the Council working toward a breakthrough in the negotiations on the Pact on Migration and Asylum, protection remained high on the EU policy agenda. In her State of the Union address on 13 September 2023, the President of the European Commission, Ursula von der Leyen, raised several key points concerning migration, including the extension of the Temporary Protection Directive. The President highlighted the historic opportunity to finalise the Pact on Migration and Asylum, which aims to strike a balance between protecting borders and protecting people, between sovereignty and solidarity, and between security and humanity.82

Reflecting the importance accorded to issues related to asylum and migration, both Presidencies of the European Council included relevant priorities in their programmes. In January 2023 before the Presidencies assumed their mandates, UNHCR offered its recommendations and underlined the importance of a renewed focus by EU institutions on the adoption of the Pact on Migration and Asylum. UNHCR urged the two Presidencies to use this opportunity to set up a framework to ensure access to fair and efficient asylum procedures and create functioning solidarity and responsibility-sharing mechanisms without resorting to derogations. UNHCR also recommended that, while catalysing progress toward the adoption of the pact, the two Presidencies should facilitate discussions to ensure that global solidarity is reflected in EU policies when working with third countries, including in regions where most forcibly displaced people live.83

In the area of Justice and Home Affairs, apart from advancing negotiations on the Pact on Migration and Asylum, the Swedish Presidency (January-June 2023) focused on ensuring more operational and coordinated cooperation with third countries and effective implementation of migration-related actions within the framework of the EU’s external action, while continuing to address the consequences of Russia's invasion of Ukraine.84Under the Swedish Presidency, the Council agreed on a general approach on the Regulation on Asylum and Migration Management and the Regulation on Asylum Procedures, while it focused on implementing the action plans for the Central Mediterranean and the Western Balkan routes.85

In its programme for the second semester of 2023, the Spanish Presidency placed special

emphasis on humane, responsible, solidarity-based and effective management of migration flows and protecting the Schengen area. The Presidency also sought to maintain unity among Member States and international partners in support of Ukraine. It was under the Spanish Presidency that political agreement was reached between the Council and the European Parliament on the five key instruments of the Pact on Asylum and Migration, while in December 2023 the Council decided to remove air and maritime internal border controls with Romania and Bulgaria, thus bringing the two countries closer to their integration into the Schengen area. The Spanish Presidency also led the negotiations on the revision of the directive on preventing and combating trafficking in human beings, which was meant to update the 2011 directive.86

Overall, in 2023, five formal and two informal meetings of the JHA Council took place, in which ministers worked together on a number of inter-related points in the area of migration and asylum, including:

- progress in the trilogue negotiations on the pact;
- management of external borders;
- implementation of action plans on different migration routes;
- implementation of interoperability of EU information systems;
- coordination in the area of search and rescue activities, including the relaunch of the European contact group on search and rescues;
- the overall state of the Schengen area and priority actions;
- global migration flows and the EU’s cooperation with external partners to manage migratory pressures;
- development of a more strategic and sustainable visa policy;
- improving the system of returns for rejected applicants for protection;
- temporary protection for persons fleeing Ukraine and security issues related to Russia’s aggression against Ukraine; and
- the conflict in Gaza and its implications for EU policy.87

An overview of key developments in these areas during 2023 is provided in the following sections.

Asylum and migration were also included in the limited number of areas for which the European Commission proposed additional funding in June 2023. Faced with a series of unprecedented challenges, including a global economic crisis, Russia’s invasion of Ukraine, an acceleration in inflation and interest rates, and global supply chain disruption, the European Commission presented a proposal for targeted reinforcement in the EU budget to address the most urgent challenges. Relevant elements in the European Commission’s proposal were the creation of a facility for Ukraine based on grants, loans and guarantees, with an overall capacity of EUR 50 billion over the period 2024-2027 to cater for Ukraine's immediate needs, recovery and modernisation on its path towards the EU; and an overall reinforcement of the EU budget with EUR 15 billion to address internal and external dimensions of migration, as well as needs arising from the global consequences of Russia's war of aggression in Ukraine; and to strengthen partnerships with key third countries.88

In September 2023, the Platform for International Cooperation on Undocumented Migrants (PICUM) and ECRE published a policy note analysing the European Commission’s proposal,

unpacking the migration component of it and offering their own recommendations to ensure that available resources contribute to the building of sustainable asylum and migration systems in Europe.89 The updated budget was ultimately adopted by the European Parliament in November 2023.

- 82European Commission. (2023, September 13). *2023 State of the Union Address by President von der Leyen*.
- 83United Nations High Commissioner for Refugees. (January 2023). *UNHCR's Recommendations for the Swedish and Spanish Presidencies of the Council of the European Union (EU), January -December 2023.*
- 84Swedish Presidency of the Council of the European Union. (2023). *The Swedish Presidency Programme*.
- 85Swedish Presidency of the Council of the European Union. (2023). *Results by Council Configuration*
- 86Spanish Presidency of the Council of the European Union. (2023, December 27). *Agreement to reform the EU's migration and asylum system and progress in strengthening the Area of Freedom, Security and Justice*.
- 87Council of the European Union. (2024, January 26). *Justice and Home Affairs Council, 9-10 March 2023, Main results*;
- 88European Commission. (2023, June 20). *EU budget: Commission proposes to reinforce long-term EU budget to face most urgent challenges.*
- 89Platform for International Cooperation on Undocumented Migrants, & European Council on Refugees and Exiles. (September 2023). *Revision of the Multiannual Financial Framework: Key Recommendations on Migration and Asylum*.

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