

Brussels, 01/04/2011  
PB/lmr ARES(2011) 404 893

Dear Carmelo,

Thank you for your letter of 31 March in relation to the arrival of migrants to Malta. Let me start by underlining that the Commission is well aware of the situation in your country. Previous experiences demonstrate that we stand ready to provide you with assistance and will call on solidarity of other Member States in case circumstance so require. We can also activate the relevant Agencies that can be of assistance, like FRONTEX and EASO, even if the latter one is still very much in a build-up phase.

Basing myself of recent information, it is my understanding that most of the migrants that have arrived in Malta recently may in fact be people that could be in need of international protection and should of course be dealt with accordingly.

I also take note of your disappointment at the response of FRONTEX. FRONTEX did respond positively to your request for assistance. In his decision of 22 March the Executive Director decided to deploy the Rapid Border Intervention Teams and discussions on developing an operational plan is ongoing between Maltese authorities and FRONTEX. The main reason why these Teams have not yet been deployed relates to two issues: 1. your request for the establishment of a joint external processing centre outside Malta and 2. your request not to follow the non-binding Guidelines laid down in Part II of the Annex of the Council decision 2010/252/EU in the operational plan.


The Executive Director informs me that, after consultation with Member States, there is neither support for your request to establish an external processing centre nor your request not to follow the Guidelines in the operational plan. Rapid Border Intervention Teams are ready to support Malta in border checks at relevant border crossing points as well as in debriefing and screening activities. FRONTEX coordinated joint European activities require an agreement on the operational concept between the host Member State, participating Member States and Frontex as well as have to be implemented according to the EU laws. Concerning the possible use of the Council Directive 2001/55/EC, I would like to stress once again that the Commission is following the situation very closely and that a proposal for triggering the Temporary Protection Instrument would be presented to the Council when circumstances so require.

I do however recognize that we need to make an effort to assist you in addressing the serious situation you are confronted with. I therefore have requested both FRONTEX and the EASO to see how a compressive assistance package could be put together. I would encourage you to work closely with these two organisations in finding a solution. For my part, let me assure you that I will support all concrete measures that would be helpful for you, including financial. As you will be aware, I am already calling on Member States to take responsibility, also be resettling people from North Africa.

Carmelo MIPSUD BONNICI  
Minister for Justice and Home Affairs

If the circumstances in Malta would require, I am also ready to make an appeal to other Member States to show concrete solidarity and responsibility with you by taking a number of people that are shown to be in need of international protection, using the experience of the previous reallocation efforts.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Cecilia Malmström', with a stylized flourish at the end.

Cecilia MALMSTRÖM