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Migration

Candidates, Portfolios and EU Initiatives for the EU Commission 2024-2029

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Between the 4th and 12th of November, the candidates for the upcoming European Commission 2024-2029 will be closely scrutinised by the members of the European Parliament. During these confirmation hearings, the Commissioners-designate will have to answer questions on EU initiatives outlined by the Commission President Ursula von der Leyen in her Political Guidelines and Mission Letters to the new Commissioners. In the run-up to the hearings, this ceplnput takes a closer look at the candidates, portfolios and important EU initiatives that will shape future EU policies on migration.

- ▶ EU migration policies will be based on the new Pact on Migration and Asylum. This is a set of many new rules, which will be implemented during the legislature.
- ▶ The pact focuses primarily on fighting illegal immigration and smugglers of migrants, strengthening the EU's external borders and strict return policies for those who do not qualify for asylum in the EU. In doing so, however, the EU cannot forget respect for the rule of law and human rights, to which the EU and its Member States remain committed. Measures that do not respect these constraints could be disappplied in the courts, rendering vain the EU's efforts to have an efficient and shared migration policy.
- ▶ Legal corridors for the access of refugees to the EU, as well as support for the legal migration of talent required by the European world of work and research, are crucial both for the respect of humanitarian law and to support the competitiveness and innovation capacity of the EU of the future.

1 Run-up to the Next European Commission 2024-2029

Following the elections of the European Parliament in June and the re-election of Ursula von der Leyen for her second term as President of the European Commission 2024-2029 in July, the remaining 26 members of the College of Commissioners have to be appointed in the coming weeks. Based on proposals by the EU Member States, Ursula von der Leyen presented her list of candidates¹ in September along with a revised organisational structure of the next European Commission regarding the functions and the policy portfolios of the commissioners. Before the College of Commissioners will be collectively approved by the European Parliament and appointed by the European Council, each candidate will be closely scrutinised by the members of the European Parliament. During these public confirmation hearings, which will take place between the 4th and 12th of November², the Commissioners-designate will have to answer questions especially on those prospective EU initiatives and legislative projects which have been outlined by the Commission President in her Political Guidelines³ and also on their respective tasks as assigned in the Mission Letters⁴ addressed to each of them. In the run-up of the hearings, this cepInput takes a closer look at the Commissioners-designate as well as at their portfolios, tasks and important EU initiatives which will shape the future specifically of the EU policies on migration.

2 Relevant Commissioners-designate, Functions and Portfolios

The revised organisational structure of the next European Commission regarding the organisational functions and the policy portfolios of the Commissioners aims to reflect that EU initiatives and legislative projects often involve different subject matters and pursue various objectives simultaneously – e.g., environmental protection, cost-effectiveness, international competitiveness, and social aspects. While Ursula von der Leyen emphasises⁵ that according to the EU treaties⁶ all members of the college of commissioners are equal, her organisational revision introduces a functional distinction between “Executive Vice-Presidents” and “regular” Commissioners. All members of the College of Commissioners will be assigned a policy portfolio with specific tasks for implementing the existing EU acquis and for developing new EU initiatives in the respective policy fields. To fulfil these tasks, each College member will be supported by one or more Directorates-General (DGs) assigned specifically to them. In addition, however, the six Executive Vice-Presidents will play a leading role in a thematic priority area, working together with one or more regular Commissioners by giving “guidance” to them. Consequently, two or more members of the College of Commissioners will cooperate on a specific EU initiative or legislative project, albeit with different functions ranging, e.g., from “leading” to “overseeing” or “supporting” to “migration, the following Commissioners-designate, organisational functions and policy portfolios are relevant:

¹ European Commission (2024), [List of Commissioners-designate \(2024-2029\)](#).

² European Parliament (2024), [Confirmation hearings for the European Commission](#).

³ European Commission (2024), [Political Guidelines for the next European Commission 2024-2029](#); see De Petris, A. et al. (2024), The Political Guidelines 2024-2029 of the European Commission “von der Leyen II” – Recommendations for Concrete EU Measures to Implement Them, [cepInput 12/2024](#).

⁴ European Commission (2024), [List of Commissioners-designate \(2024-2029\)](#).

⁵ European Commission (2024), [Press statement of 17 September 2024 by President von der Leyen on the next College of Commissioners](#).

⁶ Treaty on European Union (TEU), Art. 17; Treaty on the Functioning of the European Union (TFEU), Art. 244 et seq.

Henna Virkkunen

Tech Sovereignty, Security and Democracy



Country: Finland

European Parliamentary Group:

European People's Party (EPP)

Function and Portfolio: Executive Vice-President for Tech Sovereignty, Security and Democracy

Assigned DGs: Communications Networks, Content and Technology; Digital Services

Lead: Works under the guidance of the President of the European Commission

Magnus Brunner

Internal Affairs and Migration



Country: Austria

European Parliamentary Group:

European People's Party (EPP)

Function and Portfolio: Commissioner for Internal Affairs and Migration

Assigned DG: Migration and Home Affairs (HOME)

Lead: Works under the guidance of the Executive Vice-President for Tech Sovereignty, Security and Democracy

Dubravka Šuica

Mediterranean



Country: Croatia

European Parliamentary Group:

European People's Party (EPP)

Function and Portfolio: Commissioner for the Mediterranean

Assigned DG: Mediterranean (new)




Lead: Works under the guidance of the High Representative/Vice-President on the Mediterranean

3 Important Tasks: EU Initiatives and Legislative Projects

Ursula von der Leyen has outlined in her Political Guidelines for the next European Commission 2024-2029 and in Mission Letters addressed to each of the Commissioners-designated specific tasks assigned to them. With regard to the EU policies on migration, following EU initiatives and legislative projects are of special importance:

3.1 Migration

3.1.1 Implementation of the Pact on Migration and Asylum

 Task
Implementation of the Pact on Migration and Asylum
 Executive Vice-Presidents and Commissioners Involved
Executive Vice-President for Tech Sovereignty, Security and Democracy (leads) with the help of the Commissioner for Internal Affairs and Migration and the Commissioner for the Mediterranean
 Analysis
<p>The EU Pact on Migration and Asylum was one of the most far-reaching and complex measures produced by the EU in the last legislature.⁷ Its adoption on 10 April 2024 was very difficult, and many implementing measures will have to be adopted in the current legislature. The Pact consists of nine policy areas, regulated in as many legislative acts,⁸ largely amending the current EU asylum policy, and is expected to enter into force on 12 June 2026, barring unforeseen circumstances.</p> <p>According to Commission President Ursula von der Leyen’s Political guidelines for the next European Commission, the Commission’s common objective will be to “implement all parts of the Pact” by supporting Member States with all operational, financial and expertise tools to translate their legal obligations under the Pact into practice.⁹</p> <p>In fact, the Pact is the legal framework within which the EU’s asylum policy should be reformed from 2026 onwards: therefore, even more specific objectives related to migration policy cannot be separated from the implementation of the Pact in order to be achieved. The Pact thus encompasses various political, economic, social, strategic and humanitarian areas in which many Commissioners will be called upon to act within their specific competences. Consequently, beyond the specific mandate assigned to him, the Commissioner for Home Affairs and Migration will not only be called upon, but will also require broad and continuous cooperation and coordination with the Commissioner for the Mediterranean, for Tech Sovereignty, Security and Democracy.</p>

⁷ European Council, [Migration and asylum pact](#).

⁸ Asylum and Migration Management Regulation, Asylum Procedure Regulation (including the Return Border Procedure Regulation), Crisis and Force Majeure Regulation, Eurodac Regulation, Screening Regulation, Qualification Regulation, Reception Conditions Directive, Union Resettlement Framework.

⁹ Von der Leyen, U., [Europe’s Choice. Political Guidelines for the next European Commission 2024-2029](#), 16.

Both the guidelines presented by von der Leyen and the mission letter to the Commissioner for Home Affairs and Migration state in several places that the EU will “always respect human rights and ensure that those who have a right to stay can do so”.¹⁰ The call for respect for human rights in asylum matters is thus present in the new Commission’s statements of intent, but is not reflected in the allocation of mandates to individual Commissioners. For example, the Mission Letter for the Commissioner for Democracy, Justice and the Rule of Law makes no mention of the Commissioner for Democracy, Justice and the Rule of Law, even though it is well known that respect for human rights is an essential element of the rule of law.¹¹ The Mission Letter for the Commissioner for Preparedness and Crisis Management and for Equal Opportunities also states that Europe “must continue projecting its values of humanity and solidarity globally” and that it wants to alleviate the suffering of those in greatest need “in compliance with the humanitarian principles and international humanitarian law”.¹²

The EU Asylum Pact is in fact an attempt to redistribute the burden of migrant management more fairly among the 27 Member States, but it also focuses on speeding up the policies of identification, assessment of applications for international protection and repatriation of those who are not entitled to asylum. In doing so, it relies heavily on the use of so-called ‘border procedures’, which, when applied, make it possible to reduce the time taken to process asylum applications and, according to the Commission’s intentions, to repatriate those who are not entitled to enter the EU. Furthermore, one of the desired innovations of the Pact is based on the possibility of concluding cooperation agreements with third countries to detain or transfer migrants who intend to apply for asylum in a Member State. Many experts on migration and humanitarian law have already pointed out that such a strategy risks being unworkable, precisely because it jeopardises respect for the human rights of migrants. Entering into agreements with countries whose governments do not adequately guarantee respect for human rights risks conflicting with the existing legal obligations of the EU and its Member States and could be challenged in the national and European courts, which would be called upon to assess the compatibility of these strategies with the principles and values enshrined in the European Treaties and the constitutions of the Member States.¹³

If not out of respect for human rights, which von der Leyen also claims to be fully respecting in the legislative process that has just begun in the field of asylum, the Commission would have to ensure that the future migration policies it prepares are able to withstand the judicial scrutiny that will most likely come when the Pact enters into force in 2026 and migrants are subjected to the new procedures. If any part of the Pact were to be rejected, the Pact would lose its effectiveness and the Commission would have to rethink its asylum and migration policies, with less than half of its mandate to remedy the situation.




¹⁰ Id., 17; von der Leyen, U., [Mission Letter to the Commissioner-designate for Internal Affairs and Migration Magnus Bruner](#), “You will be responsible for implementing the Pact on Migration and Asylum [...]. In doing so, we will always ensure the respect of human rights and our international commitments”, 5.

¹¹ United Nations, [Rule of Law and Human Rights](#), ‘The rule of law is the implementation mechanism for human rights, turning them from a principle into a reality.’

¹² Von der Leyen, U., [Mission Letter to the Commissioner-designate for Preparedness and Crisis Management, Commissioner-designate for Equality](#), 5.

¹³ Juss, S. S., [How the EU Pact on Migration and Asylum Fails](#), *Questione Giustizia*, Special Issue 2/2024; Amnesty International, [EU: Migration and Asylum Pact reforms will put people at heightened risk of human rights violations](#), 4.4.2024; Caritas, [What's Wrong with the new EU's Pact on Migration](#), 12.4.2024.

3.1.2 Development of a common approach on the return of irregular migrants

 Task
Develop a new common approach on the return of irregular migrants with new modern rules to speed and simplify the rules
 Executive Vice-Presidents and Commissioners Involved
Commissioner for Internal Affairs and Migration (leads the development)
 Analysis
<p>In the EU, the return of irregular migrants operates at ‘two speeds’: the order to leave the Member States is very fast even under the current rules, while the actual execution of the removal is slower. Eurostat data from 30 September 2024 show that in the second quarter of 2024 alone, 96,115 non-EU nationals were ordered to leave an EU country and 25,285 people were returned to third countries following a removal order. These figures confirm the trend of the first six months: 103,505 return orders and 30,795 returns carried out. Total since the beginning of 2024: 199,620 removal orders for 56,080 completed removals throughout the Union.¹⁴</p> <p>This shows that there are many critical problems with the current system. The Commission intends to create a new common approach to the return of irregular migrants, with rules to speed up and simplify implementation, to ensure that those who have no right to remain in the EU are returned “in a dignified manner and that return decisions are mutually recognised across Europe”.¹⁵</p> <p>The same applies to this objective as to the EU Pact on Migration and Asylum: the implementation of the rules on return requires in any case the respect of existing EU and Member State standards of humanitarian law and a careful examination of the conditions in the country of destination of the migrant awaiting return. The EU should accompany the new return policy with thorough and objective checks on respect for human rights in the countries of return, taking care to ensure that the safe country designation is based on a careful assessment of all the conditions of the population in the territory of the country concerned.</p>

3.1.3 Fight against smugglers and people traffickers

 Task
Fight against smugglers and people traffickers.
External aspects of migration/Establishment of the new Pact for the Mediterranean
 Executive Vice-Presidents and Commissioners Involved
Commissioner for Internal Affairs and Migration (leads) with the help of the Executive Vice-President for Tech Sovereignty, Security and Democracy and the Commissioner for the Mediterranean (for the Pact for the Mediterranean)

¹⁴ Bonini, E., [Immigration, in EU only 1 in 4 non-EU nationals returned after repatriation order](#), EUNews 30.9.2024.

¹⁵ Von der Leyen, U., [Mission Letter to the Commissioner-designate for Internal Affairs and Migration Magnus Brunner](#), 7.

Q Analysis

The Commission intends to work with the Parliament and the Council to combat smugglers and traffickers by concluding negotiations and implementing the relevant legislative proposals. To this end, it intends to strengthen Europol’s capacity to combat illegal profits and the European Migrant Smuggling Centre - EMSC. This centre, which is part of Europol, was set up in 2016 to help police and border authorities coordinate highly complex cross-border anti-smuggling operations. This will require close cooperation with the Executive Vice-President for Technology, Sovereignty, Security and Democracy, who is responsible for defending the EU’s external borders, and the Commissioner for the Mediterranean, who is responsible for the external aspects of the EU’s migration policy, “notably covering border controls and the fight against smugglers”.¹⁶

Close cooperation will be required not only between the Commissioners mentioned, but also between Europol and the national authorities responsible for border control, as well as between the authorities of the 27 Member States. All will be called upon to share information relevant to the fight against smugglers.

The Commission calls for work on migration aspects to take place as an operational part of EU partnerships, but “respecting fundamental rights and ensuring parliamentary scrutiny”,¹⁷ contributing to the **New Pact for the Mediterranean**. This will be an EU instrument to establish comprehensive partnerships focusing on investment, economic stability, employment, energy, transport, security and indeed migration, as well as other areas of specific interest. Primary responsibility for the Pact for the Mediterranean will be given to the new Commissioner for the Mediterranean, but the two Mission Letters explicitly call for cooperation between this Commissioner and the Commissioner for Migration.

3.1.4 Legal pathways for refugees/legal migration

Task

Ensuring real and viable **legal pathways for refugees** and their **integration**

Executive Vice-Presidents and Commissioners Involved

Commissioner for Internal Affairs and Migration (leads the work)

Q Analysis

The Commission rightly emphasises the need to create legal channels for refugees to enter the EU, apparently as a complementary measure to the fight against illegal entry and smugglers. It also emphasises the need for EU migration policy to support the integration of refugees as far as possible into the communities in which they live on European soil and into the labour market. At the same time, migration policies in the countries of origin should be strengthened. It should be stressed that any readmission measure must be based on an “agreement between the European Union (EU) and/or an EU Member State and a third country, on the basis of reciprocity, establishing rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no

¹⁶ Von der Leyen, U., [Mission Letter to the Designate-Commissioner for the Mediterranean](#), 5-6.

¹⁷ Von der Leyen, U., [Mission Letter to the Commissioner-designate for Internal Affairs and Migration Magnus Brunner](#), 7.

longer, fulfil the conditions for entry to, presence in, or residence in the territories of the third country or one of the EU Member States, and to facilitate the transit of such persons in a spirit of cooperation”.¹⁸ In this context, rigorous negotiations on living conditions in the third country with which a readmission agreement is to be concluded are essential. It is also essential to periodically review the conditions prevailing in the countries with which such agreements have been concluded, since it is not certain that the conditions prevailing at the time of the conclusion of the agreement will be guaranteed in the future.

As far as legal migration is concerned, the aim is to attract people with the right skills to the EU who can match the needs of the local labour market. This is an unavoidable goal for the EU if it wants to improve its competitiveness and innovation capacity, as recognised in the **Draghi Report on EU competitiveness**. The report proposes the launch of a “new Tech Skills Acquisition Programme to attract tech talent from outside the EU, adopted EU-wide and co-funded by the Commission and Member States”,¹⁹ recognising that in recent years international talent has mainly been attracted from outside the EU. Indeed, it is imperative for the EU to create new conditions of attractiveness for non-EU experts if it wants to compete with the innovation capacity of other global competitors.

In this respect, it would have been desirable for the Mission Letter to call for cooperation with the **Executive Vice-President for People, Skills and Preparedness** in order to coordinate the competences for attracting talent from outside the EU with the measures to support the development of talent within the EU: instead of competition, cooperation and complementarity between the internal and the external EU level should be encouraged.

¹⁸ European Commission, [Readmission Agreement](#).

¹⁹ [The future of European competitiveness – A competitiveness strategy for Europe](#), 33.



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