

International protection: provisional measures for the benefit of Italy and Greece

2015/0125(NLE) - 24/07/2015 - Supplementary legislative basic document

The Council presented a **general approach** on the proposal for a Council Decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece. This decision establishes the **temporary and exceptional relocation over two years** from Italy and Greece to other Member States.

Provisional relocation measures: the provisional measures envisaged by this proposal relate first and foremost to the relocation of applicants for international protection who appear *prima facie* to be in **clear need of international protection** from Italy and Greece to the other Member States.

Relocation shall only take place in respect of applicants who have lodged their application for international protection in Italy or Greece and for whom those States would have otherwise been responsible pursuant to the criteria for determining the Member State responsible set out in Chapter III of [Regulation \(EU\) No 604/2013](#).

Detailed targets: following agreement reached between Member States through [Resolution of 20 July 2015](#) of the Representatives of the Governments of the Member States meeting within the Council on relocating from Greece and Italy **40 000 persons** in clear need of international protection:

- **24 000 applicants** will be **relocated from Italy** to the territory of the other Member States;
- **16 000 applicants** will be **relocated from Greece** to the territory of the other Member.

Relocation procedure: the proposal called for a swift relocation procedure to be put in place and to accompany the implementation of the provisional measures by a close administrative cooperation between Member States and operational support provided by **European Asylum Support Office (EASO)**. Priority should be given to **vulnerable applicants**.

National security and public order should be taken into consideration throughout the relocation procedure, until the transfer of the applicant is implemented.

In order to decide which specific **Member State should be the Member State of relocation, specific account should be given to the specific qualifications and characteristics of the applicants concerned**, such as their language skills and other individual indications based on demonstrated family, cultural or social ties which could facilitate their integration into the Member State of relocation.

With due respect of the principle of non-discrimination, **Member States of relocation may indicate their preferences** for applicants based on the above information on the basis of which Italy and Greece, in consultation with EASO and, where applicable, liaison officers may compile **lists of possible applicants** identified for relocation to that Member States.

Roadmap: the draft decision requires Italy and Greece to present a roadmap to the Commission which shall include adequate measures in the area of asylum, first reception and return, enhancing the capacity, quality and efficiency of their systems in these areas as well as measures to ensure appropriate implementation of this Decision. Italy and Greece shall fully implement this roadmap. The Commission may decide to suspend, under certain circumstances, the application of this Decision.

Rights and obligations of applicants for international protection: the proposal sets out specific guarantees and obligations for applicants who are the subject of relocation in another Member State:

- the **best interests of the child** shall be a primary consideration for Member States when implementing this Decision;
- the applicant shall receive information as regards the relocation procedure in a language which the applicant understands;
- the person concerned shall be **notified** of the decision to relocate him in writing. That decision shall specify the Member State of relocation;
- **family members** who fall within the scope of this Decision shall be relocated to the territory of the same Member State.

An applicant or beneficiary of international protection who enters the territory of another Member State than the Member State of relocation without fulfilling the conditions for stay in that other Member State shall be required to **go back immediately** and the Member State of relocation shall take back the person.

Financial support: the Member State of relocation shall receive a lump sum of **EUR 6 000** for each relocated person pursuant to this Decision.

In a statement annexed to the draft decision, the Council acknowledged that the transfer of applicants to the Member States of relocation will entail substantial costs for Italy and Greece. It invited the Member States to consider supporting, through bilateral arrangements with Italy and Greece, the financing of those costs. The Commission is invited to urgently consider further support to Italy and Greece through additional financial support.