

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

2015/0209(NLE) - 09/09/2015 - Legislative proposal

PURPOSE: to establish provisional measures in the area of international protection for the benefit of Italy, Greece and Hungary.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: as part of the common policy on asylum, Article 78(3) of the Treaty enables the Council, based on a proposal from the Commission and after consulting the European Parliament, to adopt provisional measures for the benefit of Member States confronted with an emergency situation characterised by a sudden inflow of nationals of third countries.

Presented in the wake of the tragedies in the Mediterranean, the [European Agenda on Migration](#), the statements of the European Council in April and June 2015¹ and [European Parliament resolution](#) of 29 April 2015 all concur on the need to reinforce internal solidarity and propose concrete measures to provide support to the most affected Member States.

Among the Member States witnessing situations of particular pressure and in light of the recent tragic events in the Mediterranean, **Italy and Greece, and, most recently, Hungary in particular are experiencing unprecedented flows of migrants**, who are in clear need of international protection.

The Council on 20 July 2015 agreed **a general approach** on a [draft decision](#) establishing a temporary and exceptional relocation mechanism from Italy and Greece to other Member States of persons in clear need of international protection. On the same day, it adopted a Resolution on relocating from Greece and Italy **40 000 persons** in clear need of international protection (24 000 persons from Italy and 16 000 persons from Greece).

During the last weeks, **the migratory pressure at the Southern external land and sea borders again has sharply increased**, and the shift of migration flows has continued from the Central to the East Mediterranean and the Western Balkans route towards Hungary. In view of the situation, the Commission proposes further provisional measures to relieve the asylum pressure from Italy and Greece and new measures for the benefit of Hungary.

CONTENT: the proposed decision aims to **establish provisional measures** in the area of international protection **for the benefit of Italy, Greece and Hungary**, in order to enable them to deal in an effective manner with the current significant inflow of third country nationals in their territories, putting their asylum systems under strain.

These measures will last over a period of **two years** from the entry into force of the Decision.

Numbers involved: the Commission proposes to relocate **120 000 applicants** in clear need of international protection from Italy (15 6000), Greece (50 400) and Hungary (54 000).

Relocation should take place on the basis of a **distribution key** based on objective and quantifiable criteria: a) the size of the population (40 % weighting), b) the total of the GDP (40 % weighting), c) the average number of asylum applications per one million inhabitants over the period 2010-2014 (10 % weighting), and d) the unemployment rate (10 % weighting).

Greece, Italy and Hungary will not themselves contribute as a Member State of relocation.

Financial contribution to the EU budget: the proposal provides that where, in exceptional cases, a Member State notifies to the Commission, giving duly justified reasons compatible with the fundamental values of the Union, that it is temporarily unable to take part in the relocation of applicants, it should instead make a financial contribution to the EU budget of **an amount of 0.002 % of GDP** to cover assistance supporting the efforts undertaken by all other Member States to cope with the crisis situation and the consequences of the non-participation of such Member State to the relocation.

Scope of the proposal: this is limited in two ways:

- the Decision will only apply in respect of applicants who are in **clear need of international protection** (those belonging to nationalities for which the EU average recognition rate as established by Eurostat is above 75%);
- it is proposed to make the Decision applicable only in respect of those applicants for whom Italy, Greece or Hungary would, in principle, be the Member State responsible, in line with the take charge criteria defined in [Regulation \(EU\) No 604/2013](#).

Relocation procedure: this will be simple in order to ensure a **quick transfer of the persons concerned** to the Member State of relocation. Each Member State should appoint a national contact point for implementing the Decision.

Member States should, at regular intervals, indicate the number of applicants who can be relocated to their territory. **Italy, Greece and Hungary, with the assistance of the European Asylum Support Office (EASO)**, and, where applicable, of Member States' liaison officers, shall on that basis identify the individual applicants who could be relocated to the other Member States. In doing so, **priority should be given to vulnerable applicants**.

The proposal specifies the following:

- applicants whose **fingerprints** are required to be taken pursuant to the obligations set out in [Regulation \(EU\) No 603/2013](#) may not be relocated unless their fingerprints have been taken;
- Member States retain the right to refuse to relocate an applicant where there are **national security or public order concerns**;
- in any event, the transfer of the applicant needs to take place **no later than two months** from the indication by the Member State of relocation of the number of applicants who could be relocated swiftly, with the possibility for a prolongation, if justified.

Other measures: apart from relocation, the proposal:

- lays down other **measures of support** to be provided to Italy, Greece and Hungary. It envisages an increase in the support provided by other Member States to Italy, Greece and Hungary under the coordination of EASO and other relevant Agencies;
- recalls the obligation for Italy and Greece to update, and provides for the obligation for Hungary, to present to the Commission, **a roadmap** with adequate measures in the area of asylum, first reception and return as well as measures to ensure a proper application of the Decision; the Commission will be able to suspend the application of the Decision under certain circumstances;

- sets out **guarantees and obligations for the applicants** who are subject to relocation to another Member State: (i) the right to receive information on the relocation procedure, (ii) the right to be notified with the relocation decision which must specify the precise Member State of relocation and (iii) the right to be relocated with the family members in the same Member State of relocation. Primary consideration must be given to the **best interests of the child** when deciding the Member State of relocation;
- specifies that the relocation measures provided for in the Decision will benefit from the financial support under the **Asylum, Migration and Integration Fund** (AMIF) set up by [Regulation \(EU\) N° 516/2014](#). To this end, Member States of relocation shall receive a lump sum of **EUR 6 000 for each applicant for international protection** relocated from Italy, Greece and Hungary.

BUDGETARY IMPLICATIONS: the proposal entails additional costs for the EU Budget for a total amount of **EUR 780 000 000**.