

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

2015/0209(NLE) - 22/09/2015 - Final act

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

LEGISLATIVE ACT: Council Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece.

CONTENT: this Decision establishes **provisional measures in the area of international protection for the benefit of Italy and of Greece**, in view of supporting them in better coping with an emergency situation characterised by a sudden inflow of nationals of third countries in those Member States.

Scope: relocation:

- shall 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%);
- shall take place only in respect of an applicant who has lodged his or her application for international protection in Italy or in 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](#).

Target objectives: in accordance with the Decision, **120 000 applicants** shall be relocated to the other Member States as follows:

- **66 000 persons** will be relocated from Italy and Greece (15 600 from Italy and 50 400 from Greece);
- the remaining **54 000 persons** will be relocated from Italy and Greece in the same proportion from 26 September 2016.

The Council and the Commission should keep under **constant review** the situation regarding massive inflows of third country nationals into Member States. The Commission should submit, as appropriate, **proposals to amend this Decision in order to address the evolution of the situation on the ground** and its impact upon the relocation mechanism, as well as the evolving pressure on Member States, in particular frontline Member States.

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 Decision 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;
- **identification, registration and fingerprinting for the relocation procedure shall be guaranteed by Italy and by Greece.** To ensure that the process remains efficient and manageable, reception facilities and measures shall be duly organised so as to temporarily accommodate people, in line with the Union acquis, until a decision is quickly taken on their situation;
- 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.

Operational support to Italy and to Greece: the Decision stipulates that Member States shall increase their operational support in cooperation with Italy and Greece in the area of international protection, in particular by providing, as appropriate, national experts for the following support activities:

- the screening of the third-country nationals arriving in Italy and Greece;
- the provision to applicants or potential applicants that could be subject to relocation pursuant to this Decision of information and specific assistance that they may need;
- the preparation and organisation of return operations for third-country nationals who either did not apply for international protection or whose right to remain on the territory has ceased.

Roadmap: Italy and Greece, shall, bearing in mind the obligations set out in [Decision \(EU\) 2015/1523](#), and by 26 October 2015, notify to the Council and the Commission an **updated roadmap** taking into account the need to ensure appropriate implementation of this Decision. The Commission may decide to suspend, under certain circumstances, the application of this Decision.

Guarantees and obligations of applicants for international protection: the Decision sets out guarantees and obligations for the applicants who are subject to relocation to another Member State:

- the **best interests of the child** should be of primary consideration when deciding the Member State of relocation;
- the right to receive **information** on the relocation procedure,
- the right to be **notified** with the relocation decision which must specify the precise Member State of relocation,
- the right to be **relocated with the family members** in the same Member State of relocation.

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

Financial support: for each person relocated pursuant to this Decision: (i) the Member State of relocation shall receive a lump sum of **EUR 6 000**; (ii) Italy or Greece shall receive a **lump sum of at least EUR 500**.

ENTRY INTO FORCE: 25.9.2015. This Decision shall apply until 26.9.2017. It shall apply to persons arriving on the territory of Italy and Greece from 25.9.2015 until 26.9.2017, as well as to applicants having arrived on the territory of those Member States from 24.3.2015 onwards.