

International protection: provisional measures for the benefit of Sweden

2015/0314(NLE) - 15/12/2015 - Legislative proposal

PURPOSE: to suspend the obligations of Sweden as a Member State of relocation for the period of one year.

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: the considerable increase of irregular border crossing into the EU and of secondary movements across Europe has led to a sharp increase in Sweden of the number of applicants for international protection, who mainly entered the EU via Italy and Greece. Sweden has in 2015 by far the highest number of applicants for international protection per capita in the EU (11 503 applicants per million inhabitants).

The above situation has put a very significant strain on the Swedish asylum system, with serious practical consequences on the ground as regards the reception conditions and ability of the asylum system to deal with these applications.

As part of the common policy on asylum, **Article 78(3) of the Treaty on the Functioning of the EU (TFEU) provides a specific legal basis to deal with emergency situations**. Based on a proposal by the European Commission, it enables the Council, after consulting the European Parliament, to adopt provisional measures for the benefit of Member State(s) confronted with an emergency situation characterised by a sudden inflow of nationals of third countries into one or more Member State(s).

The provisional measures envisaged by Article 78(3) TFEU are **exceptional in nature**. They can only be triggered when a certain threshold of urgency and severity of the problems created in the Member State(s)' asylum system(s) by a sudden inflow of third country nationals is met.

On the basis of Article 78(3) TFEU, the Council adopted two Decisions establishing provisional measures in the area of international protection for the benefit of Italy and Greece. Under the [Council Decision \(EU\) 2015/1523](#), **1 369 persons** and under the [Council Decision \(EU\) 2015/1601](#), **4 358 persons** are allocated to Sweden for relocation from Italy and Greece.

A Member State may, according to Decision 2015/1601, notify the Commission and the Council that it is confronted with an **emergency situation** characterised by a sudden inflow of nationals of third countries due to a sharp shift of migration flows, giving duly justified reasons.

On 8 December 2015, Sweden formally requested the suspension of its obligations under Council Decisions (EU) 2015/1523 and (EU) 2015/1601.

CONTENT: in view of assisting Sweden in better coping with this emergency situation, the proposed Decision **suspends the obligations of Sweden as a Member State of relocation** under Council Decisions (EU) 2015/1523 and Council Decision (EU) 2015/1601 for the period of one year.

The suspension should be complemented, as appropriate, by additional support measures coordinated by European Asylum Support Office (EASO) and, where needed, other relevant Agencies.

Sweden is still bound to relocate to its territory 1 369 persons under the Council Decision (EU) 2015/1523 and 4 358 persons under the Council Decision (EU) 2015/1601 from Italy and Greece once the present Decision has expired. It should submit to the Council and the Commission a **roadmap** setting out the measures that it will take in order to ensure the effectiveness of its asylum and migration system and to resume its obligations under Decisions (EU) 2015/1523 and (EU) 2015/1601.