

Basic information	
<p><b>2015/0125(NLE)</b></p> <p>NLE - Non-legislative enactments</p> <p>International protection: provisional measures for the benefit of Italy and Greece</p> <p>See also <a href="#">2015/0314(NLE)</a> See also <a href="#">2018/0371(COD)</a></p> <p><b>Subject</b></p> <p>7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)</p> <p><b>Geographical area</b></p> <p>Greece Italy</p>	Procedure completed

Key players				
European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>
	<b>LIBE</b>	Civil Liberties, Justice and Home Affairs	KELLER Ska (Verts/ALE)	16/06/2015
			Shadow rapporteur IOTOVA Iliana (S&D)	
	<b>Committee for opinion</b>		<b>Rapporteur for opinion</b>	<b>Appointed</b>
	<b>BUDG</b>	Budgets	The committee decided not to give an opinion.	
Council of the European Union	<b>Council configuration</b>		<b>Meetings</b>	<b>Date</b>
	Justice and Home Affairs (JHA)		3408	2015-09-14
European Commission	<b>Commission DG</b>		<b>Commissioner</b>	
	Migration and Home Affairs		AVRAMOPOULOS Dimitris	

Key events			
Date	Event	Reference	Summary
		<a href="#">COM(2015)0286</a>	Summary

27/05/2015	Legislative proposal published		
24/06/2015	Committee referral announced in Parliament		
16/07/2015	Vote in committee		
29/07/2015	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A8-0245/2015</a>	<a href="#">Summary</a>
08/09/2015	Debate in Parliament		
09/09/2015	Decision by Parliament	<a href="#">T8-0306/2015</a>	<a href="#">Summary</a>
09/09/2015	Results of vote in Parliament		
14/09/2015	Act adopted by Council after consultation of Parliament		
14/09/2015	End of procedure in Parliament		
15/09/2015	Final act published in Official Journal		

Technical information	
Procedure reference	2015/0125(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
Amendments and repeals	See also <a href="#">2015/0314(NLE)</a> See also <a href="#">2018/0371(COD)</a>
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/03580

Documentation gateway				
<b>European Parliament</b>				
Document type	Committee	Reference	Date	Summary
Committee draft report		<a href="#">PE560.901</a>	03/07/2015	
Amendments tabled in committee		<a href="#">PE564.946</a>	15/07/2015	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A8-0245/2015</a>	29/07/2015	<a href="#">Summary</a>
Text adopted by Parliament, 1st reading/single reading		<a href="#">T8-0306/2015</a>	09/09/2015	<a href="#">Summary</a>
<b>Council of the EU</b>				
Document type		Reference	Date	Summary
Supplementary legislative basic document		<a href="#">11132/2015</a>	24/07/2015	<a href="#">Summary</a>
<b>European Commission</b>				
Document type		Reference	Date	Summary
		<a href="#">COM(2015)0286</a>		

Legislative proposal		27/05/2015	<a href="#">Summary</a>
Commission response to text adopted in plenary	SP(2015)649	22/10/2015	
Commission document (COM)	COM(2016)0165 	16/03/2016	<a href="#">Summary</a>

#### National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	CZ_CHAMBER	COM(2015)0286	22/07/2015	
Contribution	CZ_SENATE	COM(2015)0286	22/07/2015	
Contribution	SK_PARLIAMENT	COM(2015)0286	22/07/2015	
Contribution	IT_SENATE	COM(2015)0286	10/03/2016	

#### Additional information

Source	Document	Date
European Commission	EUR-Lex	

#### Final act

<a href="#">Decision 2015/1523</a> <a href="#">OJ L 239 15.09.2015, p. 0146</a>	<a href="#">Summary</a>
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## 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.

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

2015/0125(NLE) - 29/07/2015 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Ska KELLER (Greens/EFA, DE) on the proposal for a Council decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece.

The committee approved the Commission proposal subject to the following amendments:

**Binding measures:** this Decision establishes **binding** provisional emergency measures in the area of international protection for the benefit of Italy and Greece.

**Taking account of applicants' preferences and of Member States:** based on the lessons learned from the pilot project on relocation from Malta (EUREMA), Members stated that expectations and preferences should be taken into account to the extent possible. Member States should support their preferences by aspects such as:

- family ties,
- social ties such as ties to ethnic and cultural communities,
- cultural ties to the preferred Member State such as language skills, former stay in a Member State or former study or work relations with companies or organisations of that Member State.

**Distribution key:** in order to relieve the significant asylum pressure from Italy and Greece, but also to act as an important test case with a view to the **upcoming legislative proposal** on a permanent emergency relocation scheme, an **initial total of 40 000 applicants** shall be relocated from Italy and Greece. **A further increase shall be considered, if necessary, to adapt to rapidly changing refugee flows.**

By six months after the entry into force of this Decision, the Commission shall evaluate the respective share of persons to be relocated from Italy and Greece with a view to adapting it to changing refugee flows, on basis of the latest available Frontex data.

**Relocation procedure:** for the implementation of all aspects of the relocation procedure, Members considered that rather than sending liaison officers for identifying applicants for relocation by individual Member States, Member States should provide **national experts to European Asylum Support Office** to assist Italy and Greece in the relocation measures in a coordinated manner.

Particular attention should be given to **unaccompanied minors** in the framework of this procedure.

**Information to applicants:** Member States shall provide information about the available capacity for reception of migrants. Italy and Greece shall, with the assistance of EASO, provide applicants with information, in a **language that they understand** or are reasonably supposed to understand, about the Member States involved in the emergency relocation. During the initial processing applicants shall be asked to **rank Member States by order of preferences** and to **support their preference**. The person concerned shall be informed of the Member State of relocation in a comprehensive manner and in a language that the applicant understands or is reasonably supposed to understand or, if the applicant's preferences are not taken into account, of the reasons for that decision. To further avoid secondary movements, applicants should be informed of the consequences of onward movement within the Member States.

In principle, applicants should give their **consent to be relocated** to a Member State.

**Operational support to Italy and Greece:** the support activities for the initial processing of the applications, including the **identification of vulnerabilities and preferences**, for the purpose of identifying potential applicants for relocation and the screening of applicants, including their clear identification, fingerprinting and registration of the applications for international protection.

The **transfer costs** to the Member State of relocation should not be an additional burden to Greece and Italy.

**Evaluation:** by July 2016, the Commission shall submit a mid-term evaluation on the application of this Decision and, where appropriate, shall propose the necessary recommendations for a **permanent relocation mechanism**, including in perspective of the announced Dublin fitness check.

By 30 months after the date of entry into force of this decision, the Commission shall submit a final evaluation report on the application of this Decision.

**Statement by the European Parliament:** the committee proposed annexing to the draft resolution a statement to clarify the following points:

the European Parliament can accept Article 78 (3) TFEU as a legal basis only as an emergency measure, which will be followed by a proper legislative proposal to structurally deal with any future emergency situations;

**Article 78 (2) TFEU** requiring the ordinary legislative procedure for measures for determining which Member State is responsible for considering an application for international protection jointly with Article 80, second sentence TFEU giving in its provisions effect to the principle of solidarity as expressed in **Article 80, first sentence**, should be the correct legal basis.

The European Parliament urged the Commission to table a **legislative proposal on a permanent relocation scheme** based on Article 78(2) and Article 80 **by the end of 2015**. The European Parliament reserves its right to **prepare a legislative own-initiative report** in case the Commission does not come forward with such a legislative proposal in due time.

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

2015/0125(NLE) - 09/09/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 498 votes to 158 with 37 abstentions, a legislative resolution on the proposal for a Council decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece.

Parliament approved the Commission proposal subject to the following amendments:

**Binding measures:** in line with Article 78(3) and Article 80 of the Treaty, Parliament wanted the solidarity measures envisaged in the Decision to be binding. It asked for **binding quota** for the distribution of person sin clear need of international protection throughout Member States.

**Distribution key:** in order to relieve the significant asylum pressure from Italy and Greece, but also to act as an important test case with a view to the upcoming legislative proposal on a permanent emergency relocation scheme, Parliament proposed that **an initial total of 110 000 asylum seekers** should be relocated from Greece and Italy over a two-year period (40 000 from Italy and 70 000 from Greece.)

However, **a further increase of relocation places should be considered**, if necessary, to adapt to rapidly changing refugee flows and trends.

Any proposal for a permanent emergency relocation mechanism must be based on a **more substantial contribution to solidarity and responsibility-sharing among Member States**, including a significant increase in the number of available relocation places. It should be built on **clearly defined criteria**, including on sudden inflow of nationals of third countries and exceptional asylum pressure, allowing for its triggering on the basis of transparent and objective indicators.

**Taking account of applicants' preferences and of Member States:** based on the lessons learned from the pilot project on relocation from Malta (EUREMA), Parliament asked that applicants be given the opportunity to express their preferences. They should rank Member States by order of preference and support their preferences by elements such as:

- family ties in a broad sense;

- social ties such as ties to ethnic and cultural communities, and
- cultural ties to the preferred Member State such as language skills, former stay in a Member State or former study or work relations with companies or organisations of that Member State.

While applicants do not have a right to choose the Member State of their relocation, there must be taken into account **their needs, preferences and specific qualifications** that could be relevant for the integration of applicants into the labour market of the Member State of relocation.

**Relocation procedure:** when deciding which applicants should be relocated, special attention should be given to unaccompanied minors.

Parliament asked that Member States **provide information** about the available capacity for reception of migrants. Italy and Greece shall, with the assistance of EASO, provide applicants with information, **in a language that they understand** about the Member States involved in the emergency relocation. During the initial processing applicants shall be asked to **rank Member States by order of preferences** and to **support their preference**.

The person concerned shall be advised of the Member State of relocation in a comprehensive manner and in a language that the applicant understands or, if the applicant's preferences are not taken into account, of the reasons for that decision.

In principle, the applicant must **give his or her consent to the relocation** to a Member State.

**Operational support for Italy and Greece:** Parliament specified support must include the initial processing of the applications, including the **identification of vulnerabilities and preferences**, for the purpose of identifying potential applicants for relocation and the screening of applicants, including their clear identification, fingerprinting and registration of the applications for international protection. The **transfer costs** to the Member State of relocation should not be an additional burden to Greece and Italy.

**Evaluation:** by July 2016 the Commission shall submit a mid-term evaluation on the application of the Decision and, where appropriate, shall propose the necessary recommendations for a **permanent relocation mechanism**, including in perspective of the announced Dublin fitness check.

The Commission shall submit a final evaluation report on the application of the Decision 30 months after its entry into force.

**Statement by the European Parliament:** Parliament urges the Commission to table a legislative proposal on a permanent relocation scheme based on Article 78(2) and Article 80 **by the end of 2015**, as announced by the Commission in its European Agenda on Migration.

Parliament reserves its right to prepare a **legislative own-initiative report** in case the Commission does not come forward with such a legislative proposal in due time.

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

2015/0125(NLE) - 16/03/2016

The Commission presents its first report on relocation and resettlement in accordance with Council Decision (EU) 2015/1523 and [Council Decision \(EU\) 2015/1601](#) (Relocation Decisions), adopted in September 2015, which established a temporary and exceptional relocation mechanism for 160,000 applicants in clear need of international protection from Greece and Italy. This was a response to the arrival of around 880,000 persons arrived in the European Union through Greece and Italy.

In addition, following the [Commission Recommendation of 8 June 2015](#) on a European resettlement scheme, 27 Member States together with Dublin Associated States agreed on 20 July 2015 to resettle 22,504 displaced persons from outside the EU who are in clear need of international protection within two years. The report also responds to the Commission commitment under the [Roadmap "Back to Schengen"](#) to report on a monthly basis on the implementation of relocation and resettlement.

The Communication summarises the **challenges identified and lessons learned** in these first months of implementation of the relocation and resettlement schemes and proposes recommendations and actions in the short term to improve the implementation rate.

It makes the following points:

### Relocation:

- the **rate of implementation has been slow** over the last five months but there are signs of a positive trend: by 15 March 2016, 937 people had been relocated (368 from Italy and 569 from Greece). The pace of relocation has significantly increased in the first weeks of March, but is still insufficient to meet the objectives of the Relocation Decisions;
- as of 15 March, the total number of indications of readiness to relocate swiftly applicants for international protection ("**formal pledges**") by Member States of relocation amounts to 3,723 which represent **2.33% of the 160,000 relocation transfers to be implemented**. On the positive side, most Member States have appointed liaison officers, who play a key role in the procedure;
- there has been a **rapid increase in the number of applicants**, from around 20 persons per day to 300 persons per day in Greece). Partially, this is a consequence of the restrictions imposed at the Greece/former Yugoslav Republic of Macedonia border but also of the additional efforts to disseminate information, including the deployment of European Asylum Support Office (EASO) mobile teams outside the hotspots to maximise outreach. Nevertheless, the risks of absconding once the person is notified of the Member State of relocation remain;
- there has been an **increased number of nationalities eligible for relocation** but also increased unpredictability regarding new nationalities potentially covered by the Relocation Decisions. The nationalities eligible for relocation are currently Burundi, Central African Republic, Eritrea, Costa Rica, Saint Vincent and the Grenadines;

- relocation of **vulnerable applicants** for international protection, including unaccompanied minors is proving challenging;
- some Member States have expressed **long or restrictive lists of preferences** for the profile of the applicants to be relocated, and some have used the **non-respect of preferences as a ground for rejecting a relocation request**, which is not allowed under the Council Decisions;
- the relocation procedure in general **exceeds the two-month time limit** set out in the two Council Decisions on relocation;
- the main reason for delays in responding to relocation requests is **additional security checks, including systematic security interviews and requests for fingerprints**;
- there are **unjustified rejections of relocation requests** and a lack of pre-departure information by the Member State of relocation;
- despite the fact that Member States offered 201 experts to the general call from EASO for 374 experts, **the response is inadequate** for specific calls and actual deployments.

#### Main recommendation to Greece and Italy:

- **increase the capacity of the Greek Asylum Service**, with the support of EASO, to register applicants to be relocated, matching the significant increase in the number of eligible migrants interested in joining the scheme;
- **complete the full operation of all hotspots**;
- **step-up efforts to carry out systematic security checks** and to improve the quality of information provided in the relocation requests sent to Member States, and appoint a security correspondent;
- **improve coordination capacity** by finalising and implementing as soon as possible Standard Operating Procedures and Protocols for relocation;
- **increase the reception capacity of Greece** by making available the 50,000 places committed under the roadmap as soon as possible;
- finalise as soon as possible the procedures to facilitate the relocation of **unaccompanied minors**.

#### Main recommendations to the Member States of relocation:

- increase significantly the number and frequency of pledges;
- **reply to relocation requests from Italy and Greece within one week upon receipt**;
- accelerate the carrying out of **additional security checks** with the objective of performing them **within one week** and with a focus on duly justified cases;
- provide pre-departure information packages including qualitative and attractive information to applicants following EASO's guidance note;
- respond as a matter of urgency to EASO calls for experts to support Italy and in Greece.

The report also addresses **recommendations to the European Asylum Support Office (EASO)**.

The Commission has calculated that in order to meet the number of commitments already allocated (106,000) under the two Council Decisions on relocation averaged over the remaining 18.5 months, **a monthly relocation rate of 5,679 should be achieved as a minimum**. This would imply an average of **around 187 transfers per day and a relocation procedure of maximum two weeks**. The experience of the recent relocation transfers to Portugal from Greece proves that the relocation procedure can also be implemented within one week. Based on this calculation, the Commission considers that **at least 6,000 relocations should be completed by the time of its second report** on relocation and resettlement on 16 April, and that, stepping up the rate, at least 20,000 relocations should be completed by the third report on 16 May, in view of the emergency humanitarian situation on the ground.

**Resettlement:** based on the information received from the participating States 4,555 people were resettled until 15 March 2016 to Austria, Belgium, Czech Republic, France, Ireland, Italy, the Netherlands, the United Kingdom, Norway, Liechtenstein, and Switzerland under the scheme. A majority of States participating in the scheme indicated that their resettlement efforts are primarily, but not exclusively, directed at Syrians staying in Jordan, Lebanon and Turkey.

The report makes the following points:

- there are **substantial divergences** among the Member States as regards their respective resettlement programmes and practices, such as the selection criteria, length of procedures, pre-departure orientation programmes, integration tools, the status granted to persons admitted, residence permits as well as the number of places available for resettlement;
- the **duration of the procedure** can last from several weeks to up to two years between the submission of the case by the UNHCR until arrival in a host country;
- **lack of reception capacities and finding adequate accommodation** was frequently mentioned as a particular challenge, especially in cases of resettling larger families, or when dealing with especially vulnerable cases. Exit clearances by the third countries, were also cited as problematic in some cases;
- 10 Member States are expected to resettle for the first time, although none of them has started implementing the programme yet. **Challenges which those Member States face** include building capacity for establishing a national resettlement mechanism, a lack of experience in conducting missions and selecting candidates, providing optimal conditions for integration of resettled refugees, and winning public support for resettlement among the general public.

The Commission makes several recommendations regarding overcoming these challenges, including: (i) sharing knowledge and experience and working with partners; (ii) improved monitoring of the scheme; (iii) implementing the Voluntary Humanitarian Admission Scheme with Turkey; (iv) bringing forward an EU wide resettlement proposal to frame the EU's policy on resettlement.

In order to underline the importance attached to solidarity with affected third countries in the region and the role of legal pathways for migration, **Member States need to deliver on the remaining 17,949 resettlement places**. Over the remaining period, Member States would need to resettle on **average 855 people in need of protection on a monthly basis**. In line with its commitment under the Roadmap "Back to Schengen", the Commission will report on a monthly basis on the progress made in implementing the relocation and resettlement commitments.

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

2015/0125(NLE) - 27/05/2015 - Legislative proposal

**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.

**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:** in accordance with **Article 78(3) of the Treaty**, in the event of one or more Member States being confronted by an emergency situation characterised by a **sudden inflow of nationals of third countries**, the Council, on a proposal from the Commission, may adopt provisional measures to the benefit of the Member State(s) concerned.

In accordance with Article 80 of the Treaty, the policies of the Union in the area of border checks, asylum and immigration and their implementation should be governed by the **principles of solidarity** and fair sharing of responsibility between Member States.

The [European Agenda on Migration](#), the recent statement of the European Council of 23 April 2015 and the [European Parliament Resolution](#) presented on 29 April 2015 in the wake of the recent tragedies in the Mediterranean, all concur on the specific and urgent needs frontline Member States are confronted with and on the need to reinforce internal solidarity and propose concrete measures to provide support to the most affected Member States.

**Italy's and Greece's** geographical situation, with the ongoing conflicts in the region of their immediate neighbourhood makes them more vulnerable than the other Member States in the immediate future with unprecedented flows of migrants expected to continue to reach their territories.

In 2014, more than 170 000 migrants arrived in Italy alone in an irregular manner, representing an increase of 277% compared to 2013. A steady increase was witnessed also by Greece with more than 50 000 irregular migrants reaching the country, representing an increase of 153% compared to 2013.

In 2014, the **Syrians and the Eritreans**, for which the EU level recognition rate is more than 75%, represented more than 40% in Italy and more than 50% in Greece.

According to Eurostat, 64 625 persons applied for international protection in Italy in 2014, compared to 26 920 in 2013 (an increase of 143%). A lesser increase in the number of applications was witnessed by Greece with 9 430 applicants (an increase of 15%).

As part of the **immediate measures**, the Commission announced that, by the end of May, it will propose a mechanism to trigger the emergency response system envisaged under Article 78(3) of the Treaty on the Functioning of the European Union (TFEU). The proposal will include a **temporary distribution scheme** for persons in clear need of international protection to ensure a fair and balanced participation of all Member States to this common effort.

**CONTENT:** this proposal is presented as result of a prevailing crisis in the area of asylum in Italy and Greece. To prevent further deterioration of the asylum situation in these two countries and provide them with effective support, the Commission had to **react rapidly and present promptly its proposal** based on Article 78(3) of the Treaty in view of its swift adoption by the Council and implementation of the **provisional measures to the benefit of Italy and Greece** by the Member States.

**Provisional relocation measures:** the provisional measures envisaged by this proposal relate first and foremost to the **relocation of applicants** for international protection (Syrians and Eritreans) who appear prima facie to be in clear need of international protection **from Italy and Greece to the other Member States**. The other Member States, defined in the proposal as the "Member States of relocation" become responsible for examining the application of the person to be relocated. It is therefore proposed to apply the provisional measures foreseen in this proposal for a **period of 24 months** from the entry into force of this Decision.

**Numerical targets:** the proposal establishes a numerical target for the applicants to be relocated from Italy and Greece, **namely 24 000 and 16 000 respectively** and includes in its annexes **two distribution keys** which define the number of applicants that shall be relocated from Italy and Greece respectively to the other Member States.

The total of **40 000 applicants** that should be relocated from Italy and Greece corresponds to approximately **40% of the total number of persons in clear need of international protection** who have entered irregularly in these two countries in 2014.

**Relocation procedure:** the scope of the relocation procedure set out in this Decision is limited in two respects:

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

The proposal sets out a **simple relocation procedure**, to ensure a quick transfer of the persons concerned to the Member State of relocation. Priority should be given to the vulnerable applicants.

**Further measures:** in addition to relocalisation, the proposal:

- lays down **other measures of support to be provided to Italy and Greece**. In particular, the proposal envisages an increase in the support provided by other Member States to Italy and Greece under the coordination of EASO and other relevant Agencies;
- provides the obligation for Italy and Greece to present to the Commission a **roadmap** 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 a proper application of this Decision. The Commission may suspend, under certain circumstances, the application of this Decision;
- includes **specific guarantees and obligations for the applicants** who are subject to relocation to another Member State (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 and the right to be relocated with the family members in the same Member State of relocation). The proposal also recalls the obligation to give primary consideration to the **best interests of the child** when deciding the Member State of relocation.

Lastly, the proposal recalls the possibility for the Council, based on a proposal from the Commission and after consulting the European Parliament, to adopt provisional measures **for the benefit of a Member State other than Italy or Greece** which would be confronted with a similar emergency situation characterised by a sudden inflow of nationals of third countries.

**BUDGETARY IMPACT:** this proposal entails additional costs for the EU Budget for a total amount of **EUR 240 000 000**.

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

2015/0125(NLE) - 14/09/2015 - 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) 2015/1523 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece.

**CONTENT:** this Decision establishes a **temporary and exceptional relocation mechanism over two years** from the frontline Member States **Italy and Greece** to other Member States.

In 2014, more than 170 000 migrants arrived in Italy alone in an irregular manner, representing an increase of 277% compared to 2013. A steady increase was also witnessed by Greece with more than 50 000 irregular migrants reaching the country, representing an increase of 153% compared to 2013. The overall numbers further increased in the course of 2015.

In its resolution of [29 April 2015](#), the European Parliament reiterated the need for the Union to base its response to the latest tragedies in the Mediterranean on **solidarity and fair sharing of responsibility**.

**Relocation measures:** the provisional measures under this Decision 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 (those applicants as those belonging to nationalities for which the EU average recognition rate as established by Eurostat is above 75%).

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**; **16 000 applicants** will be **relocated from Greece** to the territory of the other Member).

**Relocation procedure:** the Decision ensures that a **swift relocation procedure** is put in place and to accompany the implementation of the provisional measures by close administrative cooperation between Member States and operational support provided by EASO. Priority shall be given for that purpose to **vulnerable applicants**.

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 for 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 State.

The transfer of the applicant to the territory of the Member State of relocation shall take place **as soon as possible following the date of the notification** to the person concerned of the transfer decision.

Member States retain the **right to refuse** to relocate an applicant only where there are reasonable grounds for regarding him or her as a **danger to their national security or public order**.

For the implementation of all aspects of the relocation procedure, Member States may decide to appoint **liaison officers** to Italy and to Greece.

**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 in Greece, including their clear identification, fingerprinting and registration;
- the provision to applicants or potential applicants that could be subject to relocation of **information and specific assistance** that they may need.

**Roadmap:** the 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. The Commission may decide to **suspend, under certain circumstances**, the application of this Decision.

**Rights and obligations of applicants:** the Decision lays down the rights and obligations of applicants for international protection covered by this Decision:

- the **best interests of the child** shall be a primary consideration for Member States when implementing this Decision;
- the applicant shall be informed in a language which the applicant understands or is reasonably supposed to understand of the relocation procedure;
- Member States shall ensure that **family members** who fall within the scope of this Decision are relocated to the territory of the same Member State.

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.

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

ENTRY INTO FORCE: 16.9.2015. The Decision shall apply until 17.9.2017.