Basic information

2015/0208(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
International protection: crisis relocation mechanism Amending Regulation (EU) No 604/2013 2008/0243(COD) **Subject** 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)	

Key players

Council of the European Union	
European Commission	Commission DG: Migration and Home Affairs; Commissioner: AVRAMOPOULOS Dimitris

Key events

Date	Event	Reference	Summary
09/09/2015	Legislative proposal published	COM(2015)0450	Summary
16/09/2015	Committee referral announced in Parliament, 1st reading		
21/06/2019	Proposal withdrawn by Commission		

Technical information

Procedure reference	2015/0208(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EU) No 604/2013 2008/0243(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 078-p2
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	LIBE/9/00117

Documentation gateway

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2015)0450	09/09/2015	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Reasoned opinion	SK_PARLIAMENT	PE569.683	15/10/2015	
Contribution	DE_BUNDESRAT	COM(2015)0450	20/10/2015	
Contribution	ES_PARLIAMENT	COM(2015)0450	20/10/2015	
Contribution	PL_SEJM	COM(2015)0450	20/10/2015	
Contribution	PL_SENATE	COM(2015)0450	20/10/2015	
Contribution	IT_CHAMBER	COM(2015)0450	27/10/2015	
Reasoned opinion	CZ_SENATE	PE571.440	04/11/2015	
Contribution	IT_SENATE	COM(2015)0450	05/11/2015	
Reasoned opinion	CZ_CHAMBER	PE571.615	09/11/2015	
Reasoned opinion	HU_PARLIAMENT	PE571.704	13/11/2015	
Reasoned opinion	RO_CHAMBER	PE571.762	18/11/2015	
Contribution	CY_PARLIAMENT	COM(2015)0450	29/03/2016	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES5408/2015	09/12/2015	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

International protection: crisis relocation mechanism

2015/0208(COD) - 09/09/2015 - Legislative proposal

PURPOSE: to amend Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person with a view to creating a crisis relocation mechanism.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: in the framework of the European Agenda on Migration, the European Commission outlined immediate measures required to respond to the current urgent and complex challenges in the area of migration as well as medium and long term initiatives that need to be taken to provide **structural solutions** for better managing migration in all its aspects.

The European Commission also announced that the triggering of the emergency response system will be the precursor of a lasting solution. It announced in that respect that it will table by the end of 2015 a legislative proposal for a permanent system for relocation that should be triggered in crisis situations.

The overall objective of this legislative proposal is to ensure that the Union has at its disposal a robust crisis relocation mechanism to structurally deal with situations of crisis in the asylum area in an effective manner.

The proposed relocation mechanism aims, on the one hand, to ensure, in situations of crisis, a **fair sharing** of responsibilities between Member States for large numbers of applicants in clear need of international protection, and, on the other hand, the **proper application of Regulation (EU) No 604/2013 (the Dublin system)** including the full protection of the rights of applicants for international protection. Whereas the proposal aims to introduce in Regulation (EU) No 604/2013 a crisis relocation mechanism as a permanent framework for the implementation of relocation measures, these measures will be applied in respect of specific crisis situations in a given Member State and will, by definition, **remain temporary.**

CONTENT: the proposal amends Regulation (EU) No 604/2013 by introducing a crisis relocation mechanism and conferring the power to the Commission to adopt acts in accordance with Article 290 TFEU in respect of triggering the application of the mechanism as well as its suspension in respect of a particular Member State, under clearly prescribed conditions.

Conditions for applying the crisis relocation mechanism: in order to trigger the crisis relocation mechanism the Commission must establish, on the basis of substantiated information, in particular information gathered by EASO and Frontex, that a Member State is confronted with a crisis situation jeopardizing the application of Regulation (EU) No 604/2013 due to **extreme pressure** characterised by a large and disproportionate inflow of third-country nationals or stateless persons, which places significant demands on its asylum system.

The proposal provides for clear indicators that the Commission should inter alia take into account in making this assessment:

- the total number of applicants for international protection and of irregular entries of third country nationals and stateless persons in the six months preceding the adoption of the delegated act,
- the increase in such numbers compared to the same period in the previous year;
- the number of applications per capita in the Member State benefiting from relocation over the previous 18 months compared to the Union average.

Categories of applicants to be relocated: it is proposed to trigger the crisis relocation mechanism **only in respect of applicants who are, prima facie, in clear need of international protection** and for which the Member State in a crisis situation would have otherwise been responsible, under the criteria set out in the Dublin Convention.

The proposal defines those applicants as those belonging to nationalities for which, based on the latest available updated quarterly EU-wide average Eurostat data, the recognition rate is 75% or higher.

Description of the crisis relocation mechanism: the applications of these persons shall be examined by another Member State (the Member State of relocation). In such case, the relocation procedure as set out in Annex IV shall apply, in derogation from specific Articles 21, 22 and 29 concerning take charge requests and transfers as laid down in the Dublin Convention.

The proposal sets out a **simple relocation procedure**, to ensure a quick transfer of the persons concerned to the Member State of relocation.

Each Member State shall appoint a national contact point and communicate it to the other Member States and to the European Asylum Support Office (EASO). Member States shall at regular intervals, and at the latest every three months, **indicate the number of applicants who can be relocated swiftly to their territory** and any other relevant information.

Following approval of the Member State of relocation, a formal decision to relocate an applicant needs then to be taken by the Member State benefiting from relocation and notified to the applicant.

The proposal specifies that applicants whose fingerprints are required to be taken, pursuant to the obligations of the Eurodac Regulation in the framework of the Dublin Convention, may not be relocated unless their fingerprints have been taken.

The proposal also specifies that Member States retain the right to refuse to relocate an applicant only in relation to **national security or public order concerns** or exclusion provisions set out in Directive 2011/95/EU.

Specific guarantees for the applicants and best interests of children: the proposal includes specific guarantees 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,
- the right to be relocated with the family members in the same Member State of relocation.

The obligation to give primary consideration to the best interests of the child as laid down by Regulation (EU) No 604/2013 remain applicable when deciding the Member State of relocation.

Triggering of the crisis relocation mechanism: when the Commission establishes that the conditions for relocation are fulfilled in respect of a particular Member State, it shall adopt a **delegated act** for triggering the application of the relocation mechanism.

This delegated act shall:

- ascertain that there is a crisis situation in the Member State benefiting from relocation;
- determine the number of persons to be relocated from that Member State;
- determine the distribution of those persons between Member States by applying the **formula for a distribution key** (see below);
- set the period of application of the crisis relocation mechanism.

The delegated act shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a maximum period of one month from its notification by the Commission. The delegated act can be applicable for a maximum of two years.

Formula for a distribution key: the proposal establishes, for well prescribed crisis circumstances, a mandatory distribution key for determining the responsibility for examining applications:

- population - 40% weighting
- total GDP - 40% weighting
- average number of asylum applications over the 5 preceding years per million inhabitants with a cap of 30% of the population and GDP - 10% weighting
- unemployment rate with a cap of 30% of the population and GDP - 10% weighting.

Method for setting the number of persons to be relocated: the proposal provides for objective and verifiable indicators to be taken into account by the Commission when determining, in the context of adopting a delegated act triggering the crisis relocation mechanism in respect of a particular Member State: the number of persons to be relocated from that Member State and in particular:

the number of applicants for international protection per capita in the Member State benefiting from relocation in the 18 months, and in particular in the six months, preceding the adoption of the delegated act compared to the Union average;

the capacity of the asylum system of that Member State;

the participation of the Member State in previous solidarity initiatives as well as the extent to which the Member State has benefited from previous EU solidarity measures.

Moreover, a maximum threshold for the persons to be relocated is established, **namely 40% of the number of applications lodged with that Member State in the six months** preceding the adoption of the delegated act.

Specific rules in case a Member State is temporarily unable to take part in the relocation of applicants: given that exceptional circumstances cannot be excluded, the proposal foresees that a Member State may, within one month of the entry into force of the delegated act triggering the application of the relocation mechanism, notify to the Commission, giving duly justified reasons compatible with the fundamental values of the Union, that it is **temporarily unable to take part, fully or in part, in the relocation of applicants, for a period of one year**.

The Member State 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. In case of partial participation in the relocation, this amount shall be reduced in proportion. This amount should be allocated to the Asylum, Migration and Integration Fund as assigned revenue.

In this case, the delegated act should be amended accordingly.

Complementary measures to be taken by the Member State benefiting from relocation: the proposal sets out the obligation for the Member State benefiting from relocation to present to the Commission, on the date of entry into force of the delegated act, a **roadmap** with measures to ensure appropriate implementation of the crisis relocation mechanism. This roadmap should include wider asylum related measures aimed at, inter alia, strengthening the capacity of its asylum system. Moreover, the proposal specifies the conditions under which the Commission may decide to suspend the application of the relocation mechanism for the benefit of a Member State should it fail to comply with its obligations.

Rules applicable to prevent secondary movements by applicants for and beneficiaries of international protection: the proposal provides for new rules in case of secondary movements of beneficiaries of international protection who, after having been relocated, entered and stayed irregularly on the territory of another Member State. In particular, it is provided that the Member State of relocation shall take back a beneficiary of international protection who, after having been relocated, made an application in another Member State than the Member State of relocation or who is on the territory of another Member State than the Member State of relocation without a residence document.