Basic information

2020/0277(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Crisis and force majeure Regulation **Subject** 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF) 7.10.08 Migration policy **Legislative priorities** Joint Declaration 2021 Joint Declaration 2022 Joint Declaration 2023-24	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	LÓPEZ AGUILAR Juan Fernando (S&D)	09/11/2020
	Shadow rapporteur VOZEMBERG-VRIONIDI Elissavet (EPP) AZMANI Malik (Renew) BOESELAGER Damian (Greens/EFA) BUXADÉ VILLALBA Jorge (ECR) SARDONE Silvia (ID)	

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	
BUDG Budgets	The committee decided not to give an opinion.	

Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
JURI Legal Affairs	LAGODINSKY Sergey (Greens/EFA)	04/03/2024

Council of the European Union	
European Commission	Commission DG: Migration and Home Affairs Commissioner: JOHANSSON Ylva

Key events

Date	Event	Reference	Summary
23/09/2020	Legislative proposal published	COM(2020)0613	Summary
11/11/2020	Committee referral announced in Parliament, 1st reading		
28/03/2023	Vote in committee, 1st reading		
28/03/2023	Committee decision to open interinstitutional negotiations with report adopted in committee		
05/04/2023	Committee report tabled for plenary, 1st reading	A9-0127/2023	Summary
17/04/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
20/04/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72 - vote)		
14/02/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2024)000948	
10/04/2024	Decision by Parliament, 1st reading	T9-0178/2024	Summary
10/04/2024	Results of vote in Parliament		
10/04/2024	Debate in Parliament		
14/05/2024	Act adopted by Council after Parliament's 1st reading		
14/05/2024	Final act signed		
22/05/2024	Final act published in Official Journal		

Technical information

Procedure reference	2020/0277(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Rules of Procedure EP 41 Treaty on the Functioning of the European Union TFEU 078-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/04265

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE697.631	23/11/2021	
Amendments tabled in committee		PE704.693	27/01/2022	
Amendments tabled in committee		PE704.694	27/01/2022	
Committee report tabled for plenary, 1st reading/single reading		A9-0127/2023	05/04/2023	Summary
Specific opinion	JURI	PE759.947	26/03/2024	
Text adopted by Parliament, 1st reading/single reading		T9-0178/2024	10/04/2024	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2024)000948	08/02/2024	
Draft final act	00019/2024/LEX	14/05/2024	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2020)0613	23/09/2020	Summary
Commission response to text adopted in plenary	SP(2024)377	29/07/2024	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	ES_PARLIAMENT	COM(2020)0613	15/12/2020	
Contribution	DE_BUNDESRAT	COM(2020)0613	21/12/2020	
Contribution	PT_PARLIAMENT	COM(2020)0613	21/01/2021	
Contribution	RO_SENATE	COM(2020)0613	30/03/2021	
Contribution	EL_PARLIAMENT	COM(2020)0613	16/04/2021	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES5705/2020	24/02/2021	
CofR	Committee of the Regions: opinion	CDR4843/2020	19/03/2021	

Additional information		
Source	**Document**	**Date**
European Parliament	Briefing	14/01/2021
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency

Name	Role	Committee	Date	Interest representatives
LÓPEZ AGUILAR Juan Fernando	Rapporteur	LIBE	06/12/2023	Vice-Minister of the Interior of Lithuania
LÓPEZ AGUILAR Juan Fernando	Rapporteur	LIBE	14/11/2023	German Minister of State for Europe
LÓPEZ AGUILAR Juan Fernando	Rapporteur	LIBE	26/10/2023	Red Cross
LÓPEZ AGUILAR Juan Fernando	Rapporteur	LIBE	19/09/2023	German Minister of State for Europe
LÓPEZ AGUILAR Juan Fernando	Rapporteur	LIBE	05/09/2023	Amnesty International and European Council on Refugees and Exiles
LÓPEZ AGUILAR Juan Fernando	Rapporteur	LIBE	05/07/2023	Médecins Sans Frontières Deputy Head of Mission for Search and Rescue
LÓPEZ AGUILAR Juan Fernando	Rapporteur	LIBE	26/06/2023	Belgian Secretary of State for Asylum and Migration
LÓPEZ AGUILAR Juan Fernando	Rapporteur	LIBE	22/03/2023	UNHCR
LÓPEZ AGUILAR Juan Fernando	Committee chair	LIBE	08/02/2023	Directorate-General for Migration and Home Affairs
AZMANI Malik	Shadow rapporteur	LIBE	22/11/2022	Permanent Representation of the Hellenic Republic
AZMANI Malik	Shadow rapporteur	LIBE	17/12/2021	DG ECHO, European Commission
AZMANI Malik	Shadow rapporteur	LIBE	16/12/2021	Red Cross, EU office
AZMANI Malik	Shadow rapporteur	LIBE	29/06/2021	Permanent Representation of the Netherlands

Final act

Corrigendum to final act 32024R1359R(01)
OJ OJ L 25.11.2025

Regulation 2024/1359
OJ OJ L 22.05.2024 Summary

Crisis and force majeure Regulation

2020/0277(COD) - 22/05/2024 - Final act

PURPOSE: to make the necessary adjustments to the rules on asylum procedures and, where appropriate, to those on solidarity, to ensure that Member States are able to deal with crisis situations and cases of force majeure in the management of asylum and migration within the Union.

LEGISLATIVE ACT: Regulation (EU) 2024/1359 of the European Parliament and of the Council addressing situations of crisis and force majeure in the field of migration and asylum and amending Regulation (EU) 2021/1147.

CONTENT: this Regulation establishes a framework enabling Member States to **respond to crisis situations in the area of asylum and migration**. It is the fifth component of the Pact on Migration and Asylum.

The Regulation provides a **stable and predictable** framework at EU level for managing crisis situations or cases of force majeure, and includes a reinforced solidarity component guaranteeing that all the needs of the Member States concerned will be met, as well as procedural derogations for the Member States. The measures adopted under the Regulation will be applied only to the extent strictly required by the situation, on a temporary and limited basis and only in exceptional circumstances.

Situation of crisis, instrumentalisation, force majeure

The Regulation defines a **situation of crisis** as an exceptional situation of mass arrivals of third-country nationals or stateless persons in a Member State by land, air or sea, including those disembarked following search and rescue operations. The main criterion is that the situation renders a Member State's asylum, reception (including child protection services), or return system non-functional, to the point that there may be serious consequences for the functioning the Common European Asylum System as a whole.

A situation of **instrumentalisation** could arise where a third country or a hostile non-state actor encourages or facilitates the movement of third-country nationals or stateless persons to the external borders of the Union or to a Member State, where such actions are indicative of an intention of a third country or a hostile non-state actor to destabilise the Union or a Member State, and where such actions are liable to put at risk essential functions of a Member State, including the maintenance of law and order or the safeguard of its national security.

'**Force majeure**' situations refer to abnormal and unforeseeable circumstances outside a Member State's control, the consequences of which could not have been avoided in spite of the exercise of all due care. Such situations of force majeure could prevent the Member State from complying with its obligations under Union law.

Support for Member States

Under the Regulation, Member States will be authorised to **adapt certain rules**, for example concerning the registration of asylum applications or the asylum procedure at the border. These Member States will also be able to request solidarity and support measures from the EU and its Member States.

These exceptional measures and solidarity support require a **Council implementing decision** authorising derogations and establishing solidarity measures. This decision will be adopted within **two weeks** of receiving a proposal from the Commission. The period of application of the derogations and solidarity measures provided for in the Council implementing decision will be **three months**. This period may be extended once for three months after confirmation by the Commission that the situation of crisis or force majeure persists.

Exceptional measures in crisis situations

Member States faced with a crisis situation, a situation of instrumentalisation or a case of force majeure may derogate from some of the rules on responsibility laid down in EU asylum legislation, in particular:

- applications for international protection may be registered no later than **four weeks**, rather than seven days, after they are lodged;

- the Member State concerned will be able to extend the time limit for examining applications for international protection at the border by **six weeks**;

- a Member State will also be able to request changes to the criteria used to determine whether the applicant should be examined as part of the border procedure (for example, by raising the threshold for the recognition rate to 50%);

- Member States in crisis situations will be released from their obligation to take back asylum seekers from another EU country, as they would be required to do in normal circumstances.

Solidarity with countries confronted with a crisis situation

A Member State facing a crisis situation will be able to request solidarity contributions from other EU countries. These contributions are similar to those agreed under the Regulation on asylum and migration management, i.e. the relocation of asylum seekers or beneficiaries of international protection from the Member State in crisis to the contributing Member States, liability compensation and financial contributions or other solidarity measures.

Fundamental rights guarantees

This Regulation respects the fundamental rights of third-country nationals and stateless persons and observes the principles recognised by the Charter of Fundamental Rights of the European Union, in particular the respect and protection of human dignity, prohibition of torture and inhuman or

degrading treatment or punishment, respect for private and family life, the principle of the best interests of the child, the right to asylum and protection in the event of removal, expulsion or extradition, as well as the Geneva Convention Relating to the Status of Refugees of 28 July 1951.

For the purpose of applying the derogations, the basic principles of the right to asylum and the respect of the principle of non-refoulement will apply to ensure that the rights of those who seek international protection, including the right to an effective remedy, are protected.

ENTRY INTO FORCE: 11.6.2024.

APPLICATION: from 1.7.2026.

Crisis and force majeure Regulation

2020/0277(COD) - 23/09/2020 - Legislative proposal

PURPOSE: to create a new legislative instrument to provide for temporary and extraordinary measures in situations of crisis and *force majeure* in the field of migration and asylum.

PURPOSE: 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: the New Pact on Migration and Asylum's goal of putting in place a comprehensive and robust migration and asylum policy is the best protection against the risk of crisis situations. In situations of crisis, Member States might need a wider set of measures in order to manage a mass influx of third-country nationals in an orderly fashion and contain unauthorised movements. Such measures should include the application of an asylum crisis management procedure and a return crisis management procedure.

The EU must be ready to address situations of crisis and *force majeure* with resilience and flexibility – in the knowledge that different types of crises require varied responses. As part of this comprehensive framework, it is necessary to put in place a system with tools necessary to deal with crisis situations and situations of *force majeure*.

CONTENT: the Commission proposes to create a new legislative instrument to address situations of crisis and *force majeure* in the field of migration and asylum within the Union.

The objectives of this instrument are twofold:

(1) to provide flexibility to Member States to react to crisis and *force majeure* situations and grant immediate protection status in crisis situations;

(2) to ensure that the system of solidarity established in the new Asylum and Migration Management Regulation is well adapted to a crisis characterised by a large number of irregular arrivals.

The overall objective of the proposal is to provide for the necessary adaptation of the rules on asylum and return procedures (Asylum Procedures Regulation and Return Directive) as well as of the solidarity mechanism established in the new Regulation on Asylum and Migration Management, in order to ensure that Member States are able to address situations of crisis and force majeure in the field of asylum and migration management within the EU.

Definition of crisis situations

The proposed system distinguishes between crisis situations that are caused by irregular arrivals of scale and nature that it would render a Member State's asylum, reception or return system non-functional. It shall also cover situations where there is an imminent risk of such arrivals having serious consequences for the functioning of the Common European Asylum System and the migration management system of the Union as a whole. Situations of *force majeure* in the field of asylum and migration management are also addressed, including situations recently experienced by Member States due to the coronavirus pandemic.

Such situations of *force majeure* may make it impossible for Member States to respect the time limits set by the proposed Asylum Procedures Regulation and the proposed Asylum and Migration Management Regulation for registering applications for international protection or carrying out the procedures for determining the Member State responsible for examining an application for international protection.

Accelerated procedures and extended time frame

Therefore, the present proposal establishes specific rules to ensure a faster procedure than that foreseen in the proposed Regulation on Asylum and Migration Management in order to ensure that an effective and efficient system is permanently in place to deal with a situation of crisis.

This proposal also provides for an extension of the timeframe for the implementation of the obligation to relocate or undertake return sponsorship when a Member State is in a situation of force majeure which renders it impossible to fulfil these obligations as set out in this Regulation and in the Regulation on Asylum and Migration Management.

Immediate protection status

The proposal also includes a faster procedure to grant immediate protection to groups of non-EU nationals who are facing a high degree of risk of being subject to indiscriminate violence, in exceptional situations of armed conflict, and who are unable to return to their country of origin.

This precise group of people would be determined by the Commission in an implementing act. Immediate protection status can be granted for a maximum of one year to all persons belonging to this group that claim asylum and are not a security threat or have not committed serious crimes. At the same time, Member States would suspend the processing of the asylum applications of these individuals for up to a year, avoiding risks of backlogs in processing large numbers of asylum applications. After one year, Member States need to resume this processing.

Derogations from EU law

The proposal also includes provisions related to crisis situations which allow for certain derogations from the proposed Asylum Procedures Regulation. In particular, it will be possible to extend the scope of application of the border procedure to third-country nationals and stateless persons whose EU-wide first instance recognition rate is 75% or lower, in addition to the grounds already provided by the Asylum Procedures Regulation, as well as to extend the duration for the examination of an application of international protection under the border procedure by an additional eight weeks.

It is also proposed to allow Member States to derogate from the provisions on registering applications for international protection with a longer deadline of four weeks.

Moreover, the proposal provides for the possibility to derogate from certain provisions on the border procedure to carry out return. For this purpose, the proposal extends the maximum duration of the border procedure for carrying out return by an additional period of eight weeks (the proposed Asylum Procedures Regulation sets the maximum time-limit to twelve weeks).

Relocation

With respect to relocation, the scope of this proposal is also widened as compared to that provided for in the situations of pressure in the Regulation on Asylum and Migration Management, as it will also apply to applicants for international protection in the border procedure, irregular migrants and persons granted immediate protection under this Regulation. Transfer of illegally staying third-country nationals or stateless persons subject to return sponsorship, from the Member State in crisis to the sponsoring Member State, would intervene if return has not been successfully completed within four months, i.e. following a period shorter than the one set in the Regulation on Asylum and Migration Management (eight months).

Budgetary implications

Due to the nature of this proposal linked to a crisis situation, it is not possible to estimate a priory the possible budgetary impact. It will be accommodated as far as possible within the budget of the existing instruments under the period 2021-2027 in the field of migration and Asylum, and where necessary, using the flexibility mechanisms provided within the MFF 2021-2027.

Crisis and force majeure Regulation

2020/0277(COD) - 10/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 301 votes to 272, with 46 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council addressing situations of crisis and force majeure in the field of migration and asylum.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

Greater solidarity and support for Member States in the event of migration and asylum crises

The Union and its Member States could be confronted with migratory challenges that can vary greatly, in particular with regard to the scale and the composition of the arrivals. It is therefore essential that the Union be equipped with a variety of tools to respond to all types of situations.

This Regulation addresses **exceptional situations of crisis**, including instrumentalisation, and force majeure, in the field of migration and asylum within the Union by means of temporary measures. It provides for enhanced solidarity and support measures while ensuring the fair sharing of responsibility, and for temporary specific rules derogating from the rules concerning the asylum procedure. It provides measures to ensure that Member States receive full support in situations of crisis and force majeure, including through the solidarity mechanism that ensures a fair sharing of responsibility and a balance of efforts between Member States in situations of crisis.

A situation of crisis means:

- **an exceptional situation of mass arrivals** of third-country nationals or stateless persons in a Member State by land, air or sea, including of persons that have been disembarked following search and rescue operations, of such a scale and nature, taking into account, *inter alia*, the population, GDP and geographical specificities of the Member State, including the size of the territory, that it renders the Member State’s well-prepared asylum, reception, including child protection services, or return system non-functional, including as a result of a situation at local or regional level, such that there could be serious consequences for the functioning of the Common European Asylum System;

- **a situation of instrumentalisation** where a third country or a hostile non-state actor encourages or facilitates the movement of third-country nationals or stateless persons to the external borders or to a Member State, with the aim of destabilising the Union or a Member State, and where such actions are liable to put at risk essential functions of a Member State, including the maintenance of law and order or the safeguard of its national security. Humanitarian aid operations should not be considered as a case of instrumentalisation when there is no aim to destabilise the EU or a Member State;

- a situation where the Member State is faced with abnormal and unforeseeable circumstances outside its control, the consequences of which could not have been avoided notwithstanding the exercise of all due care, which prevent that Member State from complying with its obligations.

Governance

Where a Member State considers itself to be in a situation of crisis or force majeure, it may, given those exceptional circumstances, submit a **reasoned request** to the Commission, in order to benefit from solidarity measures allowing for the proper management of that situation and to allow for possible derogations from the relevant rules on the asylum procedure, while ensuring that the applicants' fundamental rights are respected.

The Commission should assess the situation within **two weeks** and decide whether or not a crisis situation exists. It should also present to the Council a proposal for an implementing decision on solidarity measures and derogations, as well as a recommendation on the application of a rapid procedure for granting international protection to certain categories of applicants.

The Commission should report to the European Parliament and the Council, every three months after the entry into force of the Council implementing decision, on the application of that decision, in particular on the effectiveness of the measures undertaken in resolving the situation of crisis or force majeure and should determine whether the situation persists and whether the measures continue to be necessary and proportionate.

Solidarity measures

The new rules foresee a predictable and permanent system of solidarity in which all Member States must contribute to support the member state in crisis. Among the possible solidarity measures to address a specific crisis, a Member State can propose to the Commission to **opt for the relocation of asylum applicants and targeted financial contributions or alternative measures**.

Certain categories of people - such as applicants coming from a specific country of origin - may be identified as entitled to prima facie protection, i.e. authorities should prioritise the examination of their application because they are likely to be well-founded and to ensure the swift conclusion of their application.

Derogations

In crisis situations, the registration of asylum applications could take up to **4 weeks**. Member State concerned should prioritise the registration of applications of persons with special reception needs and of minors and their family members. Member States should ensure that applicants are able to access and exercise their rights under those instruments in an effective manner as soon as they make an application, regardless of when the registration takes place.

When confronted with a situation of crisis or force majeure, it should be possible for the Member State concerned to extend the examination of applications for international protection at the border by **six weeks**.

In situations of mass influx, the threshold for the border procedure can be adapted either upwards or downwards. In instrumentalisation situations, after an individual assessment, **vulnerable persons and families with children under 12 years** could be excluded from the border procedure.

For the purposes of applying the derogations, the basic principles of asylum law and respect for the principle of **non-refoulement** should be applied to ensure the protection of the rights of persons seeking international protection, including the right to an effective remedy. Organisations and persons authorised by national law to provide advice and counselling should have effective access to applicants in detention centres or at border crossing points.

Expedited procedure

Where objective circumstances suggest that applications for international protection from groups of applicants from a specific country of origin or former habitual residence or a part of that country or on the basis of the criteria drawn from that Regulation could be well-founded, it is in the interest of both the determining authorities and the applicants concerned to conclude the examination of the merits of the application as soon as possible and to allow for a swift and efficient granting of international protection in a situation of crisis.

Crisis and force majeure Regulation

2020/0277(COD) - 05/04/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Juan Fernando LÓPEZ AGUILAR (S&D, ES) on the proposal for a regulation of the European Parliament and of the Council addressing situations of crisis in the field of migration and asylum.

As a reminder, this proposal seeks create a new legislative instrument to address situations of crisis and force majeure in the field of migration and asylum within the Union.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Crisis response mechanism

According to the report, the Regulation should deal with crisis situations in the field of migration and asylum within the Union and provide for specific **temporary rules** derogating from the general framework. This Regulation would establish a crisis response mechanism, aiming at alleviating the pressure on Member States facing a situation of crisis, ensuring the fair sharing of responsibility and protecting the rights of the applicants and beneficiaries of international protection.

Members proposed that the solidarity mechanism should ensure a fair sharing of responsibility and a balance of efforts between Member States. When Member States are confronted with a situation of crisis, they should receive swift support from other Member States through a fast, fair, and efficient mandatory relocation mechanism.

A crisis situation would be confirmed by the Commission, in consultation with the Member State concerned and the relevant EU agencies. Taking into account various migration-related indicators, such as the geopolitical situation in third countries affecting migratory movements, the Commission would determine the necessary support measures. These will include additional capacities, but also mandatory relocations.

New EU Relocation Coordinator

To ensure a smooth functioning of the relocation of applicants and beneficiaries under this Regulation, and in view of coordinating and optimising all relocation efforts, the new EU Relocation Coordinator should endeavour to prioritise vulnerable persons, in particular unaccompanied minors, and beneficiaries of prima facie international protection in the relocation transfers. The EU Relocation Coordinator should also, in cooperation with the Commission and the EUAA, promote coherent working methods, for the verification of any meaningful links persons eligible for relocation might have with Member States of relocation. In a situation of crisis, the EU Relocation Coordinator should, every two weeks, provide a bulletin on the state of the implementation and functioning of the relocation mechanism. The office of the Relocation Coordinator should be provided with sufficient staff and resources to effectively fulfil this role.

Financial support

Members proposed that funding should be allocated to local and regional authorities and organisations of the contributing Member States supporting integration following relocation. Emergency funding support for a Member State in a situation of crisis may be allocated, including for the construction, maintenance and renovation of reception facilities required for the application of this Regulation, in line with the standards provided for in the Reception Conditions Directive. The Member State in a situation of crisis should provide for additional and sufficient human and material resources to be able to meet its obligations under the Reception Conditions Directive.

Resources for the transfer of applicants for international protection or of beneficiaries of international protection in a situation of crisis

The report proposed that a Member State should receive an additional amount of **EUR 10 000** for each applicant for international protection or beneficiary of international protection transferred from another Member State in accordance with the Crisis Regulation, or as a result of similar forms of relocation.

The amounts should be increased to **EUR 12 000** for each **unaccompanied minor** relocated in accordance with the Crisis Regulation or the Asylum and Migration Management Regulation. Moreover, the Member State covering the cost of transfers should receive a contribution of EUR 500 for each applicant for international protection or beneficiary of international protection transferred to another Member State.

Children and vulnerable persons

The report noted that applicants in a vulnerable situation, including due to their state of health, minor applicants and their family members, should always be excluded from the asylum crisis management border procedure. The best interests of the child and family life and of the third-country national concerned should be taken into account throughout the procedure.

The rules also foresee granting international protection *prima facie* - without exhaustive analysis - to persons from specific countries of origin. Asylum staff, medical staff, legal representatives, non-governmental organisations, and Union institutions and agencies should always be allowed to access border procedure facilities.

Lastly, in crisis situations, border asylum and return procedures should be extended for an additional four weeks (in addition to 12 weeks).