




Basic information	
<b>2020/0279(COD)</b> COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Asylum and migration management  Amending Directive 2003/109 <a href="#">2001/0074(CNS)</a> Amending <a href="#">2018/0248(COD)</a>  <b>Subject</b>  7.10 Free movement and integration of third-country nationals 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF) 7.10.08 Migration policy  <b>Legislative priorities</b>  <a href="#">Joint Declaration 2021</a> <a href="#">Joint Declaration 2022</a> <a href="#">Joint Declaration 2023-24</a>	

Key players			
European Parliament	Committee responsible		Rapporteur
	<div>LIBE</div> Civil Liberties, Justice and Home Affairs		TOBÉ Tomas (EPP)
			Appointed 30/11/2020
			Shadow rapporteur <a href="#">BARTOLO Pietro (S&amp;D)</a> <a href="#">KELLER Fabienne (Renew)</a> <a href="#">CARÊME Damien (Greens /EFA)</a> <a href="#">SOFO Vincenzo (ECR)</a> <a href="#">TARDINO Annalisa (ID)</a> <a href="#">ERNST Cornelia (The Left)</a>
	Committee for opinion		Rapporteur for opinion
	<div>AFET</div> Foreign Affairs		The committee decided not to give an opinion.
	<div>BUDG</div> Budgets		The committee decided not to give an opinion.
	<div>EMPL</div> Employment and Social Affairs		The committee decided not to give an opinion.

	JURI Legal Affairs	The committee decided not to give an opinion.	
	Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
	JURI Legal Affairs	DURAND Pascal (Renew)	01/01/2022
Council of the European Union			
European Commission	Commission DG	Commissioner	
	Migration and Home Affairs	JOHANSSON Ylva	

Key events			
Date	Event	Reference	Summary
23/09/2020	Legislative proposal published	COM(2020)0610 	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		
14/04/2023	Committee report tabled for plenary, 1st reading	A9-0152/2023	Summary
17/04/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
20/04/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71 - vote)		
14/02/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2024)000950	
10/04/2024	Decision by Parliament, 1st reading	T9-0179/2024	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	2020/0279(COD)

<b>Procedure type</b>	COD - Ordinary legislative procedure (ex-codecision procedure)
<b>Procedure subtype</b>	Legislation
<b>Legislative instrument</b>	Regulation
<b>Amendments and repeals</b>	Amending Directive 2003/109 <a href="#">2001/0074(CNS)</a> Amending <a href="#">2018/0248(COD)</a>
<b>Legal basis</b>	Rules of Procedure EP 41 Treaty on the Functioning of the EU TFEU 078-p2
<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	LIBE/9/04268

## Documentation gateway



### European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		<a href="#">PE698.950</a>	11/10/2021	
Amendments tabled in committee		<a href="#">PE702.940</a>	09/12/2021	
Amendments tabled in committee		<a href="#">PE702.941</a>	09/12/2021	
Amendments tabled in committee		<a href="#">PE702.942</a>	09/12/2021	
Amendments tabled in committee		<a href="#">PE702.943</a>	09/12/2021	
Amendments tabled in committee		<a href="#">PE702.944</a>	09/12/2021	
Amendments tabled in committee		<a href="#">PE702.945</a>	09/12/2021	
Amendments tabled in committee		<a href="#">PE702.946</a>	09/12/2021	
Specific opinion	<div>JURI</div>	<a href="#">PE732.595</a>	18/05/2022	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A9-0152/2023</a>	14/04/2023	<a href="#">Summary</a>
Text adopted by Parliament, 1st reading/single reading		<a href="#">T9-0179/2024</a>	10/04/2024	<a href="#">Summary</a>

### Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	<a href="#">GEDA/A/(2024)000950</a>	08/02/2024	
Draft final act	<a href="#">00021/2024/LEX</a>	14/05/2024	

### European Commission

Document type	Reference	Date	Summary
Legislative proposal	<a href="#">COM(2020)0610</a> 	23/09/2020	<a href="#">Summary</a>
Document attached to the procedure	<a href="#">SWD(2020)0207</a> 	25/09/2020	
Commission response to text adopted in plenary	<a href="#">SP(2024)377</a>	29/07/2024	
For information	<a href="#">SWD(2025)0792</a>	11/11/2025	

## National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	ES_PARLIAMENT	COM(2020)0610	15/12/2020	
Contribution	PT_PARLIAMENT	COM(2020)0610	20/01/2021	
Reasoned opinion	SK_PARLIAMENT	PE663.299	21/01/2021	
Reasoned opinion	HU_PARLIAMENT	PE663.300	25/01/2021	
Reasoned opinion	IT_SENATE	PE680.741	05/02/2021	
Contribution	DE_BUNDES RAT	COM(2020)0610	19/02/2021	
Contribution	RO_SENATE	COM(2020)0610	30/03/2021	
Contribution	EL_PARLIAMENT	COM(2020)0610	16/04/2021	

## Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EDPS	Document attached to the procedure	N9-0016/2021 OJ C 099 23.03.2021, p. 0009	30/11/2020	
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
EP Research Service	Briefing	30/10/2020
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
ERNST Cornelia	Shadow rapporteur	LIBE	18/07/2023	EKD-Büro Brüssel / EKD-Office Brussels
TOBÉ Tomas	Rapporteur	LIBE	14/06/2023	Hanns-Seidel-Stiftung
ERNST Cornelia	Shadow rapporteur		14/04/2023	EKD-Büro Brüssel / EKD-Office Brussels Pro Asyl

		<div>LIBE</div>		Mission Lifeline SeaWatch Sächsischer Flüchtlingsrat
<a href="#">REGO Sira</a>	Shadow rapporteur	<div>LIBE</div>	27/10/2021	Comisión Española de Ayuda al Refugiado
<a href="#">REGO Sira</a>	Shadow rapporteur	<div>LIBE</div>	15/10/2021	Comisión Española de Ayuda al Refugiado

Other Members

Transparency		
Name	Date	Interest representatives
<a href="#">FITZGERALD Frances</a>	21/04/2023	OXFAM INTERNATIONAL EU ADVOCACY OFFICE Oxfam Ireland
<a href="#">WALSH Maria</a>	10/02/2023	European Network on Statelessness

Final act
<div><div><a href="#">Corrigendum to final act 32024R1351R(02)</a> <a href="#">OJ OJ L 25.11.2025</a></div><div><a href="#">Regulation 2024/1351</a> <a href="#">OJ OJ L 22.05.2024</a></div></div> <div><a href="#">Summary</a></div>

Asylum and migration management

2020/0279(COD) - 23/09/2020 - Legislative proposal

PURPOSE: to create a common European framework for migration management, while promoting mutual trust among Member States.

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](#) represents a fresh start on migration based on a comprehensive approach to migration management.

Since the refugee crisis of 2015-2016, the challenges have changed. Mixed flows of refugees and migrants have meant increased complexity and an intensified need for coordination and solidarity mechanisms. The EU and the Member States have significantly stepped up cooperation on migration and asylum policy. However, inconsistencies between national asylum and return systems, as well as shortcomings in implementation, have exposed inefficiencies and raised concerns about fairness. And at the same time, the proper functioning of migration and asylum policy inside the EU also needs reinforced cooperation on migration with partners outside the EU.

A comprehensive approach is therefore needed which acknowledges collective responsibilities, addresses the most fundamental concerns expressed in the negotiations since 2016 – in particular in relation to solidarity – and tackles the implementation gap. This approach will build on progress made since 2016 but will also introduce a common European framework and better governance of migration and asylum management, as well as a new solidarity mechanism.

CONTENT: the Commission considers that a comprehensive approach to migration management is required to build mutual trust between Member States, to ensure the consistency of the EU approach on asylum, migration management, external border protection and relations with relevant third countries, whilst recognising that the effectiveness of the overall approach depends on all components being jointly addressed and in an integrated manner.

The proposed Regulation endeavours to establish a common framework that seeks to recognise that the challenge of irregular arrivals of migrants in the Union should not have to be assumed by individual Member States alone, but by the Union as a whole.

It also aims at replacing the current [Dublin Regulation](#) and relaunching the reform of the Common European Asylum System (CEAS) through the establishment of a common framework that contributes to the comprehensive approach to migration management through integrated policy-making in the field of asylum and migration management, including both its internal and external components.

## ***Main objectives***

In order to effectively address the increasing phenomenon of mixed arrivals of persons in need of international protection and those who are not and in recognition that the challenge of irregular arrivals of migrants in the Union should not have to be assumed by individual Member States alone, but by the Union as a whole, this proposal aims to:

(1) establish a common framework that contributes to the comprehensive approach to asylum and migration management based on the principles of integrated policy-making and of solidarity and fair sharing of responsibility;

(2) ensure sharing of responsibility through a new solidarity mechanism by putting in place a system to deliver solidarity on a continued basis in normal times and assist Member States with effective measures (relocation or return sponsorship and other contributions aimed at strengthening the capacity of Member States in the field of asylum, reception and return and in the external dimension) to manage migration in practice where they are faced with migratory pressure. This approach also includes a specific process for solidarity to be applied to arrivals following search and rescue operations;

(3) enhance the system's capacity to determine efficiently and effectively a single Member State responsible for examining an application for international protection. In particular, it would limit the cessation of responsibility clauses as well as the possibilities for shift of responsibility between Member States due to the actions of the applicant, and significantly shorten the time limits for sending requests and receiving replies, so as to ensure that applicants will have a quicker determination of the Member State responsible and hence a quicker access to the procedures for granting international protection;

(4) discourage abuses and prevent unauthorised movements of the applicants within the EU, in particular by including clear obligations for applicants to apply in the Member State of first entry or legal stay and remain in the Member State determined as responsible.

More specifically, the proposal lays down the following measures as regards the following:

### ***Improved solidarity mechanism***

This proposal provides for a new solidarity mechanism that is flexible and responsive in design in order to be adjustable to the different situations presented by the different migratory challenges faced by the Member States, by setting solidarity measures from among which Member States can choose to contribute. This new approach to solidarity provides continuous and diverse support to Member States under pressure or risk of pressure and includes a specific process to address the specificities of disembarkations following search and rescue (SAR) operations. In addition, Member States shall be able to offer voluntary contributions at any time.

Member States shall be under the obligation to contribute through a share calculated on the basis of a distribution key based on 50% GDP and 50% population. The share of the benefitting Member State shall be included in the distribution key so as to ensure that all Member States are giving effect to the principle of fair sharing of responsibility.

### ***Relocation procedure***

The proposed Regulation sets out the procedures to be followed before and after relocation and the obligations of both the benefitting Member State and the Member State of relocation. The obligations of the benefitting Member State include provisions relating to the identification and registration of the persons concerned for the purpose of relocation and the obligation to ensure that the person concerned does not present a danger to national security of public order.

### ***Return sponsorship procedure***

A Member State that commits to provide return sponsorship has to engage and closely coordinate with the benefitting Member State in order to determine the specific support measures that are necessary for carrying out the return of individually identified illegally staying third-country nationals from the territory of the benefitting Member State. Based on the result of the coordination between the Member States concerned, the sponsoring Member State would take the necessary measures aimed at facilitating and successfully concluding return procedures, for instance by providing support for assisted voluntary return and reintegration. The sponsoring Member States would implement the supporting measures during a predetermined period of time, set at 8 months. This period would start running from the day in which the Commission adopts an implementing act on solidarity in situations of migratory pressure. When despite the joint efforts by the Member States concerned returns have not been successfully carried out, at the expiry of the 8-month period, the third-country nationals would be transferred onto the territory of the sponsoring Member State.

### ***Guarantees for minors***

The rights of unaccompanied minors have also been strengthened through better defining the implementation of the principle of the best interests of the child and by setting out a mechanism for making a best interests of the child-determination in all circumstances implying the transfer of a minor.

### ***Financial support***

The proposal provides for financial incentives for relocation. A financial contribution of EUR 10 000 will be given per relocated person (including following return sponsorship if return was not successful). The financial contribution will be EUR 12 000 when the relocated person is an unaccompanied minor. In addition, a financial contribution of EUR 500 will be given to cover the transfer costs of persons in connection with relocation and with the procedures set out in this Regulation.

### ***Budgetary implications***

The total financial resources necessary to support the implementation of this proposal amount to EUR 1 113.500 million foreseen for the period 2021-2027. This would cover the operational costs including the transfer costs in the form of lump sums for transfers under this proposed Regulation and for

transfers in connection with relocation in the context of the solidarity provisions, relating to relocation of applicants for international protection, beneficiaries of international protection and illegally staying third-country nationals.

# Asylum and migration management

2020/0279(COD) - 10/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 322 votes to 266, with 31 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on asylum and migration management.

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

## ***Global approach to asylum and migration management***

Under the new Regulation, joint actions by the Union and the Member States in the area of asylum and migration management are based on the principle of solidarity and fair sharing of responsibilities enshrined in Article 80 of the Treaty on the Functioning of the European Union, on the basis of a global approach, and are guided by the principle of integrated policy-making, in compliance with international and Union law, including fundamental rights.

## ***National and European strategies***

Member States should have national strategies to ensure their capacity to effectively implement their asylum and migration management systems. These strategies should include preventive measures to reduce the risk of migratory pressure as well as information on contingency planning and relevant information as regards the principles of integrated policy-making and of solidarity and fair sharing of responsibility. To ensure that the national strategies are comparable on specific core elements, a common template should be established by the Commission.

The Commission should adopt a long-term European Asylum and Migration Management Strategy setting out the strategic approach to ensure a consistent implementation of national strategies at Union level.

## ***Annual report***

The Commission should annually adopt a European Annual Asylum and Migration Report. The Report should assess the asylum, reception and migratory situation over the previous 12-month period along all migratory routes to and in all Member States, serve as an early warning and awareness tool for the Union in the area of migration and asylum, and provide a strategic situational picture and projections for the coming year. The Report should be accompanied by a decision determining which Member States are under migratory pressure, at risk of migratory pressure during the upcoming year or facing a significant migratory situation.

## ***Annual Solidarity Pool***

Each year, the Commission should submit a proposal for a Council implementing act establishing the Annual Solidarity Pool necessary to address the migratory situation in the upcoming year in a balanced and effective manner. That proposal should reflect the annual projected solidarity needs of the Member States under migratory pressure. The share of solidarity contributions to be provided by each Member State should be based on the size of the population (50 % weighting) and the total GDP (50 % weighting).

The Commission proposal should identify the total annual numbers of required relocations and financial contributions for the Annual Solidarity Pool at Union level, which should be at least: (a) **30 000 for relocations**; (b) **EUR 600 million** for financial contributions.

In case of insufficient pledges for relocations, a Member State with persons to be transferred to the responsible Member State as per the responsibility criteria can be requested to take responsibility for examining the applications for international protection if the responsible Member State is a benefitting Member State, instead of contributing with relocations.

The right to apply for international protection will not include a choice by the applicant as to which Member State should be responsible for examining the application or to which Member State they should be relocated.

## ***Rescue***

Where the Commission has identified that one or more Member States are under migratory pressure as a result of large numbers of arrivals stemming from recurring disembarkations following search and rescue operations, the Commission should set out the **indicative percentage of the Annual Solidarity Pool** to be made available to those Member States.

In the process of identifying people to be relocated, account will be taken of **vulnerabilities of persons arriving from such disembarkations**, including those of unaccompanied minors.

## ***Responsibility for examining applications for international protection***

Asylum seekers should submit an application in the Member State of first entry or legal residence. The agreed rules include additional criteria for determining which Member State is responsible for processing the application for international protection (known as the Dublin rules). Thus, where certain criteria are met, another Member State may become responsible for processing an asylum application. Under the amended regulation, where an applicant is in possession of a diploma (less than six years old) from an educational establishment in an EU Member State, that Member State will be responsible for examining the application for international protection.

Furthermore, the criterion for **grouping applicants** with their family members will be extended to cover, in addition to family members who benefit from international protection, those who reside in a country under an EU long-term resident's residence permit - and who have become citizens of a Member State, as well as children born after the arrival of the family member on the territory of the Member States.

A new measure provides for **free legal counselling** in the procedure for determining the Member State responsible may be excluded where the applicant is already assisted and represented by a legal adviser.

To ensure the smooth implementation of the solidarity mechanism, an **EU Solidarity Coordinator** should be appointed by the Commission. The EU Solidarity Coordinator should monitor and coordinate the operational aspects of the solidarity mechanism and should act as a central point of contact.

## Asylum and migration management

2020/0279(COD) - 14/04/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted a report by Tomas TOBÉ (EPP, SE) on proposal for a regulation of the European Parliament and of the Council on asylum and migration management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX [Asylum and Migration Fund].

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:

### ***Aim and subject matter***

The amended text stated that in accordance with the principle of solidarity and fair sharing of responsibility, and with the objective of reinforcing mutual trust, this Regulation:

- sets out a common framework for the management of asylum and migration in the Union, and the functioning of the Common European Asylum System;
- establishes a mechanism for solidarity and fair sharing of responsibility.

### ***Comprehensive approach to asylum and migration management***

The report stated that the Union and the Member States should take common actions in the field of asylum and migration management on the basis of a comprehensive approach including the principle of integrated policy-making, in compliance with international and Union law, ensuring coherence between asylum and migration management policies. This should include granting swift access to fair and efficient procedures for granting international protection on Union territory, including at Union borders and recognition of third country nationals or stateless persons as refugees or beneficiaries of subsidiary protection.

A long-term European Asylum and Migration Management Strategy

Members proposed that the Commission adopt a five-year European Asylum and Migration Management Strategy setting out the strategic approach to ensure access to asylum procedures and the functioning and implementation of asylum and migration policies at Union level.

### ***Annual situational report***

The report stressed that the Commission should monitor and provide information on the asylum, reception and migratory situation over the previous 12 month period as a whole through annual situational reports based on qualitative data and information provided by the Member States, the European External Action Service, the Asylum Agency, the European Border and Coast Guard Agency, the European Agency for Law Enforcement Cooperation (Europol), the European Union Agency for Fundamental Rights, and other relevant bodies, offices, agencies or organisations.

The annual situational reports should include, inter alia: (a) the total number of applications for international protection and the nationalities of the applicants, including the numbers of applications lodged by unaccompanied minors and other vulnerable persons; (b) the reception capacity of the Member States; (c) the number of third-country nationals who have been identified by Member States authorities that do not fulfil the conditions for entry, stay or residence in the Member State, including overstayers; (d) the number of return decisions.

### ***Principle of solidarity and fair sharing of responsibility and the duties of the Member States***

Member States should ensure that sufficient funding and qualified and well-trained staff is allocated in all circumstances and, where they consider it necessary or where applicable, request support from Union bodies, offices and agencies for that purpose.

### ***Cooperation with third countries on asylum, border and migration management***

Members stressed that the Union and the Member States should promote and build tailor-made and mutually beneficial partnerships and close cooperation with relevant third countries.

### ***Application in an international transit area of an airport***

Where the application for international protection is made in the international transit area of an airport of a Member State by a third-country national or a stateless person, that Member State should be responsible for examining the application.



### *Light procedure for the purpose of family reunification*

According to the amended text, Member States should apply a special procedure in order to ensure a swift family reunification and access to the asylum procedure for applicants where there are sufficient indicators showing that they are likely to have the right to family reunification.

Procedures including minors should be treated with priority.

### *Solidarity contributions to a Member State under migratory pressure*

The report stressed that solidarity contributions for the benefit of a Member State under migratory pressure, including as a result of recurring arrivals by sea, in particular through disembarkations following search and rescue operations and activities or as a result of the arrival of persons in a vulnerable situation, should be provided by a contributing Member State and reflect the needs of the benefitting Member State.

### *Annual solidarity pool*

The amended text calls for the establishment by the Commission, led by the EU Relocation Coordinator, of an annual solidarity pool on the basis of the projected annual solidarity needs. In addition, it foresees a **Solidarity Forum** comprising all Member States, represented at the level of responsibility and decision-making power that is appropriate in order to provide solidarity contributions for the creation of the solidarity pool.

## Asylum and migration management

2020/0279(COD) - 22/05/2024 - Final act

**PURPOSE:** to establish criteria and mechanisms for determining the Member State responsible for examining an application for international protection registered in one of the Member States by a third-country national or a stateless person, and the establishment of a solidarity mechanism to support Member States in addressing situations of migratory pressure.

**LEGISLATIVE ACT:** Regulation (EU) 2024/1351 of the European Parliament and of the Council on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013.

**CONTENT:** this Regulation is a pillar of the Pact on Asylum and Migration. It determines **which Member State is responsible for examining applications for international protection** and introduces for the first time a **fair sharing of responsibilities** between Member States.

### *Criteria and mechanisms for determining the Member State responsible*

The Regulation replaces the current Dublin Regulation. The latter lays down rules determining which Member State is responsible for examining an asylum application. The new Regulation clarifies the responsibility criteria and the rules for determining the Member State responsible for examining an asylum application.

Under the new Regulation, asylum seekers must submit an application in the Member State of first entry or legal residence and are obliged to remain there until the Member State responsible is determined. They must cooperate fully with the competent authorities of the Member States for the collection of biometric data, in particular by submitting as soon as possible all elements and information at their disposal which are relevant for determining the Member State responsible. If these obligations are not met, applicants will not be able to benefit from full reception conditions and their basic needs will only be met.

The new rules include **additional criteria** for determining which Member State is responsible for processing the application for international protection. Thus, when certain criteria are met, another Member State may become responsible for processing an asylum application.

According to the Regulation, where the applicant is in possession of a **diploma** (registered less than six years) or qualification issued by an education establishment established in a Member State, that Member State will be responsible for examining the application for international protection. In addition, the criterion for grouping applicants with their **family members** has been extended to cover not only family members enjoying international protection, but also those residing in a country under an EU long-term resident's residence permit - and who have become citizens of a Member State, as well as children born after the arrival of the family member on the territory of the Member States.

For **unaccompanied minors**, the Member State responsible will be the Member State where a relative or sibling of the unaccompanied minor is legally present, unless it is shown that this is not in the best interests of the child. If a relative of an unaccompanied minor is legally present in another Member State and it is established that this relative can take care of the child, that Member State will be the responsible Member State, unless it is demonstrated that this is not in the best interests of the child.

The Regulation provides for the provision of **free legal advice** during the procedure to establish responsibility at the administrative stage, including an enhanced right to information during all stages of the procedure. The best interests of the child will be a primary consideration for Member States in all proceedings under the Regulation. Procedures involving minors will be given priority.

### *Preventing abuse and secondary movements*

The Regulation limits the grounds for **cessation or shifting responsibility** between Member States. This reduces the possibilities for applicants to choose the Member State to which they submit their application and thus discourages circumvention of the rules and obstruction of procedure.

The new regulation modifies the **time limits** during which a country is responsible for processing an application: (i) the Member State of first entry will be responsible for the asylum application for a period of 20 months; (ii) where first entry occurs following a search and

rescue operation at sea, the period of responsibility is 12 months; (iii) if a Member State rejects an applicant as part of the border procedure, its responsibility for that person will end after 15 months.

To simplify the current take-back procedure, which aims to transfer an applicant back to the Member State responsible for his/her application, the new Regulation introduces a simple and faster take-back notification.

### ***National and European strategies***

Member States should put in place national strategies to ensure that they have the capacity to manage an effective asylum and migration system that complies with EU law and international legal obligations. To ensure a coherent approach to national plans, the Commission will develop its own five-year European strategy for managing asylum and migration.

### ***Mandatory but flexible solidarity***

The new regulation introduces a permanent, compulsory and needs-based solidarity mechanism.

Each year, the Commission will adopt:

- an **annual report** on the migration situation in the EU as a whole and in all EU Member States;
- an implementing decision determining whether a given Member State: (i) is subject to migratory pressure, (ii) is exposed to a risk of migratory pressure in the coming year, or (iii) is facing a significant migratory situation;
- a Commission proposal for a Council implementing act identifying the total annual numbers of required relocations and financial contributions for the Annual Solidarity Pool at Union level, which shall be at least: (a) **30 000** for relocations; (b) **EUR 600 million** for financial contributions.

Based on these elements, the Council should adopt, on an annual basis, before the end of each calendar year an implementing act establishing the **Annual Solidarity Pool**, including the reference number of required relocations and financial contributions for the Annual Solidarity Pool at Union level and the specific pledges that each Member State has made for each type of solidarity contribution.

Member States will be obliged to contribute to this solidarity pool, but will be able to choose which types of solidarity measures they wish to use, namely: (i) relocation of asylum seekers and beneficiaries of international protection; ii) financial contributions for actions in EU Member States or for actions in or concerning third countries; iii) other solidarity measures such as deployment of personnel or capacity building measures.

To ensure the smooth implementation of the solidarity mechanism, an **EU Solidarity Coordinator** should be appointed by the Commission.

ENTRY INTO FORCE: 11.6.2024.

APPLICATION: from 1.7.2026.