

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).