



Basic information	
<p>2023/0439(COD)</p> <p>COD - Ordinary legislative procedure (ex-codecision procedure) Directive</p>	Awaiting committee decision
<p>Combating illegal immigration: minimum rules to prevent and counter the facilitation of unauthorised entry, transit and stay in the Union</p> <p>Repealing JHA act 2002/946 2000/0820(CNS) Repealing Directive 2002/90 2000/0821(CNS)</p> <p>Subject</p> <p>7.10.08 Migration policy 7.40 Judicial cooperation</p>	

Key players				
European Parliament	Committee responsible	Rapporteur	Appointed	
	<div style="border: 1px solid red; display: inline-block; padding: 2px;">LIBE</div> Civil Liberties, Justice and Home Affairs	SIPPEL Birgit (S&D)	10/09/2024	
		Shadow rapporteur DÜPONT Lena (EPP) BARTŠEK Nikola (PFE) OZDOBA Jacek (ECR) KELLER Fabienne (Renew) MARQUARDT Erik (Greens /EFA) SALIS Ilaria (The Left) KHAN Mary (ESN)		
	Former committee responsible	Former rapporteur	Appointed	
	<div style="border: 1px solid red; display: inline-block; padding: 2px;">LIBE</div> Civil Liberties, Justice and Home Affairs	SIPPEL Birgit (S&D)	22/01/2024	
	Former committee for opinion	Former rapporteur for opinion	Appointed	
	<div style="border: 1px solid red; display: inline-block; padding: 2px;">AFET</div> Foreign Affairs	The committee decided not to give an opinion.		
	<div style="border: 1px solid red; display: inline-block; padding: 2px;">JURI</div> Legal Affairs	The committee decided not to give an opinion.		
	Council of the European Union			

European Commission	Commission DG	Commissioner
	Migration and Home Affairs	JOHANSSON Ylva

Key events			
Date	Event	Reference	Summary
28/11/2023	Legislative proposal published	COM(2023)0755 	Summary
25/01/2024	Committee referral announced in Parliament, 1st reading		
13/11/2024	Committee referral announced in Parliament, 1st reading		

Technical information	
Procedure reference	2023/0439(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Repealing JHA act 2002/946 2000/0820(CNS) Repealing Directive 2002/90 2000/0821(CNS)
Legal basis	Treaty on the Functioning of the EU TFEU 083-p2
Stage reached in procedure	Awaiting committee decision
Committee dossier	LIBE/10/00280

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE768.109	26/03/2025	
European Commission				
Document type		Reference	Date	Summary
Legislative proposal		COM(2023)0755 	28/11/2023	Summary
Document attached to the procedure		SWD(2024)0134	14/05/2024	
National parliaments				
Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	CZ_CHAMBER	COM(2023)0755	21/02/2024	
Contribution	ES_PARLIAMENT	COM(2023)0755	18/03/2024	
Contribution	CZ_SENATE	COM(2023)0755	18/03/2024	

Contribution	NL_SENATE	COM(2023)0755	18/03/2024	
Contribution	IT_CHAMBER	COM(2023)0755	27/03/2024	
Contribution	RO_CHAMBER	COM(2023)0755	15/05/2024	
Contribution	NL_SENATE	COM(2023)0755	24/01/2025	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
ESC	Economic and Social Committee: opinion, report	CES0141/2024	10/07/2024	

Additional information

Source	Document	Date
EP Research Service	Briefing	22/03/2024

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

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Name	Role	Committee	Date	Interest representatives
SIPPEL Birgit	Rapporteur	LIBE	22/04/2025	Permanent representation of Austria to the EU
SIPPEL Birgit	Rapporteur	LIBE	22/04/2025	Permanent representation of Spain to the EU
SIPPEL Birgit	Rapporteur	LIBE	14/04/2025	Amnesty International Limited Caritas Europa Deutscher Anwaltverein (German Bar Association) Platform for International Cooperation on Undocumented Migrants SOLIDAR UN Human Rights
SIPPEL Birgit	Rapporteur	LIBE	08/04/2025	UK Perm Rep
SIPPEL Birgit	Rapporteur	LIBE	02/04/2025	Ghent University
SIPPEL Birgit	Rapporteur	LIBE	28/03/2025	Diakonie Deutschland
MARQUARDT Erik	Shadow rapporteur	LIBE	25/03/2025	Ben & Jerry's
SIPPEL Birgit	Rapporteur	LIBE	17/03/2025	Amnesty International Limited Caritas Europa Council of Bars and Law Societies of Europe International Federation of Red Cross and Red Crescent Societies Médecins Sans Frontières International Platform for International Cooperation on Undocumented Migrants United Nations
SIPPEL Birgit	Rapporteur	LIBE	17/03/2025	EKD (Evangelische Kirche Deutschland) prelate
SIPPEL Birgit	Rapporteur	LIBE	12/03/2025	DG HOME
SIPPEL Birgit	Rapporteur	LIBE	11/03/2025	Danish Refugee Council Brussels
SIPPEL Birgit	Rapporteur	LIBE	25/02/2025	Permanent representation of the United Kingdom to the European Union

SIPPEL Birgit	Rapporteur	LIBE	29/01/2025	Permanent Representation of Switzerland to the EU
SIPPEL Birgit	Rapporteur	LIBE	17/01/2025	Permanent Representation of Switzerland
SIPPEL Birgit	Rapporteur	LIBE	04/12/2024	DG HOME
SIPPEL Birgit	Rapporteur	LIBE	28/10/2024	Deutscher Anwaltverein (German Bar Association)
SIPPEL Birgit	Rapporteur	LIBE	14/10/2024	Ständige Vertretung der Bundesrepublik Deutschland bei der Europäischen Union
SIPPEL Birgit	Rapporteur	LIBE	03/10/2024	Sea-Watch e.V.
SIPPEL Birgit	Rapporteur	LIBE	19/09/2024	Danish Refugee Council Brussels
SIPPEL Birgit	Rapporteur	LIBE	19/09/2024	Office of the United Nations High Commissioner for Human Rights Regional Office for Europe
SIPPEL Birgit	Rapporteur	LIBE	12/09/2024	PICUM
SIPPEL Birgit	Rapporteur	LIBE	05/09/2024	UNHCR
SIPPEL Birgit	Rapporteur	LIBE	27/06/2024	Platform for International Cooperation on Undocumented Migrants
MARQUARDT Erik	Shadow rapporteur	LIBE	13/02/2024	<ul style="list-style-type: none"> Access Now Europe Border Violence Monitoring Network Council of Bars and Law Societies of Europe Danish Refugee Council Brussels EuroMed Rights / EuroMed Droits European Council on Refugees and Exiles European Digital Rights Fair Trials Médecins Sans Frontières International Platform for International Cooperation on Undocumented Migrants Save the Children Europe Sea-Watch e.V. Statewatch Global Strategic Communications Council (GSCC) Greek Council for Refugees European Network against Racism – ENAR Legal Centre Lesbos Mixed Migration Centre I Have Rights

Combating illegal immigration: minimum rules to prevent and counter the facilitation of unauthorised entry, transit and stay in the Union

2023/0439(COD) - 28/11/2023 - Legislative proposal

PURPOSE: to lay down minimum rules to prevent and counter the facilitation of unauthorised entry, transit and stay in the Union.

PROPOSED ACT: Directive 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: migrant smuggling to and within the EU is reaching new heights, fuelled by increasing demand due to emerging and deepening crises, most notably economic recessions, environmental emergencies caused by climate change, as well as conflicts and demographic pressure in many third countries. It is estimated that more than 90% of the irregular migrants who reach the EU make use of the services of smugglers, mostly organised in criminal groups.

Fighting and preventing migrant smuggling is one of the priorities of the European Union and crucial to addressing irregular migration in a comprehensive way. Criminal networks take advantage of people's despair and use land, sea, and air routes to facilitate irregular migration, putting people's lives at risk and seeking in every way to maximise their profits.

This proposal for a Directive updates and modernises the existing EU criminal law rules of the "Facilitators Package", composed of Directive 2002/90/EC establishing a common definition of the offence of facilitation of unauthorised entry, transit, and residence, and Framework Decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit, and residence.

This proposal is accompanied by a Commission [proposal](#) for a Regulation, which enhances police cooperation as well as the powers of Europol in the area of migrant smuggling and trafficking in human beings notably by codifying the establishment of the European Centre Against Migrant Smuggling within the Europol and reinforcing its related powers.

CONTENT: with this draft Directive, the Commission seeks to **upgrade its legislative framework**, by laying down minimum rules to prevent and counter the facilitation of unauthorised entry, transit and stay in the EU with the following five objectives:

- **Effectively prosecute organised criminal networks:** the proposal sets out a clearer definition of the smuggling offence to focus on activities motivated by financial or material benefit or highly likely to cause serious harm to a person. Public instigation to come to the EU without authorisation will also become a criminal offence. This covers migrant smuggling advertised through digital tools and social media.

- **Harmonised penalties reflecting the seriousness of the offence:** the proposed level of penalties reflects the seriousness of the offences: the main criminal offence of facilitation should be punishable by a maximum term of imprisonment of at least three years; aggravated offences should be punishable by a maximum term of imprisonment of at least ten years; the most serious aggravated offences, notably those that cause death of third-country nationals, should be punishable by a maximum term of imprisonment of at least fifteen years. The proposed article also establishes the additional sanctions or measures that could be imposed to convicted natural persons.

- **Improving jurisdictional reach:** Member States' jurisdiction will also apply for instance, when boats sink in international waters and people die. The jurisdiction of Member States is also extended to other cases, including offences committed on board ships or aircrafts registered in the Member States and offences committed by legal persons doing business in the EU. The aim is to specifically target the criminal networks. Activities such as humanitarian assistance from NGOs, carrying out a legal obligation of search and rescue, assistance by family members, and migrants themselves must not be criminalised.

- **Reinforcing Member States' resourcing and capacities:** it is suggested that Member States should be adequately resource their national authorities to ensure effective prevention, investigation and prosecution of smugglers. Member States should also work on the prevention of migrant smuggling, through information and awareness-raising campaigns, research, and education programmes.

- **Improving data collection and reporting:** lastly, the proposal stated that Member States will be required to collect and report statistical data on an annual basis to improve the scale, detection of cases and the response to migrant smuggling.