


# Procedure file

Basic information	
NLE - Non-legislative enactments	2015/0209(NLE)
Procedure completed	
International protection: provisional measures for the benefit of Italy and Greece	
See also <a href="#">2015/0314(NLE)</a>	
Amended by <a href="#">2016/0089(NLE)</a>	
See also <a href="#">2018/0371(COD)</a>	
Subject	
7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)	
Geographical area	
Greece	
Italy	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> Civil Liberties, Justice and Home Affairs		
European Parliament	Committee for opinion	Rapporteur for opinion	Appointed
	<b>BUDG</b> Budgets		
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">3411</a>	22/09/2015
European Commission	Commission DG	Commissioner	
	<a href="#">Migration and Home Affairs</a>	AVRAMOPOULOS Dimitris	

Key events			
09/09/2015	Legislative proposal published	<a href="#">COM(2015)0451</a>	Summary
16/09/2015	Committee referral announced in Parliament		
17/09/2015	Results of vote in Parliament		
17/09/2015	Decision by committee, without report		
17/09/2015	Decision by Parliament	<a href="#">T8-0324/2015</a>	Summary
22/09/2015	Act adopted by Council after consultation of Parliament		Summary
22/09/2015	End of procedure in Parliament		
24/09/2015	Final act published in Official Journal		

Technical information	
Procedure reference	2015/0209(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Legislation

	See also <a href="#">2015/0314(NLE)</a> Amended by <a href="#">2016/0089(NLE)</a> See also <a href="#">2018/0371(COD)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 078-p3; Rules of Procedure EP 163
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/04477

Documentation gateway					
Legislative proposal		<a href="#">COM(2015)0451</a>	09/09/2015	EC	Summary
Text adopted by Parliament, 1st reading/single reading		<a href="#">T8-0324/2015</a>	17/09/2015	EP	Summary
For information		<a href="#">COM(2016)0080</a>	10/02/2016	EC	
Follow-up document		<a href="#">COM(2016)0165</a>	16/03/2016	EC	Summary
Follow-up document		<a href="#">COM(2016)0222</a>	12/04/2016	EC	Summary

Final act	
<a href="#">Decision 2015/1601</a> <a href="#">OJ L 248 24.09.2015, p. 0080</a>	Summary

## International protection: provisional measures for the benefit of Italy and Greece

**PURPOSE:** to establish provisional measures in the area of international protection for the benefit of Italy, Greece and Hungary.

**PROPOSED ACT:** Council Decision.

**ROLE OF THE EUROPEAN PARLIAMENT:** the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

**BACKGROUND:** as part of the common policy on asylum, Article 78(3) of the Treaty enables the Council, based on a proposal from the Commission and after consulting the European Parliament, to adopt provisional measures for the benefit of Member States confronted with an emergency situation characterised by a sudden inflow of nationals of third countries.

Presented in the wake of the tragedies in the Mediterranean, the [European Agenda on Migration](#), the statements of the European Council in April and June 2015 and [European Parliament resolution](#) of 29 April 2015 all concur on the need to reinforce internal solidarity and propose concrete measures to provide support to the most affected Member States.

Among the Member States witnessing situations of particular pressure and in light of the recent tragic events in the Mediterranean, Italy and Greece, and, most recently, Hungary in particular are experiencing unprecedented flows of migrants, who are in clear need of international protection.

The Council on 20 July 2015 agreed a general approach on a [draft decision](#) establishing a temporary and exceptional relocation mechanism from Italy and Greece to other Member States of persons in clear need of international protection. On the same day, it adopted a Resolution on relocating from Greece and Italy 40 000 persons in clear need of international protection (24 000 persons from Italy and 16 000 persons from Greece).

During the last weeks, the migratory pressure at the Southern external land and sea borders again has sharply increased, and the shift of migration flows has continued from the Central to the East Mediterranean and the Western Balkans route towards Hungary. In view of the situation, the Commission proposes further provisional measures to relieve the asylum pressure from Italy and Greece and new measures for the benefit of Hungary.

**CONTENT:** the proposed decision aims to establish provisional measures in the area of international protection for the benefit of Italy, Greece and Hungary, in order to enable them to deal in an effective manner with the current significant inflow of third country nationals in their territories, putting their asylum systems under strain.

These measures will last over a period of two years from the entry into force of the Decision.

**Numbers involved:** the Commission proposes to relocate 120 000 applicants in clear need of international protection from Italy (15 6000), Greece (50 400) and Hungary (54 000).

Relocation should take place on the basis of a distribution key based on objective and quantifiable criteria: a) the size of the population (40 % weighting), b) the total of the GDP (40 % weighting), c) the average number of asylum applications per one million inhabitants over the period

2010-2014 (10 % weighting), and d) the unemployment rate (10 % weighting).

Greece, Italy and Hungary will not themselves contribute as a Member State of relocation.

Financial contribution to the EU budget: the proposal provides that where, in exceptional cases, a Member State notifies to the Commission, giving duly justified reasons compatible with the fundamental values of the Union, that it is temporarily unable to take part in the relocation of applicants, it 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.

Scope of the proposal: this is limited in two ways:

- the Decision will only apply in respect of applicants who are in clear need of international protection (those belonging to nationalities for which the EU average recognition rate as established by Eurostat is above 75%);
- it is proposed to make the Decision applicable only in respect of those applicants for whom Italy, Greece or Hungary would, in principle, be the Member State responsible, in line with the take charge criteria defined in [Regulation \(EU\) No 604/2013](#).

Relocation procedure: this will be simple in order to ensure a quick transfer of the persons concerned to the Member State of relocation. Each Member State should appoint a national contact point for implementing the Decision.

Member States should, at regular intervals, indicate the number of applicants who can be relocated to their territory. Italy, Greece and Hungary, with the assistance of the European Asylum Support Office (EASO), and, where applicable, of Member States' liaison officers, shall on that basis identify the individual applicants who could be relocated to the other Member States. In doing so, priority should be given to vulnerable applicants.

The proposal specifies the following:

- applicants whose fingerprints are required to be taken pursuant to the obligations set out in [Regulation \(EU\) No 603/2013](#) may not be relocated unless their fingerprints have been taken;
- Member States retain the right to refuse to relocate an applicant where there are national security or public order concerns;
- in any event, the transfer of the applicant needs to take place no later than two months from the indication by the Member State of relocation of the number of applicants who could be relocated swiftly, with the possibility for a prolongation, if justified.

Other measures: apart from relocation, the proposal:

- lays down other measures of support to be provided to Italy, Greece and Hungary. It envisages an increase in the support provided by other Member States to Italy, Greece and Hungary under the coordination of EASO and other relevant Agencies;
- recalls the obligation for Italy and Greece to update, and provides for the obligation for Hungary, to present to the Commission, a roadmap with adequate measures in the area of asylum, first reception and return as well as measures to ensure a proper application of the Decision; the Commission will be able to suspend the application of the Decision under certain circumstances;
- sets out guarantees and obligations for the applicants who are subject to relocation to another Member State: (i) the right to receive information on the relocation procedure, (ii) the right to be notified with the relocation decision which must specify the precise Member State of relocation and (iii) the right to be relocated with the family members in the same Member State of relocation. Primary consideration must be given to the best interests of the child when deciding the Member State of relocation;
- specifies that the relocation measures provided for in the Decision will benefit from the financial support under the Asylum, Migration and Integration Fund (AMIF) set up by [Regulation \(EU\) N°516/2014](#). To this end, Member States of relocation shall receive a lump sum of EUR 6 000 for each applicant for international protection relocated from Italy, Greece and Hungary.

BUDGETARY IMPLICATIONS: the proposal entails additional costs for the EU Budget for a total amount of EUR 780 000 000.

## International protection: provisional measures for the benefit of Italy and Greece

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The European Parliament adopted by 372 votes to 124 with 54 abstentions, a legislative resolution on the proposal for a Council decision establishing provisional measures in the area of international protection for the benefit of Italy, Greece and Hungary.

In view of the very urgent situation and the need to relieve it without further delay, Parliament approved the Commission proposal without amendment.

Parliament informed the Council that this approval was without prejudice to its position that it would subsequently take on the proposal for a regulation of the European Parliament and of the Council establishing a crisis relocation mechanism and amending [Regulation \(EU\) No 604/2013](#) of the European Parliament and of the Council of 26 June 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.

## International protection: provisional measures for the benefit of Italy and Greece

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The Council adopted a decision establishing a temporary and exceptional relocation mechanism over two years from the frontline Member States Italy and Greece to other Member States.

It will apply to 120 000 persons in clear need of international protection who have arrived or are arriving on the territory of those member states as from six months before the entry into force until two years after the entry into force.

According to the decision:

- 66 000 persons will be relocated from Italy and Greece (15 600 from Italy and 50 400 from Greece);
- the remaining 54 000 persons will be relocated from Italy and Greece in the same proportion after one year of the entry into force of

the decision.

However, if the Commission considers that the functioning in practice of the relocation mechanism needs to be adapted to the evolution of the situation on the ground or that a Member State is confronted with an emergency situation characterised by a sudden inflow of nationals of third countries due to a sharp shift of migration flows, it may submit a proposal to amend this decision. The Member States participating in the mechanism will receive a lump sum of EUR 6 000 for each relocated person. Denmark and the United Kingdom are not participating in this decision. Ireland has expressed its intention to participate.

To recall, the special procedure for the adoption of the decision establishes that the Council will consult the European Parliament. On 17 September 2015, the European Parliament adopted its opinion approving the Commission's initial proposal without making any amendments.

## International protection: provisional measures for the benefit of Italy and Greece

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**PURPOSE:** to establish provisional measures in the area of international protection for the benefit of Italy and Greece in order to enable them to deal in an effective manner with the current significant inflow of third country nationals in their territories, putting their asylum systems under strain.

**LEGISLATIVE ACT:** Council Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece.

**CONTENT:** this Decision establishes provisional measures in the area of international protection for the benefit of Italy and of Greece, in view of supporting them in better coping with an emergency situation characterised by a sudden inflow of nationals of third countries in those Member States.

**Scope:** relocation:

- shall only apply in respect of applicants who are in clear need of international protection (those belonging to nationalities for which the EU average recognition rate as established by Eurostat is above 75%);
- shall take place only in respect of an applicant who has lodged his or her application for international protection in Italy or in Greece and for whom those States would have otherwise been responsible pursuant to the criteria for determining the Member State responsible set out in Chapter III of [Regulation \(EU\) No 604/2013](#).

**Target objectives:** in accordance with the Decision, 120 000 applicants shall be relocated to the other Member States as follows:

- 66 000 persons will be relocated from Italy and Greece (15 600 from Italy and 50 400 from Greece);
- the remaining 54 000 persons will be relocated from Italy and Greece in the same proportion from 26 September 2016.

The Council and the Commission should keep under constant review the situation regarding massive inflows of third country nationals into Member States. The Commission should submit, as appropriate, proposals to amend this Decision in order to address the evolution of the situation on the ground and its impact upon the relocation mechanism, as well as the evolving pressure on Member States, in particular frontline Member States.

**Relocation procedure:** this will be simple in order to ensure a quick transfer of the persons concerned to the Member State of relocation. Each Member State should appoint a national contact point for implementing the Decision.

Member States should, at regular intervals, indicate the number of applicants who can be relocated to their territory. Italy, Greece and Hungary, with the assistance of the European Asylum Support Office (EASO), and, where applicable, of Member States' liaison officers, shall on that basis identify the individual applicants who could be relocated to the other Member States. In doing so, priority should be given to vulnerable applicants.

The Decision specifies the following:

- applicants whose fingerprints are required to be taken pursuant to the obligations set out in [Regulation \(EU\) No 603/2013](#) may not be relocated unless their fingerprints have been taken;
- identification, registration and fingerprinting for the relocation procedure shall be guaranteed by Italy and by Greece. To ensure that the process remains efficient and manageable, reception facilities and measures shall be duly organised so as to temporarily accommodate people, in line with the Union acquis, until a decision is quickly taken on their situation;
- Member States retain the right to refuse to relocate an applicant where there are national security or public order concerns;
- in any event, the transfer of the applicant needs to take place no later than two months from the indication by the Member State of relocation of the number of applicants who could be relocated swiftly, with the possibility for a prolongation, if justified.

**Operational support to Italy and to Greece:** the Decision stipulates that Member States shall increase their operational support in cooperation with Italy and Greece in the area of international protection, in particular by providing, as appropriate, national experts for the following support activities:

- the screening of the third-country nationals arriving in Italy and Greece;
- the provision to applicants or potential applicants that could be subject to relocation pursuant to this Decision of information and specific assistance that they may need;
- the preparation and organisation of return operations for third-country nationals who either did not apply for international protection or whose right to remain on the territory has ceased.

**Roadmap:** Italy and Greece, shall, bearing in mind the obligations set out in [Decision \(EU\) 2015/1523](#), and by 26 October 2015, notify to the Council and the Commission an updated roadmap taking into account the need to ensure appropriate implementation of this Decision. The Commission may decide to suspend, under certain circumstances, the application of this Decision.

**Guarantees and obligations of applicants for international protection:** the Decision sets out guarantees and obligations for the applicants who are subject to relocation to another Member State:

- the best interests of the child should be of primary consideration when deciding the Member State of relocation;
- 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.

An applicant or beneficiary of international protection who enters the territory of a Member State other than the Member State of relocation without fulfilling the conditions for stay in that other Member State shall be required to return immediately. The Member State of relocation shall take back the person without delay.

Financial support: for each person relocated pursuant to this Decision: (i) the Member State of relocation shall receive a lump sum of EUR 6 000; (ii) Italy or Greece shall receive a lump sum of at least EUR 500.

ENTRY INTO FORCE: 25.9.2015. This Decision shall apply until 26.9.2017. It shall apply to persons arriving on the territory of Italy and Greece from 25.9.2015 until 26.9.2017, as well as to applicants having arrived on the territory of those Member States from 24.3.2015 onwards.

## International protection: provisional measures for the benefit of Italy and Greece

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The Commission presents its first report on relocation and resettlement in accordance with [Council Decision \(EU\) 2015/1523](#) and Council Decision (EU) 2015/1601 (Relocation Decisions), adopted in September 2015, which established a temporary and exceptional relocation mechanism for 160,000 applicants in clear need of international protection from Greece and Italy. This was a response to the arrival of around 880,000 persons arrived in the European Union through Greece and Italy.

In addition, following the [Commission Recommendation of 8 June 2015](#) on a European resettlement scheme, 27 Member States together with Dublin Associated States agreed on 20 July 2015 to resettle 22,504 displaced persons from outside the EU who are in clear need of international protection within two years. The report also responds to the Commission commitment under the [Roadmap "Back to Schengen"](#) to report on a monthly basis on the implementation of relocation and resettlement.

The Communication summarises the challenges identified and lessons learned in these first months of implementation of the relocation and resettlement schemes and proposes recommendations and actions in the short term to improve the implementation rate.

It makes the following points:

Relocation:

- the rate of implementation has been slow over the last five months but there are signs of a positive trend: by 15 March 2016, 937 people had been relocated (368 from Italy and 569 from Greece). The pace of relocation has significantly increased in the first weeks of March, but is still insufficient to meet the objectives of the Relocation Decisions;
- as of 15 March, the total number of indications of readiness to relocate swiftly applicants for international protection ("formal pledges") by Member States of relocation amounts to 3,723 which represent 2.33% of the 160,000 relocation transfers to be implemented. On the positive side, most Member States have appointed liaison officers, who play a key role in the procedure;
- there has been a rapid increase in the number of applicants, from around 20 persons per day to 300 persons per day in Greece). Partially, this is a consequence of the restrictions imposed at the Greece/former Yugoslav Republic of Macedonia border but also of the additional efforts to disseminate information, including the deployment of European Asylum Support Office (EASO) mobile teams outside the hotspots to maximise outreach. Nevertheless, the risks of absconding once the person is notified of the Member State of relocation remain;
- there has been an increased number of nationalities eligible for relocation but also increased unpredictability regarding new nationalities potentially covered by the Relocation Decisions. The nationalities eligible for relocation are currently Burundi, Central African Republic, Eritrea, Costa Rica, Saint Vincent and the Grenadines;
- relocation of vulnerable applicants for international protection, including unaccompanied minors is proving challenging;
- some Member States have expressed long or restrictive lists of preferences for the profile of the applicants to be relocated, and some have used the non-respect of preferences as a ground for rejecting a relocation request, which is not allowed under the Council Decisions;
- the relocation procedure in general exceeds the two-month time limit set out in the two Council Decisions on relocation;
- the main reason for delays in responding to relocation requests is additional security checks, including systematic security interviews and requests for fingerprints;
- there are unjustified rejections of relocation requests and a lack of pre-departure information by the Member State of relocation;
- despite the fact that Member States offered 201 experts to the general call from EASO for 374 experts, the response is inadequate for specific calls and actual deployments.

Main recommendation to Greece and Italy:

- increase the capacity of the Greek Asylum Service, with the support of EASO, to register applicants to be relocated, matching the significant increase in the number of eligible migrants interested in joining the scheme;
- complete the full operation of all hotspots;
- step-up efforts to carry out systematic security checks and to improve the quality of information provided in the relocation requests sent to Member States, and appoint a security correspondent;
- improve coordination capacity by finalising and implementing as soon as possible Standard Operating Procedures and Protocols for relocation;
- increase the reception capacity of Greece by making available the 50,000 places committed under the roadmap submitted by Greece as soon as possible;
- finalise the procedures to facilitate the relocation of unaccompanied minors.

Main recommendations to the Member States of relocation:

- increase significantly the number and frequency of pledges;

- reply to relocation requests from Italy and Greece within one week upon receipt;
- accelerate the carrying out of additional security checks with the objective of performing them within one week and with a focus on duly justified cases;
- provide pre-departure information packages including qualitative and attractive information to applicants following EASO's guidance note;
- respond as a matter of urgency to EASO calls for experts to support Italy and in Greece.

The report also addresses recommendations to the European Asylum Support Office (EASO).

The Commission has calculated that in order to meet the number of commitments already allocated (106,000) under the two Council Decisions on relocation averaged over the remaining 18.5 months, a monthly relocation rate of 5,679 should be achieved as a minimum. This would imply an average of around 187 transfers per day and a relocation procedure of maximum two weeks. The experience of the recent relocation transfers to Portugal from Greece proves that the relocation procedure can also be implemented within one week. Based on this calculation, the Commission considers that at least 6,000 relocations should be completed by the time of its second report on relocation and resettlement on 16 April, and that, stepping up the rate, at least 20,000 relocations should be completed by the third report on 16 May, in view of the emergency humanitarian situation on the ground.

Resettlement: based on the information received from the participating States 4,555 people were resettled until 15 March 2016 to Austria, Belgium, Czech Republic, France, Ireland, Italy, the Netherlands, the United Kingdom, Norway, Liechtenstein, and Switzerland under the scheme. A majority of States participating in the scheme indicated that their resettlement efforts are primarily, but not exclusively, directed at Syrians staying in Jordan, Lebanon and Turkey.

The report makes the following points:

- there are substantial divergences among the Member States as regards their respective resettlement programmes and practices, such as the selection criteria, length of procedures, pre-departure orientation programmes, integration tools, the status granted to persons admitted, residence permits as well as the number of places available for resettlement;
- the duration of the procedure can last from several weeks to up to two years between the submission of the case by the UNHCR until arrival in a host country;
- lack of reception capacities and finding adequate accommodation was frequently mentioned as a particular challenge, especially in cases of resettling larger families, or when dealing with especially vulnerable cases. Exit clearances by the third countries, were also cited as problematic in some cases;
- 10 Member States are expected to resettle for the first time, although none of them has started implementing the programme yet. Challenges which those Member States face include building capacity for establishing a national resettlement mechanism, a lack of experience in conducting missions and selecting candidates, providing optimal conditions for integration of resettled refugees, and winning public support for resettlement among the general public.

The Commission makes several recommendations regarding overcoming these challenges, including: (i) sharing knowledge and experience and working with partners; (ii) improved monitoring of the scheme; (iii) implementing the Voluntary Humanitarian Admission Scheme with Turkey; (iv) bringing forward an EU wide resettlement proposal to frame the EU's policy on resettlement.

In order to underline the importance attached to solidarity with affected third countries in the region and the role of legal pathways for migration, Member States need to deliver on the remaining 17,949 resettlement places. Over the remaining period, Member States would need to resettle on average 855 people in need of protection on a monthly basis. In line with its commitment under the Roadmap "Back to Schengen", the Commission will report on a monthly basis on the progress made in implementing the relocation and resettlement commitments.

## International protection: provisional measures for the benefit of Italy and Greece

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The Commission presents a 2nd report on relocation and resettlement. The latter follows the first report presented on 16 March 2016, summarising the challenges identified and lessons learned in the first months of the implementation of the relocation and resettlement programmes and proposing recommendations and actions in the short term to improve their implementation.

This report on relocation and resettlement provides an update on the state of play and assesses the actions undertaken from 16 March 2016 until 11 April (the reporting period) in order to deliver on the recommendations made to accelerate the implementation of the relocation and resettlement schemes.

The report notes that since 16 March 2016, 9,928 persons have arrived in Greece. With the closure of the border between Greece and the Former Yugoslav Republic of Macedonia, between 50,000 and 56,000 persons are stranded in Greece and, according to first estimations by the United Nations High Command for Refugees (UNHCR), 65% to 70% of those belong to one of the nationalities eligible for relocation. Furthermore, since mid-March, more than 8,564 migrants arrived in Italy.

On 18 March 2016, the European Union and Turkey agreed on steps to be taken to end the irregular migration from Turkey to the EU and agreed on a series of action points. The EU-Turkey statement envisages that all those that arrived in Greece irregularly after 20 March may be readmitted to Turkey, and it lays down the basis for the 1:1 mechanism, according to which, for every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU.

Progress since the first report: overall, progress since the first report on relocation and resettlement has been unsatisfactory.

- Regarding relocation, the Commission set a target to relocate at least 6,000 persons by the time of the 2nd report. This target has not been met. Only 208 additional persons have been relocated during the reporting period and relocation efforts were made by only a few Member States and associated States. The implementation of the relocation obligations therefore remains a priority to alleviate the pressure on Greece and Italy.
- As regards resettlement, 5,677 people of the 22,504 agreed have been resettled so far. In the short time since the application of the agreement set out in the EU-Turkey Statement on 4 April, 79 persons have been resettled from Turkey to the EU under the 1:1 mechanism. The speeding up and increasing of resettlement efforts has become even more of a priority as a result of this mechanism.

Next steps: based on the latest available information, between 35,000 and 40,000 persons in Greece would be eligible for relocation, while migration flows are increasing also in Italy. Member States of relocation need to fully implement their obligations under the Council Decisions on relocation with a view to alleviate the pressure on the frontline Member States. The Commission therefore urges the Member States of relocation to increase dramatically their efforts to reply to the urgent humanitarian situation in Greece and prevent the deterioration of the situation in Italy.

The European Council Conclusions have systematically called for an acceleration of relocation. The calls made by the Heads of State or Government must be matched with determined action by the competent national services on the ground.

The Commission will continue monitoring the implementation of the recommendations and targets included in the first report on relocation and resettlement and it reserves the right to take action where Member States are not complying with their obligations.

In parallel, Member States need to deliver on their resettlement commitments. In particular, it is imperative to lend timely support to the implementation of the EU-Turkey agreement. On 20 April, the Commission will report on the implementation of the agreement, including the resettlement efforts carried out as part of it.