

Procedure file

Basic information	
NLE - Non-legislative enactments	2015/0314(NLE)
International protection: provisional measures for the benefit of Sweden	Procedure completed
See also Decision (EU) 2015/1523 2015/0125(NLE)	
See also Decision (EU) 2015/1601 2015/0209(NLE)	
Subject	
7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)	
Geographical area	
Sweden	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 KELLER Ska	16/03/2016
		Shadow rapporteur	
		 CORAZZA BILDT Anna	
		 Maria	
		 POST Soraya	
		 UJAZDOWSKI	
		Kazimierz Michał	
		 MLINAR Angelika	
Council of the European Union European Commission	Commission DG Migration and Home Affairs	Commissioner AVRAMOPOULOS Dimitris	

Key events			
15/12/2015	Legislative proposal published	COM(2015)0677	Summary
04/02/2016	Committee referral announced in Parliament		
28/04/2016	Vote in committee		
03/05/2016	Committee report tabled for plenary, 1st reading/single reading	A8-0170/2016	Summary
26/05/2016	Results of vote in Parliament		
26/05/2016	Decision by Parliament	T8-0232/2016	Summary
08/06/2016	Act adopted by Council after consultation of Parliament		

08/06/2016	End of procedure in Parliament		
15/06/2016	Final act published in Official Journal		

Technical information	
Procedure reference	2015/0314(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
	See also Decision (EU) 2015/1523 2015/0125(NLE) See also Decision (EU) 2015/1601 2015/0209(NLE)
Legal basis	Treaty on the Functioning of the EU TFEU 078-p3
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/05338

Documentation gateway					
Legislative proposal		COM(2015)0677	15/12/2015	EC	Summary
Committee draft report		PE578.711	06/04/2016	EP	
Amendments tabled in committee		PE580.603	15/04/2016	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0170/2016	03/05/2016	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0232/2016	26/05/2016	EP	Summary
Commission response to text adopted in plenary		SP(2016)411	15/06/2016	EC	

Final act
Decision 2016/946 OJ L 157 15.06.2016, p. 0023 Summary

International protection: provisional measures for the benefit of Sweden

PURPOSE: to suspend the obligations of Sweden as a Member State of relocation for the period of one year.

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: the considerable increase of irregular border crossing into the EU and of secondary movements across Europe has led to a sharp increase in Sweden of the number of applicants for international protection, who mainly entered the EU via Italy and Greece. Sweden has in 2015 by far the highest number of applicants for international protection per capita in the EU (11 503 applicants per million inhabitants).

The above situation has put a very significant strain on the Swedish asylum system, with serious practical consequences on the ground as regards the reception conditions and ability of the asylum system to deal with these applications.

As part of the common policy on asylum, Article 78(3) of the Treaty on the Functioning of the EU (TFEU) provides a specific legal basis to deal with emergency situations. Based on a proposal by the European Commission, it enables the Council, after consulting the European Parliament, to adopt provisional measures for the benefit of Member State(s) confronted with an emergency situation characterised by a sudden inflow of nationals of third countries into one or more Member State(s).

The provisional measures envisaged by Article 78(3) TFEU are exceptional in nature. They can only be triggered when a certain threshold of urgency and severity of the problems created in the Member State(s)' asylum system(s) by a sudden inflow of third country nationals is met.

On the basis of Article 78(3) TFEU, the Council adopted two Decisions establishing provisional measures in the area of international protection for the benefit of Italy and Greece. Under the [Council Decision \(EU\) 2015/1523](#), 1 369 persons and under the [Council Decision \(EU\)](#)

[2015/1601](#), 4 358 persons are allocated to Sweden for relocation from Italy and Greece.

A Member State may, according to Decision 2015/1601, notify the Commission and the Council that it is confronted with an emergency situation characterised by a sudden inflow of nationals of third countries due to a sharp shift of migration flows, giving duly justified reasons.

On 8 December 2015, Sweden formally requested the suspension of its obligations under Council Decisions (EU) 2015/1523 and (EU) 2015/1601.

CONTENT: in view of assisting Sweden in better coping with this emergency situation, the proposed Decision suspends the obligations of Sweden as a Member State of relocation under Council Decisions (EU) 2015/1523 and Council Decision (EU) 2015/1601 for the period of one year.

The suspension should be complemented, as appropriate, by additional support measures coordinated by European Asylum Support Office (EASO) and, where needed, other relevant Agencies.

Sweden is still bound to relocate to its territory 1 369 persons under the Council Decision (EU) 2015/1523 and 4 358 persons under the Council Decision (EU) 2015/1601 from Italy and Greece once the present Decision has expired. It should submit to the Council and the Commission a roadmap setting out the measures that it will take in order to ensure the effectiveness of its asylum and migration system and to resume its obligations under Decisions (EU) 2015/1523 and (EU) 2015/1601.

International protection: provisional measures for the benefit of Sweden

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Ska KELLER (Greens/EFA) on the proposal for a Council decision establishing provisional measures in the area of international protection for the benefit of Sweden in accordance with Article 9 of Council Decision (EU) 2015/1523 and Article 9 of Council Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece.

The committee approved the Commission proposal subject to amendments.

Members stipulated in the recitals:

- that Sweden formally requested the suspension of its obligations under [Council Decisions \(EU\) 2015/1523](#) and [\(EU\) 2015/1601](#), having to face both challenges of being a country of first arrival and final destination;
- that in March 2016, Sweden had received a total of 170 104 applicants, of which 73 331 were children, including 36 181 unaccompanied minors who have special needs and require additional resources in order to provide access to health care, dignified accommodation and education according to Union asylum rules.

International protection: provisional measures for the benefit of Sweden

The European Parliament adopted by 396 votes to 190, with 50 abstentions, a legislative resolution on the proposal for a Council decision establishing provisional measures in the area of international protection for the benefit of Sweden in accordance with Article 9 of Council Decision (EU) 2015/1523 and Article 9 of Council Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece.

Parliament stipulated in the recitals that:

- Sweden formally requested the suspension of its obligations under [Council Decisions \(EU\) 2015/1523](#) and [\(EU\) 2015/1601](#), having to face both challenges of being a country of first arrival and final destination;
- Sweden had in 2015 by far the highest number of applicants for international protection per capita in the EU (11 503 applicants per million inhabitants) and in March 2016, Sweden had received a total of 170 104 applicants, of which 73 331 were children, including 36 181 unaccompanied minors who have special needs and require additional resources in order to provide access to health care, dignified accommodation and education according to Union asylum rules.

International protection: provisional measures for the benefit of Sweden

PURPOSE: to establish provisional measures in the area of international protection for the benefit of Sweden, by suspending for one year Sweden's obligations as a Member State of relocation.

NON-LEGISLATIVE ACT: Council Decision (EU) 2016/946 establishing provisional measures in the area of international protection for the benefit of Sweden in accordance with Article 9 of Decision (EU) 2015/1523 and Article 9 of 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 Sweden, in order to support it in better coping with an emergency situation characterised by a sudden inflow of nationals of third countries.

In Sweden, the number of applicants for international protection increased by more than 60 % from 68 245 applicants for the period from 1 January to 31 October 2014 to 112 040 applicants for the period from 1 January to 31 October 2015. In 2015, it had by far the highest number of applicants for international protection per capita in the Union in 2015, with 11 503 applicants per million inhabitants, with one out of four applicants claiming to be an unaccompanied minor.

Taking account of this situation, the Decision stipulates that the obligations of Sweden as a Member State of relocation under [Decisions \(EU\) 2015/1523](#) and [\(EU\) 2015/1601](#) shall be suspended until 16 June 2017.

The suspension of Sweden's obligations should be complemented, where appropriate, by operational support measures coordinated by the

European Asylum Support Office (EASO) and by other relevant Agencies.

Sweden should present to the Council and to the Commission a roadmap setting out the measures that it will take in order to ensure the effectiveness of its asylum and migration system and to resume its obligations under Decisions (EU) 2015/1523 and (EU) 2015/1601 once the suspension of its obligations ceases to have effect.

ENTRY INTO FORCE: 16.6.2016.