

Procedure file

| Basic information | |
|--|----------------|
| NLE - Non-legislative enactments | 2015/0314(NLE) |
| Procedure completed | |
| International protection: provisional measures for the benefit of Sweden | |
| 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 |
| Council of the European Union European Commission | Commission DG Migration and Home Affairs | Shadow rapporteur | |
| | |  CORAZZA BILDT Anna Maria | |
| | |  POST Soraya | |
| | |  UJAZDOWSKI Kazimierz Michał | |
| | |  MLINAR Angelika | |
| | Commissioner | 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 |
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|------------|---|---|---------|
| 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

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| 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

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|---|-------------------------------|------------|----|---------|
| 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.