

Procedure file

Basic information	
NLE - Non-legislative enactments	2016/0089(NLE)
Procedure completed	
Provisional measures in the area of international protection for the benefit of Italy and Greece: relocation of applicants	
Amending Decision (EU) 2015/1601 2015/0209(NLE)	
Subject	
7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 KELLER Ska	20/04/2016
		Shadow rapporteur	
		 POGLIESE Salvatore Domenico	
		 KYRKOS Miltiadis	
		 UJAZDOWSKI Kazimierz Michał	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Budgets	The committee decided not to give an opinion.	
Council of the European Union			
European Commission	Commission DG	Commissioner	
	Migration and Home Affairs	AVRAMOPOULOS Dimitris	

Key events			
21/03/2016	Legislative proposal published	COM(2016)0171	Summary
11/04/2016	Committee referral announced in Parliament		
12/07/2016	Vote in committee		
18/07/2016	Committee report tabled for plenary, 1st reading/single reading	A8-0236/2016	Summary
14/09/2016	Debate in Parliament		

15/09/2016	Results of vote in Parliament		
15/09/2016	Decision by Parliament	T8-0354/2016	Summary
29/09/2016	Act adopted by Council after consultation of Parliament		
29/09/2016	End of procedure in Parliament		
01/10/2016	Final act published in Official Journal		

Technical information

Procedure reference	2016/0089(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
	Amending 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/8/06069

Documentation gateway

Legislative proposal	COM(2016)0171	21/03/2016	EC	Summary
Committee draft report	PE580.522	13/05/2016	EP	
Supplementary legislative basic document	08330/2016	27/06/2016	CSL	Summary
Amendments tabled in committee	PE584.138	27/06/2016	EP	
Committee report tabled for plenary, 1st reading/single reading	A8-0236/2016	18/07/2016	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T8-0354/2016	15/09/2016	EP	Summary
Commission response to text adopted in plenary	SP(2016)737	26/11/2016	EC	

Final act

[Decision 2016/1754](#)
[OJ L 268 01.10.2016, p. 0082](#) Summary

Provisional measures in the area of international protection for the benefit of Italy and Greece: relocation of applicants

PURPOSE: to amend Council Decision (EU) 2015/1601 to relocate people in need for international protection from Italy and Greece.

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 Council adopted two Decisions establishing provisional measures in the area of international protection for the benefit of Italy and Greece:

- under [Council Decision \(EU\) 2015/1523](#), 40 000 applicants for international protection are to be relocated from Italy and Greece to the other Member States;
- under [Council Decision \(EU\) 2015/1601](#), 120 000 applicants for international protection are to be relocated from Italy and Greece to

other Member States.

Under Article 4(2) of Decision (EU) 2015/1601, as of 26 September 2016, 54 000 applicants should be relocated from Italy and Greece to the territory of other Member States unless by that date, the Commission makes a proposal to allocate them to another beneficiary Member States confronted with an emergency situation characterised by a sudden inflow of persons.

According to Frontex data, the situation remains critical: during the first months of 2016, an average of 2 000 to 3 000 persons have entered irregularly Greece from Turkey on a daily basis. The restrictions imposed at the Greece/former Yugoslav Republic of Macedonia border have put additional strain on Greece and have increased the risk of new migratory routes developing through other EU Member States as the weather conditions improve.

The EU Heads of State and Government agreed on 7 March a series of principles as the basis for an agreement with Turkey which included to resettle, for every Syrian readmitted by Turkey from Greek islands, another Syrian from Turkey to the EU Member States, within the framework of the existing commitments. In this context, the Commission's [Communication](#) on next operational steps in EU-Turkey cooperation in the field of migration called for taking the necessary steps to transfer some of the commitments under the existing relocation decisions, notably all or part of the currently unallocated 54 000 places, to the so called 1:1 scheme.

This proposal responds to the need to commit further places for resettlement from Turkey.

CONTENT: the proposed amendment consists in counting the efforts made by Member States by admitting Syrians present in Turkey through resettlement, humanitarian admission or other forms of legal admission towards the number of applicants for international protection to be relocated to their territory under Council Decision 2015/1601.

Pursuant to this amendment and in relation to the 54 000 applicants, Member States may subtract from their allocated number of relocated applicants the number of Syrians present in Turkey admitted to their territory through resettlement, humanitarian admission or other forms of legal admission under national or multilateral schemes other than the resettlement scheme.

According to Decision (EU) 2015/1601, Member States which use this facility will receive the sum of EUR 6 500.

The UK, Ireland and Denmark shall not participate in the adoption of this Decision, nor shall it be bound or subject to its application.

Provisional measures in the area of international protection for the benefit of Italy and Greece: relocation of applicants

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

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 Council adopted two Decisions establishing provisional measures in the area of international protection for the benefit of Italy and Greece:

- under [Council Decision \(EU\) 2015/1523](#), 40 000 applicants for international protection are to be relocated from Italy and Greece to the other Member States;
- under [Council Decision \(EU\) 2015/1601](#), 120 000 applicants for international protection are to be relocated from Italy and Greece to other Member States.

In accordance with Decision (EU) 2015/1601, from 26 September 2016, 54 000 applicants are to be relocated from Italy and Greece to the territory of other Member States, unless, by that date the Commission makes a proposal to allocate them to a particular beneficiary Member State confronted with an emergency situation characterised by a sudden inflow of persons.

With the aim of ending irregular migration from Turkey to the EU, on 18 March 2016, the EU and Turkey agreed on a number of action points, including to resettle, for every Syrian readmitted by Turkey from Greek islands, another Syrian from Turkey to the Member States, within the framework of the existing commitments.

Resettlement under that mechanism will take place, in the first instance, by honouring the commitments taken by Member States in the conclusions of Representatives of the Governments of Member States meeting within the Council on 20 July 2015.

Resettlement, humanitarian admission or other forms of legal admission from Turkey under national and multilateral schemes can be expected to relieve the migratory pressure on Member States which are beneficiaries of relocation under Decision (EU) 2015/1601 by providing a legal and safe pathway to enter the Union and by discouraging irregular entries.

Therefore, the solidarity efforts of Member States consisting in voluntarily admitting to their territory Syrian nationals present in Turkey who are in clear need of international protection should be taken into account in relation to the 54 000 applicants for international protection referred to above. The number of persons so admitted from Turkey by a Member State should be deducted from the number of persons to be relocated to that Member State under Decision (EU) 2015/1601 in relation to those 54 000 applicants

Therefore, a Member State which chooses to meet its obligations under Decision (EU) 2015/1601 by admitting Syrians present in Turkey through resettlement, should not be able to count that effort as constituting part of its commitment under the 20 July 2015 resettlement scheme.

CONTENT: in relation to the relocation of 54 000 applicants referred to in point (c) of paragraph 1, of Decision (EU) 2015/1601, the amendment proposed by the Council would allow Member States to choose to meet their obligation by admitting to their territory Syrian nationals present in Turkey under national or multilateral legal admission schemes for persons in clear need of international protection, other than the resettlement scheme which was the subject of the Conclusions of the Representatives of the Governments of the Member States meeting within the Council of 20 July 2015.

The number of persons so admitted by a Member State shall lead to a corresponding reduction of the obligation of the respective Member State.

To ensure a proper monitoring of the situation, a Member State should, once it chooses to use this option, report on a monthly basis to the Commission on Syrians present in Turkey admitted to its territory under the option provided for in this amendment specifying under which scheme, national or multilateral, the person has been admitted and the form of legal admission.

Provisional measures in the area of international protection for the benefit of Italy and Greece: relocation of applicants

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Ska KELLER (Greens/EFA, DE) on the proposal for a Council decision amending Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece.

The committee approved the Commission proposal subject to the following amendments:

Scope: Members noted that relocation pursuant to this Decision shall be applied only in respect of applicants with Syrian, Iraqi, Eritrean or Afghan nationality or in respect of those belonging to a nationality for which the proportion of decisions granting international protection among decisions taken at first instance on applications for international protection is 75 % or higher.

They stressed that according to recent data by the UNHCR, 53 859 persons in search for international protection currently remain in Greece, the vast majority of them are Syrians (45 %), Iraqis (22 %) and Afghans (21 %).

Relocation of applicants in the Member States: Members are opposed to the Commission proposal according to which, 54 000 out of 120 000 applications shall now be allocated to the relocation of Syrians in the EU, from Turkey. This amendment to Council Decision 2015/1601 enables Member States to subtract from their allocated number of relocated applicants the number of Syrians present in Turkey admitted to their territory through resettlement.

In the recitals, Members stressed that resettlement should not take place at the expense of relocation. Both are important instruments of solidarity. Relocation is a form of internal solidarity among Member States, while resettlement and humanitarian admission or other kinds of admission are a form of external solidarity with third countries hosting the majority of refugees. Relocation shall not include the resettlement or admission of persons in need of international protection from a third country to the territory of a Member State.

Members stated that the 1:1 scheme which was the result of the Agreement with Turkey should be implemented with the aim of protecting Syrians fleeing war and persecution and in full respect for the right to seek asylum and the principle of non-refoulement enshrined in Union law, in the Geneva Convention of 28 July 1951 and in the Protocol thereto of 31 January 1967 relating to the status of refugees.

Relocation procedure: Members proposed that Member States shall make available at least one third of their relocation places by 31 December 2016. They added that if the Member State of relocation does not approve the relocation within two weeks, that Member State shall be considered to have given its approval.

It should be the duty of the European Border and Coast Guard Agency to keep under constant review the situation regarding massive inflows of third-country nationals into Member States.

Members stated that to date, only a minimal number of Syrian refugees have been resettled to the Union. In its [resolution of 12 April 2016](#), the European Parliament called for the development of a greater number of safer and lawful routes for asylum seekers and refugees into the Union, including a binding and mandatory Union legislative approach to resettlement, the establishment of humanitarian admission programmes by all Member States and more extensive use of humanitarian visas.

Provisional measures in the area of international protection for the benefit of Italy and Greece: relocation of applicants

The European Parliament adopted by 470 votes to 31 with 50 abstentions, a resolution on the proposal for a Council decision amending [Council Decision \(EU\) 2015/1601](#) establishing provisional measures in the area of international protection for the benefit of Italy and Greece.

Parliament approved the Commission proposal subject to the following amendments:

Relocation of refugees in EU Member States: Parliament was opposed to the Commission proposal according to which, out of 120 000 applicants that must be relocated from Italy and Greece to other Member States, 54000 shall now be allocated to the relocation of Syrians in the EU, from Turkey in accordance with the EU-Turkey Agreement on migration. The Commission proposal enables Member States to subtract from their allocated number of relocated applicants the number of Syrians present in Turkey admitted to their territory through resettlement.

In the recitals, Members stressed that resettlement should not take place at the expense of relocation. Both are important instruments of solidarity. Relocation is a form of internal solidarity among Member States, while resettlement and humanitarian admission or other kinds of admission are a form of external solidarity with third countries hosting the majority of refugees. Relocation shall not include the resettlement or admission of persons in need of international protection from a third country to the territory of a Member State.

Members stated that the 1:1 scheme which was the result of the Agreement with Turkey should be implemented with the aim of protecting Syrians fleeing war and persecution and in full respect for the right to seek asylum and the principle of non-refoulement enshrined in Union law, in the Geneva Convention of 28 July 1951 and in the Protocol thereto of 31 January 1967 relating to the status of refugees.

Scope of the Decision: Parliament specified that applicants of Syrian, Iraqi, Eritrean or Afghan nationality must be eligible for resettlement in the EU. According to recent data by the UNHCR, 53 859 persons in search for international protection currently remain in Greece, the vast majority of them are Syrians (45 %), Iraqis (22 %) and Afghans (21 %).

Relocation procedure: while recalling that in its [resolution of 12 April 2016](#), on the situation in the Mediterranean, Parliament called for a holistic EU approach to migration, Members noted that only a minimal number of Syrian refugees have been resettled to the Union. To date, Member States have made available just 7 % of the relocation places. Until 5 June 2016 only 793 persons from Italy and 2033 persons from Greece were effectively relocated.

Bearing this in mind, Parliament proposed that Member States shall make available at least one third of their relocation places by 31 December 2016. It added that if the Member State of relocation does not approve the relocation within two weeks, that Member State should be considered to have given its approval.

It should be the duty of the European Border and Coast Guard Agency to keep under constant review the situation regarding massive inflows of third-country nationals into Member States.

Provisional measures in the area of international protection for the benefit of Italy and Greece: relocation of applicants

PURPOSE: to amend Council Decision (EU) 2015/1601 to relocate people in need for international protection from Italy and Greece, in order to implement the agreement concluded between the European Council and Turkey.

NON LEGISLATIVE ACT: Council Decision (EU) 2016/1754 amending Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece.

CONTENT: to recall, the Council adopted two Decisions establishing provisional measures in the area of international protection for the benefit of Italy and Greece:

- under [Council Decision \(EU\) 2015/1523](#), 40 000 applicants for international protection are to be relocated from Italy and Greece to the other Member States;
- under [Council Decision \(EU\) 2015/1601](#), 120 000 applicants for international protection are to be relocated from Italy and Greece to other Member States.

Under Article 4(2) of Decision (EU) 2015/1601, as of 26 September 2016, 54 000 applicants should be relocated from Italy and Greece to the territory of other Member States unless by that date, the Commission makes a proposal to allocate them to another beneficiary Member States confronted with an emergency situation characterised by a sudden inflow of persons.

Under Council Decision (EU) 2015/1601, 120 000 applicants for international protection are to be relocated from Italy and Greece to other Member States. 54000 Syrians admitted from Turkey by a Member State should be deducted from the number of persons to be resettled to that Member State under Decision (EU) 2015/1601, in accordance with the agreement between the EU and Turkey on migration. In relation to the 54 000 applicants, Member States may subtract from their allocated number of relocated applicants the number of Syrians present in Turkey admitted to their territory through resettlement schemes.

Member States that choose to use this option shall report monthly to the Commission on the number of persons legally admitted, indicating the type of scheme under which the admission has taken place and the form of legal admission used.

ENTRY INTO FORCE: 2.10.2016.

APPLICATION: up to 26.9.2017.

The Decision shall apply to all the persons who, for the purposes of paragraph 3a of Article 4 of Decision (EU) 2015/1601, have been admitted from the territory of Turkey by the Member States as from 1 May 2016.