

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) 2016/0222(COD) Directive	Procedure completed
Reception Conditions Directive Repealing Directive 2013/33/EU 2008/0244(COD) Subject 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)	
Legislative priorities Joint Declaration 2022 Joint Declaration 2017 Joint Declaration 2021 Joint Declaration 2023-24 Joint Declaration 2018-19	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 IN 'T VELD Sophia	04/09/2019
		Shadow rapporteur	
		 DÜPONT Lena	
		 ENGERER Cyrus	
		 CARÊME Damien	
		 BERG Lars Patrick	
		 JAKI Patryk	
		 ERNST Cornelia	
		Former committee responsible	
 Civil Liberties, Justice and Home Affairs			
Committee for opinion	Rapporteur for opinion	Appointed	
 Foreign Affairs	The committee decided not to give an opinion.		
 Employment and Social Affairs			
Former committee for opinion			
 Foreign Affairs			
 Employment and Social Affairs			

	Committee for opinion on the recast technique	Rapporteur for opinion	Appointed
	JURI Legal Affairs		
	Former committee for opinion on the recast technique		
	JURI Legal Affairs		
Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	3545	09/06/2017
	Justice and Home Affairs (JHA)	3508	09/12/2016
	Justice and Home Affairs (JHA)	3490	14/10/2016
European Commission	Commission DG	Commissioner	
	Migration and Home Affairs	AVRAMOPOULOS Dimitris	

Key events			
13/07/2016	Legislative proposal published	COM(2016)0465	Summary
15/09/2016	Committee referral announced in Parliament, 1st reading		
14/10/2016	Debate in Council	3490	
25/04/2017	Vote in committee, 1st reading		
25/04/2017	Committee decision to open interinstitutional negotiations with report adopted in committee		
10/05/2017	Committee report tabled for plenary, 1st reading	A8-0186/2017	
15/05/2017	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
17/05/2017	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
09/06/2017	Debate in Council	3545	
21/10/2019	Committee referral announced in Parliament, 1st reading		
14/02/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2024)000945	
10/04/2024	Results of vote in Parliament		
10/04/2024	Debate in Parliament		
10/04/2024	Decision by Parliament, 1st reading	T9-0186/2024	Summary
14/05/2024	Act adopted by Council after Parliament's 1st reading		
14/05/2024	Final act signed		
22/05/2024	Final act published in Official Journal		

Technical information	
Procedure reference	2016/0222(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Directive
	Repealing Directive 2013/33/EU 2008/0244(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 078-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/00171

Documentation gateway					
Legislative proposal		COM(2016)0465	13/07/2016	EC	Summary
Committee draft report		PE593.978	18/01/2017	EP	
Committee of the Regions: opinion		CDR5807/2016	08/02/2017	CofR	
Committee opinion	EMPL	PE599.692	12/04/2017	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0186/2017	10/05/2017	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2024)000945	08/02/2024	CSL	
Text adopted by Parliament, 1st reading/single reading		T9-0186/2024	10/04/2024	EP	Summary
Draft final act		00069/2023/LEX	14/05/2024	CSL	
Commission response to text adopted in plenary		SP(2024)377	29/07/2024	EC	

Additional information	
Research document	Briefing

Final act
Directive 2024/1346 OJ OJ L 22.05.2024 Summary

Reception Conditions Directive

PURPOSE: to recast the Directive laying down standards for the reception of applicants for international protection (recast).

PROPOSE 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: the Common European Asylum System is based on rules determining the Member State responsible for applicants for international protection, common standards for asylum procedures, reception conditions, the recognition and protection of beneficiaries of international protection.

Notwithstanding the significant progress that has been made in the development of the Common European Asylum System (CEAS), there are still notable differences between the Member States in the types of procedures used, the reception conditions provided to applicants, the

recognition rates and the type of protection granted to beneficiaries of international protection. These divergences contribute to secondary movements and asylum shopping, create pull factors, and ultimately lead to an uneven distribution among the Member States of the responsibility to offer protection to those in need.

Recent large scale arrivals have shown that Europe needs an effective and efficient asylum system able to assure a fair and sustainable sharing of responsibility between Member States and to ensure the quality of the decisions made.

Against this backdrop, the Commission presented a first set of proposals to reform the Common European Asylum System delivering on three priorities identified in its Communication:

- [establishing a sustainable and fair Dublin system](#) for determining the Member State responsible for examining asylum applications,
- [reinforcing the Eurodac system](#) to better monitor secondary movements and facilitate the fight against irregular migration,
- establishing a genuine [European Union Agency for Asylum](#) to ensure the well-functioning of the European asylum system.

With the second package, the Commission is completing the reform of the Common European Asylum System by adopting four additional proposals:

1. a [proposal replacing the Asylum Procedures Directive with a Regulation](#), harmonising the current disparate procedural arrangements in all Member States and creating a genuine common procedure;
2. a [proposal replacing the Qualification Directive with a Regulation](#), setting uniform standards for the recognition of persons in need of protection and the rights granted to beneficiaries of international protection;
3. this proposal revising the Reception Conditions Directive;
4. [a structured Union resettlement framework](#), moving towards a more managed approach to international protection within the EU.

CONTENT: the proposed Reception Conditions Directive provides for minimum harmonisation of standards for the reception of applicants for international protection in the EU. Reception conditions however continue to vary considerably between Member States both in terms of how the reception system is organised and in terms of the standards provided to applicants.

This has contributed to secondary movements and has put pressure on certain Member States in particular.

In view of this, this proposal aims to:

1. Further harmonisation of reception conditions in the EU: This will both ensure that the treatment of applicants is dignified across the EU, in accordance with fundamental rights and rights of the child, and to reduce secondary movements of migrants.

The main amendments of the new measure concern:

- scope: the Reception Conditions Directive continues to apply to all third-country nationals and stateless persons who make an application for international protection on the territory of any of the Member States, as long as they are allowed to remain on the territory as applicants and as soon as the application is made. An exception is introduced for cases where an applicant is irregularly present in another Member State than the one in which he or she is required to be present. In this situation, he or she is not entitled to material reception conditions, schooling and education of minors as well as employment and vocational training. The proposal clarifies that applicants will however always be entitled to health care and to a dignified standard of living, in accordance with fundamental rights, to cover the applicant's subsistence and basic needs both in terms of physical safety, dignity and interpersonal relationships. However, in order to ensure respect for the fundamental rights of the child, Member States should provide minors with access to suitable educational activities pending the transfer to the Member State responsible.
- The proposal makes it clear that the right to a dignified treatment applies also in cases where a Member State, in duly justified cases, is exceptionally applying different standards of material reception conditions from the one required by the Reception Conditions Directive.
- the definition of family members: this is extended by including family relations which were formed after leaving the country of origin but before arrival on the territory of the Member State. This reflects the reality of migration today where applicants often stay for long periods of time outside their country of origin before reaching the EU, such as in refugee camps;
- indicators: the proposal requires Member States to take into account operational standards and indicators on reception conditions currently being developed by European Asylum Support Office;
- urgent situations: the proposal obliges Member States to draw up, and regularly update, contingency plans setting out the measures foreseen to be taken to ensure adequate reception of applicants in cases where the Member State is confronted with a disproportionate number of applicants. The proposal also requires the Member States to inform the Commission and the European Union Agency for Asylum whenever their contingency plan is activated;
- particular needs of certain applicants: the proposal clarifies that persons with special reception needs are persons who are in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in the Reception Conditions Directive, regardless of whether these persons are considered vulnerable. The proposal also includes more detailed rules for assessing, determining, documenting and addressing applicants' special reception needs as soon as possible and throughout the reception period (e.g. a doctor or a psychologist);
- provisions concerning the guardian of unaccompanied minors: the proposal introduces stricter time limits, within five working days from the moment the application was made, for the Member States to assign a guardian to represent and assist an unaccompanied minor.

2. Reducing reception-related incentives for secondary movements within the EU: to ensure an orderly management of migration flows, facilitate the determination of the Member State responsible and to prevent secondary movements, it is essential that the applicants remain in the Member State which is responsible for them and do not abscond. The introduction of more targeted restrictions to the applicants' freedom of movement and strict consequences when such restrictions are not complied with will contribute to more effective monitoring of the applicants' whereabouts.

Further harmonisation of possibilities to assign a specific place of residence to applicants, to impose reporting obligations and to provide material reception conditions only in kind is also necessary to create a more predictable situation for applicants, to ensure that they are accounted for regardless of which Member State they are present in and to deter them from absconding.

This applies in particular in three situations namely where:

- the applicant did not make an application for international protection in the Member State of first irregular entry or legal entry;

- the applicant has absconded from the Member State in which he or she is required to be present
- where the applicant has been sent back to the Member State where he or she is required to be present after having absconded to another Member State.

The proposal requires Member States to inform applicants, using a common template, as soon as possible and at the latest when they lodge their application, of any benefits and obligations, which applicants must comply with in relation to reception conditions, including the circumstances under which the granting of material reception conditions may be restricted (for example, if they abscond).

The proposal underlines that:

- all decisions restricting an applicant's freedom of movement need to be based on the particular situation of the person concerned, taking into account any special reception needs of applicants and the principle of proportionality;
- Member States should only provide applicants with a travel document when serious humanitarian reasons arise. Travel documents should not be issued outside of these exceptional circumstances.

Other measures are included such as:

- enlarging material reception conditions to include sanitary items;
- limit daily allowances in certain circumstances;
- altering the form of material reception conditions. These may be scaled back or altered where the applicant has: seriously breached the rules of the accommodation centre or behaved in a seriously violent way; not complied with the obligation to apply for international protection in the Member State of first irregular entry or of legal entry;
- in case an applicant has been assigned a specific place of residence but has not complied with this obligation, and where there is a continued risk that the applicant may abscond, the applicant may be detained in order to ensure the fulfilment of the obligation to reside in a specific place. All the guarantees already provided for in the current Reception Conditions Directive regarding detention remain unchanged.

3. Increase applicants' self-reliance and possible integration prospects: except for those whose applications are likely to be rejected, applicants should, as quickly as possible, be allowed to work and earn their own money, even whilst their applications are being processed. The time-limit for access to the labour market should therefore be reduced from no later than nine months to no later than six months from the lodging of the application.

Further limiting the current wide discrepancies between Member States' rules on access to the labour market is also essential in order to reduce employment-related asylum-shopping and incentives for secondary movements.

It is proposed that, once granted access to the labour market, applicants should be entitled to a common set of rights based on equal treatment with nationals of the Member State similarly as other third-country nationals who are working in the Union. It has been specifically stated that the right to equal treatment does not give rise to a right to reside in cases where the applicants' application for international protection has been rejected.

Working conditions referred to in the proposal cover at least pay and dismissal, health and safety requirements at the workplace, working time and leave, taking into account collective agreements in force.

The proposal makes it possible to limit equal treatment concerning education and vocational training to such education and training directly linked to a specific employment activity. The proposal also makes it possible to limit applicants' equal treatment with regard to family benefits and unemployment benefits.

Implementation and monitoring: the Commission shall report on the application of this Directive to the European Parliament and to the Council within three years from its entry into force and every five years after that.

Territorial provisions: the participation of the United Kingdom and Ireland will be determined in the course of the negotiations and in accordance with Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union (TEU) and the TFEU.

Denmark shall not be subject to its application.

Reception Conditions Directive

The European Parliament adopted by 398 votes to 162, with 60 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast).

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

The proposed Directive lays down standards for the reception of applicants for international protection in Member States. It applies to all third-country nationals and stateless persons who make an application for international protection on the territory, including at the external border, in

the territorial sea or in the transit zones of the Member States, provided that those third-country nationals and stateless persons are allowed to remain on the territory as applicants. The Directive also applies to family members of an applicant provided that those family members are covered by such an application for international protection in accordance with national law.

Reception conditions

Member States should provide applicants with information relating to the reception conditions set out in this Directive, including information specific to their reception systems, as soon as possible and in good time in order to effectively enable applicants to benefit from the rights and comply with the obligations provided for in this Directive. This information should be provided as soon as possible and no later than three days

from the making of the application and be written in a concise, transparent, intelligible and easily accessible form, using clear and plain language and in a language that the applicant understands or is reasonably supposed to understand. In the case of an unaccompanied minor, Member States should provide the information in an age-appropriate manner.

Organisation of reception systems

Member States may freely organise their reception systems in accordance with this Directive. Applicants may move freely within the territory of the Member State concerned. Provided that all applicants benefit effectively from their rights under this Directive, Member States may allocate applicants to accommodation within their territory in order to manage their asylum and reception systems. When allocating or re-allocating applicants to accommodation, Member States should take into account objective factors, including family unity and applicants' special reception needs.

The provision of material reception conditions by Member States may be made subject to the actual residence by the applicants in the accommodation to which they have been allocated. Member States should require applicants to provide the competent authorities with their current address, a telephone number where they may be reached and, if available, an electronic mail address.

Member States may allocate applicants to a geographical area within their territory in which they are able to move freely, for the duration of the procedure for international protection.

Restrictions of freedom of movement

Where necessary, Member States may decide that an applicant is allowed to reside only in a specific place that is adapted for housing applicants, for reasons of public order or to effectively prevent the applicant from absconding, where there is a risk of absconding. Where necessary, Member States may require applicants to report to the competent authorities at a specified time or at reasonable intervals.

Detention

Member States should not hold a person in detention for the sole reason that that person is an applicant or on the basis of the nationality of that applicant. The detention should be based only on one or more of the grounds for detention set out in national law. The detention of applicants should be ordered in writing by judicial or administrative authorities. The detention order should state the reasons in fact and in law on which it is based as well as why less coercive alternative measures cannot be applied effectively.

Where the detention of applicants with special reception needs would put their physical and mental health at serious risk, those applicants should not be detained. As a general rule, minors should not be detained. They should be placed in suitable accommodation.

Where unaccompanied minors are detained, they should be accommodated in facilities adapted to the housing of unaccompanied minors. Such facilities should be provided with staff qualified to safeguard the rights of unaccompanied minors and attend to their needs.

Protecting minors

Member states must ensure every unaccompanied minor is assigned a guardian as soon as possible and no later than 15 days after their lodging an application for international protection. Member States should ensure that the person suitable to provisionally act as a representative is immediately informed when an application for international protection is made by an unaccompanied minor of any relevant facts pertaining to that minor.

Victims of torture and violence

Member States should ensure that persons who have been subjected to trafficking in human beings, torture, rape or other serious acts of psychological, physical or sexual violence, including violence committed with a sexual, gender, racist or religious motive, are provided with necessary medical and psychological treatment and care, including rehabilitation services and counselling where necessary, for the damage caused by such acts.

Reception of asylum seekers

Member States should guarantee equivalent standards of reception for asylum seekers. These standards will concern, for example, housing, education and healthcare. To help enhance applicants' integration prospects they will get access to language courses, civic education courses or vocational training courses. Moreover, children should enter into the school system at the latest two months after arrival.

Reception Conditions Directive

PURPOSE: to establish harmonised standards for the reception conditions across the EU, guaranteeing dignified reception standards throughout the EU and reducing incentives for secondary movements.

LEGISLATIVE ACT: Directive (EU) 2024/1346 of the European Parliament and of the Council laying down standards for the reception of applicants for international protection.

CONTENT: this Directive lays down standards for the reception of applicants for international protection in Member States. It is part of the EU Pact on migration and asylum.

This Directive applies to all third-country nationals and stateless persons who make an application for international protection on the territory, including at the external border, in the territorial sea or in the transit zones of the Member States, provided that those third-country nationals and stateless persons are allowed to remain on the territory as applicants. This Directive also applies to family members of an applicant provided that those family members are covered by such an application for international protection in accordance with national law.

Organisation of reception schemes

Member States will provide applicants with information on the reception conditions laid down in the Directive, including information specific to their reception systems, as soon as possible.

Provided that all applicants effectively enjoy their rights under the Directive, Member States may allocate applicants to accommodation on their territory in order to manage their asylum and reception systems taking into account objective factors, including family unity and the particular

reception needs of applicants. The granting of material reception conditions by Member States may be made conditional on the actual residence of applicants in the accommodation to which they have been allocated. Applicants must provide the competent authorities with their current address, a telephone number where they can be contacted and, if available, an e-mail address.

Member States may allocate applicants to a geographical area within their territory in which they are able to move freely, for the duration of the procedure for international protection. Member States will ensure that applicants have effective access to their rights under this Directive and to the procedural guarantees in the procedure for international protection within the geographical area to which those applicants are allocated.

If necessary, Member States may decide that an applicant is authorised to reside only in a specific place that is suitable for housing applicants, for reasons of public policy or to effectively prevent the applicant absconding. If necessary, they may require applicants to report to the competent authorities at a specified time or at reasonable intervals.

Detention

Member States will not hold a person in detention for the sole reason that that person is an applicant or on the basis of the nationality of that applicant. Detention may only be based on specific grounds and its duration must be as short as possible. Detention must be ordered in writing by the judicial or administrative authorities and must generally take place in specialised detention centres.

Where the detention of applicants with special reception needs would put their physical and mental health at serious risk, those applicants should not be detained. As a general rule, minors should not be detained and will benefit from increased protection, including faster access to education and designated representatives for unaccompanied minors.

The assessment of special reception needs will be completed within 30 days and victims of torture and violence must have access to care as soon as possible. When assessing the best interests of the child, Member States will take into account factors such as: family reunification possibilities; the well-being and social development of the minor; safety and security considerations.

Schooling and education of minors

Member States will grant to minor children of applicants and to applicants who are minors the same access to education as their own nationals and under similar conditions for so long as an expulsion measure against such minors or their parents is not actually enforced.

Asylum seekers will have access to the labour market no later than six months after the registration of their application and Member States are encouraged to grant earlier access, in particular to applicants whose claims are likely to be well-founded. Member States must guarantee access to language courses, civic education or vocational training.

General rules on material reception conditions and health care

Member States will ensure that material reception conditions are available to applicants from the moment they make their application for international protection. Material reception conditions and health care received will provide an adequate standard of living for applicants, which guarantees their subsistence, protects their physical and mental health and respects their rights under the Charter.

Where Member States provide accommodation in kind, they must ensure that this accommodation provides the applicant with an adequate standard of living. Member States must also ensure that applicants, wherever they are required to be present, receive the necessary medical care.

Reduction or withdrawal of material reception conditions

In order to prevent possible abuse of the reception system, the Directive specifies the circumstances in which material reception conditions may be reduced or withdrawn. Member States will be able to reduce or withdraw the daily allowance or, where duly justified and proportionate, reduce other material reception conditions where certain conditions are met, including where the applicant does not cooperate with the competent authorities or does not comply with the procedural requirements laid down by them.

ENTRY INTO FORCE: 11.6.2024.

TRANSPOSITION: from 12.6.2026.

Transparency				
IN 'T VELD Sophia	Rapporteur	LIBE	07/09/2022	Czech Permanent Representation to the EU