

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

2015/0125(NLE) - 27/05/2015 - Legislative proposal

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.

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: in accordance with Article 78(3) of the Treaty, in the event of one or more Member States being confronted by an emergency situation characterised by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt provisional measures to the benefit of the Member State(s) concerned.

In accordance with Article 80 of the Treaty, the policies of the Union in the area of border checks, asylum and immigration and their implementation should be governed by the principles of solidarity and fair sharing of responsibility between Member States.

The [European Agenda on Migration](#), the recent statement of the European Council of 23 April 2015 and the [European Parliament Resolution](#) presented on 29 April 2015 in the wake of the recent tragedies in the Mediterranean, all concur on the specific and urgent needs frontline Member States are confronted with and on the need to reinforce internal solidarity and propose concrete measures to provide support to the most affected Member States.

Italy's and Greece's geographical situation, with the ongoing conflicts in the region of their immediate neighbourhood makes them more vulnerable than the other Member States in the immediate future with unprecedented flows of migrants expected to continue to reach their territories.

In 2014, more than 170 000 migrants arrived in Italy alone in an irregular manner, representing an increase of 277% compared to 2013. A steady increase was witnessed also by Greece with more than 50 000 irregular migrants reaching the country, representing an increase of 153% compared to 2013.

In 2014, the Syrians and the Eritreans, for which the EU level recognition rate is more than 75%, represented more than 40% in Italy and more than 50% in Greece.

According to Eurostat, 64 625 persons applied for international protection in Italy in 2014, compared to 26 920 in 2013 (an increase of 143%). A lesser increase in the number of applications was witnessed by Greece with 9 430 applicants (an increase of 15%).

As part of the immediate measures, the Commission announced that, by the end of May, it will propose a mechanism to trigger the emergency response system envisaged under Article 78(3) of the Treaty on the Functioning of the European Union (TFEU). The proposal will include a temporary distribution scheme for persons in clear need of international protection to ensure a fair and balanced participation of all Member States to this common effort.

CONTENT: this proposal is presented as result of a prevailing crisis in the area of asylum in Italy and Greece. To prevent further deterioration of the asylum situation in these two countries and provide them with effective support, the Commission had to react rapidly and present promptly its proposal based on Article 78(3) of the Treaty in view of its swift adoption by the Council and implementation of the provisional measures to the benefit of Italy and Greece by the Member States.

Provisional relocation measures: the provisional measures envisaged by this proposal relate first and foremost to the relocation of applicants for international protection (Syrians and Eritreans) who appear *prima facie* to be in clear need of international protection from Italy and Greece to the other Member States. The other Member States, defined in the proposal as the Member States of relocation" become responsible for examining the application of the person to be relocated. It is therefore proposed to apply the provisional measures foreseen in this proposal for a period of 24 months from the entry into force of this Decision.

Numerical targets: the proposal establishes a numerical target for the applicants to be relocated from Italy and Greece, namely 24 000 and 16 000 respectively and includes in its annexes two distribution keys which define the number of applicants that shall be relocated from Italy and Greece respectively to the other Member States.

The total of 40 000 applicants that should be relocated from Italy and Greece corresponds to approximately 40% of the total number of persons in clear need of international protection who have entered irregularly in these two countries in 2014.

Relocation procedure: the scope of the relocation procedure set out in this Decision is limited in two respects:

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

The proposal sets out a simple relocation procedure, to ensure a quick transfer of the persons concerned to the Member State of relocation. Priority should be given to the vulnerable applicants.

Further measures: in addition to relocation, the proposal:

- lays down other measures of support to be provided to Italy and Greece. In particular, the proposal envisages an increase in the

- support provided by other Member States to Italy and Greece under the coordination of EASO and other relevant Agencies;
- provides the obligation for Italy and Greece to present to the Commission a roadmap which shall include adequate measures in the area of asylum, first reception and return enhancing the capacity, quality and efficiency of their systems in these areas as well as measures to ensure a proper application of this Decision. The Commission may suspend, under certain circumstances, the application of this Decision;
 - includes specific guarantees and obligations for the applicants who are subject to relocation to another Member State (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 and the right to be relocated with the family members in the same Member State of relocation). The proposal also recalls the obligation to give primary consideration to the best interests of the child when deciding the Member State of relocation.

Lastly, the proposal recalls the possibility for the Council, based on a proposal from the Commission and after consulting the European Parliament, to adopt provisional measures for the benefit of a Member State other than Italy or Greece which would be confronted with a similar emergency situation characterised by a sudden inflow of nationals of third countries.

BUDGETARY IMPACT: this proposal entails additional costs for the EU Budget for a total amount of EUR 240 000 000.