

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

2015/0125(NLE) - 29/07/2015 - Committee report tabled for plenary, 1st reading/single reading

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 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:

**Binding measures:** this Decision establishes binding provisional emergency measures in the area of international protection for the benefit of Italy and Greece.

**Taking account of applicants preferences and of Member States:** based on the lessons learned from the pilot project on relocation from Malta (EUREMA), Members stated that expectations and preferences should be taken into account to the extent possible. Member States should support their preferences by aspects such as:

- family ties,
- social ties such as ties to ethnic and cultural communities,
- cultural ties to the preferred Member State such as language skills, former stay in a Member State or former study or work relations with companies or organisations of that Member State.

**Distribution key:** in order to relieve the significant asylum pressure from Italy and Greece, but also to act as an important test case with a view to the upcoming legislative proposal on a permanent emergency relocation scheme, an initial total of 40 000 applicants shall be relocated from Italy and Greece. A further increase shall be considered, if necessary, to adapt to rapidly changing refugee flows.

By six months after the entry into force of this Decision, the Commission shall evaluate the respective share of persons to be relocated from Italy and Greece with a view to adapting it to changing refugee flows, on basis of the latest available Frontex data.

**Relocation procedure:** for the implementation of all aspects of the relocation procedure, Members considered that rather than sending liaison officers for identifying applicants for relocation by individual Member States, Member States should provide national experts to European Asylum Support Office to assist Italy and Greece in the relocation measures in a coordinated manner.

Particular attention should be given to unaccompanied minors in the framework of this procedure.

**Information to applicants:** Member States shall provide information about the available capacity for reception of migrants. Italy and Greece shall, with the assistance of EASO, provide applicants with information, in a language that they understand or are reasonably supposed to understand, about the Member States involved in the emergency relocation. During the initial processing applicants shall be asked to rank Member States by order of preferences and to support their preference. The person concerned shall be informed of the Member State of relocation in a comprehensive manner and in a language that the applicant understands or is reasonably supposed to understand or, if the applicants preferences are not taken into account, of the reasons for that decision. To further avoid secondary movements, applicants should be informed of the consequences of onward movement within the Member States.

In principle, applicants should give their consent to be relocated to a Member State.

**Operational support to Italy and Greece:** the support activities for the initial processing of the applications, including the identification of vulnerabilities and preferences, for the purpose of identifying potential applicants for relocation and the screening of applicants, including their clear identification, fingerprinting and registration of the applications for international protection.

The transfer costs to the Member State of relocation should not be an additional burden to Greece and Italy.

**Evaluation:** by July 2016, the Commission shall submit a mid-term evaluation on the application of this Decision and, where appropriate, shall propose the necessary recommendations for a permanent relocation mechanism, including in perspective of the announced Dublin fitness check.

By 30 months after the date of entry into force of this decision, the Commission shall submit a final evaluation report on the application of this Decision.

**Statement by the European Parliament:** the committee proposed annexing to the draft resolution a statement to clarify the following points:

the European Parliament can accept Article 78 (3) TFEU as a legal basis only as an emergency measure, which will be followed by a proper legislative proposal to structurally deal with any future emergency situations;

Article 78 (2) TFEU requiring the ordinary legislative procedure for measures for determining which Member State is responsible for considering an application for international protection jointly with Article 80, second sentence TFEU giving in its provisions effect to the principle of solidarity as expressed in Article 80, first sentence, should be the correct legal basis.

The European Parliament urged the Commission to table a legislative proposal on a permanent relocation scheme based on Article 78(2) and Article 80 by the end of 2015. The European Parliament reserves its right to prepare a legislative own-initiative report in case the Commission does not come forward with such a legislative proposal in due time.