

Provisional measures for relocating asylum-seekers arriving in Italy and Greece

In response to the crisis situation in the Mediterranean and the unprecedented migratory flows to Italy and Greece, the European Commission put forward a set of concrete measures for solidarity and fair sharing of responsibility among Member States to assist those on the frontline.

Background

At a joint meeting of the Foreign and Home Affairs Council on 20 April 2015, the Commission presented a [10-point action plan](#) on migration, including a commitment to consider options for an emergency relocation mechanism.

In its [statement](#) of 23 April 2015, the European Council committed to an increase in emergency assistance to frontline Member States and to consider options for organising emergency relocation between all Member States on a voluntary basis.

The Parliament underlined, in its [resolution](#) of 29 April 2015, that the Council should seriously consider the possibility of triggering the 2001 [Temporary Protection Directive](#) or Article 78(3) of the Treaty on the Functioning of the European Union (TFEU), both of which foresee a solidarity mechanism in the case of mass and sudden inflows of displaced persons.

On 13 May 2015, the Commission presented a [European Agenda on Migration](#) comprising immediate measures to prevent human tragedies and to deal with emergencies, as well as a new strategic approach to manage migration better in the medium to long term.

In this Agenda, the Commission undertook to propose, by the end of May, triggering the emergency response system envisaged under Article 78(3) TFEU. The Commission also committed to tabling a legislative proposal by the end of 2015 to provide for a mandatory and automatically triggered relocation system, to distribute a mass influx of people in clear need of international protection within the EU, when such a situation emerges.

Commission proposal

On 27 May 2015, the Commission presented the [first implementation measures](#) under the European Agenda on Migration, setting out the immediate response to the emergency situation in the Mediterranean. One of the six concrete measures proposed by the Commission is relocation of asylum-seekers from Italy and Greece to other Member States, triggering the emergency response mechanism under Article 78(3) TFEU which has never been activated in the past.

In its [proposal](#) for a Council Decision, the Commission proposes to relocate from Italy and Greece a total of 40 000 asylum seekers – 24 000 from Italy and 16 000 from Greece – to other Member States, over 24 months, based on a distribution key.

Only asylum-seekers who are in clear need of international protection will be eligible for relocation; that is to say, those belonging to nationalities for which the EU average recognition rate for international protection as established by [Eurostat](#) is 75% or higher.

The Commission's proposal envisages that, in principle, all Member States will participate in the emergency relocation scheme. However, the United Kingdom and Ireland have 'opt-in' rights under the Treaties, meaning they only participate if they so choose. Denmark has an 'opt-out' under the Treaties, meaning it will not participate.

The Commission proposes that the allocation of asylum-seekers per Member State be based on a [distribution key](#) taking into account four criteria: the size of the population, total GDP, the unemployment rate, and the number of asylum applications received and resettlement places offered in the past five years.

The Member States participating in the relocation scheme will receive a lump sum of €6 000 for each relocated applicant for international protection.

Parliament's opinion

Under Article 78(3) TFEU, the Parliament must be consulted before the Council takes its decision, but the opinion of the Parliament is non-binding.

On 16 July 2015, the Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) [voted](#) on a draft report on the Commission's proposal for a Council Decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece (Rapporteur: Ska Keller, Greens/EFA, Germany).

The LIBE Committee supported, as a whole, the Commission's proposal for a binding emergency measure, including a binding distribution key, for the relocation of asylum-seekers from Italy and Greece to other Member States, based on the principle of solidarity and fair sharing of responsibility.

However, the LIBE Committee [adopted](#) a number of amendments to the Commission's proposal, aiming at, inter alia, providing asylum-seekers with information about the Member States of relocation, taking asylum-seekers' preferences into account to the extent possible, and requiring the consent of the asylum-seeker to his or her relocation.

Furthermore, the LIBE Committee urged the Commission to table a legislative proposal on a permanent relocation scheme based on Article 78(2) and Article 80 TFEU by the end of 2015, as announced by the Commission in its European Agenda on Migration.

The LIBE Committee's report is [scheduled](#) for debate and vote in plenary in September 2015.

Council's position

At its meeting of 25 and 26 June 2015, the European Council [agreed](#) on the temporary and exceptional relocation over two years from Italy and Greece to other Member States of 40 000 persons in clear need of international protection, in which all Member States will participate. It called on the rapid adoption by the Council of a Decision to this effect, and concluded that, to that end, all Member States will agree by consensus by the end of July on the distribution of such persons, reflecting the specific situations of Member States.

On 20 July 2015, Member States' representatives meeting in the Justice and Home Affairs Council (JHA) adopted a [resolution](#) on relocating from Italy and Greece 40 000 persons in clear need of international protection – 24 000 from Italy and 16 000 from Greece – to other Member States over two years.

In its resolution, the governments agreed, as a first step, to the relocation of 32 256 persons based on a division set out in the annex to the resolution, and committed to update the figures by December 2015 with a view to reaching the overall number of 40 000.

The JHA Council also agreed a [draft](#) Council Decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece. Unlike the proposed Decision put forward by the Commission and supported by the Parliament, under which the distribution of asylum-seekers among Member States is based on a binding distribution key, the draft Decision endorsed by the JHA Council includes no distribution key, simply referring to the resolution of 20 July 2015.

Ireland has [indicated](#) its intention to participate in the emergency relocation scheme by opting in to the Council Decision, once it is formally adopted.

The JHA Council is expected to formally adopt the Council Decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece at its meeting of 8 and 9 October 2015, following adoption of Parliament's opinion expected in September 2015.