

Crisis and force majeure regulation

In 2020, the European Commission proposed a new pact on asylum and migration, which includes a proposal for a regulation dealing with crisis and force majeure in the area of migration and asylum. The aim is to establish a mechanism for dealing with mass irregular arrivals of migrants in a Member State. The December 2023 agreement is scheduled to be voted by Parliament at first reading during the April I plenary session.

Background

After a relative decrease in the number of people crossing the EU external borders irregularly in recent years, in 2023 the detections of [irregular entries](#) reached the highest level since 2016. Currently, the legislative act dealing with cases of an exceptional mass influx of irregular migrants is the 2001 [Temporary Protection Directive](#), which has been activated only once, following Russia's invasion of Ukraine in February 2022. Taking into account the situation in Ukraine, the Council agreed to extend temporary protection for people fleeing from Ukraine until 4 March 2025. The Commission proposed to replace the Temporary Protection Directive by a regulation addressing situations of crisis and force majeure in migration and asylum policy more broadly, while granting those affected immediate protection status. The aim is to adopt a more structured approach for handling crises at EU level to avoid ad hoc responses.

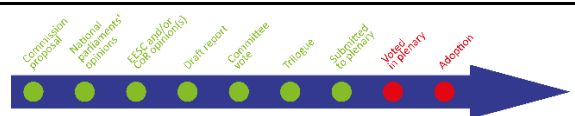
European Commission proposal

The Commission's [proposal](#) aims to create a new legislative instrument to provide for temporary and extraordinary measures in situations of crisis or force majeure in the field of migration and asylum. This includes special rules for crisis situations, including [instrumentalisation](#) (of migrants by external powers) and a dedicated solidarity mechanism to support Member States in cases of exceptional migrant influx leading to the collapse of the national asylum system. The special solidarity contributions include relocation and return sponsorship. Crisis situations can also trigger temporary derogations from the proposed [Common Procedure Regulation](#) and allow longer deadlines for registration of arrivals. Moreover, the proposal will allow the border procedure to be applied to more categories of third-country nationals, the objective being to ensure a faster procedure to deal with a crisis situation.

European Parliament position

Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) adopted its [report](#) on 5 April 2023. Parliament proposed a new mandatory relocation framework to share responsibility for asylum-seekers, holders of international protection and [prima facie refugees](#) on the basis of an allocation key (GDP, size of population and employment rate). A new EU relocation coordinator would be appointed to coordinate all relocation efforts, prioritising the relocation of vulnerable persons (in particular unaccompanied minors) and prima facie refugees. Parliament recommended allocating funding to local and regional authorities and organisations, to support integration following relocation. A Member State in crisis may receive emergency funding, including for the construction, maintenance and renovation of reception facilities, and should provide for additional human and material resources, in line with the standards set out in the [Reception Conditions Directive](#). A [compromise](#) text agreed in trilogue was endorsed in the Council and then approved in the LIBE committee on 14 February 2024.

First-reading report: [2020/0277\(COD\)](#); Committee responsible: LIBE; Rapporteur: Juan Fernando López Aguilar (S&D, Spain). For further information, see our 'EU Legislation in progress' [briefing](#).



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