

EN
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Answer given by Ms Johansson
on behalf of the European Commission
(10.7.2024)

The Asylum Procedure Directive (Article 31)¹ and the Reception Conditions Directive (Article 18(9)(b))² provide, respectively, for the extension of time limits and for setting out different modalities for material reception conditions in specific cases. In any case, they do not include a suspension of the examination procedure.

The Crisis and *force majeure* Regulation³ builds on the concept of a ‘well-prepared’ system under the Regulation on Asylum and Migration Management⁴, according to which ‘Member States should have necessary human, material and financial resources and infrastructure to effectively implement asylum and migration management policies and allocate the necessary staff for the implementation of the new rules’.

Under the Crisis and *force majeure* Regulation, Member States that consider themselves under crisis submit a reasoned request describing how the system, despite being well-prepared, has become non-functional. The Commission assesses the request as part of the authorisation procedure under the Regulation. The assessment includes whether the Member State’s system, although being well-prepared, and notwithstanding the measures already taken, has become non-functional rendering that Member State unable to address the situation.

In the context of the implementation of the Pact⁵, the Commission will monitor the implementation of the developed national implementation plans identifying gaps and operational steps for each Member States to be taken. As guardian of the treaties, the Commission monitors the correct application, implementation and enforcement of the law and can use its discretionary power to decide to launch infringement procedures.

¹ [Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection \(recast\)](#)

² [Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection \(recast\)](#)

³ [Regulation \(EU\) 2024/1359 of the European Parliament and of the Council of 14 May 2024 addressing situations of crisis and force majeure in the field of migration and asylum and amending Regulation \(EU\) 2021/1147](#)

⁴ [REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on asylum and migration management, amending Regulations \(EU\) 2021/1147 and \(EU\) 2021/1060 and repealing Regulation \(EU\) No 604/2013](#)

⁵ [COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Common Implementation Plan for the Pact on Migration and Asylum {SWD\(2024\) 251 final}](#)