CONTENT

In its European Agenda on Migration presented on 13 May 2015, the Commission proposed a series of immediate actions to address the unprecedented influx of migrants on the EU's southern borders, and the large numbers of tragic deaths of people attempting to cross the Mediterranean irregularly.

The European Commission proposed to use the emergency response mechanism under Article 78(3) of the TFEU for the first time in order to set up a temporary relocation scheme to alleviate the pressure on frontline Member States.

On 14 September 2015, the extraordinary Home Affairs Council adopted the Council Decision (EU) 2015/1523 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece, applying to a total of 40 000 persons from states with an average asylum recognition rate of above 75% in need of international protection, arrived in either Italy (24 000) or Greece (16 000) after 15 April 2015 (no retroactivity).

But since that agreement by the Council, the migratory situation in the Central and Eastern Mediterranean had intensified. The flows of migrants and refugees more than doubled over the summer months of 2015 giving impetus to trigger a new emergency mechanism to alleviate pressure faced in frontline countries.

Thus, in his speech on the 2015 State of the Union from 9 September 2015, Commission President Juncker announced a proposal for a second emergency mechanism aimed to relocate a further 120 000 people seeking international protection from Italy, Greece and Hungary. In the course of the adoption of the legislative act, a change was made to the initial proposal: Hungary did not want to be included as a beneficiary of the relocation scheme.

The European Parliament voted in favour of the emergency mechanism on 17 September 2015, less than three weeks after adoption of the first proposal on 9 September 2015. Parliament backed the Commission's second proposal (without amending it) by 370 votes to 134, with 52 abstentions.

In its resolution from 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration, the European Parliament
• recalled that it has been calling for a binding mechanism for the distribution of asylum seekers since 2009;
• emphasized that the preferences of the applicant should, as much as practically possible, be taken into account when carrying out relocation.

On 22 September 2015, the Council adopted by qualified majority the decision, applicable until 26 September 2017.

Slovakia and Hungary which, like the Czech Republic and Romania, voted against the adoption of the second relocation decision in the Council, turned to the Court of Justice of European Union to annul the decision on 2 and 3 December 2015 respectively. The Court dismissed the actions on 6 September 2017 in its Judgment in Joined Cases C-643/15 and C-647/15 Slovakia and Hungary v Council.

Halfway through the implementation of relocation, 5651 people had been relocated. The Commission emphasized in its report of 27 September 2016 that with the continuous arrival of migrants in Italy and the still challenging humanitarian situation in Greece, relocation remained crucial to alleviate the pressure in these countries. It suggested amending the second relocation decision to allow a further 54 000 people to be resettled under a voluntary arrangement, subtracting this number from the relocation goal of 160 000, unlikely to be met otherwise by the end of the scheme on 17 September 2017. The Council adopted the decision on 29 September 2016.

In its twelfth progress report published on 13 June 2017, the Commission regretted that despite repeated calls, the Czech Republic, Hungary and Poland had yet to take the necessary action. The Commission decided to launch infringement procedures on 14 June 2017 against these three Member States. On 7 December 2017, the European Commission referred the Czech Republic, Hungary and Poland to the Court of Justice of the EU for non-compliance with their legal obligations on relocation.

The Commission confirmed that Member States' legal obligations do not stop at the end of the emergency scheme in September 2017, but will extend to a reasonable time frame thereafter. By 7 March 2018, a total of 33 846 asylum seekers (11 999 from Italy and 21 847 from Greece) had been effectively relocated.

References:

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• Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece
• European Council, Bratislava Declaration and Roadmap, 16 September 2016
• Council Decision (EU) 2016/1754 of 29 September 2016 amending Decision (EU) 2015/1601 establishing provisional measures in
the area of international protection for the benefit of Italy and Greece

- European Commission, Communication on the Delivery of the European Agenda on Migration, COM(2017) 558 final

Further reading:

- European Parliament, Implementation of the 2015 Council Decisions establishing provisional measures in the area of international protection for the benefit of Italy and of Greece, study, March 2017

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Visit the European Parliament homepage on Migration.
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migration/20170927_communication_on_the_delivery_of_the_eam_en.pdf


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