



2015/0125(NLE)

3.7.2015

DRAFT REPORT

on the proposal for a Council decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece (COM(2015)0286 – C8-0156/2015 – 2015/0125(NLE))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Ska Keller

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece
(COM(2015)0286 – C8-0156/2015 – 2015/0125(NLE))**

(Consultation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2015)0286),
 - having regard to Article 78(3) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0156/2015),
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the letter of the Committee on Budgets,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0000/2015),
1. Approves the Commission proposal as amended;
 2. Approves its statement annexed to this resolution;
 3. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
 4. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 5. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;
 6. Instructs its President to forward its position to the Council and the Commission.

Amendment 1

Proposal for a decision

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) In line with Article 78(3) and Article 80 of the Treaty, the solidarity measures envisaged in this Decision are binding.

Amendment 2**Proposal for a decision****Recital 5***Text proposed by the Commission*

(5) In its resolution of 28 April 2015, the European Parliament reiterated the need for the Union to base its response to the latest tragedies in the Mediterranean on solidarity and fair sharing of responsibility and to step up its efforts in this area towards Member States which receive the highest number of refugees and applicants for international protection in either absolute or proportional terms.

Amendment

(5) In its resolution of 28 April 2015, the European Parliament reiterated the need for the Union to base its response to the latest tragedies in the Mediterranean on solidarity and fair sharing of responsibility and to step up its efforts in this area towards Member States which receive the highest number of refugees and applicants for international protection in either absolute or proportional terms. ***The European Parliament called for binding quota for the distribution of asylum seekers among all the Member States.***

Or. en

Amendment 3**Proposal for a decision****Recital 8***Text proposed by the Commission*

(8) According to data of the European Agency for the Management of Operational Cooperation at the External Borders (Frontex), the Central and Eastern Mediterranean route were the main areas for irregular border crossing into the Union in 2014. In 2014, more than 170 000 migrants arrived in Italy alone in an irregular manner, representing an increase of 277% compared to 2013. A steady increase was also witnessed by Greece with more than 50 000 irregular migrants

Amendment

(8) According to data of the European Agency for the Management of Operational Cooperation at the External Borders (Frontex), the Central and Eastern Mediterranean route were the main areas for irregular border crossing into the Union in 2014. In 2014, more than 170 000 migrants arrived in Italy alone in an irregular manner, representing an increase of 277% compared to 2013. A steady increase was also witnessed by Greece with more than 50 000 irregular migrants

reaching the country, representing an increase of 153% compared to 2013. Statistics for the first months of 2015 confirm this clear trend in respect of Italy. In addition, Greece has faced in the first months of 2015 a sharp increase in the number of irregular border crossings, corresponding to **more than 50% of the total number of irregular border crossings in 2014 (almost 28 000 in the first four months of 2015** in comparison to a total number of almost 55 000 in 2014). A significant proportion of the total number of irregular migrants detected in these two regions included migrants of nationalities which, based on the Eurostat data, meet a high Union level recognition rate (in 2014, the Syrians and the Eritreans, for which the Union recognition rate is more than 75%, represented more than 40% of the irregular migrants in Italy and more than 50% of them in Greece). According to Eurostat, 30 505 Syrians were found to be irregularly present in Greece in 2014 compared to 8 220 in 2013.

reaching the country, representing an increase of 153% compared to 2013. Statistics for the first months of 2015 confirm this clear trend in respect of Italy. **From January to mid-June 2015 Italy witnessed a 15% increase of irregular border crossings as compared to the same period in the previous year.** In addition, Greece has faced in the first months of 2015 a sharp increase in the number of irregular border crossings, corresponding to **a six-fold increase in comparison with the same period in the previous year and a 100% increase compared to the previous year as a whole (54 819 from January to 12 June 2015, according to data by UNHCR,** in comparison to a total number of almost 55 000 in 2014). A significant proportion of the total number of irregular migrants detected in these two regions included migrants of nationalities which, based on the Eurostat data, meet a high Union level recognition rate (in 2014, the Syrians and the Eritreans, for which the Union recognition rate is more than 75%, represented more than 40% of the irregular migrants in Italy and more than 50% of them in Greece; **from January to mid-June 2015 Syrians and Eritreans represented 30% of arrivals to Italy and 57% to Greece**). According to Eurostat, 30 505 Syrians were found to be irregularly present in Greece in 2014 compared to 8 220 in 2013.

Or. en

Amendment 4

Proposal for a decision Recital 17

Text proposed by the Commission

(17) The measures foreseen in this Decision entail a temporary derogation

Amendment

(17) The measures foreseen in this Decision entail a temporary derogation

from the criterion laid down in Article 13(1) of Regulation (EU) No 604/2013 of the European Parliament and of the Council¹ and the procedural steps, including the time limits, laid down in Articles 21, 22 and 29 of that Regulation.

¹ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p.31).

from the criterion laid down in Article 13(1) of Regulation (EU) No 604/2013 of the European Parliament and of the Council¹ and the procedural steps, including the time limits, laid down in Articles 21, 22 and 29 of that Regulation. ***Relocation measures should not prevent Member States from making full use of Regulation (EU) No 604/2013 including a proactive and efficient use of all criteria, such as family reunification, special protection of unaccompanied minors, and the discretionary clause on humanitarian grounds.***

¹ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p.31).

Or. en

Amendment 5

Proposal for a decision Recital 19

Text proposed by the Commission

(19) The provisional measures are intended to relieve the significant asylum pressure from Italy and Greece, in particular by relocating an important number of applicants in clear need of international protection who have arrived in the territory of Italy and Greece following the date on which this Decision becomes applicable. Based on the overall number of third-country nationals who have entered irregularly Italy and Greece **in** 2014 and

Amendment

(19) The provisional measures are intended to relieve the significant asylum pressure from Italy and Greece, in particular by relocating an important number of applicants in clear need of international protection who have arrived in the territory of Italy and Greece following the date on which this Decision becomes applicable. Based on the overall number of third-country nationals who have entered irregularly Italy and Greece **since January**

the number of those who are in clear need of international protection, a total of **40 000** applicants in clear need of international protection should be relocated from Italy and Greece. This number corresponds to approximately 40% of the total number of third country nationals in clear need of international protection who have entered irregularly in Italy and Greece *in* 2014. Thus, the relocation measure proposed in this Decision constitutes fair burden sharing between Italy and Greece on the one hand and the other Member States on the other hand. Based on the same overall available figures in 2014 and in the first four months of 2015 in Italy compared to Greece, 60% of these applicants should be relocated from Italy and 40% from Greece.

2014 and the number of those who are in clear need of international protection, a total of **50 000** applicants in clear need of international protection should be relocated from Italy and Greece. This number corresponds to approximately 40% of the total number of third country nationals in clear need of international protection who have entered irregularly in Italy and Greece *since January* 2014. Thus, the relocation measure proposed in this Decision constitutes fair burden sharing between Italy and Greece on the one hand and the other Member States on the other hand. Based on the same overall available figures in 2014 and in the first four months of 2015 in Italy compared to Greece, 60% of these applicants should be relocated from Italy and 40% from Greece.

Or. en

Justification

Numbers are updated to take into account the significant increase of arrivals in the first four months of 2015. As in the calculation by the Commission in Recital 19, the total number of persons to be relocated corresponds to 40% of persons in clear need of international protection (Syrians and Eritreans) which arrived in Greece and Italy.

Amendment 6

Proposal for a decision Recital 25

Text proposed by the Commission

(25) When deciding which applicants in clear need of international protection should be relocated from Italy and Greece, priority should be given to vulnerable applicants within the meaning of **Article 22** of Directive 2013/33/EU of the European Parliament and of the Council¹. In this respect, special needs of applicants, including health, should be of primary concern. The best interests of the child

Amendment

(25) When deciding which applicants in clear need of international protection should be relocated from Italy and Greece, priority should be given to vulnerable applicants within the meaning of **Articles 21 and 22** of Directive 2013/33/EU of the European Parliament and of the Council¹. In this respect, special needs of applicants, including health, should be of primary concern. The best interests of the child

should always be a primary consideration.

¹ 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) (OJ L 180, 29.6.2013, p.96).

should always be a primary consideration.

¹ 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) (OJ L 180, 29.6.2013, p.96).

Or. en

Amendment 7

Proposal for a decision Recital 26

Text proposed by the Commission

(26) In addition, in order to decide which specific Member State should be the Member State of relocation, specific account should be given to the specific qualifications of the applicants concerned which could facilitate their integration into the Member State of relocation, such as their language skills. In the case of particularly vulnerable applicants, consideration should be given to the capacity of the Member State of relocation to provide adequate support to those applicants.

Amendment

(26) In addition, in order to decide which specific Member State should be the Member State of relocation, specific account should be given to the ***preferences and*** specific qualifications of the applicants concerned which could facilitate their integration into the Member State of relocation, such as their language skills, ***family ties beyond the definition of family members in Regulation (EU) No 604/2013, social relations, previous stay in a Member State, previous study and previous work experience with a company or an organisation of a specific Member State.*** In the case of particularly vulnerable applicants, consideration should be given to the capacity of the Member State of relocation to provide adequate support to those applicants. ***While applicants do not have a right to choose the Member State of their relocation, their needs, preferences and specific qualification should be taken into account to the extent possible.***

Or. en

Amendment 8

Proposal for a decision Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) Family ties are one of the major reasons for applicants for international protection to move from the Member State responsible for their asylum application to other Member States where their relatives live. Point (g) of Article 2 of Regulation (EU) No 604/2013 and point (d) of Article 2 of this Decision define family members in a narrow way for determining the Member State responsible for the asylum application and for the joint relocation of family members. In contrast, for applicants who fall outside the scope of these provisions, the broader concept of family ties should be taken into account to the extent possible when determining which applicant is to be relocated to which Member State. By doing so, the number of applicants to be relocated will remain the same for each Member State but they receive applicants which can also rely on family support in addition to state support and which can integrate more easily. Likewise, integration is facilitated if applicants can rely on social relations such as ties to ethnic and cultural communities, if they speak a language common in the Member State, if they previously stayed in the Member State or had relations with companies or organizations of that Member State or if they have other qualifications which facilitate their social, economic or cultural inclusion.

Or. en

Amendment 9

Proposal for a decision Recital 26 b (new)

Text proposed by the Commission

Amendment

(26b) To avoid the failures of the pilot project on relocation from Malta (EUREMA), expectations and preferences should be managed properly. As an initial step, applicants should be given the possibility to express their preferences. They should rank five Member States among the Member States by order of preference and support their preferences by elements such as family ties, social ties and cultural ties such as language skills, previous stay, previous studies and previous work experience. This should take place in the course of the initial processing. As a second step, the respective Member States should be informed about the applicants' preferences. They then should be given the possibility to indicate their preferences for applicants among those applicants who had expressed their preference for the Member State concerned. Member States should support their preferences by aspects such as family, social and cultural ties. Liaison officers appointed by Member States could facilitate the procedure by conducting interviews with the respective applicants. Applicants should also have the possibility to consult with other actors such as NGOs, United Nations High Commissioner for Refugees (UNHCR) and International Organization for Migration. Finally, Italy and Greece, with the assistance of EASO, should take a decision to relocate each of the applicants to a specific Member State by taking the preferences as much as possible into account. UNHCR should be consulted on their best practices developed in resettlement including on the management of preferences and specific

qualifications.

Or. en

Amendment 10

Proposal for a decision Recital 26 c (new)

Text proposed by the Commission

Amendment

(26c) The principle of non-discrimination laid down in Article 10 of the Treaty on the Functioning of the European Union should be fully respected. Discrimination on grounds of sex, age, ethnicity, disabilities and religion is a clear violation of the Treaty.

Or. en

Amendment 11

Proposal for a decision Recital 27

Text proposed by the Commission

Amendment

(27) The appointment by Member States of liaison officers in Italy and Greece should facilitate the effective implementation of the relocation procedure, including the appropriate identification of the applicants to be relocated, taking into account in particular their vulnerability and qualifications.

(27) The appointment by Member States of liaison officers in Italy and Greece should facilitate the effective implementation of the relocation procedure, including the appropriate identification of the applicants to be relocated, taking into account in particular their vulnerability, ***preferences*** and qualifications.

Or. en

Amendment 12

Proposal for a decision Recital 28

Text proposed by the Commission

(28) The legal and procedural safeguards set out in Regulation (EU) No 604/2013 remain applicable in respect of applicants covered by this Decision. In addition, applicants should be informed of the relocation procedure set out in this Decision and notified with the relocation decision. ***Considering that an applicant does not have the right under EU law to choose the Member State responsible for his/her application,*** the applicant, should have the right to an effective remedy against the relocation decision in line with Regulation (EU) No 604/2013, ***only in view of ensuring respect of his/her fundamental rights.***

Amendment

(28) The legal and procedural safeguards set out in Regulation (EU) No 604/2013 remain applicable in respect of applicants covered by this Decision. In addition, applicants should be informed of the relocation procedure set out in this Decision and notified with the relocation decision. The applicant should have the right to an effective remedy against the relocation decision in line with Regulation (EU) No 604/2013 ***and Article 47 of the Charter of Fundamental Rights.***

Or. en

Amendment 13

Proposal for a decision Recital 30

Text proposed by the Commission

(30) Measures should be taken in order to avoid secondary movements of relocated persons from the Member State of relocation to other Member States. ***In particular,*** applicants should be informed of the consequences of onward movement within the Member States and of the fact that, if the Member State of relocation grants them international protection, in principle, they are only entitled to the rights attached to international protection in that Member State.

Amendment

(30) Measures should be taken in order to avoid secondary movements of relocated persons from the Member State of relocation to other Member States. ***Taking the preferences of applicants, including family ties beyond the provisions regarding family in Regulation (EU) No 604/2013, social and cultural ties, as much as possible into account is a straightforward measure for applicants to develop a sense of belonging to the Member State of relocation. Applicants***

should be provided with all necessary information in a language they understand or are reasonably supposed to understand about their destination and, in case their preference could not be fully taken into account, of the reasons for this. To further avoid secondary movements, applicants should not be relocated if they do not give their consent. In addition, applicants should be informed of the consequences of onward movement within the Member States as provided for in Article 4 of Regulation (EU) No 604/2013 and of the fact that, if the Member State of relocation grants them international protection, in principle, they are only entitled to the rights attached to international protection in that Member State.

Or. en

Amendment 14

Proposal for a decision

Article 2 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) ‘Preference’ means the preference expressed by an applicant for a certain Member State or the preference expressed by a Member State for a certain applicant supported by elements such as family ties beyond the definition of family members in point (d) of this article, social ties such as ties to ethnic and cultural communities, and 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 organizations of that Member State.

Or. en

Justification

Neither do applicants have a right to choose their preferred Member States nor do Member States have the right to choose their preferred applicants. But their preferences should be taken into account to the extent possible.

Amendment 15

Proposal for a decision

Article 4

Text proposed by the Commission

1. **24 000** applicants shall be relocated from Italy to the territory of the other Member States as set out in Annex I.
2. **16 000** applicants shall be relocated from Greece to the territory of the other Member States as set out in Annex II.

Amendment

1. **30 000** applicants shall be relocated from Italy to the territory of the other Member States as set out in Annex I.
2. **20 000** applicants shall be relocated from Greece to the territory of the other Member States as set out in Annex II.

Or. en

Justification

The number of persons to be relocated is updated in order to take into account the significant increase of arrivals in the first months of 2015. As in the calculation by the Commission in Recital 19, the total number of persons to be relocated corresponds to 40% of persons in clear need of international protection (Syrians and Eritreans) which arrived in Greece and Italy. The updated figure ensures coherence in the text.

Amendment 16

Proposal for a decision

Article 5 – paragraph 2

Text proposed by the Commission

2. Italy and Greece shall, at regular intervals during the period of application of this Decision, with the assistance of EASO **and, where applicable, of Member States' liaison officers referred to in paragraph 8**, identify the individual applicants to be relocated to the other Member States and

Amendment

2. Italy and Greece shall, at regular intervals during the period of application of this Decision, with the assistance of EASO, identify the individual applicants to be relocated to the other Member States and communicate to the contact points of those Member States and to EASO the number of

communicate to the contact points of those Member States and to EASO the number of applicants that can be relocated. Priority shall be given for that purpose to vulnerable applicants within the meaning of **Article 22** of Directive 2013/33/EU.

applicants that can be relocated. Priority shall be given for that purpose to vulnerable applicants within the meaning of **Articles 21 and 22** of Directive 2013/33/EU.

Or. en

Justification

The role of liaison officers is specified in Article 3b new. Rather than sending liaison officers for identifying applicants for relocation by individual Member States, Member States should provide national experts to EASO to assist Italy and Greece in the relocation measures in a coordinated manner (see Article 7).

Amendment 17

Proposal for a decision

Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Italy and Greece shall, with the assistance by EASO, provide applicants with information in a language they understand or are reasonably supposed to understand about the Member States involved in the emergency relocation. Applicants shall also have access to information provided by other actors such as UNHCR, IOM and NGOs. During the initial processing applicants shall be asked to rank five Member States by order of preferences and to support their preferences as outlined in point (fa) of Article 2.

Or. en

Amendment 18

Proposal for a decision Article 5 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Italy and Greece shall inform the respective Member States about the applicants' preferences. The Member States shall have the possibility to indicate, in compliance with the principle of non-discrimination, their preferences for applicants among the applicants who expressed their preference for the Member State concerned. Member States shall support their preferences as outlined in point (fa) of Article 2. For the purpose of facilitating this process Member States may decide to send their liaison officers to Italy and Greece.

Or. en

Amendment 19

Proposal for a decision Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. On the basis of the information received pursuant to **paragraph 3**, Italy and Greece shall, as soon as possible, take a decision to relocate each of the identified applicants to a specific Member State of relocation and shall notify the applicant in accordance with Article 6(4).

4. On the basis of the information received pursuant to **paragraphs 3, 3a and 3b of this Article**, Italy and Greece shall, as soon as possible, take a decision to relocate each of the identified applicants to a specific Member State of relocation **by taking preferences of applicants and Member States into account to the extent possible** and shall notify **the Member States and** the applicant in accordance with Article 6(4).

Or. en

Amendment 20

Proposal for a decision Article 5 – paragraph 8

Text proposed by the Commission

Amendment

8. For the implementation of all aspects of the relocation procedure described in this Article Member States may decide to send to Italy and Greece liaison officers.

Deleted

Or. en

Justification

The role of liaison officers is specified in Article 3b new. Rather than sending liaison officers for identifying applicants for relocation by individual Member States, Member States should provide national experts to EASO to assist Italy and Greece in the relocation measures in a coordinated manner (see Article 7).

Amendment 21

Proposal for a decision Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. When the decision to relocate an applicant has been taken and before the actual relocation, Italy and Greece shall notify the person concerned of the decision to relocate him in writing. That decision shall specify the Member State of relocation.

4. When the decision to relocate an applicant has been taken and before the actual relocation, Italy and Greece, ***with the assistance of EASO and other actors such as liaison officers, if available, shall inform the person concerned of the Member State of relocation in a comprehensive manner and in a language he or she understands or is reasonably supposed to understand or, if his or her preferences are not taken into account, of the reasons for this decision. Italy and Greece shall also*** notify the person concerned of the decision to relocate him in writing. That decision shall specify the Member State of relocation.

Justification

The UNHCR Resettlement Handbook (Ch.7.10) states: “Refugees should have as much information as possible of what awaits them upon arrival in the resettlement country. Their active participation in the integration process will determine their future.” The same lessons were drawn from EUREMA. One of the core reasons why the project failed was the lack of knowledge of migrants of their Member State of relocation.

Amendment 22**Proposal for a decision****Article 6 – paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4a. In accordance with Article 7(2) of Regulation (EU) No 516/2014, the consent of the applicant to his or her relocation shall be required.

Or. en

Justification

Consent facilitates successful integration and helps prevent secondary movements. In this regard, the AMIF stipulates in Art 7(2) that the consent of persons is required in case applicants are transferred for the purpose of enhancing solidarity and responsibility-sharing between the Member States, in particular towards those most affected by migration and asylum flows. Since the procedures of the AMIF are applicable to this Decision (see Art 10), Art 7(2) of the AMIF is applicable as well.

Amendment 23**Proposal for a decision****Article 7 – introductory part**

Text proposed by the Commission

Amendment

Member States shall increase their support in the area of international protection to Italy and Greece via the relevant activities coordinated by EASO and other relevant

Member States shall increase their support in the area of international protection to Italy and Greece via the relevant activities coordinated by EASO and other relevant

Agencies, in particular by providing **when necessary** national experts for the following support activities:

Agencies, in particular by providing national experts for the following support activities:

Or. en

Amendment 24

Proposal for a decision Article 7 – point b

Text proposed by the Commission

(b) the initial processing of the applications;

Amendment

(b) the initial processing of the applications, ***including the identification of vulnerabilities and preferences, for the purpose of identifying potential applicants for relocation;***

Or. en

Amendment 25

Proposal for a decision Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Evaluation

By July 2016 the Commission shall present to the European Parliament and to the Council 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...* the Commission shall present to the European Parliament and to the Council a final evaluation report on the

application of this Decision.

Member States shall forward to the Commission all information appropriate for the preparation of that report in due time.

** OJ: please insert the date: 30 months after the entry into force of this Decision.*

Or. en

Amendment 26

Proposal for a decision Annex II a (new)

Text proposed by the Commission

Amendment

Amendment

Amendment

Annex IIa

The Relocation Procedure

Procedure as envisaged by the Commission; additional procedural steps proposed by the rapporteur are in Bold/Italics and underlined

1 – Initial processing of persons seeking international protection

- Identification of persons for which another Member State is (or should be) responsible under the Dublin Regulation

→ Dublin transfers

- Identification of vulnerable applicants

- Identification of family members for joint relocation

- Identification of the preferences of applicants for certain Member States

↓

2 – Selection of applicants for relocation

- Italy/Greece determine the applicants to be relocated.

- They inform Member States of the number of places needed as well as of the preferences of the applicants

↓

3 – Involvement of Member States

- Member States inform Italy/Greece of the number of available relocation places

- Liaison officers can conduct interviews with applicants who expressed a preference for their Member State

- Member States indicate their preferences for applicants

↓

4 – Relocation decision

- Italy/Greece decide which applicant is to be relocated to which Member State by taking the preferences of applicants and Member States into account

↓

5 – Information and consent

- Applicants are informed comprehensively about their Member State of relocation

- Applicants give their consent to be relocated to that Member State

↓

6 – Transfer

Transfer of applicants to the Member State of relocation within one month

Or. en

Statement by the European Parliament

The European Parliament, in light of the need to adopt immediate measures for the benefit of Member States confronted with an emergency situation characterised by a sudden inflow of nationals of third countries, has agreed to the legal basis of Article 78(3) TFEU as proposed by Commission for the Council Decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece. Nevertheless, 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. It insists that 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, is the correct legal basis. The European Parliament further underlines the fact that the adoption of this Decision is strictly without prejudice to the range of legal bases available to the co-legislator in the future, in particular with regard to Article 78 jointly with Article 80 TFEU. The European Parliament urges 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, as announced by the Commission in its European Agenda on Migration. 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.

EXPLANATORY STATEMENT

In the biggest catastrophe in the Mediterranean Sea after the Second World War, more than 800 people died on their way to Europe on 18 April 2015. They had survived war, persecution and mistreatment – and lost their lives on the doorsteps of Europe. At the time of writing this report, Italy is recovering the bodies. The death of so many people, 1867 in the first six months of 2015 alone, and the plight of many more putting their lives at risk in the Mediterranean has drastically revealed that Europe needs to boost its joint efforts to prevent further catastrophes and to effectively respond to the refugee crisis by upholding its duty to protect those in need.

No Member State can effectively deal with the refugee crisis alone. The European Parliament, in its Resolution of 28 April 2015, stressed that the EU must base its response to the tragedies in the Mediterranean on solidarity and fair sharing of responsibilities, in particular with those Member States which receive the highest numbers of refugees. The Parliament called for binding quota for the distribution of asylum seekers among all Member States.

The principle of solidarity is also at the heart of the European Commission's strategic response to the crisis in the Mediterranean, the Agenda on Migration. The Agenda is based on the insight that "we need a new, more European approach" to migration. As a first step to put the solidarity principle into practice, the Commission proposed an emergency relocation measure for the distribution of 40.000 persons in clear need of international protection from Italy and Greece to other Member States.

The rapporteur whole-heartedly shares the view that all Member States need to stand together to address the challenges of migration. The emergency relocation proposal is a limited but important step in this respect. Greece and Italy are under intolerable pressure. If they do not receive adequate support, irregular onward movement of refugees and migrants is likely to continue on a significant scale. This puts at risk one of the core achievements of the EU, the freedom of movement within the Schengen area. The rapporteur therefore fully supports the proposal of the Commission for a binding relocation measure including a binding distribution key for the distribution of refugees among Member States, based on the principle of solidarity and responsibility sharing.

In addition, the rapporteur suggests strengthening the solidarity principle by increasing the number of refugees to be relocated. The Commission based its proposal for relocating 40.000 refugees on the number of refugees arriving in Europe in 2014 - disregarding that the numbers have dramatically increased since then. With 68 000 refugees and migrants arriving in Greece alone since the beginning of 2015, Greece witnesses an unprecedented six-fold increase of arrivals compared to the same period last year. The majority are Syrians. By far most of them arrive on the Greek islands where reception facilities for asylum seekers are often completely lacking. People have to sleep on the streets or in emergency accommodation under extremely poor conditions. One in five Syrian refugees does not even have regular access to a toilet. Greece is unable to handle the situation; the asylum system has collapsed. Many refugees therefore move onwards across the Balkans to and through Hungary. Also in Italy the trend of very high number of arrivals continues. 67 500 refugees and migrants, most of them from Eritrea, arrived so far in 2015. In the light of these developments, the rapporteur suggests

sending a clear signal to the Council that more solidarity is needed. Europe must address the rapidly evolving needs and the fact that an increasing proportion of arrivals is now taking place in Greece. The number of people relocated from Greece and Italy to other Member States should therefore be increased to 50 000 as a minimum.

Improving the quality of relocation is another core concern of the rapporteur. In this respect, there are important lessons to be learned from the EU's pilot project on relocation from Malta (EUREMA). First, it was not binding with the consequence that not even half of all Member States actually practiced solidarity with Malta by taking (generally very low numbers of) refugees. Secondly, the relocation project significantly underestimated the importance of preferences and information. Many refugees already have family, social or cultural ties to a certain Member State. They prefer to be relocated to a Member State where their relatives live, where a social community already exists or where the common language is one they speak as well. Taking such preferences into account systematically is key to successful relocation. It helps to accommodate the realities of people's lives, reduces the incentive to move irregularly and enhances the prospects of integration. Refugees can integrate more easily if they already speak a language that is commonly spoken in the Member State or if they can rely on family or community support. It helps them to develop a sense of belonging to that Member State and effectively prevents secondary movement in a non-coercive way. Neither refugees have a right to choose their preferred Member State nor do Member States have a right to choose their preferred applicants. But their preferences should be taken into account to the extent possible. Information and consent are also crucial for successful relocation. In order to manage expectations effectively, refugees should have as much information as possible of what awaits them upon arrival in the Member State of relocation. To avoid secondary movement right from the start, they should also be relocated only if they give their consent to this decision.

Emergency relocation is only a first, albeit important step for putting the principle of solidarity and fair sharing of responsibilities among all Member States into practice. The Commission designed emergency relocation as a temporary derogation from the Dublin Regulation. It is limited in both scope and time. In addition, it seriously curtails the rights of Parliament by excluding it from co-legislation. The Rapporteur therefore highly welcomes the announcement of the Commission in its Agenda on Migration to table a legislative proposal for a permanent relocation scheme, based on co-decision, by the end of 2015. In addition, she suggests that Parliament takes the initiative and table a legislative own-initiative report in case the Commission does not come forward with the respective proposal.

Continuing with emergency measures would not only be unacceptable for Parliament as co-legislator but it would also fall short of the reforms urgently needed to overcome the failure of the current Dublin system. The Dublin system has created unsustainable imbalances among Member States in both arrivals of refugees and migrants and their final destination. At its heart lies the use of coercion, including high human costs such as the detention of asylum seekers traumatised from war and persecution, while secondary movement continues to be significant. The Rapporteur therefore calls on the Commission to take into account fully the experience of the relocation measure, including the recognition of preferences, when undertaking its Dublin fitness-check announced for 2016. The refugee crisis is a huge challenge for Europe. Europe should address it by taking into account the lives and preferences of refugees instead of treating them simply as numbers. And Europe can only address it in an efficient way if Member States stand together firmly, based on the principle of

solidarity.