

**Proposal for a Regulation of the European Parliament and of the Council establishing a crisis relocation mechanism and amending 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 (COM(2015) 450 final).**

**Proposal for a Council Decision establishing provisional measures in the area of international protection for the benefit of Italy, Greece and Hungary.**

**Proposal for a Regulation of the European Parliament and of the Council establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection, and amending Directive 2013/32/EU.**

#### **APPROVED FINAL DOCUMENT**

The Committee on Constitutional Affairs, the Presidency of Council of Ministers and Internal Affairs of Italy's Chamber of Deputies,

having jointly examined, pursuant to Rule of Procedure No. 127, the Proposal for a Regulation COM(2015)450 establishing a crisis relocation mechanism and amending 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; the Proposal for a Council Decision COM(2015)451 establishing provisional measures in the area of international protection for the benefit of Italy, Greece and Hungary; and the Proposal for a Regulation COM(2015)452 establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection, and amending Directive 2013/32/EU;

taking note of the observations contained in the opinion expressed by the Committee on European Union Policies of Italy's Chamber of Deputies at its meeting of 13 October 2015;

recognising that:

in recent months the migratory flows towards the European Union have been steadily increasing to the point that, with respect both to the scale of the phenomenon and to the extreme jeopardy in which so many men, women and children place themselves as they try to reach our continent, we can unquestionably affirm that we are now facing a very real humanitarian tragedy that has become structural rather than temporary owing to the deterioration of the conditions in the migrants' countries of origin, which are beset by conflict, civil war or violent dictatorship;

the increased migratory inflow requires us to intensify rescue operations, especially at sea, bolster border controls, step up efforts to combat human traffickers, increase the provision of first reception facilities for refugees and enhance the processing of asylum applications in those countries (including Italy) that, by virtue of their geographic position in relation to migration routes, are the most exposed to the influx of refugees;

faced with this situation, the European Commission has effected an important change of policy direction and embarked upon a new course that could very well lead to real progress. By adopting the European Agenda on Migration, the Commission means to deal comprehensively and coherently with the phenomenon of migration and, in accordance with Article 80 of the Treaty on the Functioning of the European Union, to translate the principle of Member State solidarity in the area of common asylum and immigration policy into concrete action. The effort being made by the European Commission is particularly admirable because, in the face of the resistance and opposition of some Member States, it has managed to act resolutely and swiftly to put the Agenda into effect by adopting a series of implementing measures, including those we have just examined;

the reservations expressed and objections raised by some countries at the extraordinary Justice and Home Affairs Council on 22 September last concerning the relocation programme must not prejudice its implementation. The programme can neither be considered optional nor subject to the willingness or otherwise of Member States to participate in it. Its mandatory nature reflects the necessity to enforce in practice the principle that burdens, including financial burdens, should be fairly shared within the Union. The programme therefore needs to be accompanied by effective measures that will stop individual countries from eluding their responsibilities;

*does hereby express:*

#### A FAVOURABLE OPINION

*with the following observations:*

- a) with reference to the Proposal for a Regulation COM(2015)450 and the Proposal for a Decision COM(2015)451:

1. the mechanism for the proportionate relocation of the excess number of refugees who are, or are presumed to be, present in those Member States (notably Italy) that are particularly exposed to migration flows must be followed up by a comprehensive and systematic overhaul of the so-called “Dublin Regulation”, as, indeed, the European Commission has already promised, to ensure that certain countries do not have to deal with an exorbitant number of asylum applications. All suitable solutions to expedite the processing of applications must therefore be examined, which will also entail deeper engagement with transit countries and the development of a genuinely common system in which once asylum status in the EU is granted, it will be universally recognised by all Member States;
2. at the same time, measures aimed at securing a more orderly processing of refugees into places of first reception, along with measures for the identification of the applicants, the assessment of asylum applications and repatriations, need to be implemented in full, and advantage should be taken of the possibility offered by European agencies, particularly the European Asylum Support Office (EASO), Frontex and Europol, to assist the authorities of the most exposed Member States in the proper management of “hotspot” asylum reception and sorting centres. Specifically, all essential tools must be activated and all necessary organisational and functional changes made to ensure that the tasks of identification, registration and fingerprinting are carried out to the highest standard;
3. it needs to be determined whether the distribution criteria adopted by the European Commission for the proportionate relocation of asylum-seekers are fully in keeping with the principle of the fair sharing of burdens and responsibilities, including financial, among Member States, given that the assignment of a weighting of just 10 percent to the rate of unemployment in the host country and the use of comprehensive rather than per-capita GDP as a second parameter may not accurately reflect the true capacity of Member States to absorb the economic impact of the refugee inflow;
4. consideration also needs to be given to the possible reduction of the current 75 per cent recognition rate threshold concerning applications for international protection, which is used to quantify the potential beneficiaries of relocation programmes with reference to their origin, so that it is not applied exclusively to Syrian and Eritrean citizens;
5. with reference to the Proposal for a Regulation COM(2015)450, an upward adjustment must be made to the size of the financial penalty imposed on Member States that refuse to host the refugees assigned to them. The penalty,

which has been set at 0.002 per cent of GDP, is too small to act as an effective deterrent, and it therefore seems advisable to impose other sanctions;

6. again with reference to the Proposal for a Regulation COM(2015)450, the extraordinary increase in migratory flows needs to be measured over a longer time scale so as not to discriminate against those Member States, Italy among them, that have been dealing with this phenomenon for many years, and not just over the past few months, as is the case with other countries;
7. with reference to the Proposal for a Decision COM(2015)451, the sum of 500 euros per relocated asylum-seeker needs to be increased both in view of the actual costs of relocation and in view of the far higher sum of 6,000 euros that is accorded to the receiving Member State;

*b)* with reference to the Proposal for a Regulation COM(2015)452:

1. while commendable, the proposal to draw up a list of safe countries of origin in the manner envisaged by the European Commission does not do enough to offset the burdensome obligations that fall on the countries of arrival. Origination from one of the listed safe countries does not, in fact, lead to automatic push-back, nor does it oblige the authorities of the countries of arrival to institute the relevant procedures. It is therefore necessary to increase the effectiveness of the list of safe countries by applying an absolute assumption of safety so as to avoid the burdensome procedure of considering applications.

CHAIR OF THE COMMITTEE ON CONSTITUTIONAL AFFAIRS, THE  
PRESIDENCY OF COUNCIL OF MINISTERS AND INTERNAL AFFAIRS

**Rome, 14 October 2011**