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COVER NOTE

From:	General Secretariat of the Council
To:	JHA Counsellors (Asylum)
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL addressing situations of crisis and force majeure in the field of migration and asylum - compilation of replies by Member States

Following the request for written contribution on the above-mentioned proposal (CM 3120/23), delegations will find in Annex a compilation of the replies as received by the General Secretariat.

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AUSTRIA

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time-limits for the registration of applications for international protection [APR art. 27]	No <i>An extension of time limits will have a negative impact. In particular, a quick registration process is the key for tackling a crisis situation. Last year, only 25% of over 110.000 asylum applications in Austria were previously registered. It is absolutely essential that full and comprehensive Eurodac registration is always ensured at the external border.</i>	No	No
Derogation from the mandatory border procedure [APR art. 41 and following]	No <i>Border procedures are an essential pillar of EU external border protection, which is a precondition for free movement in the Schengen area. We require an EU border protection system that is robust also in times of crisis. A derogation from the border procedure would weaken EU external border protection, when it is most needed.</i>	No	No
Extension of the applicability of the border procedure	Yes <i>See above. A broad application of border procedures to more irregular</i>	Yes	Yes

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
[APR art. 41 and following]	<i>arrivals is supported. This can be an effective deterrent and contribute to reducing migration flows.</i>		
Extension of the duration of the border procedure [APR art. 41]	Yes <i>The goal should be to take decisions as quickly as possible. But if more time is needed an extension of the duration should be possible</i>	Yes	Yes
Omission of personal interview in case of positive decision for subsidiary protection status [APR art. 12]	Yes/No <i>Depends on the concrete proposal and the scope.</i>	Yes/No	Yes/No
Derogations regarding solidarity measures. (responsibility) [AMMR art 45-53]	No	No	No
Derogations regarding solidarity measures. (solidarity) [AMMR art 45-53]	Choose Yes/No <i>In general, this depends on the reasonableness and actual scope of the measures.</i> <i>Member States at the external border should increase efforts to protect the border, when the pressure is high. Therefore, it should continue to receive strong and sufficient support from the EU. However no additional or automatic Relocations should take place,</i>	Choose Yes/No	Choose Yes/No

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
	<i>because this is a pull-factor for more irregular migration.</i>		
Derogation from material reception conditions [Reception Conditions Directive recast art. 16-17]	Yes <i>This proposal can be supported.</i>	Yes	Yes
Extension of time limits for Dublin procedure (submission and reply for take charge requests, take back notification, transfer and transfer of responsibility) [AMMR art. 29-35]	Yes/no <i>While certain limits for Dublin procedures e.g. Dublin consultations could be extended, Austria does not support shortening the deadlines for shifts/transfers of responsibility, because this would be a pull factor for secondary migration.</i>	Yes/No .	Yes/No .
Derogations from the return management procedure [APR art. 41 – Return Directive Recast art. 4]	No <i>Returns remain an essential aspect to manage migration crises.</i>	No <i>Comments</i>	No <i>Comments</i>

We consider the need for equal measures in all the 3 situations, as in practice a differentiation will be very difficult. However, very specific measures could be foreseen in cases of instrumentalization.

It is of great importance to create an instrument for migration crises and instrumentalisation in order to be able to react properly and flexible. Our main goal in times of crisis must be that the migration pressure will be reduced and instrumentalisation will not be successful. In order to create such a system that is not vulnerable to exploitation, we should take the necessary steps to reduce the migration pressure and avoid any incentives for increasing migration movements. Longer procedural deadlines, fewer border procedures and softening of responsibility provisions will have negative effects and will lead to new incentives for irregular migration to the EU in times of crisis.

*Depending on the final outcome of negotiations on the APR, Austria will share an additional proposal regarding safe third country concepts. We also need innovative instruments to implement safe third country concepts as a counter-measure to migration crisis or instrumentalization situations. Therefore, Austria takes the position that there must be an Article in the Regulation, whereby the connection criterion of Article 45 in the APR is **FULLY** suspended and the Commission is obliged to engage in cooperation agreements with safe third countries including a transfer mechanism. The aim is to conduct an initial screening (no substantial procedure) and to then transfer asylum seekers, e.g. in the context of an instrumentalization crisis, to a safe third country, where their asylum claim can be processed in line with international law. This would be an effective instrument to reduce flows and stop migration or instrumentalization crises.*

BELGIUM

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time-limits for the registration of applications for international protection [APR art. 27]	Yes <i>But is it necessary to include this in light of the already existing prolongation in APR?</i>	Yes <i>Alignment with the other instances seems desirable.</i>	Yes <i>We would prefer the 3 week time limit as was agreed in the instrumentalisation proposal</i>
Derogation from the mandatory border procedure [APR art. 41 and following]	Yes <i>Could be possible but a limitation is needed.</i>	Yes <i>Could be possible but a limitation is needed.</i>	No <i>Notwithstanding our general comments, it is difficult to imagine the need for a MS to derogate from the border procedures.</i>
Extension of the applicability of the border procedure [APR art. 41 and following]	Choose Yes/No <i>Could be an item on the “menu” but needs to be further explored/discussed to see in which case it could be applicable. Does there have to be a fixed number in the text or could it be determined ad hoc?</i>	Choose Yes/No <i>Idem</i>	Choose Yes/No <i>Idem</i>
Extension of the duration of the border procedure [APR art. 41]	Yes <i>Comments</i>	Yes <i>Comments</i>	Yes <i>Comments</i>
Omission of personal interview in case of positive decision for subsidiary protection status	No <i>We would like to refer to our earlier comments regarding the omission of interviews in the APR.</i>	No <i>Comments</i>	No <i>Comments</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
[APR art. 12]			
Derogations regarding solidarity measures. (responsibility) [AMMR art 45-53]	Yes <i>It should be specified which responsibility measures are meant.</i>	Yes <i>Comments</i>	Yes <i>Comments</i>
Derogations regarding solidarity measures. (solidarity) [AMMR art 45-53]	Yes <i>It should be specified which solidarity measures are meant.</i>	Yes <i>Comments</i>	Yes <i>Comments</i>
Derogation from material reception conditions [Reception Conditions Directive recast art. 16-17]	Yes <i>Certain safeguards should apply in all cases. Art 17(9b) already provides for a derogation, is a further derogation necessary?</i>	Yes <i>Certain safeguards should apply in all cases. Art 17(9b) already provides for a derogation, is a further derogation necessary?</i>	Yes <i>Certain safeguards should apply in all cases.</i>
Extension of time limits for Dublin procedure (submission and reply for take charge requests, take back notification, transfer and transfer of responsibility) [AMMR art. 29-35]	No <i>Comments</i>	Yes <i>Comments</i>	No <i>Comments</i>
Derogations from the return management procedure [APR art. 41 – Return Directive Recast art. 4]	Yes <i>Comments</i>	Choose Yes/No <i>Scrutiny reservation.</i>	Choose Yes/No <i>Scrutiny reservation.</i>

The “menu” as was proposed during the last informal SCIFA seems a good approach, whether these options be applicable to situations of crisis, force majeure or instrumentalisation is a question that could be left open. This with the idea in mind that every situation warrants a different approach and the pick-and-choose mechanism could be an asset in this regard. Furthermore, our comments are without prejudice to the fact that additional safeguards or specificities regarding certain derogations should be further discussed. Finally, we would like to stress that earlier comments that were made by Belgium in the negotiations regarding the instrumentalisation proposal remain valid.

CROATIA

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time-limits for the registration of applications for international protection [APR art. 27]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogation from the mandatory border procedure [APR art. 41 and following]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Extension of the applicability of the border procedure [APR art. 41 and following]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Extension of the duration of the border procedure [APR art. 41]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Omission of personal interview in case of positive decision for subsidiary protection status [APR art. 12]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogations regarding solidarity measures. (responsibility) [AMMR art 45-53]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogations regarding	Yes	Yes	Yes

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
solidarity measures. (solidarity) [AMMR art 45-53]	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogation from material reception conditions [Reception Conditions Directive recast art. 16-17]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Extension of time limits for Dublin procedure (submission and reply for take charge requests, take back notification, transfer and transfer of responsibility) [AMMR art. 29-35]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogations from the return management procedure [APR art. 41 – Return Directive Recast art. 4]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>

General Comments

THE CZECH REPUBLIC

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time-limits for the registration of applications for international protection [APR art. 27]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogation from the mandatory border procedure [APR art. 41 and following]	No	No	No
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Extension of the applicability of the border procedure [APR art. 41 and following]	No	No	Yes
	<i>By the border procedure is meant the mandatory border procedure?</i>	<i>Comments</i>	<i>Comments</i>
Extension of the duration of the border procedure [APR art. 41]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Omission of personal interview in case of positive decision for subsidiary protection status [APR art. 12]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogations regarding solidarity measures. (responsibility) [AMMR art 45-53]	No	No	No
	In general no, but under certain circumstances and depending on exact measures, yes. Nevertheless,	In general no, but under certain circumstances and depending on exact measures, yes. Nevertheless,	In general no, but under certain circumstances and depending on exact measures, yes. Nevertheless,

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
	registration in Eurodac must always take place.	registration in Eurodac must always take place.	registration in Eurodac must always take place.
Derogations regarding solidarity measures. (solidarity) [AMMR art 45-53]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogation from material reception conditions [Reception Conditions Directive recast art. 16-17]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Extension of time limits for Dublin procedure (submission and reply for take charge requests, take back notification, transfer and transfer of responsibility) [AMMR art. 29-35]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogations from the return management procedure [APR art. 41 – Return Directive Recast art. 4]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>

General Comments

DENMARK

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time-limits for the registration of applications for international protection [APR art. 27]	Yes	Yes	Yes
		-	-
Derogation from the mandatory border procedure [APR art. 41 and following]	No <i>Important to retain the border procedure and fast and efficient asylum case processing even in crisis situation in order to avoid the crisis situations can become incentives structures and pull factors</i>	No -	No <i>Important to retain the border procedure and fast and efficient asylum case processing in situations of instrumentalisation - especially to avoid security risks.</i>
Extension of the applicability of the border procedure [APR art. 41 and following]	Yes <i>Important to have a flexible procedure in case of a crisis situation, including being able to include more people in a border procedure if the need arises.</i>	Yes -	Yes <i>All cases of instrumentalisation should be included in the border procedure for security reasons.</i>
Extension of the duration of the border procedure [APR art. 41]	Yes <i>DK suggest that the procedure can be extended to a 14-week period that may be extended to 18 weeks.</i>	Yes -	Yes -
Omission of personal interview in case of positive decision for subsidiary protection status	Choose Yes/No Comments <i>A positive decision continues to depend upon individual assessment,</i>	Choose Yes/No Comments	Choose Yes/No Comments

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
[APR art. 12]	<i>of which the personal interview is an integral part.</i>		
Derogations regarding solidarity measures. (responsibility) [AMMR art 45-53]	No <i>Important to retain both responsibility and the solidarity in crisis situations to make sure that all EU member states contribute to the EU migration management.</i>	No -	No <i>Be careful not to increase the incentive for instrumentalization by arranging redistribution for this group.</i>
Derogations regarding solidarity measures. (solidarity) [AMMR art 45-53]	No <i>See comment above.</i>	No -	No -
Derogation from material reception conditions [Reception Conditions Directive recast art. 16-17]	Yes	Yes -	Yes -
Extension of time limits for Dublin procedure (submission and reply for take charge requests, take back notification, transfer and transfer of responsibility) [AMMR art. 29-35]	Yes <i>DK suggest that the extension of timelimits for submitting and replying to a take charge request should be 1 month. The extension of timelimits for submitting a take back notification or a notification of a transfer decision should be two weeks</i>	Yes -	Yes -
Derogations from the return management procedure [APR art. 41 – Return Directive Recast art. 4]	No No	No No	No No

General Comments

PUBLIC

ESTONIA

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time-limits for the registration of applications for international protection [APR art. 27]	Yes <i>Comments</i> Member States should have the right to extend time-limits for the registration from the moment they inform the Commission about the case of crisis.	Yes <i>Comments</i> Member States should have the right to extend time-limits for the registration from the moment they inform the Commission about the case of force majeure.	Yes <i>Comments</i> Member States should have the right to extend time-limits for the registration from the moment they inform the Commission about the case of instrumentalization.
Derogation from the mandatory border procedure [APR art. 41 and following]	No <i>Comments: derogations foreseen in the APR art 41e(2) are sufficient</i>	No <i>Comments: derogations foreseen in the APR art 41e(2) are sufficient</i>	No <i>Comments: derogations foreseen in the APR art 41e(2) are sufficient</i>
Extension of the applicability of the border procedure [APR art. 41 and following]	Yes <i>Comments</i> Member States should have the right to extend the applicability of the border procedure from moment they inform the Commission about the case of crisis.	Yes <i>Comments</i> Member States should have the right to extend the applicability of the border procedure from moment they inform the Commission about the case of force majeure.	Yes <i>Comments</i> Member States should have the right to extend the applicability of the border procedure from moment they inform the Commission about the case of instrumentalization.
Extension of the duration of the border procedure [APR art. 41]	Yes Member States should have the right to extend the duration of the border procedure from moment they inform the Commission about the case of crisis.	Yes Member States should have the right to extend the duration of the border procedure from moment they inform the Commission about the case of force majeure.	Yes Member States should have the right to extend the duration of the border procedure from moment they inform the Commission about the case of instrumentalization.
Omission of personal	Yes	Yes	Yes

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
interview in case of positive decision for subsidiary protection status [APR art. 12]	<i>Comments</i>	<i>Comments</i>	
Derogations regarding solidarity measures. (responsibility) [AMMR art 45-53]	No <i>Comments</i> No mandatory relocation	No <i>Comments</i> No mandatory relocation	No <i>Comments</i> No mandatry relocation
Derogations regarding solidarity measures. (solidarity) [AMMR art 45-53]	No <i>Comments</i> No mandatory relocation	No <i>Comments</i> No mandatory relocation	No <i>Comments</i> No mandatory relocation
Derogation from material reception conditions [Reception Conditions Directive recast art. 16-17]	Yes <i>Comments</i>	Yes <i>Comments</i>	Yes It could be justified in situation of mass influx of migration
Extension of time limits for Dublin procedure (submission and reply for take charge requests, take back notification, transfer and transfer of responsibility) [AMMR art. 29-35]	Yes <i>Comments</i>	Yes <i>Comments</i>	Yes <i>Comments</i>
Derogations from the return management procedure [APR art. 41 – Return Directive Recast art. 4]	Yes <i>Comments</i> Member States should have the right to apply the derogations from the return management procedure from the moment they inform the	Yes <i>Comments</i>	Yes <i>Comments</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
	Commission about the case of crisis.		

General Comments

FINLAND

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time-limits for the registration of applications for international protection [APR art. 27]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogation from the mandatory border procedure [APR art. 41 and following]	No	Yes	No
	<i>There is no need for such arrangements, the new rules in APR are enough</i>	<i>Yes, and rules should be flexible in order to meet all possible needs of different scenarios.</i>	<i>+ APR rules on adaptable procedure should not apply</i>
Extension of the applicability of the border procedure [APR art. 41 and following]	No	No	Yes
	<i>This would overburden the already overburdened system and be in contradiction with the idea behind the rules in APR on adequate capacity and annual cap.</i>	<i>We don't see any need for this type of derogation</i>	<i>As in the current version of instrumentalisation regulation</i>
Extension of the duration of the border procedure [APR art. 41]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Omission of personal interview in case of positive decision for subsidiary protection status [APR art. 12]	Choose Yes/No	Choose Yes/No	Choose Yes/No
	<i>Isn't this already possible in accordance with art. 12 of APR and it remains applicable also in crisis?</i>	<i>Comments</i>	<i>Comments</i>
Derogations regarding	No	No	No

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
solidarity measures. (responsibility) [AMMR art 45-53]	<i>What could these be? We should not derogate from the rules on determining the MS responsible or cessation/shift of responsibility, if this is what is meant by this question. It will not ease the situation but instead makes it even more difficult to manage.</i>	<i>What could these be?</i>	<i>We should be apply certain derogations regarding APR and RCD and return which help to keep the situation under control and have a possibility to ask for voluntary solidarity contributions. If the situation is such that it could be qualified as significant migratory situation or even pressure, it can request reduction of its pledged contributions in accordance with art. 44fa of AMMR.</i>
Derogations regarding solidarity measures. (solidarity) [AMMR art 45-53]	No As in AMMR, the MS in crisis should not be required to pledge itself. <i>In addition, in crisis it is all more important to get all MS on board – we should thus keep the possibility to choose from the 3 types of measures also in crisis situation. This would encourage MS to participate rather than, for example, possibility to request only relocations.</i>	Yes <i>Nature of the force majeure - situation may dictate what is possible to do and what not.</i>	Yes <i>There may be cases where derogations are necessary, for example if the situation of instrumentalisation renders it practically impossible to contribute</i>
Derogation from material reception conditions [Reception Conditions]	Yes <i>In a similar way than in the Instrumentalisation regulation</i>	Yes <i>In a similar way than in the Instrumentalisation regulation</i>	Yes <i>As in the latest version of instrumentalisation regulation.</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Directive recast art. 16-17]			
Extension of time limits for Dublin procedure (submission and reply for take charge requests, take back notification, transfer and transfer of responsibility) [AMMR art. 29-35]	No <i>The faster the responsible MS is determined and the transfer is carried out the better it is possible to manage crisis.</i>	Yes <i>Flexible rules as it is impossible to predict all cases where those could be needed.</i>	No <i>We don't see a need for any derogations</i>
Derogations from the return management procedure [APR art. 41 – Return Directive Recast art. 4]	Yes <i>Comments</i>	Yes <i>Flexible rules as it is impossible to predict all cases where those could be needed.</i>	Yes <i>Comments</i>

General Comments

FRANCE

	Applicable in case of crisis	Applicable in case of force majeure	Applicable in case of instrumentalisation
Extension of time-limits for the registration of applications for international protection [APR art. 27]	Yes	Yes	Yes
	<i>L'extension doit cependant être limitée à 3 semaines maximum.</i>	<i>Idem</i>	<i>Idem</i>
Derogation from the mandatory border procedure [APR art. 41 and following]	No	No	No
	/	/	/
Extension of the applicability of the border procedure [APR art. 41 and following]	Yes	Yes	Yes
	<i>En fonction de la nature de la crise, il faut laisser deux possibilités au Conseil :</i> <i>- prioriser les ressources sur une nationalité à très faible taux de protection qui serait à l'origine de la crise, en abaissant le taux de protection en dessous duquel la procédure à la frontière est obligatoire ;</i> <i>- au contraire pouvoir placer en PAF une nationalité protégée au-delà de 20%, en rehaussant le seuil</i> <i>Dans tous les cas, la priorité de la France est que les publics ordre</i>	<i>Idem</i>	<i>Il faut renforcer la procédure d'asile à la frontière.</i> <i>Il faudra prévoir dans ce cas une dérogation au plafond de la capacité adéquate (pour l'augmenter).</i>

	Applicable in case of crisis	Applicable in case of <i>force majeure</i>	Applicable in case of instrumentalisation
	<p><i>public et fraudes soient toujours traités en procédure à la frontière.</i></p> <p><i>Il faudra prévoir dans ce cas une dérogation au plafond de la capacité adéquate (pour l'augmenter).</i></p> <p><i>Ces dérogations sont à appréhender en lien avec les mesures de solidarités qui pourront être proposées par ailleurs par les Etats membres (voir réponse aux points 6 et 7).</i></p>		
Extension of the duration of the border procedure [APR art. 41]	Yes	Yes	Yes
	<i>Cette position doit encore être confirmée et il conviendra de préciser la durée possible des dérogations.</i>	<i>Idem</i>	<i>La durée maximale de 20 semaines envisagée pour la procédure d'asile paraît être un maximum.</i>
Omission of personal interview in case of positive decision for subsidiary protection status [APR art. 12]	No	No	No
	/	/	/
Derogations regarding solidarity measures. (responsibility)	Yes	Yes	Yes
	<i>L'utilisation des compensations de responsabilité doit être facilitée en situation de crise, si l'Etat membre ne</i>	<i>Un mécanisme de solidarité pourrait être ajouté en cas de force majeure.</i> <i>Si tel est le cas et que ce mécanisme</i>	<i>Sur une base volontaire</i>

	Applicable in case of crisis	Applicable in case of <i>force majeure</i>	Applicable in case of instrumentalisation
[AMMR art 45-53]	<i>dispose pas des moyens nécessaires pour réaliser des relocalisations. Les compensations de responsabilité doivent être privilégiées dans ce cas.</i>	<i>prévoit des compensations de responsabilité, ces dernières devront être comptabilisées dans les quotas des Etats membres contributeurs.</i>	
Derogations regarding solidarity measures. (solidarity) [AMMR art 45-53]	Yes <i>Un Etat membre en situation de crise ne doit pas avoir à mettre en œuvre ses engagements en matière de solidarité.</i>	Yes <i>Ces dérogations devraient être encadrées.</i>	No /
Derogation from material reception conditions [Reception Conditions Directive recast art. 16-17]	Choose Yes/No <i>Réserve d'examen</i> <i>Les dérogations à envisager pourraient porter sur des aspects matériels (qualité de l'hébergement par exemple).</i>	Choose Yes/No <i>Réserve d'examen</i>	Choose Yes/No <i>Réserve d'examen</i> <i>Les dérogations à envisager pourraient porter sur des aspects matériels (qualité de l'hébergement par exemple).</i>
Extension of time limits for Dublin procedure (submission and reply for take charge requests, take back notification, transfer and transfer of responsibility) [AMMR art. 29-35]	Yes <i>Les durées devront être déterminées.</i>	Yes <i>Idem</i>	Yes <i>Idem</i>
Derogations from the return management procedure [APR art. 41 – Return Directive Recast art. 4]	Yes <i>Cependant, il importe de renforcer encore les dérogations déjà prévues afin de mieux garantir le maintien des personnes aux frontières.</i>	Yes <i>Des dérogations au moins équivalentes à celles prévues en cas de crise doivent être prévues pour garantir le maintien des personnes</i>	Yes <i>Pour des dérogations renforçant la procédure de retour à la frontière de droit commun. Toutefois, ces dérogations ne doivent</i>

	Applicable in case of crisis	Applicable in case of <i>force majeure</i>	Applicable in case of instrumentalisation
		aux frontières.	<i>pas conduire à appliquer des procédures de retour nationales moins rigoureuses pour les États qui n'avaient précédemment pas mis en œuvre l'article 2§2 (a) de la directive Retour.</i>

General Comments

GERMANY

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time-limits for the registration of applications for international protection [APR art. 27]	No	No	No
	<i>We are critical of an extension of the time limits for the registration, inter alia, because of possible irregular secondary migration. We therefore prefer a shorter time limit than 4 weeks.</i>	<i>See left</i>	<i>We refer to our position that the Instrumentalisation Regulation should not be incorporated into the Crisis Regulation. In any case, we advocate for a reduction of the registration period to a maximum of two weeks.</i>
Derogation from the mandatory border procedure [APR art. 41 and following]	Yes	Yes	No
	<i>It is important to Germany that the border procedure remains manageable and practicable and that there is no overloading of the external border facilities and the associated infrastructure, especially in situations of mass influx. Therefore, we support a lowering of the protection quota in case of crisis. The concrete quota will depend on the new text proposals.</i>	<i>See left</i>	<i>See left and below</i>
Extension of the applicability of the border procedure [APR art. 41 and following]	No	No	Yes
	<i>In general, exemptions from the border procedure for minors and their family members remain very important to us. See above</i>	<i>See above and left</i>	<i>In any case, we advocate for a general exemption of the following groups of people from the asylum border procedure (except in cases of a danger to national security/public order): unaccompanied minors,</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
			<i>minors under 18 years and their family members, persons with disabilities. In addition, persons with special reception needs (as in Art. 20 Recast Reception Conditions Directive – Doc. no. 10009/18 ADD1) should be exempted from the border procedure on a case-by-case basis, if the necessary support cannot be adequately provided at the border or in transit zones, with special consideration of the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities. In this context, we propose that the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities be referred to in a recital.</i>
Extension of the duration of the border procedure [APR art. 41]	Yes <i>In principle, we could support a certain extension of the maximum duration of the border procedure in crisis situations up to 16 weeks (plus 2 weeks in case of a legal remedy).</i>	Yes <i>See left; but also depends on the situation</i>	Yes <i>With a view to the proposal for an Instrumentalisation Regulation, we advocate for a reduction of the duration of the procedure to 14 weeks (maximum 16 weeks in total taking into account the registration period of two weeks; see above). This reduction of the duration of the procedure is also important to us</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
			<i>with regard to possible detention. Furthermore, it is not a situation of mass influx, which is regulated by the Crisis Regulation.</i>
Omission of personal interview in case of positive decision for subsidiary protection status [APR art. 12]	No	No	No
Derogations regarding solidarity measures. (responsibility) [AMMR art 45-53]	No <i>Not clear what this refers to.</i>	No <i>See left</i>	No <i>See left</i>
Derogations regarding solidarity measures. (solidarity) [AMMR art 45-53]	Yes <i>In principle, we are in favor of a strong solidarity mechanism and thus the extension of mandatory solidarity in crisis situations compared to the provisions provided for in the AMMR.</i>	Yes <i>See left, but the definition of the situation of "force majeure" should be clarified in advance.</i>	Yes <i>Generally, we have no objections to the voluntary nature of the solidarity and support measures.</i>
Derogation from material reception conditions [Reception Conditions Directive recast art. 16-17]	No <i>It is essential that every asylum application is examined and that humane accommodation is guaranteed. The minimum standards must be complied with.</i>	No <i>See left</i>	Yes <i>But only limited. With a view to the last proposal under the CZE Presidency, a derogation from Art. 17 (2) (c) of the Recast Reception Conditions Directive (RCD) should also not be possible.</i>
Extension of time limits for Dublin procedure	Yes <i>See right</i>	Yes <i>We welcome the procedural</i>	No <i>This was not in the proposal for an</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
(submission and reply for take charge requests, take back notification, transfer and transfer of responsibility) [AMMR art. 29-35]		<i>derogations in principle, but wonder why the extension of the time limits for the determination of the responsibility procedure are only foreseen for force majeure situations.</i>	<i>Instrumentalisation Regulation.</i>
Derogations from the return management procedure [APR art. 41 – Return Directive Recast art. 4]	Yes <i>We welcome in principle that the existence of a crisis situation must be determined by the Commission upon reasoned request by a MS. We wonder whether co-determination should also be provided for the Council.</i>	Choose Yes/No <i>We still have a scrutiny reservation regarding the application of derogations from the return management procedure in “force majeure” situations. However, at this point we can already say that similar to crisis situations, there should also be an authorization of deviations from the regulatory system for “force majeure” situations. We wonder whether co-determination should also be provided for the Council.</i>	Yes

- Despite the comments above, we maintain our **general scrutiny reservation** and **our position submitted** in writing **regarding the crisis regulation and the regulation addressing situations of instrumentalisation**.
- We continue to advocate a more concrete definition of the scope of application in the case of instrumentalization (“where necessary and proportionate”).
- In principle, Germany strives for a balance between responsibility and solidarity at the highest possible level within all proposals for legislative texts submitted by COM.
- It is important that the Crisis Regulation fits into the overall structure of legislative acts.

- We support the goal of ensuring efficient, crisis-proof and solidarity-based mechanisms and obligations - including for the distribution of protection seekers - that can be used to respond quickly and effectively in MS.
- However, it is also important that access to international protection is always guaranteed and that basic standards towards the persons concerned are respected.
- The conditions for the application of exceptional rules as well as the scope of application (emergency of a certain intensity) should be established. We support that the application of the exemptions is limited in time.
- We consider the more flexible design of asylum and return procedures in a crisis situation, the extension of deadlines of the AMMR in case of force majeure to be an approach worth discussing, which we still need to examine in detail.

GREECE

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time-limits for the registration of applications for international protection [APR art. 27]	Yes <i>EL supports the extension of the deadlines, as a complementary measure in the disposal of MS to deal with situations of mass influx; Having that in mind EL reiterates the position that the exclusive extension of deadlines without setting up a wider set of tools and measures for the support of MSs asylum systems, cannot be considered as an effective response to crisis situations.</i>	Yes <i>Same comment</i>	Yes <i>EL reiterates that the exclusive extension of deadlines without taking additional measures for the relief of MSs, is likely to lead to excessive population concentration at EU borders. Also, EL considers that the proposed geographical description is unclear and vague. Special mention should be made to sea borders, as, in the event that sea borders become targets of instrumentalization and mass influx, the already great operational difficulty intensifies.</i>
Derogation from the mandatory border procedure [APR art. 41 and following]	Choose Yes/No <i>EL reiterates a general scrutiny reservation and a substantive reservation on the mandatory application of the border procedure, without consideration to EL geographical position and the particularities of sea and land external borders. In addition, this this may lead to overcrowded reception facilities at the proximity of the external borders, without</i>	Choose Yes/No <i>Same comment</i>	Yes <i>However, EL strongly reiterates the position that a crucial component for the effectiveness of any derogation is the possibility of completing the process of returns of those whose asylum applications are rejected. Without returns taking place, the extension of deadlines and the extensive use of border procedures may lead to a concentration of population at the</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
	<i>guarantying effective returns.</i>		<i>border and an excessive workload on front-line MSs.</i>
Extension of the applicability of the border procedure [APR art. 41 and following]	Choose Yes/No <i>EL reiterates a general scrutiny reservation and a substantive application of the border procedure, without consideration to EL geographical position and the particularities of sea and land external borders. In addition, the proposed derogation may lead to overcrowded reception facilities at the proximity of the external borders, without guarantying effective returns.</i>	Choose Yes/No <i>Comments</i>	Yes <i>However, EL strongly reiterates the position that a crucial component for the effectiveness of any derogation is the possibility of completing the process of returns of those whose asylum applications are rejected. Without returns taking place, the extension of deadlines and the extensive use of border procedures may lead to a concentration of population at the border and an excessive workload on front-line MSs. In addition. EL holds the position that there is no reference to appropriate measures to prevent irregular, primary migratory flows that are the results of isintrumantalization.</i>
Extension of the duration of the border procedure [APR art. 41]	Yes Without prejudice to our previous comments	Yes <i>Same comment</i>	Yes <i>Same comment</i>
Omission of personal interview in case of positive decision for subsidiary	Yes <i>It should be mentioned that, in EL case, the precondition of art. 12 that</i>	Yes <i>Comments</i>	No <i>EL considers that the measures applicable in cases of</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
protection status [APR art. 12]	<i>Subsidiary Protection Status offers the same rights and benefits as refugee status under Union and national law does not apply. That means that not all MS can benefit from such a derogation.</i>		<i>instrumentalization cannot be the same in the cases of crisis as although in both cases there is a large influx of third-country nationals, the motives and other characteristics substantially differ in each case.</i>
Derogations regarding solidarity measures. (responsibility) [AMMR art 45-53]	Yes <i>El holds the position that although derogations are a useful tool, it is also crucial the triggering mechanism to be swift and effective in order to alleviate the burden caused by the consequences of a crisis situation.</i>	Yes <i>Comments</i>	Yes <i>in case that a MS's request for solidarity measures is not responded by any other MS, we would like to have clarification on what will happen, given that the pressure on the EU's external borders will continue.</i>
Derogations regarding solidarity measures. (solidarity) [AMMR art 45-53]	Yes <i>EL supports the extension of the deadlines, in order for MS to deal with the mass applications; however, EL reiterates that the exclusive extension of deadlines without taking additional measures, for the relief of MSs, is likely to lead to excessive population concentration at EU borders. Given that the extension of procedural timelines is the one of key measures this Regulation introduces to help</i>	Yes <i>Comments</i>	Yes <i>EL is of the opinion that the extension of the deadlines should be accompanied by other more substantial measures, in order to reinforce the concept of tangible solidarity between the MS and to ensure the mechanism's responsiveness to the effective management of the emergency situation.</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
	<i>MS respond to crises situation, the proposed abbreviation clearly goes against this aim.</i>		
Derogation from material reception conditions [Reception Conditions Directive recast art. 16-17]	No <i>EL considers that the measures applicable in cases of instrumentalization cannot be the same in the cases of crisis as although in both cases there is a large influx of third-country nationals, the motives and other characteristics substantially differ in each case.</i>	No <i>EL considers that the measures applicable in cases of instrumentalization cannot be the same in the cases of force majeure as although in both cases there is a large influx of third-country nationals, the motives and other characteristics substantially differ in each case.</i>	Yes <i>The states should have the discretion to apply national modalities that concern the reception of third-country nationals only in cases of instrumentalization.</i>
Extension of time limits for Dublin procedure (submission and reply for take charge requests, take back notification, transfer and transfer of responsibility) [AMMR art. 29-35]	Yes <i>EL supports the extension of the deadlines, in order for MS to deal with the mass applications; however, EL reiterates that the exclusive extension of deadlines without taking additional measures, for the relief of MSs, is likely to lead to excessive population concentration at EU borders. Given that the extension of procedural timelines is the one of key measures this Regulation introduces to help MS respond to crises situation, the proposed abbreviation clearly goes</i>	Yes <i>Same comment</i>	Yes <i>Same comment</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
	<i>against this aim. Furthermore, we would like to examine the impact of the extension in the caseload, concerning the Dublin procedures).</i>		
Derogations from the return management procedure [APR art. 41 – Return Directive Recast art. 4]	Choose Yes/No <i>EL considers that a crucial element is the possibility of completing the process of returns of those whose asylum applications are rejected. Without actual returns taking place, the extension of deadlines and the extensive use of border procedures may lead to a concentration of population at the border, overcrowding and an excessive workload on front-line MSs.</i>	Choose Yes/No <i>Comments</i>	Choose Yes/No <i>Comments</i>

EL General comment:

EL would like to thank you for your efforts concerning the Proposal for a Regulation addressing situations of crisis and force majeure in the field of migration and asylum and we are looking forward to work on the new amendment.

Based on our comments submitted in January this year and following the discussions at the informal SCIFA meeting in Stockholm in April, we would like to inform you that we agree in principle with the merging of the Instrumentalization Regulation with the Crisis Regulation, which we consider to be an initiative towards the right direction.

However, we would also like to raise our concern regarding the fact that the questionnaire addresses only certain issues, while the main, overall

framework has not yet been shaped and agreed upon. In this respect and although we are positive to the use of derogations in dealing with crises situations (e.g. extension of the deadlines for registration of applications, etc.), we believe that other important issues concerning the proposed Regulation should be addressed as a matter of priority (e.g. solidarity measures towards the MS affected).

Moreover, considering that the Crisis proposal is included in the Commission's proposed legislation in September 2020 with the aim of providing a legal tool to respond to distinct situations of crisis with different characteristics, we would like to see a new overall approach and a reformulation of the proposal, which will encompass and address our major issues of concern, as stated in our previous comments submitted in January 2023, and will take under consideration all the developments that have taken place since then, both in the field (EU response to the Ukraine crisis) and in the framework of relevant discussions and negotiations between EU MS.

In addition, we consider of utmost importance that the relevant definitions (e.g. migratory pressure, instrumentalization, etc.) should first be clarified and agreed upon, so that it is clear in which situations the proposed measures are to be implemented.

We would also like to underline that the draft Regulation on Instrumentalization, as was presented in the past, aimed at the 'passive' management of the consequences of crises of instrumentalization in order to limit their impact. It did not have a preventive character and in particular it did not aim at the de-escalation of the developing situations through appropriate, deterrent measures.

Finally, the way of activation/triggering of the corresponding mechanisms is a crucial parameter as well, given that, in crises situations, the response should be immediate and targeted, in order not to burden the asylum and reception systems, especially in the MS affected by situations of crisis or instrumentalization.

HUNGARY

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time-limits for the registration of applications for international protection [APR art. 27]	No	No	No
	<i>Comments</i> We do not support the extension of time limits for the registration of applications as it would further increase the risk of secondary migration.	<i>Comments</i>	<i>Comments</i>
Derogation from the mandatory border procedure [APR art. 41 and following]	No	No	No
	<i>Comments</i> Hungary's priority is to establish a system that can prevent illegal migrants from entering the EU along the entire external border and to detect those who are not eligible for protection before they enter.	<i>Comments</i>	<i>Comments</i> In situations of instrumentalisation, the only solution for the protection of the EU and migrants, is to close the external borders and limit the possibility to lodge asylum applications to an external location, such as a consulate. At the same time, access to the territory of the Member States should be limited to persons who have received a final positive decision on their protection status.
Extension of the applicability of the border procedure [APR art. 41 and following]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i> In situations of instrumentalisation, the only solution for the protection of the EU and migrants, is to close the external borders and limit the

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
			possibility to lodge asylum applications to an external location, such as a consulate. At the same time, access to the territory of the Member States should be limited to persons who have received a final positive decision on their protection status.
Extension of the duration of the border procedure [APR art. 41]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Omission of personal interview in case of positive decision for subsidiary protection status [APR art. 12]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogations regarding solidarity measures. (responsibility) [AMMR art 45-53]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogations regarding solidarity measures. (solidarity) [AMMR art 45-53]	Yes	Yes	Yes
	<i>Comments</i> Although we agree with the establishment of a mandatory solidarity mechanism, Hungary can only accept solidarity measures which are based on voluntary choice and which are also in line with the preferences of the Member States providing solidarity. We do not	<i>Comments</i>	<i>Comments</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
	support measures that could generate additional pull factors.		
Derogation from material reception conditions [Reception Conditions Directive recast art. 16-17]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Extension of time limits for Dublin procedure (submission and reply for take charge requests, take back notification, transfer and transfer of responsibility) [AMMR art. 29-35]	Yes	Yes	Yes
	<i>Comments</i> We support the extension of the time limits for Dublin procedure, but it should be highlighted that we do not support the quasi automatic procedure for take back notifications, as we do not see how a system that does not give the notified Member State the opportunity to respond and explain its reasons could serve the Dublin system. We do not consider it appropriate to reduce the responsibility period when the applicant leaves the EU, and we propose a cautious approach to liability on first entry.	<i>Comments</i>	<i>Comments</i>
Derogations from the return management procedure [APR art. 41 – Return Directive Recast art. 4]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i> In situations of instrumentalisation, the only solution for the protection of the EU and migrants, is to close the external borders and limit the

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
			possibility to lodge asylum applications to an external location, such as a consulate. At the same time, access to the territory of the Member States should be limited to persons who have received a final positive decision on their protection status.

General Comments

It should be stressed that Hungary cannot support the solidarity mechanism system proposed in the AMMR. We agree that all Member States should provide meaningful solidarity to Member States under migratory pressure. However, Hungary can only support the establishment of a solidarity mechanism that is flexible and based on voluntary choice, adapted to the individual capacities of Member States, taking into account their national specificities, and which does not require mandatory relocation or return sponsorship.

Concerning the border procedure, Hungary's priority is to develop a procedure that can prevent illegal migrants from entering the EU along the entire external border and to detect those who are not eligible for protection before they enter.

As regards situations of instrumentalisation, Hungary considers that the proposed derogations do not provide a meaningful solution to address the situations related to the instrumentalisation of migration. We consider it essential to address this issue comprehensively and with the most effective means possible. It must be recognised that there are situations in which the only solution, both for the protection of the Union and for the protection of migrants, is to close the external borders and to limit the possibility of lodging asylum applications to an external location, such as a consulate, and to declare the primacy of border protection.

IRELAND

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time-limits for the registration of applications for international protection [APR art. 27]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>As instrumentalization is not necessarily defined by a high volume of irregular arrivals, would extend time limits for the registration if numbers become unmanageable, in other words, when a case of instrumentalization is also a situation of crisis</i>
Derogation from the mandatory border procedure [APR art. 41 and following]	Yes	Yes	Yes
	<i>This is also in the understanding that according to the latest APR text, derogation of the border procedure can take place the moment the adequate capacity is reached.</i>	<i>Derogation from the mandatory procedure in cases of force majeure does not appear in the CFM Reg but we believe it would be advisable to provide with the possibility of a derogation of the border procedure also in these such cases</i>	<i>Same as above, it would be advisable to provide for the possibility that a case of instrumentalization also qualifies as a crisis situation)</i>
Extension of the applicability of the border procedure [APR art. 41 and following]	Yes	No	Yes
	<i>Comments</i>	<i>It would be inappropriate to penalise applicants in case of force majeure situations, with the exception perhaps of applicant posing a security risk</i>	<i>Comments</i>
Extension of the duration of the border procedure [APR art. 41]	Yes	No	Yes
	<i>We are favourable in principle, however balance would need to be</i>	<i>It would be inappropriate to penalise applicants in case of force</i>	<i>We are favourable in principle, however balance would need to be</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
	<i>exercised to avoid applicants spending long period of detentions when detention is exercised by a MS)</i>	<i>majeure situations, with the exception perhaps of applicant posing a security risk</i>	<i>exercised to avoid applicants spending long period of detentions when detention is exercised by a MS</i>
Omission of personal interview in case of positive decision for subsidiary protection status [APR art. 12]	Yes	Yes	Yes
		<i>Comments</i>	<i>Comments</i>
Derogations regarding solidarity measures. (responsibility) [AMMR art 45-53]	Choose Yes/No	Choose Yes/No	Choose Yes/No
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogations regarding solidarity measures. (solidarity) [AMMR art 45-53]	Choose Yes/No	Choose Yes/No	Choose Yes/No
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogation from material reception conditions [Reception Conditions Directive recast art. 16-17]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Extension of time limits for Dublin procedure (submission and reply for take charge requests, take back notification, transfer and transfer of responsibility) [AMMR art. 29-35]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>If instrumentalization becomes a crisis case because it carries a mass-influx situation</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Derogations from the return management procedure [APR art. 41 – Return Directive Recast art. 4]	Yes <i>It is assumed the reference is a derogation of the return border procedure-see comment above regarding the border procedure</i>	Yes <i>Comments</i>	Yes <i>Same as above</i>

General Comments -kindly note that according to the latest text, art. 45-56 of the AMMR are deleted?
Also, as force majeure generally refers to events outside of the control of MS and/or applicants, it would be advisable to think of measures that provide flexibility to MS to manoeuvre without unduly penalising applicants.

ITALY

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time-limits for the registration of applications for international protection [APR art. 27]	Yes <i>APR from 1 to 3 weeks. In case of crisis within 4 weeks. An extended timeframe is necessary in view of exceptional situations of migration flows</i>	Yes <i>APR from 1 to 3 weeks. In case of force majeure within 4 weeks. An extended timeframe is necessary in view of exceptional situations of force majeure</i>	Yes <i>3 WEEKS INSTEAD OF 7 DAYS/21 days in case of massive influx An extended timeframe would be necessary in view of instrumentalisation situations.</i>
Derogation from the mandatory border procedure [APR art. 41 and following]	Yes <i>The extension of the duration of border procedures would not be helpful but place additional burden on the reception system. Consequently, for the sake of effective management of reception system, it would be desirable to discontinue mandatory border procedure.</i>	Yes <i>The extension of the duration of border procedures would not be helpful but place additional burden on the reception system. Consequently, for the sake of effective management of reception system, it would be desirable to discontinue mandatory border procedure.</i>	Yes <i>The flexibility in designating locations at the external border, in the proximity to the external [...] border [...] or transit zones or in other designated locations is key. However, it would be desirable to discontinue mandatory border procedure.</i>
Extension of the applicability of the border procedure [APR art. 41 and following]	No <i>For the sake of a good management of the reception system, the scope of the mandatory border procedure should be narrowed down. The extension of the scope to additional categories of applicants than those envisaged by APR would not help and would even risk creating further challenges, given the tight timeframe and territorial limits connected to</i>	No <i>For the sake of a good management of the reception system, the scope of the mandatory border procedure should be narrowed down. The extension of the scope to additional categories of applicants than those envisaged by APR would not help and would even risk creating further challenges, given the tight timeframe and territorial limits connected to</i>	No <i>In this case as well, for a good management of the reception system, the scope of the mandatory border procedure should be narrowed down. The extension of the scope to additional categories of applicants than those envisaged by APR would not help and would even risk creating further challenges, given the tight timeframe and territorial</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
	<i>BP. We cannot concretely understand the possible benefits.</i>	<i>BP. We cannot concretely understand the possible benefits.</i>	<i>limits connected to BP. We cannot concretely understand the possible benefits.</i>
Extension of the duration of the border procedure [APR art. 41]	No	No	No
	<i>In this case as well, for a good management of the reception system, the length of the mandatory border procedure should be reduced.</i>	<i>In this case as well, for a good management of the reception system, the length of the mandatory border procedure should be reduced.</i>	<i>In this case as well, for a good management of the reception system, the length of the mandatory border procedure should be reduced.</i>
Omission of personal interview in case of positive decision for subsidiary protection status [APR art. 12]	No	No	No
	<i>Given the substantial differences between the two statuses, the omission of personal interview would be acceptable only if an applicant may oppose the decision granting subsidiary protection and request to be interviewed in order to obtain refugee status.</i>	<i>Given the substantial differences between the two statuses, the omission of personal interview would be acceptable only if an applicant may oppose the decision granting subsidiary protection and request to be interviewed in order to obtain refugee status.</i>	<i>Given the substantial differences between the two statuses, the omission of personal interview would be acceptable only if an applicant may oppose the decision granting subsidiary protection and request to be interviewed in order to obtain refugee status.</i>
Derogations regarding solidarity measures. (responsibility) [AMMR art 45-53]	Yes	Yes	Yes
Derogations regarding solidarity measures. (solidarity) [AMMR art 45-53]	No	No	No
Derogation from material reception conditions [Reception Conditions Directive recast art. 16-17]	Yes	Yes	Yes
Extension of time limits for	No	No	No

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Dublin procedure (submission and reply for take charge requests, take back notification, transfer and transfer of responsibility) [AMMR art. 29-35]			
Derogations from the return management procedure [APR art. 41 – Return Directive Recast art. 4]	Yes	Yes	Yes

General Comments

Please, notice that this is a first outcome of internal consultations, which have not yet been completed. The Italian delegation reserves further considerations on the issues included in this table, in the light of the compromise text that will be circulated.

LATVIA

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time-limits for the registration of applications for international protection [APR art. 27]	Choose Yes /No	Choose Yes /No	Choose Yes /No
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogation from the mandatory border procedure [APR art. 41 and following]	Choose Yes/ No	Choose Yes/ No	Choose Yes/ No
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Extension of the applicability of the border procedure [APR art. 41 and following]	Choose Yes /No	Choose Yes /No	Choose Yes /No
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Extension of the duration of the border procedure [APR art. 41]	Choose Yes /No <i>Comments</i>	Choose Yes /No <i>Comments</i>	Choose Yes /No <i>Comments</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Omission of personal interview in case of positive decision for subsidiary protection status [APR art. 12]	Choose Yes /No	Choose Yes /No	Choose Yes /No
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogations regarding solidarity measures. (responsibility) [AMMR art 45-53]	Choose Yes /No	Choose Yes /No	Choose Yes /No
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogations regarding solidarity measures. (solidarity) [AMMR art 45-53]	Choose Yes /No	Choose Yes /No	Choose Yes /No
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogation from material reception conditions [Reception Conditions Directive recast art. 16-17]	Choose Yes /No	Choose Yes /No	Choose Yes /No
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time limits for Dublin procedure (submission and reply for take charge requests, take back notification, transfer and transfer of responsibility) [AMMR art. 29-35]	Choose Yes /No Comments	Choose Yes /No Comments	Choose Yes /No Comments
Derogations from the return management procedure [APR art. 41 – Return Directive Recast art. 4]	Choose Yes /No Comments	Choose Yes /No Comments	Choose Yes /No Comments

General Comments

LUXEMBOURG

As you will see, we did not consider that we had a sufficiently clear picture to give Yes or No answers. Thus, we limited ourselves to general comments and reserve our positions on the individual derogations until we receive the Presidency proposal.

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time-limits for the registration of applications for international protection [APR art. 27]	Choose Yes/No <i>However, an extension of 4 weeks as in the Commission's proposal is too long.</i>	Choose Yes/No <i>However, an extension of 4 weeks as in the Commission's proposal is too long.</i>	Choose Yes/No <i>However, an extension of 4 weeks as in the Commission's proposal is too long.</i>
Derogation from the mandatory border procedure [APR art. 41 and following]	Choose Yes/No <i>Comments</i>	Choose Yes/No <i>Comments</i>	Choose Yes/No <i>Comments</i>
Extension of the applicability of the border procedure [APR art. 41 and following]	Choose Yes/No <i>Comments</i>	Choose Yes/No <i>Comments</i>	Choose Yes/No <i>Comments</i>
Extension of the duration of the border procedure [APR art. 41]	Choose Yes/No <i>Comments</i>	Choose Yes/No <i>Comments</i>	Choose Yes/No <i>Comments</i>
Omission of personal interview in case of positive decision for subsidiary protection status [APR art. 12]	Choose Yes/No <i>Article 12 of the APR also mentions the refugee status, why not allow the omission of the personal interview in case of a positive decision for the refugee status as well?</i>	Choose Yes/No <i>Comments</i>	Choose Yes/No <i>Comments</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Derogations regarding solidarity measures. (responsibility) [AMMR art 45-53]	Choose Yes/No	Choose Yes/No	Choose Yes/No
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogations regarding solidarity measures. (solidarity) [AMMR art 45-53]	Choose Yes/No	Choose Yes/No	Choose Yes/No
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogation from material reception conditions [Reception Conditions Directive recast art. 16-17]	Choose Yes/No	Choose Yes/No	Choose Yes/No
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Extension of time limits for Dublin procedure (submission and reply for take charge requests, take back notification, transfer and transfer of responsibility) [AMMR art. 29-35]	Choose Yes/No	Choose Yes/No	Choose Yes/No
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogations from the return management procedure [APR art. 41 – Return Directive Recast art. 4]	Choose Yes/No	Choose Yes/No	Choose Yes/No
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>

Our comments are indicative, depending on what is negotiated in the APR and the AMMR. We also want to highlight the importance of a clear, unambiguous activating mechanism, which needs to involve an active role of the European Commission.

We believe that the derogations to be activated for the three different scenarios need to be clearly targeted, based on the actual needs and that individual consideration needs to be given to which measure should be applied in each case. We also want to reiterate our general comment about excluding minors and vulnerable persons from the border procedure.

In principle, we are okay with derogations from the mandatory border procedure, as well as extensions of time limits for the Dublin procedure and for the registration of applications for international protection. As regards to solidarity measures, we will further assess this in relation with the potential general orientation of the AMMR. However, we cannot accept derogations from material reception conditions; dignified living and conditions must be preserved, in accordance with the Recast RCD. Our substantial positions on the Instrumentalisation Regulation continue to apply in the framework of the inclusion of instrumentalisation in the Crisis Regulation. Beyond the categories to be exempted from the border procedure and the reception conditions that need to be upheld, this concerns in particular the role of UNHCR.

MALTA

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time-limits for the registration of applications for international protection [APR art. 27]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogation from the mandatory border procedure [APR art. 41 and following]	Yes	Yes	Yes
	<i>Comments</i> Member States should have the flexibility in the application of the mandatory border procedures.	<i>Comments</i> Member States should have the flexibility in the application of the mandatory border procedures.	<i>Comments</i> Member States should have the flexibility in the application of the mandatory border procedures.
Extension of the applicability of the border procedure [APR art. 41 and following]	Yes	Yes	Yes
	<i>Comments</i> <i>This should be left to the Member State to decide on whether to make use of the flexibility or not.</i>	<i>Comments</i> This should be left to the Member State to decide on whether to make use of the flexibility or not.	<i>Comments</i> This should be left to the Member State to decide on whether to make use of the flexibility or not.
Extension of the duration of the border procedure [APR art. 41]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Omission of personal interview in case of positive decision for subsidiary protection status [APR art. 12]	No	No	No
	As a matter of principle, we believe that a personal interview is a must in order to properly establish protection needs. However, as long as it is up to the individual Member States to decide whether to apply it or not, we could favourably consider adding it	As a matter of principle, we believe that a personal interview is a must in order to properly establish protection needs. However, as long as it is up to the individual Member States to decide whether to apply it or not, we could favourably consider adding it	As a matter of principle, we believe that a personal interview is a must in order to properly establish protection needs. However, as long as it is up to the individual Member States to decide whether to apply it or not, we could favourably consider adding it

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
	to the available tool kit.	to the available tool kit.	to the available tool kit.
Derogations regarding solidarity measures. (responsibility) [AMMR art 45-53]	Yes <i>Comments</i>	Yes <i>Comments</i> If the situation of force majeure provides pressure, derogations should be considered, however if the situation only limits the implementation of the solidarity measures, these should be postponed not reduced.	No <i>Comments</i>
Derogations regarding solidarity measures. (solidarity) [AMMR art 45-53]	Yes <i>Comments</i>	Yes <i>Comments</i> If the situation of force majeure provides pressure, derogations should be considered, however if the situation only limits the implementation of the solidarity measures, these should be postponed not reduced.	No <i>Comments</i>
Derogation from material reception conditions [Reception Conditions Directive recast art. 16-17]	Yes <i>Comments</i>	Yes <i>Comments</i>	Yes <i>Comments</i>
Extension of time limits for Dublin procedure (submission and reply for take charge requests, take back notification, transfer and transfer of responsibility)	Yes <i>Comments</i>	Yes <i>Comments</i>	Yes <i>Comments</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
[AMMR art. 29-35]			
Derogations from the return management procedure [APR art. 41 – Return Directive Recast art. 4]	Yes <i>Comments</i>	Yes <i>Comments</i>	Yes <i>Comments</i>

General Comments

On the possibility to maintain the provision of immediate protection, this should be maintained in addition to the Temporary Protection Directive. the Temporary Protection directive is used in a situation in which the Union faces a mass influx, while immediate protection could be amended to be made use of when an individual Member State faces a mass influx.

THE NETHERLANDS

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time-limits for the registration of applications for international protection [APR art. 27]	Yes	Yes	Yes
	NL does add that extending the registration period entails the risk of secondary movements. This should be avoided.	NL does add that extending the registration period entails the risk of secondary movements. This should be avoided.	<i>Comments</i>
Derogation from the mandatory border procedure [APR art. 41 and following]	Choose Yes/No	Choose Yes/No	Choose Yes/No
	<i>This is now discussed in the framework of the APR. We think the outcome should also apply in this situation.</i>	<i>This is now discussed in the framework of the APR. We think the outcome should also apply in this situation.</i>	<i>This is now discussed in the framework of the APR. We think the outcome should also apply in this situation.</i>
Extension of the applicability of the border procedure [APR art. 41 and following]	Choose Yes/No	Choose Yes/No	Choose Yes/No
	<i>We have to reflect on this</i>	<i>We have to reflect on this</i>	<i>We have to reflect on this</i>
Extension of the duration of the border procedure [APR art. 41]	Yes	Yes	Yes
	<i>Comments</i>	NL reiterates that it should also be possible to extend the decision period in cases and times of force majeure. COVID-19 in particular has shown that there can be unexpected situations that prevent the regular decision periods from being met. There is a need for a good arrangement for such situations.	<i>Comments</i>
Omission of personal	Yes	Yes	Yes

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
interview in case of positive decision for subsidiary protection status [APR art. 12]	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogations regarding solidarity measures. (responsibility) [AMMR art 45-53]	Choose Yes/No <i>This is currently being discussed in the framework of the AMMR</i>	Choose Yes/No <i>This is currently being discussed in the framework of the AMMR</i>	Choose Yes/No <i>This is currently being discussed in the framework of the AMMR</i>
Derogations regarding solidarity measures. (solidarity) [AMMR art 45-53]	Choose Yes/No <i>This is currently being discussed in the framework of the AMMR</i>	Choose Yes/No <i>This is currently being discussed in the framework of the AMMR</i>	Choose Yes/No <i>This is currently being discussed in the framework of the AMMR</i>
Derogation from material reception conditions [Reception Conditions Directive recast art. 16-17]	Yes Access to the applicant for family members, legal counsellors, lawyers and representatives of UNHCR and NGO should still be guaranteed. The role of UNHCR should remain the same as in the APR.	Yes Access to the applicant for family members, legal counsellors, lawyers and representatives of UNHCR and NGO should still be guaranteed. The role of UNHCR should remain the same as in the APR.	Yes Access to the applicant for family members, legal counsellors, lawyers and representatives of UNHCR and NGO should still be guaranteed. The role of UNHCR should remain the same as in the APR.
Extension of time limits for Dublin procedure (submission and reply for take charge requests, take back notification, transfer and transfer of responsibility) [AMMR art. 29-35]	Choose Yes/No <i>This is currently being discussed in the framework of the AMMR</i>	Choose Yes/No <i>This is currently being discussed in the framework of the AMMR</i>	Choose Yes/No <i>This is currently being discussed in the framework of the AMMR</i>
Derogations from the return management procedure	Yes <i>Comments</i>	Yes <i>Comments</i>	Yes

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
[APR art. 41 – Return Directive Recast art. 4]			

General Comments

POLAND

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time-limits for the registration of applications for international protection [APR art. 27]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogation from the mandatory border procedure [APR art. 41 and following]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Extension of the applicability of the border procedure [APR art. 41 and following]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Extension of the duration of the border procedure [APR art. 41]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Omission of personal interview in case of positive decision for subsidiary protection status [APR art. 12]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogations regarding solidarity measures. (responsibility) [AMMR art 45-53]	Choose Yes/No	Choose Yes/No	Choose Yes/No
	<i>Comments N/A deleted in the current version of the regulation</i>	<i>Comments</i>	<i>Comments</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Derogations regarding solidarity measures. (solidarity) [AMMR art 45-53]	Choose Yes/No <i>Comments N/A deleted in the current version of the regulation</i>	Choose Yes/No <i>Comments</i>	Choose Yes/No <i>Comments</i>
Derogation from material reception conditions [Reception Conditions Directive recast art. 16-17]	YES we understand this as optional - it is for Member States to decide whether or not to apply derogations (and to what extent) to reception conditions	Yes we understand this as optional - it is for Member States to decide whether or not to apply derogations (and to what extent) to reception conditions	Yes we understand this as optional - it is for Member States to decide whether or not to apply derogations (and to what extent) to reception conditions
Extension of time limits for Dublin procedure (submission and reply for take charge requests, take back notification, transfer and transfer of responsibility) [AMMR art. 29-35]	Yes <i>Comments</i>	Yes <i>Comments</i>	Yes <i>Comments</i>
Derogations from the return management procedure [APR art. 41 – Return Directive Recast art. 4]	Yes we understand this as optional - it is for Member States to decide whether or not to apply derogations	Yes we understand this as optional - it is for Member States to decide whether or not to apply derogations	Yes we understand this as optional - it is for Member States to decide whether or not to apply derogations

General Co

PORTUGAL

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time-limits for the registration of applications for international protection [APR art. 27]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogation from the mandatory border procedure [APR art. 41 and following]	Yes	Yes	No
	<i>The application of the derogations should be clearly limited in time. Also applicable to force majeure and instrumentalisation.</i>	<i>Comments</i>	<i>Comments</i>
Extension of the applicability of the border procedure [APR art. 41 and following]	No	No	No
	<i>Even though it was an optional provision, we consider that the 75% threshold for recognition of applications for international protection previously proposed would not have a positive effect in case of a crisis. It is crucial for us that the exceptions to the border procedure are maintained, namely UAM, families with minors and additionally exclude persons with special procedural or reception needs on a case-by-case basis. This second comment is also applicable</i>	<i>Comments</i>	<i>Comments</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
	<i>to force majeure and instrumentalisation.</i>		
Extension of the duration of the border procedure [APR art. 41]	Yes	Yes	Yes
	<i>Our answer is “Yes” in relation to the 12 weeks foreseen for the border procedure. We defend that the duration of the border procedure should be as short as possible, even in these circumstances. The border procedure should not be extended beyond 16 weeks. Also applicable to force majeure and instrumentalisation.</i>	<i>Comments</i>	<i>Comments</i>
Omission of personal interview in case of positive decision for subsidiary protection status [APR art. 12]	No	No	No
	<i>The omission of the personal interview in case of positive decision for subsidiary protection status could lead to a lesser level of protection than the refugee status. According to our national law, the omission of personal interview is possible when there are already conditions to decide favourably on refugee status based on available evidence, so this could be a possible compromise solution. Same comment applies to force majeure and instrumentalisation.</i>	<i>Comments</i>	<i>Comments</i>
Derogations regarding solidarity measures.	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
(responsibility) [AMMR art 45-53]			
Derogations regarding solidarity measures. (solidarity) [AMMR art 45-53]	Yes <i>Comments</i>	Yes <i>Comments</i>	Yes <i>Comments</i>
Derogation from material reception conditions [Reception Conditions Directive recast art. 16-17]	No <i>Comments</i>	No <i>Comments</i>	No <i>Comments</i>
Extension of time limits for Dublin procedure (submission and reply for take charge requests, take back notification, transfer and transfer of responsibility) [AMMR art. 29-35]	Yes <i>In principle, we are in favour of the extension of the time limits.</i>	Yes <i>Comments</i>	Yes <i>Comments</i>
Derogations from the return management procedure [APR art. 41 – Return Directive Recast art. 4]	Choose Yes/No <i>Our position depends on a concrete proposal. Given the substance of this possible derogation, we suggest that its discussion involves the experts from IMEX Expulsion.</i>	Choose Yes/No <i>Comments</i>	Choose Yes/No <i>Comments</i>

General comments:

- *For most of these provisions, a Yes/No question is too restrictive, as our position is depending on the concrete text proposals to be presented and how they are interlinked with each other;*
- *Derogations should always be applied on basis of the principles of necessity and proportionality, and the text should clearly reflect those principles;*
- *We support the inclusion of a definition of force majeure in order to clarify its scope and insure its harmonized application;*
- *The operational and technical support from of the agencies, namely EUAA and FRONTEX, which have been gathering experience in crisis situations, should be referred more explicitly.*

ROMANIA

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time-limits for the registration of applications for international protection [APR art. 27]	Yes	Yes	Yes
		<i>As it could be one of the crisis situations that may occur</i>	<i>As it could be one of the crisis situations that may occur</i>
Derogation from the mandatory border procedure [APR art. 41 and following]	Yes	Yes	Yes
	<i>We would propose to suspend BP altogether or at least for some of the categories</i>	<i>We would propose to suspend BP altogether or at least for some of the categories</i>	<i>We would propose to suspend BP altogether or at least for some of the categories</i>
Extension of the applicability of the border procedure [APR art. 41 and following]	Choose Yes/No	Choose Yes/No	Choose Yes/No
	<i>MAYBE - If the MS is in a crisis situation, there is no rationale to be in favour of the extension of BP application, except for the cases where BP remains mandatory regardless there is a crisis situation or not</i>	<i>MAYBE - If the MS is in a crisis situation, there is no rationale to be in favour of the extension of BP application, except for the cases where BP remains mandatory regardless there is a crisis situation or not</i>	<i>MAYBE - If the MS is in a crisis situation, there is no rationale to be in favour of the extension of BP application, except for the cases where BP remains mandatory regardless there is a crisis situation or not</i>
Extension of the duration of the border procedure [APR art. 41]	Choose Yes/No	Choose Yes/No	Choose Yes/No
	<i>MAYBE - If the MS is in a crisis situation, there is no rationale to be in favour of the extension of BP application, except for the cases where BP remains mandatory regardless there is a crisis situation or not</i>	<i>MAYBE - If the MS is in a crisis situation, there is no rationale to be in favour of the extension of BP application, except for the cases where BP remains mandatory regardless there is a crisis situation or not</i>	<i>MAYBE - If the MS is in a crisis situation, there is no rationale to be in favour of the extension of BP application, except for the cases where BP remains mandatory regardless there is a crisis situation or not</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Omission of personal interview in case of positive decision for subsidiary protection status [APR art. 12]	No <i>As the international protection is granted only after individual examination, the personal interview cannot be omitted; even in generalized violence cases, there has to be an individual assessment of the case; also, the person may invoke refugee status reasons that need to be individually assessed</i>	No <i>As the international protection is granted only after individual examination, the personal interview cannot be omitted; even in generalized violence cases, there has to be an individual assessment of the case; also, the person may invoke refugee status reasons that need to be individually assessed</i>	No <i>As the international protection is granted only after individual examination, the personal interview cannot be omitted; even in generalized violence cases, there has to be an individual assessment of the case; also, the person may invoke refugee status reasons that need to be individually assessed</i>
Derogations regarding solidarity measures. (responsibility) [AMMR art 45-53]	Yes <i>We could accept certain derogations such as the possibility to suspend transfers to the state of irregular entry and the possibility to suspend/derogate from the responsibility criteria of the state of irregular entry. However, the member state facing a crisis situation may consider that some of these derogations are not necessary.</i>	Yes <i>We could accept certain derogations such as the possibility to suspend transfers to the state of irregular entry and the possibility to suspend/derogate from the responsibility criteria of the state of irregular entry. However, the member state facing a crisis situation may consider that some of these derogations are not necessary.</i>	Yes <i>We could accept certain derogations such as the possibility to suspend transfers to the state of irregular entry and the possibility to suspend/derogate from the responsibility criteria of the state of irregular entry. However, the member state facing a crisis situation may consider that some of these derogations are not necessary.</i>
Derogations regarding solidarity measures. (solidarity) [AMMR art 45-53]	Yes/ <i>We could accept certain derogations such as mandatory Dublin offsets and increased pledges included in the annual Solidarity Pool</i> <i>We cannot accept the inclusion of</i>	Yes <i>We could accept certain derogations such as mandatory Dublin offsets and increased pledges included in the annual Solidarity Pool</i> <i>We cannot accept the inclusion of</i>	Yes <i>We could accept certain derogations such as mandatory Dublin offsets and increased pledges included in the annual Solidarity Pool</i> <i>We cannot accept the inclusion of</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
	<i>financial contributions in the list of solidarity measures provided for in the Crisis Regulation</i>	<i>financial contributions in the list of solidarity measures provided for in the Crisis Regulation</i>	<i>financial contributions in the list of solidarity measures provided for in the Crisis Regulation</i>
Derogation from material reception conditions [Reception Conditions Directive recast art. 16-17]	Yes	Yes	Yes
Extension of time limits for Dublin procedure (submission and reply for take charge requests, take back notification, transfer and transfer of responsibility) [AMMR art. 29-35]	<p>Yes</p> <p><i>We can accept extended deadlines for submitting and replying to take charge requests and for organising transfers.</i></p> <p><i>Regarding the possibility of extending the deadline for the transfer of responsibility, this depends on the deadline that will be agreed upon in the AMMR.</i></p> <p><i>Assuming that the AMMR will be adopted in its current form (3-year term for the transfer of responsibility), we cannot accept an extension of it through the Crisis Regulation.</i></p> <p><i>Regarding the extension of the deadlines for submitting and replying to the take back notifications, we can accept an extension, but we insist on the consequences of not complying with the deadline for sending the</i></p>	<p>Yes</p> <p><i>We can accept extended deadlines for submitting and replying to take charge requests and for organising transfers.</i></p> <p><i>Regarding the possibility of extending the deadline for the transfer of responsibility, this depends on the deadline that will be agreed upon in the AMMR.</i></p> <p><i>Assuming that the AMMR will be adopted in its current form (3-year term for the transfer of responsibility), we cannot accept an extension of it through the Crisis Regulation.</i></p> <p><i>Regarding the extension of the deadlines for submitting and replying to the take back notifications, we can accept an extension, but we insist on the consequences of not complying with the deadline for sending the</i></p>	<p>Yes</p> <p><i>We can accept extended deadlines for submitting and replying to take charge requests and for organising transfers.</i></p> <p><i>Regarding the possibility of extending the deadline for the transfer of responsibility, this depends on the deadline that will be agreed upon in the AMMR.</i></p> <p><i>Assuming that the AMMR will be adopted in its current form (3-year term for the transfer of responsibility), we cannot accept an extension of it through the Crisis Regulation.</i></p> <p><i>Regarding the extension of the deadlines for submitting and replying to the take back notifications, we can accept an extension, but we insist on the consequences of not complying with the deadline for sending the</i></p>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
	<i>notifications.</i>	<i>notifications.</i>	<i>notifications.</i>
Derogations from the return management procedure [APR art. 41 – Return Directive Recast art. 4]	Yes <i>We can accept derogations (such as extended relevant timelines) from the return management procedure that ensure a proper adaptation of the relevant rules on return, allowing Member States to deal with such a crisis situation.</i>	Yes <i>We can accept derogations (such as extended relevant timelines) from the return management procedure that ensure a proper adaptation of the relevant rules on return, allowing Member States to deal with such a crisis situation.</i>	Yes <i>We can accept derogations (such as extended relevant timelines) from the return management procedure that ensure a proper adaptation of the relevant rules on return, allowing Member States to deal with such a crisis situation.</i>

General Comments We are in favour of an unique legal instrument for crisis situations, regardless what the cause is (eg. force majeure or instrumentalization). Moreover, after the TPD application, we consider that this regulation should not repeal the TPD, but include more relevant aspects from temporary protection and less the international protection elements, as it should be an urgent mechanism to provide immediate protection. In this respect, the international protection assessment is individual in all cases and such process takes time, but taking into consideration the UA situation, swift measures are to be taken in order to fasten the process for the persons to obtain protection as soon as possible. The TPD application actually proved that it helped a lot not to get the asylum systems blocked, therefore the discussions should start from TPD and go further on what could be improved.

THE SLOVAK REPUBLIC

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time-limits for the registration of applications for international protection [APR art. 27]	Yes	Yes	Yes
	<i>Tentatively we might support this provision</i>	<i>Tentatively we might support this provision</i>	<i>Tentatively we might support this provision</i>
Derogation from the mandatory border procedure [APR art. 41 and following]	Yes	Yes	Yes
Extension of the applicability of the border procedure [APR art. 41 and following]	Yes	Yes	Yes
	Will the extensions apply to cases in art. 40 para 1 of the APR or also other cases? Will the extension be voluntary? If yes, we can support this.		
Extension of the duration of the border procedure [APR art. 41]	Yes	Yes	Yes
Omission of personal interview in case of positive decision for subsidiary protection status [APR art. 12]	Choose Yes/No	Choose Yes/No	Choose Yes/No
	<i>We are still analysing this option.</i>	<i>We are still analysing this option.</i>	<i>We are still analysing this option.</i>
Derogations regarding solidarity measures. (responsibility)	Choose Yes/No	Choose Yes/No	Choose Yes/No
	<i>Our final position will depend on what specific derogations will be in</i>	<i>Our final position will depend on what specific derogations will be in</i>	<i>Our final position will depend on what specific derogations will be in</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
[AMMR art 45-53]	<i>place. Therefore we cannot voice our preference at this moment.</i>	<i>place. Therefore we cannot voice our preference at this moment.</i>	<i>place. Therefore we cannot voice our preference at this moment.</i>
Derogations regarding solidarity measures. (solidarity) [AMMR art 45-53]	Choose Yes/No <i>Our final position will depend on what specific derogations will be in place. Therefore we cannot voice our preference at this moment.</i>	Choose Yes/No <i>Our final position will depend on what specific derogations will be in place. Therefore we cannot voice our preference at this moment.</i>	Choose Yes/No <i>Our final position will depend on what specific derogations will be in place. Therefore we cannot voice our preference at this moment.</i>
Derogation from material reception conditions [Reception Conditions Directive recast art. 16-17]	Choose Yes/No <i>We are still analysing this option.</i>	Choose Yes/No <i>We are still analysing this option.</i>	Choose Yes/No <i>We are still analysing this option.</i>
Extension of time limits for Dublin procedure (submission and reply for take charge requests, take back notification, transfer and transfer of responsibility) [AMMR art. 29-35]	Yes We would apply following derogations: 1. Applying suspensive effect in case of responsible Member State not being able to receive transfers from day of decision of Commission of applying derogations until the end of it with new 6 months time limit to transfer from the day of termination of the application of derogations. 2. Prolonged time limit to send TCH requests and to send replies as well as prolonged time limit to reply to TB notification as proposed. We do not think time limit for submitting TB notifications needs to be prolonged since there is no shift of responsibility in case of	Yes We would apply following derogations: 1. Applying suspensive effect in case of responsible Member State not being able to receive transfers from day of decision of Commission of applying derogations until the end of it with new 6 months time limit to transfer from the day of termination of the application of derogations. 2. Prolonged time limit to send TCH requests and to send replies as well as prolonged time limit to reply to TB notification as proposed. We do not think time limit for submitting TB notifications needs to be prolonged since there is no shift of responsibility in case of	Yes We would apply following derogations: 1. Applying suspensive effect in case of responsible Member State not being able to receive transfers from day of decision of Commission of applying derogations until the end of it with new 6 months time limit to transfer from the day of termination of the application of derogations. 2. Prolonged time limit to send TCH requests and to send replies as well as prolonged time limit to reply to TB notification as proposed. We do not think time limit for submitting TB notifications needs to be prolonged since there is no shift of responsibility in case of

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
	not submitting TB notification in stipulated time limit under current provisions of AMMR.	not submitting TB notification in stipulated time limit under current provisions of AMMR.	not submitting TB notification in stipulated time limit under current provisions of AMMR.
Derogations from the return management procedure [APR art. 41 – Return Directive Recast art. 4]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>

General Comments

SLOVENIA

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time-limits for the registration of applications for international protection [APR art. 27]	Yes <i>Comments: Since in the current text of the Article 27 of the APR there is already a provision that provides for an extension of the deadline in case of a disproportionate number of third country nationals or stateless persons, we believe that an additional extension of the deadline for registration is not necessary.</i>	Yes <i>Comments</i>	Yes <i>Comments</i>
Derogation from the mandatory border procedure [APR art. 41 and following]	No <i>Comments: It is crucial that the border procedure is mandatory with as few derogations as possible.</i>	Choose Yes/No <i>Comments: It is crucial that the border procedure remain mandatory with as few derogations as possible.</i>	No <i>Comments: It is crucial that the border procedure remain mandatory with as few derogations as possible.</i>
Extension of the applicability of the border procedure [APR art. 41 and following]	Choose Yes/No <i>Comments: The Republic of Slovenia supports the mandatory implementation of the border procedure in the widest possible scope of procedures for considering the application for international protection. Nevertheless, we are not in favour of the broad definition of exceptions from the mandatory use of the border procedure, as this can lead</i>	Choose Yes/No <i>Comments: The Republic of Slovenia supports the mandatory implementation of the border procedure in the widest possible scope of procedures for considering the application for international protection.</i>	Choose Yes/No <i>Comments: The Republic of Slovenia supports the mandatory implementation of the border procedure in the widest possible scope of procedures for considering the application for international protection.</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
	<i>to abuses and consequently increase the secondary movements of applicants for international protection across the EU and threaten the goals pursued by the border procedure.</i>		
Extension of the duration of the border procedure [APR art. 41]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Omission of personal interview in case of positive decision for subsidiary protection status [APR art. 12]	No	No	No
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Derogations regarding solidarity measures. (responsibility) [AMMR art 45-53]	Choose Yes/No	Choose Yes/No	Choose Yes/No
	<i>Comments:</i> <i>We estimate that the scope of (mandatory) solidarity contributions is set too wide. In our opinion, the provisions allow the possibility of many abuses (identity fraud, referrals of migrants as coming from a country/region where crisis situations prevail), with the aim of using the "advantages" of the regulation, both in terms of faster procedures and transfers, etc.</i> <i>Paragraph 1: The reference to provisions 45(1)(d), 51(3)(b)(iii),</i>	<i>Comments: We will be able to answer the question once the specific derogations to which the question refers are given and once we will have clear definition of force majeure..</i>	<i>Comments: We will be able to answer the question once the specific derogations to which the question refers are given.</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
	<p><i>52(2), the second and third subparagraphs of Article 53(2) of the AMMR should be deleted. As at the meeting of the Asylum Working Party we did not receive an explanation, we are kindly asking again for clarification why are these provisions included, since only an assessment of the needs in an individual Member State can actually reveal the needs of a Member State facing situations of crisis.</i></p> <p><i>Paragraph 2: The period should be longer than one month; we suggest at least three to achieve a meaningful comparison/trend.</i></p> <p><i>Paragraph 3: The shortening of the deadline in 52(3) could represent a disproportionate burden for the Member States facing situations of crisis.</i></p> <p><i>Paragraphs 5 and 6: Regarding the categories of persons, we have concerns regarding the coverage of persons in points (a) and (b) of Article 45(2). We wonder about the effectiveness of the border procedure in these cases and about the possible pull factors that this</i></p>		

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
	<i>provision would represent.</i>		
Derogations regarding solidarity measures. (solidarity) [AMMR art 45-53]	Choose Yes/No <i>Comments: The same comments as in the previous question. .</i>	Choose Yes/No <i>Comments: We will be able to answer the question once the specific derogations to which the question refers are given and once we will have clear definition of force majeure.</i>	Choose Yes/No <i>Comments: We will be able to answer the question once the specific derogations to which the question refers are given.</i>
Derogation from material reception conditions [Reception Conditions Directive recast art. 16-17]	Yes <i>Comments</i>	Yes <i>Comments</i>	Yes <i>Comments</i>
Extension of time limits for Dublin procedure (submission and reply for take charge requests, take back notification, transfer and transfer of responsibility) [AMMR art. 29-35]	Choose Yes/No <i>Comments: The Republic of Slovenia is not in favour of extension of time limits for Dublin procedure applicable in case of crisis. We believe that in the event of a crisis, the crisis is first reflected at the reception and procedural level, and the implementation of the Dublin procedures can be more easily regulated in practice, as the Member States have already proven in the migrant crisis in 2015. Extending the deadlines for sending and answering could, in practice, reflect in the transfer of the crisis to other Member States as well more open cases without decision, on all</i>	Choose Yes/No <i>Comments: As already mentioned, Slovenia believes it is necessary to clearly and precisely define what "force majeure" means. This is also important because of the derogation provided regarding the deadlines set in connection with the Dublin procedures. Let us remind ourselves that the purpose of the AMMR proposal is, among other things, the efficient functioning of the Dublin system, and an additional derogation from the deadlines can have the opposite effect, if the procedure for initiating a derogation in case of force majeure is not clearly defined. We are also</i>	Choose Yes/No <i>Comments: The Republic of Slovenia is not in favour of implementation of the Dublin procedure in cases of instrumentalisation of migrants. Examples of instrumentalisation are exceptional, and in order to successfully address them, it is important to keep migrants who are instrumentalised at the external border of the EU as much as possible, which would also enable a faster and more efficient implementation of the return process.</i>

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
	<p>levels.</p> <p><i>Perhaps it would be expedient to consider whether the transfer deadline could be extended in practice, as practice proves that almost no crisis has been resolved within six months, as far as the transfer deadline is concerned, because this (not resolved crisis) in practice greatly effects on the realization of the transfers.</i></p>	<p><i>interested in how this provision will work in practice, as it is currently quite uncertain.</i></p>	
Derogations from the return management procedure [APR art. 41 – Return Directive Recast art. 4]	Choose Yes/No	Choose Yes/No	Choose Yes/No
	Comments	Comments	Comments

We would like to emphasize that the Republic of Slovenia supports a clear definition of situations of crisis in the field of migration and the consequences or derogations concerning certain rights, especially in connection with entering in a Member State in crisis situations, as well as the separate consideration of crisis situations and the inclusion of force majeure situations in the draft regulation. Therefore, Article 1, paragraph 2 should be amended and further clarified, in order to ensure a clear definition of situations of crisis. Only after having a clear definition of force majeure we could ensure exact answers as regard derogations.

SPAIN

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
Extension of time-limits for the registration of applications for international protection [APR art. 27]	Yes	Yes	Yes
	<i>It would be impossible to manage a crisis situation with general limits. It would be preferable to establish a certain amount of applications to set up this extension (for example, a number of applications higher than 5% usually received in a year in the same region)</i>	<i>Same remarks</i>	<i>Same remarks</i>
Derogation from the mandatory border procedure [APR art. 41 and following]	Yes	Yes	Yes
	Same as previous question	<i>Same as previous question</i>	<i>Same as previous question</i>
Extension of the applicability of the border procedure [APR art. 41 and following]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>If not, the objective of instrumentalisation would be fulfilled</i>
Extension of the duration of the border procedure [APR art. 41]	Yes	Yes	Yes
	<i>Comments</i>	<i>Comments</i>	<i>Comments</i>
Omission of personal interview in case of positive decision for subsidiary protection status [APR art. 12]	Yes	Yes	Yes
	<i>Only in that cases where documentation or some other evidence can grant the nationality</i>	<i>Same remarks</i>	<i>Same remarks</i>
Derogations regarding	Yes	Yes	No

	APPLICABLE IN CASE OF CRISIS	APPLICABLE IN CASE OF <i>FORCE MAJEURE</i>	APPLICABLE IN CASE OF INSTRUMENTALISATION
solidarity measures. (responsibility) [AMMR art 45-53]	<i>This reply is in the understanding that you are referring to derogation of responsibility rules</i>	<i>This reply is in the understanding that you are referring to derogation of responsibility rules</i>	<i>If accepted,, the objective of instrumentalisation would be fulfilled</i>
Derogations regarding solidarity measures. (solidarity) [AMMR art 45-53]	No <i>This reply is in the understanding that you are referring to derogation of solidarity rules</i>	No <i>This reply is in the understanding that you are referring to derogation of solidarity rules</i>	No <i>This reply is in the understanding that you are referring to derogation of solidarity rules</i>
Derogation from material reception conditions [Reception Conditions Directive recast art. 16-17]	No <i>These situations should be managed by procedural solutions, not by excluding people of basic conditions</i>	No <i>Same remark</i>	No <i>Same remarks</i>
Extension of time limits for Dublin procedure (submission and reply for take charge requests, take back notification, transfer and transfer of responsibility) [AMMR art. 29-35]	No <i>If accepted, the member state that has suffered the crisis would be punished – this reply is in the understanding that you are referring to an extension of time limits that goes beyond the duration of the crisis</i>	No <i>Same remarks</i>	No <i>Same remarks</i>
Derogations from the return management procedure [APR art. 41 – Return Directive Recast art. 4]	No <i>If the exceptional number of applications are managed with a flexible approach, the derogation of return management procedure would be unnecessary</i>	No <i>Comments</i>	No <i>Comments</i>

This delegation would suggest a pool of measures that could be used with full flexibility and discretion by Member States based on the specific needs of every situation. These measures could be used simultaneously and cumulatively in cases of crisis, force majeure or instrumentation.