

(English version)

Question for written answer E-002542/25
to the Commission
Mariusz Kamiński (ECR)
(24 June 2025)

Subject: Instrumentalisation of migration omitted in the Commission's proposal on preventing and countering the facilitation of unauthorised entry to the Union

In its proposal for a directive laying down minimum rules to prevent and counter the facilitation of unauthorised entry, transit and stay in the Union ⁽¹⁾, the Commission has neglected to address the instrumentalisation of migration.

I raised this issue by submitting amendments as part of Parliament's legislative process ⁽²⁾. I also highlighted several other significant shortcomings of the Commission's proposal.

1. Why has the Commission neglected to mention the instrumentalisation of migration in its proposal?
2. Is the Commission aware of the amendments put forward by Parliament that remedy significant gaps in the proposal, and does it consider a broader and more substantial approach to the directive's subject matter to be necessary?

Submitted: 24.6.2025

Answer given by Mr Brunner on behalf of the European Commission
(11 September 2025)

The Commission proposal for a directive laying down minimum rules to prevent and counter the facilitation of unauthorised entry, transit and stay in the Union ⁽¹⁾, includes, in Article 3(2), the offence of public instigation.

This targets activities of migrant smugglers that intentionally instigate migrants including through the Internet, to enter, transit across or stay irregularly in the EU which could also apply in cases of instrumentalisation.

Moreover, instrumentalisation is proposed as an aggravating circumstance in Article 9(d). In addition to the offence of public instigation, the Commission proposal also includes the offence of facilitation of unauthorised entry, transit or stay in the EU, for financial or other material benefit or in cases when there is a high likelihood to cause serious harm in Article 3(1).

The Commission is aware of the amendments proposed by the European Parliament and looks forward to the adoption of its final report as soon as possible, to enable a swift and successful negotiation of this instrument.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023PC0755>

² https://www.europarl.europa.eu/doceo/document/LIBE-AM-773119_EN.pdf

⁽¹⁾ Proposal for a directive of the European Parliament and of the Council laying down minimum rules to prevent and counter the facilitation of unauthorised entry, transit and stay in the Union, and replacing Council Directive 2002/90/EC and Council Framework Decision 2002/946 JHA, COM(2023) 755 final.