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Answer given by Mr Brunner
on behalf of the European Commission
(23.12.2025)

The current framework on facilitation of unauthorised entry, transit and residence in the EU is outlined in the Facilitators Package of 2002¹. The definition of the facilitation of unauthorised entry or transit therein does not envisage an element of financial or material benefit.

The proposal for a Facilitation Directive² tabled in 2023 seeks to harmonise criminal laws of Member States by laying down minimum rules on the definitions of, and penalties for the facilitation of unauthorised entry, transit and stay, while ensuring respect of the principle of proportionality, fundamental rights and freedoms.

This proposal clarifies that facilitation conducts carried out for financial or material benefit, or a promise thereof, are to constitute criminal offences. This aims to further align the EU legal framework with the United Nations Protocol against the Smuggling of Migrants³.

The proposal is being negotiated with the European Parliament and the Council. Its swift adoption is a priority for the Commission.

¹ Directive 2002/90/EC establishing a common definition of the offence of facilitation of unauthorised entry, transit (OJ L 328, 5.12.2002, p. 17) and Council framework Decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit, and residence (OJ L 328, 5.12.2002, p. 1).

² COM (2023)755 final.

³ https://www.unodc.org/documents/middleeastandnorthafrica/smuggling-migrants/SoM_Protocol_English.pdf.