

# Lawyers Call for Changes to Anti-Smuggling Directive



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European Law Forum: Prevention • Investigation • Prosecution

**Thomas Wahl**

**News**

In a [joint letter](#), several organisations of lawyers and organisations dealing with legal assistance, together with various individual lawyers, called on EU legislators to adopt a narrow definition of the offence of "smuggling" in line with international standards and to include a mandatory and broad humanitarian exemption clause in the so-called "Facilitation Directive". The draft Directive was tabled by the Commission on 28 November 2023 as part of a legislative package to counter migrant smuggling (→ [eucri](#)m 3/2023, 257-258) and is currently negotiated by the Council and the European Parliament.

The signatories of the joint letter stress that the wide definition of the offence of "facilitation" risks criminalising legal humanitarian or family assistance to migrants. The Council's general approach to introduce the material benefit component in the definition of "smuggling" is considered insufficient to avoid the criminalisation of solidarity or regular professional activities. In particular MEPs who work on the legislative dossier are urged to "to recognise the role of civil society in ensuring dignity, safeguarding fundamental rights of migrants and assisting Member States where their capacities are insufficient". Only a narrow definition of the offence and a mandatory exemption can bring clarity and certainty.

Recently, also a study for the European Parliamentary Research Service negatively evaluated the Commission's proposal for the "Facilitation Directive" (→ [eucri](#)m news of 13 March 2025).

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