

Establishing a European Asylum Support Office

2009/0027(COD) - 07/05/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 467 votes to 42, with 18 abstentions, a legislative resolution amending, under the first reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council establishing a European Asylum Support Office.

The main amendments are as follows:

Financing: the Parliament underlines that the financing of the Office shall be subject to an agreement by the budgetary authority as set out in Point 47 of the [Interinstitutional Agreement](#) (IIA) of 17 May 2006 on budgetary discipline and sound financial management (through an agreement between the two branches of the budget authority).

Limitation of power: the Parliament clearly stipulates that the Office shall not have any direct or indirect powers in relation to the taking of decisions by Member State authorities on individual applications for international protection.

Clarification as regards the tasks of the Office: the Parliament aims to clarify the tasks of the Office. In particular, it should: (i) gather relevant, reliable, accurate and up-to date information on the **countries of origin of asylum seekers** and persons applying for international protection **in a transparent and impartial manner**, making use of all relevant sources of information, including governmental and non-governmental organisations, **international organisations** and **EU institutions**; (ii) manage and develop a portal for gathering information on countries of origin and its maintenance, as well as the ensuring of its **accessibility and transparency**; (iii) ensure the **impartial analysis** of country-of-origin information and the drafting of reports on countries of origin moving towards **common assessment criteria**.

Mandatory reallocation of beneficiaries of international protection in another Member State: the Parliament considers that the reallocation “on a voluntary basis” of beneficiaries of international protection from Member States with specific and disproportionate pressures on their national asylum systems (due in particular to their geographical or demographic situation) will not in any way be of help in showing solidarity between Member States. Therefore, it proposes to delete the terms “on a voluntary basis” from the proposed text.

Binding solidarity mechanism: the Parliament states that the Commission should propose a binding solidarity mechanism to reallocate beneficiaries of international protection from Member States with specific and disproportionate pressures on their national asylum systems, in consultation with the UNHCR. On the same lines, the Parliament considers that exchanges of information and all other action taken on the resettlement of refugees within the European Union should be implemented, taking into consideration the principles of solidarity and of burden sharing.

Cooperation with UNHCR and relevant NGOs: the plenary states that the Office shall establish and develop, in close cooperation with UNHCR and relevant NGOs, training for members of all national administrations and courts, and national services or other entities formally used in the asylum procedure in the Member States. The Parliament also suggests that the EU guidelines and operating manuals that the Office may draft, at the request of the Commission, should draw on the work already carried out in this area by UNHCR in order to ensure consistency with international standards and narrow the gaps in practice.

European asylum curriculum: in addition to the aforementioned tasks, the Office shall manage and develop a European asylum curriculum which shall, as a minimum, provide for training on **international refugee and human rights law** and standards and the EU asylum acquis.

Early warning system: the Parliament calls for the setting up of an early warning system to notify the Member States and the Commission of any influx of applicants for international protection.

Asylum support teams: by way of several amendments adopted in plenary, the Parliament requests that Member State or States subject to particular pressure may request the Office for the deployment of an asylum support team. The requesting Member State or States shall specify in particular a description of the situation, any objectives and estimated deployment requirements. In response to such a request, the Office may coordinate the necessary technical and operational assistance to a Member State or States and the deployment, for a limited time, of the asylum support team in the territory of the requesting Member State on the basis of an operating plan as referred to in the regulation. The asylum support teams shall provide expertise as agreed in the operating plan, in particular expertise about interpreting services, information on the countries of origin and knowledge of the handling and management of asylum cases. Moreover, the plenary includes a number of new provisions on the civil and criminal liability of these asylum support teams.

Consultative Forum: by way of an amendment adopted in plenary, the Parliament revised the paragraph on the Consultative Forum. The Office shall cooperate closely with civil society organisations and relevant competent bodies operating in the field of asylum policy at local, regional, national, European or international level and shall set up a Consultative Forum for this purpose. The plenary states that the Consultative Forum shall constitute a mechanism for the exchange of information and pooling of knowledge and shall be open to all competent stakeholders. UNHCR shall be a member of the Consultative Forum ex officio. In addition to the tasks already assigned to the Consultative Forum by the proposal for a regulation, MEPs suggest that it should: (i) make suggestions to the Management Board on the annual work programme; (ii) provide feedback to the Management Board and suggest measures as a follow-up to the annual report and the annual report on the asylum situation in the European Union; (iii) communicate the conclusions and recommendations of conferences, seminars and meetings relevant to the work of the Office to the Executive Director and the Management Board. The Consultative Forum shall meet at least twice a year. Lastly, where Member States are unable to provide the expertise deemed to be essential for its operation, the Office may take the necessary measures to source such expertise from relevant experts and organisations, drawing on the expertise of the Consultative Forum.

Appointment of the Executive Director: the Parliament notes that strengthening Parliamentary involvement in the appointment procedure would ensure greater democratic accountability. This kind of involvement would not constitute a contradiction with the European Parliament's role in budgetary oversight as such a procedure is already in place in the Fundamental Rights Agency (appointed on the basis of his or her personal merits, experience in the field of asylum and administrative and management skills, hearing before the European Parliament and the Council, etc). This brings the role of the European Parliament in the possible extension of the Director's term into line with the terms for the initial appointment.

Respecting the Financial Regulation and relevant provisions on combating fraud: the Parliament calls on the Office to respect the fundamental provisions of the Financial Regulation applicable to decentralised EU agencies. Moreover, the plenary introduces a number of new provisions on compliance with rules on combating fraud and corruption.

Report: the Office shall draw up an annual report on the situation of asylum in the European Union. It shall be presented to the European Parliament and the Commission. The Parliament requests that the Office, **at the request of the European Parliament**, draft reports on specific aspects of the implementation of the EU asylum acquis relating to international protection.

Transparency: lastly, the Parliament calls on the Office to develop good administrative practices in order to ensure the highest possible level of transparency concerning its activities, in particular by ensuring relevant documents are available to a wider public.