Asylum and immigration policy: mutual information procedure concerning Member States measures in these areas

2005/0204(CNS) - 18/12/2009 - Follow-up document

The Commission presents a report on the establishment of a mutual information mechanism concerning Member States' measures in the areas of asylum and immigration (MIM).

The Decision entered into force on 4 November 2006. The mechanism itself became operational in April 2007. In line with the Decision, the Commission established a special interest group on the platform of the web-based CIRCA (Communication & Information Resource Centre Administrator) network and gave access to national contact points designated by Member States. By the end of September 2008 all Member States had designated their national contact points.

Access had been given to around 60 national experts, while the number of access demanded by Member States varies between one and five per Member State.

To support the national contact points and to make the experts familiar with the network, the Commission organised in February 2007 a CIRCA training followed by an additional training session in a workshop in December 2007. In parallel the Commission informed Member States in the Committee on Immigration and

Asylum about the most relevant information transmitted by Member States

General overview: from April 2007 until 30 September 2009, 16 Member States transmitted information via the MIM. The information covered 45 different measures. Almost 50% of the communication referred to adopted legislation, while only 4 communications concerned draft legislation. Altogether 9 communications were provided by 5 Member States on policy intentions and long-term programming. 11 Member States have not provided any information. While there were certain periods of increased intensity of exchange of information, only four communications have been made within MIM in 2009.

The format of the communicated information was not always homogenous. This may have rendered the effective reception of the information more difficult, taking into account that the interested Member States were not able to identify instantly the gist of the measure or its possible impact. Furthermore, in some instances only the English title of the measure in question was indicated, with the text being only communicated in the original language. This may have rendered the information incomprehensible.

Evaluation: Member States and the Commissionhave underlined that the absence of border checks in the Schengen area, the common visa policy, the tight economic and social relations between EU Member States and the development of common immigration and asylum policies have the result that national immigration policies clearly have an impact beyond national borders. Actions taken in one Member State for national or regional reasons can rapidly have an impact on another Member State. In this light, the systematic exchange of information allows to obtain a better knowledge of other Member States' policies, to improve coordination between them, to influence the quality of new EU legislation and, finally, to increase mutual knowledge and confidence.

It can be concluded that the practical experience of the functioning of the MIM did not meet these expectations. Even if the quantity of information provided may not be a sole factor of assessment, it is

apparent that its scale of application must be deemed insufficient. Moreover, a relatively considerable number of Member States have never communicated any measure through the MIM (BE, BU, CY, DK, EE, FI, FR, IE,, LV, LT, LU)

The weakening dynamics of the exchange of information within the MIM is also evident even though the Commission has on numerous occasions encouraged Member States to use the system. A particular concern may be expressed with regard to the communication of measures before their adoption.. The poor level of activity at this stage of a decision-making process surely does not contribute to an exchange of views helping to form a more coordinated approach of national policies.

Conclusions: the report concludes that strengthening information sharing and joint discussion within the EU is a way to ensure a high level of political and operational solidarity in the common immigration and asylum policy. National measures taken in isolation may weaken European cohesion and trust. The Commission recalls that the need to foster the exchange of information in this field has also been stressed in the European Pact on Immigration and Asylum where it was agreed to strengthen mutual information on migration by improving existing instruments where necessary. In its Communication issued in view of the Stockholm Programme, the Commission also indicated that the exchange of information between Member States concerning regularisations should be improved. (COM(2009)0262).

Consequently, the Commission is of the view that effective communication must remain a crucial component of further development of the EU policies on immigration and asylum, where the need for the exchange of information will only be enhanced. In the way the MIM currently functions, it does not seem, however, to attain in itself this objective.

Given the relatively short period of functioning of MIM, the Commission does not also consider it relevant to propose amendments to the Decision.

In future, the Commission considers it desirable to streamline the functioning of the MIM into a more general framework. A suitable context presents itself with the launch of the tracking method for monitoring the implementation of the European Pact on Immigration and Asylum whose output will be the Commission's annual report to the Council. The first tracking method report will be published in 2010, while it will take on an extended form in 2011, to cover also the commitments relating to the Stockholm Programme and its accompanying Action Plan (COM(2009)0266).

This means that following this report, the information currently communicated through the MIM will in the following years be provided in the Commission's annual report on the implementation of the Pact.