European Union Agency for Asylum

2016/0131(COD) - 12/09/2018 - Modified legislative proposal

PURPOSE: to give the EU Agency for Asylum the mandate, tools and financial means to provide the Member States concerned with full financial and operational support throughout the asylum procedure.

BACKGROUND: the **amended proposal** is presented in the context of the inter-institutional negotiations on the proposal for a Regulation on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 presented by the Commission on 4 May 2016. It is part of a set of **measures, which are a follow-up to the European Council conclusions of 28 June 2018,** through which the Commission is proposing to reinforce the European Border and Coast Guard and to review the Return Directive, and amend its original proposal for a Regulation on a European Union Agency for Asylum.

In its conclusions, the European Council confirmed the importance of relying on a **comprehensive approach to migration** and highlighted the importance for the Union of providing full support to ensure an orderly management of migration flows. The main principles of **solidarity and responsibility** agreed in the conclusions of European Council have also been further supported by Member States in different fora with an emphasis put on the need to reinforce the tools of European solidarity.

The Commission considers that this amended proposal should be discussed in the context of the on-going negotiations on the reform of the Common European Asylum System (CEAS) and should be seen as complementing those discussions. The amended proposal should not in any way further delay the adoption of the Regulation on the European Union Agency for Asylum.

CONTENT: this proposal **amending the Commission's initial proposal for a regulation on the European Union Agency for Asylum** takes into account the interinstitutional negotiations and the provisional agreement concluded between the European Parliament and the Council on 28 June 2017. The proposed amendments include the following:

Enhanced operational support from the Agency in the context of asylum procedures: to enable Member States to process applications for international protection swiftly and in a timely manner, the proposal provides for the possibility for a Member State to **benefit, at its request, from increased support from the Agency**, including through its involvement in the procedure for international protection at the **administrative stage** and in the procedure applicable under the Dublin Regulation.

At the request of the national competent authority, the Agency will be able to prepare **decisions** on applications for international protection and provide those decisions to the national competent authorities who will then take the decision on the individual applications and have full responsibility for processing this request. The Agency will also be able to support Member States with handling their **appeals** in asylum cases with full respect for judicial independence and impartiality in each Member State.

Migration management support teams: the Commission proposes to expand the possibilities of triggering the use of migration management support teams. At their request, Member States will be able to rely on **increased operational and technical reinforcement** by migration management support teams in particular at hotspot areas or controlled centres. The teams will be composed **of teams of experts from Member States deployed by the Agency, the European Border and Coast Guard Agency and Europol** and will be coordinated by the Commission.

Deputy Executive Director: the proposal specifies that the responsibility for proposing the list of candidates for a deputy Executive Director to the Agency's Management Board should be borne by the Commission instead of the Executive Director.

BUDGETARY IMPLICATIONS: the additional financial resources requested equal to EUR 55 million for each year between the years 2019 – 2027. The total financial resources necessary to enable the Agency to fulfil its mission under the proposed expanded mandate amount to **EUR 320. 8 million for the period 2019-2020 and EUR 1.25 billion for the period 2021-2027.**