Asylum: list of European safe third States, responsability of examining an application. Initiative Austria

2003/0802(CNS) - 10/12/2002 - Legislative proposal

PURPOSE : to present the Austrian initiative which aims to adopt a Council Regulation establishing the criteria for determining the States which qualify as safe third States for the purpose of taking the responsibility for examining an application for asylum lodged in a Member State by a third-country national and drawing up a list of European safe third States. CONTENT : to recall, at its meeting in Tampere, the European Council reaffirmed the Union and Member States attach to absolute respect of the right to seek asylum. It agreed to work towards establishing a Common European Asylum System, based on the full and inclusive application of the Geneva Convention relating to the Status of Refugees, thus ensuring that nobody is sent back to persecution, i.e. maintaining the right of non-refoulement. The adoption of a common policy on asylum and immigration was agreed at the Laeken European Council. The Seville European Council emphasised that measures taken in the short and medium term for the joint management of migration flows should strike a fair balance between, on the one hand, a policy for the integration of lawfully resident immigrants and an asylum policy complying with international conventions, and on the other hand, resolute action to combat illegal immigration and trafficking in human beings. With a view to the creation of a Common European Asylum System, it is desirable to establish criteria for determining the States, which qualify as safe third States and to draw up a list of European safe third States, in respect of the which it can be assumed that they provide an adequate level of protection to refugees and asylum seekers against refoulement to their countries of origin, and by which such persons are to be received. The third States listed in the Annex are as follows : Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Switzerland. The draft Regulation shall not apply to Romania and Bulgaria. The Council shall take a decision in respect of these states at a later date. The Commission shall submit a first report to the Council not later than 30 June 2003. This list shall be reviewed on the basis of an examination and evaluation of criteria based on the application and observation of standards established under international law for the protection and of basic human rights. Moreover, as soon as States included in this list become Member States of the European Union, they are no longer to be considered as third States for the purposes of this Regulation, since then being subject to the Dublin regime. TERRITORIAL APPLICATION : the UK and Ireland have notified their wish to take part in the adoption and application of this Regulation whereas Denmark shall not take part in the adoption of the proposed Regulation and is not bound by it or subject to its application. It should be noted that this proposed Regulation deals with one aspect of the creation of a Common European Asylum System, and more particularly with one aspect of minimum standard on procedures in Member States for granting or withdrawing refugee status. Once the Council has adopted the Directive dealing with this minimum standard in general, for which the Commission has submitted a proposal in 2000, the present draft Regulation may be repealed in order to allow for a full application of the provisions adopted in implementing that Directive.