Asylum: common procedure and internal security. 1st report

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PURPOSE : to present the first report by the Commission on the application of its communication on the common asylum policy. CONTENT : this Commission report offers an overview of progress made and action taken on the EU's common asylum policy established at the Tampere European Council in 1999. Ministers agreed to the development of a common European policy on asylum and immigration, leading in the long term to the establishment of a common European asylum system based on common procedures and a uniform status for those granted asylum in the European Union. The Tampere Council initiated the "Scoreboard to review progress on the creation of an area of freedom, security and justice in the European Union". All initial, first phase, legislative proposals have now been framed and include: - A Council Regulation establishing Eurodac for the comparison of fingerprints designed to enhance the application of the Dublin Convention. - A Council Directive adopting temporary protection in the event of a mass influx of displaced persons. - A Council Directive establishing common procedures on asylum. The establishment of common procedures is a lengthy and controversial task, but the Commission notes that considerable progress has been made under the Belgian Presidency. - A Council Directive on the reception of asylum-seekers. Still under consideration in the Council and European Parliament, the Directive remains controversial in three fields: firstly, the target group of any future legislative instrument on reception; secondly, the freedom of movement and the limitation which should be imposed on such movement; and thirdly, asylum seekers access to the labour market. - A Regulation proposing "Dublin II". New provisions under this Regulation include: speeding up the process of determining the Member State responsible for asylum seekers; making the system more efficient by promoting cooperation between Member States in order to determine the Member State; helping to keep family groups together. - Proposal for a Directive on the qualification and status of persons as refugees or as beneficiaries of subsidiary protection. Discussion on this will start at the beginning of 2002 in the Council. This proposal lays down rules for a common definition of the concept of a "refugee" as contained in the Geneva Convention. A minimum standard of subsidiary protection will be made available to complement the Geneva Convention in the Member States. In addition to these proposals the Commission has presented common legislation on the fair treatment of third-country nationals, entry, residence and freedom of movement within the EU. Additional flanking measures include the "European Refugee Fund" (ERF) which has a budget of EUR 216 million and which seeks to promote solidarity between Member States in matters of asylum; the development of "ARGO", an action programme aimed at providing improvements in administrative cooperation between the Member States; and lastly the establishment of the EU programme "EQUAL", which seeks to combat exclusion and inequality in the labour market and which includes asylum seekers. In addition to analysing and listing measures already enacted forthe establishment of a common EU asylum policy, the Communication examines in some detail the application of an "open co-ordination method to asylum policy". Given the sensitive nature of asylumpolicy and its traditional links to national sovereignty the Commission is proposing an open co-ordination policy. The objective of this policy is to assist and complement the Communities legislative programme in order to smooth the transitionary period prior to the second phase of the European asylum system. It proposes doing so through the establishment of European guidelines on asylum. In turn, these guidelines, established by the Council, will be incorporated into national policy. They include: - Improving understanding of migratory flows connected with humanitarian admissions; - Developing an efficient asylum system that offers protection to those who need it, according to a full and inclusive application of the Geneva Convention; - Improving the effectiveness on the policy of returns; - Including international protection in relations with third countries; - Ensuring that policies are framed to promote the integration or inclusion of beneficiaries of international protection in a Member State. The Commission hopes that the open co-ordination method, including the accompanying guidelines, will be adopted by the end of the Spanish Presidency with the national action plans completed by the end of 2003.