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

2005/0204(CNS) - 10/10/2005 - Legislative proposal

PURPOSE: to establish a formal information procedure between Member States and with the Commission in order to improve information exchange on asylum and immigration.

PROPOSED ACT: Council Decision.

CONTENT: Since the entry into force of the Treaty of Amsterdam, a large number of common measures have been adopted in the areas of asylum and immigration, as the Community and the Member States share the competence to legislate in those areas. Nevertheless, Member States keep an important role in this area and are continually adopting new national measures, which may in some cases have an impact on other Member States or on the Community as a whole.

Indeed, 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 in recent years have had as an indirect consequence that asylum and immigration measures taken by one Member State are more likely to have an impact on other Member States. For instance, a very restrictive migratory policy in one Member State may divert migration flows to its neighbours; and a regularisation procedure may attract illegal immigration into one Member State, from which regularised migrants could afterwards more easily move to other Member States. Other national asylum and immigration measures, including, among others, changes in procedures for granting international protection; determination of safe countries of origin; admission programmes for third country nationals, including quotas; and integration measures may also have an impact on other Member States or on the Community as a whole.

This proposal deals with a mutual information procedure. Member States would communicate to the other Member States and to the Commission measures which they intend to take in the areas of asylum and immigration, at the latest when they are made public. Only measures susceptible of having an impact on other Member States or on the Community as a whole must be communicated. This includes judicial and administrative decisions.

Member States providing the information are requested to prepare an executive summary of this information in another official language of the Community. The information will be transmitted through a web-based network run by the Commission. A Member State or the Commission may request additional information on a particular measure.

A particular national measure may also be the object of an exchange of views, with the presence of the Member State whose measure is the object of an exchange of views, the Commission and all other Member States wishing to participate. The purpose of such an exchange of views is the identification of problems of common interest; therefore, discussions will not lead to any voting nor will they result in any kind of recommendations to the Member State concerned. If an exchange of views on a national measure is called for, Member State will send a representative to the exchange of views meeting in order to explain in detail the elements of the national measure being the object of an exchange of views and hear other Member States' views on it.

The information system will be run by the Commission using the existing IDA telematic network. This allows for the creation of separate communication channels at a minimum cost without any substantial investment being needed.

FINANCIAL IMPLICATIONS: The financial burden is minimised as the exchanges of views provided for by the proposed measure will be merged with meetings of other meetings of Commission advisory groups, thus reducing travel and accommodation expenses for Member States. An overall objective of the Commission with the proposed Council Decision, is to simplify existing structures for Member States' cooperation in the areas of asylum and immigration.

Duration of the action and of the financial impact: There is neither a duration nor revision period. Application of the instrument should start in 2007.

Administrative expenditure not included in reference amount (NDA):

Human resources and associated expenditure: EUR 0.648 million (total over six years.) 1 B Official = EUR 108,000 per year

Administrative costs, other than human resources and associated costs, not included in reference amount (NDA): EUR 0.324 (total over six years)

Total indicative financial cost of intervention: total commitment and payment appropriations including cost of Human Resources: EUR 0.972 million.