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

2005/0204(CNS) - 05/10/2006 - Final act

PURPOSE: to improve information exchange between the Member States concerning national measures taken in the areas of asylum and immigration.

LEGISLATIVE ACT: Council Decision 2006/688/EC on the establishment of a mutual information mechanism concerning Member States' measures in the areas of asylum and immigration.

CONTENT: this Decision establishes **a mechanism for the mutual exchange of information concerning national measures in the areas of asylum and immigration** which are likely to have a significant impact on several Member States or on the European Union as a whole. This mechanism allows for the preparation of exchanges of views and debates between Member States on such measures.

In practice, the information to be provided relates to measures which Member States intend to take, or have recently taken, in the areas of asylum and immigration, where these measures are publicly available. Such information shall be transmitted as soon as possible.

The Decision allows the Member States to decide themselves whether their national measures are likely, or not, to have a significant impact on several Member States or on the EU as a whole. They are therefore free to decide whether to send the information or not. The measures shall be sent to a specific network established by the Decision and in strict compliance with data protection.

The Commission or a Member State may request **additional information** concerning the information communicated by another Member State. That additional information may be sent via the network or directly between Member States.

A standard information request form is proposed in the annex to the Decision. It specifies the type of measures taken by Member States that can be sent to other Member States (draft and adopted legislation, policy intentions, long-term programming, final decisions of the highest courts or tribunals, administrative decisions affecting nationals of third countries, etc).

Network: a web-based network shall be established by this Decision in order to promote information exchange between partners. The Commission shall be responsible for managing this network (structure, content and access) in strict compliance with the provisions on confidentiality of the information sent. Member States shall designate national contact points having access to the network.

Exchanges of views, the general report and discussions at ministerial level: the Commission shall, once a year, prepare a general report summarizing the most relevant information transmitted by the Member States. This report shall be transmitted to the European Parliament and to the Council. The report may constitute the basis for a debate on national asylum and immigration policies at ministerial level.

Member States shall be associated with the Commission for the preparatory work of the report, which may include technical meetings throughout the reporting period consisting in an exchange of views with Member States' experts in the area referred to in the Decision.

Evaluation and Review: the Commission shall evaluate the functioning of the mechanism two years after the entry into force of this Decision and regularly thereafter. If appropriate, the Commission shall propose amendments to it.

Territorial provisions: the Decision shall not apply to Denmark, in accordance with the relevant provisions of the treaties.

ENTRY INTO FORCE: 3 November 2006.