Basic information

2001/2048(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Asylum: common procedure, uniform status valid throughout the Union **Subject** 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	EVANS Robert (PSE)	16/01/2001

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs, Human Rights, Common Security, Defense	MAIJ-WEGGEN Hanja (PPE-DE)	20/03/2001
JURI Legal Affairs and Internal Market	The committee decided not to give an opinion.	
ITRE Industry, External Trade, Research, Energy	The committee decided not to give an opinion.	
EMPL Employment and Social Affairs	The committee decided not to give an opinion.	
PETI Petitions	SBARBATI Luciana (ELDR)	06/03/2001

Council of the European Union

European Commission

Commission DG	Commissioner
Justice and Consumers	

Key events

Date	Event	Reference	Summary

23/11/2000	Non-legislative basic document published	COM(2000)0755	Summary
15/03/2001	Committee referral announced in Parliament		
13/09/2001	Vote in committee		Summary
13/09/2001	Committee report tabled for plenary	A5-0304/2001	
02/10/2001	Debate in Parliament		
03/10/2001	Decision by Parliament	T5-0494/2001	Summary
03/10/2001	End of procedure in Parliament		
11/04/2002	Final act published in Official Journal		

Technical information

Procedure reference	2001/2048(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/14159

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A5-0304/2001	13/09/2001	
Text adopted by Parliament, single reading		T5-0494/2001 OJ C 087 11.04.2002, p. 0058-0124 E	03/10/2001	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2000)0755	23/11/2000	Summary
Non-legislative basic document	COM(2001)0710	28/11/2001	Summary
Document attached to the procedure	COM(2003)0152	26/03/2003	Summary
Document attached to the procedure	COM(2004)0503	15/07/2004	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0939/2001 OJ C 260 17.09.2001, p. 0112	12/07/2001	
CofR	Committee of the Regions: opinion	CDR0090/2001 OJ C 019 22.01.2002, p. 0020	20/09/2001	
EESC	Economic and Social Committee: opinion, report	CES1644/2004 OJ C 157 28.06.2005, p. 0096-0098	15/12/2004	

Asylum: common procedure, uniform status valid throughout the Union

2001/2048(COS) - 03/10/2001 - Text adopted by Parliament, single reading

The European Parliament adopted the resolution by Mr Robert EVANS (PES, UK) by 298 votes in favour, 235 against and 27 abstentions. (Please refer to the previous text).

Asylum: common procedure, uniform status valid throughout the Union

2001/2048(COS) - 23/11/2000 - Non-legislative basic document

PURPOSE : to present the Communication on a common asylum procedure and a uniform status, valid throughout the Union, for persons granted asylum. CONTENT : at the Tampere European Council on 15 and 16 October 1999, the Commission was asked to prepare a communication on the issue of establishing a common asylum procedure and a uniform status for those who are granted asylum valid throughout the Union. This Communication sets out the Commission's thinking on this procedure and this status. Its purpose is not to propose one or more ready-made systems but to launch a debate in the Community on the longer-term prospects. According to the Commission analysis, the range of solutions and tools is quite extensive. The Commission's intention is to take an ambitious approach to all the questions and certain possible scenarios so that the Council, Parliament and the various organisations concerned by asylum policy can engage in a full discussion and come up with precise guidelines. The Communication begins by looking at the context and objectives of the common procedure and the uniform status; it is important not to take account of the flows confronting Member States and the nature of the legal environment before considering common objectives and proposing a scope suitable for the European Union. It goes on to consider the possibilities of a common procedure, either through a limited procedural approach or through a more fully integrated approach, and the possibilities of a uniform status. It stresses the need to reach a common analysis underlying the procedure and the status. Finally, the Commission proposes a general structure and a method for examining the communication. The definition of guidelines for a common procedure and a uniform status demands a consensus on the challenges and objectives to be met. The Commission proposes the following as a basis: 1) following on from the Tampere conclusions, adopt clear principles offering guarantees to those who are legitimately seeking protection in the European Union and seeking access to its territory. These principles must remain firmly attached to respect for the Geneva Convention and other relevant human rights instruments and supply the basis for a capacity to meet humnitarian needs on a basis of solidarity; 2) absolutely respect the right to seek asylum; apply the Geneva Convention in full and inclusively; ensure that nobody will be sent to a country where he faces the renewed risk of persecution, in other words maintain the principle of non-refoulement; 3) allow the Member States to identify those who genuinely need protection and respond properly to situations of vulnerability. The rules adopted must be fair and effective and underlie rapid high-quality decision-making; 4) develop a procedure and a status within the context of common migration policy that covers all aspects (partnership with countries of origin, fair treatment for third-country nationals, management of migratory flows). In particular: - to preserve the specificity of humanitarian admission andasylum in the European Union as distinct from other grounds for admission; - balance absolute respect for the specificity of humanitarian admission against the legitimate objectives of preventing and combating illegal immigration. In this context, the Commission believes that the Member States would be better placed to combat what is presented as a real abuse of the asylum system if they had a wide range of open an transparent immigration management policies (please refer to COS/2001/0047); 5) limit secondary movements influenced solely by the diversity of applicable rules. Divergent asylum policies in the different Member States must disappear and an effort must be made to harmonise conditions in order to avoid negative effects for the Member States' interests; 6) consider the first stage referred to in paragraphs 14,16 and 17 of the Tampere conclusions and in the scoreboard presented in spring 2000 as the pillar on which a common procedure and a uniform status can be built; 7) base the future rules in the context of the development of the European Union as an area of freedom, security and justice; 8) consult the relevant international organisations, in particular the HCR.

Asylum: common procedure, uniform status valid throughout the Union

2001/2048(COS) - 26/03/2003

OBJECTIVE: Second report on the implementation of the common asylum policy. CONTENT: The period between December 2001 and February 2003 was an important period in getting the common European asylum system up and running. Significant progress was made in implementing the legislative programme for the first phase, determined at Tampere, and in developing support measures to flesh out this new policy. But progress still lagged behind, even if it met the deadlines set by the Seville European Council. Moreover the price to be paid for it was a reduction in the effectiveness of the harmonisation or a very low level of agreed standards. The need for unanimous adoption of Community instruments is the main cause, while the difficulty met by the Member States in abandoning their national agendas is another. This dual difficulty is a real threat to the institution of asylum. Regarding asylum policy, there is now a manifest need to explore new avenues to complement the stage-by-stage approach adopted at Tampere. The

question arises whether the Member States could better deploy the major human and financial resources which they devote to receiving displaced persons in the context of often lengthy procedures. Three complementary objectives should now be pursued to improve the management of asylum in the context of an enlarged Europe: - improvement of the quality of decisions ('frontloading') in the European Union; - consolidation of protection capacities in the region of origin; - treatment of protection requests as close as possible to needs, which presupposes regulating access to the Union by establishing protected entry schemes and resettlement programmes. 2003 will be a crucial year for the consolidation of the common European asylum system. It will see the end of the first stage of harmonisation on the basis of the Commission's proposals. At the same time the second stage called for at Tampere will be sketched out, with the establishment of a common asylum procedure and a uniform status. The European Union must embark resolutely on a new approach to international protection based on better management of access for persons in need of international protection in the territory of the Member States and on consolidation of the possibilities for dealing with protection needs in the region of origin. The Commission will embark on this, in close cooperation with the HCR, so as to lay operational proposals before the Council and the European Parliament before the end of the year. The Commission accordingly requests the Council and the European Parliament to take note of a series of recommendations to outline the course of future action: - it asks the Council to adopt all the first-stage harmonisation proposals in accordance with the deadlines set by the Seville European Council, in particular the directive on asylum procedures where the question of safe countries of origin and third countries will demand special attention; - it invites the Council and Parliament to continue considering the question of an instrument to succeed the European Refugee Fund on the basis of the Commission report of 3 December 2002 on the effectiveness of Community financial resources; - it encourages the Member States to make the best use of the machinery for administrative cooperation on asylum (Argo, statistical programme) and to contribute actively to it, and undertakes to pursue the development of the Immigration and Asylum Committee and Eurasil as essential means of comparing practices for the establishment of the common European asylum system; - it suggests that serious thought be given to possibilities offered by processing asylum applications outside the European Union and resettlement as instruments to complement a fair and efficient territorial asylum system in compliance with international obligations and with respect for dialogue and partnership with third countries; - it recommends that more detailed serious thought be given to the question of access to the territories of Member States for persons in need of international protection and compatibility between stronger protection for these people and respect for the principle of non-refoulement on the one hand and measures to combat illegal immigration, trafficking in human beings and external border control measures on the other; the Commission will enter this item on the agenda for the Immigration and Asylum Committee, where it will ensure that special attention is paid to the question of protected entry procedures on the basis of the results of the study already available and the separate but related problem of resettlement; - it invites the Council to look beyond the existing European Union action plan and give serious thought to a more operational definition of the content of integrated return programmes in the light of lessons learned from the implementation of the return programme for Afghanistan; - it wishes special attention to be paid to refugees and displaced persons in future work by the Community institutions on integration; - it invites the Council and Parliament to incorporate the international protection dimension more deeply into Europe's external policy; the Commission will consider the question in 2003 in the mid-term review of the country and regional strategy papers and will raise the objectives of the Agenda for Protection in its dialogue on questions of migration and cooperation with the relevant third countries.

Asylum: common procedure, uniform status valid throughout the Union

2001/2048(COS) - 15/07/2004

The Council has adopted in April 2004 the Council Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection (the Qualification Directive) and reached political agreement on

the Amended proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status (the Asylum Procedures Directive). Following consultation of the European Parliament, the first phase of the Common European Asylum System will be complete.

The Thessaloniki European Council of June 2003 called for further reinforcement of asylum procedures in order to make them more efficient with a view to accelerating as much as possible the processing of

non international protection related applications. This calls for a response on how the EU can build such reinforcement and acceleration into the procedures which lead to the two forms of international protection defined in the Qualification Directive. The Commission sets out in this paper the reasons

why it feels that taking steps towards a single procedure would answer those demands.

The reasons for a single procedure are as follows:

- speed and efficiency : Member States who operate a single procedure point out these effects of its introduction. A procedure which focuses on assessment of the protection needs defined in the Qualification Directive and where a single authority makes a decision on the basis of either of those two sets of criteria clearly has the potential to be quicker than the scenario of consecutive applications to one or more authorities where similar facts are assessed and appeals against the decisions of different authorities run in parallel. The centralisation of resources for dealing with applications for protection can also deliver clear benefits.

- protection : the minimisation of possible trauma and the transparent nature of one inclusive procedure are also encouragements to the applicant to present his or her case in a comprehensive manner covering all aspects which make it impossible for him or her to return to the country of origin. This avoids the possibility of significant facts being revealed after the main asylum procedure has been completed when the guarantees applicable to the asylum process no longer apply.

- public perception : Where one decision on protection follows a quick, comprehensive procedure (followed by the possibility of an appeal against that decision), ambiguity and the damaging perception that there are myriad possibilities to stay in a country for protection reasons can be dispelled.

- returns : Where all possible protection obligations are included in one procedure, the chance of further protection-related obstacles being raised to delay or prevent removal is all but removed. The Commission goes on to discuss why action is required at EU level.

In order to initiate this change and provide the technical assistance to prepare Member States for the possibility of legal and infrastructural adjustments the Commission recommends two approaches:

- Preparatory Phase : a period of consultation and preparation on what Member States need to do to unify the procedures which lead to the two types of status set out in the Qualification Directive. This will be initiated by the Commission in a series of operational actions and technical projects including Commission-chaired experts meetings which look at how the practices applicable to refugee status determination could be extended to the assessment of whether an applicant qualifies for subsidiary protection and how the whole procedure could further be made more efficient and speedy.

The Preparatory Phase would prepare the ground and establish broad consensus for bringing forward:

- Community legislation : first step legislative action to extend the guarantees agreed as applicable to

claims for refugee status in the Asylum Procedures Directive to those for subsidiary protection status in the Qualification Directive. Consideration would need to be given to how the Asylum Procedures Directive might need to be amended to take into account the particularities of the assessment of claims

for subsidiary protection. Also whether the Reception Conditions would need to be amended and if the Dublin II Regulation might be extended to cover applications for subsidiary protection.

The paper discusses the key questions on the legislative approach, the timescale of the legislation and

the scope of the single procedure. On the latter point, the Commission states that as a first step, at least Chapter II of the Asylum Procedures Directive, which deals with access to the procedure, the right to remain in the Member State pending examination, examination requirements, interviews, rules on legal assistance and procedures for withdrawal) must be made equally applicable to applications for subsidiary protection. The standards are essential for fair procedures and will constitute the foundation of all common procedures under future Community law.

The paper goes on to discuss how appeals should be handled in a single procedure, safeguarding the integrity of the Geneva Convention and maintaining the quality of decisions.

The Commission asks the Council and the European Parliament to endorse the two step approach set out in this Communication as the next step along the road to achieving the common asylum procedure leading to a uniform status valid throughout the Union for those granted asylum in view of the progress made so far on the Tampere agenda.

Asylum: common procedure, uniform status valid throughout the Union

2001/2048(COS) - 28/11/2001

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 for the 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.