Basic information

2002/2053(COS) COS - Procedure on a strategy paper (historic)	Procedure rejected
Asylum: common procedure and internal security. 1st report **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)	18/12/2001

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs, Human Rights, Common Security, Defense	The committee decided not to give an opinion.	
JURI Legal Affairs and Internal Market	The committee decided not to give an opinion.	
PETI Petitions	GONZÁLEZ ÁLVAREZ Laura (GUE/NGL)	21/03/2002

Council of the European Union

European Commission

Commission DG	Commissioner
Justice and Consumers	

Key events

Date	Event	Reference	Summary
28/11/2001	Non-legislative basic document published	COM(2001)0710	Summary
11/03/2002	Committee referral announced in Parliament		
09/07/2002	Decision by Parliament	A5-0257/2002	
09/07/2002	Vote in committee		Summary

09/07/2002	Committee report tabled for plenary	A5-0257/2002	
23/09/2002	Debate in Parliament		Summary

Technical information	
Procedure reference	2002/2053(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 rejected
Committee dossier	LIBE/5/15977

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A5-0257/2002	09/07/2002	

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2001)0710	28/11/2001	Summary
Supplementary non-legislative basic document	COM(2001)0743	05/12/2001	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0519/2002 OJ C 149 21.06.2002, p. 0030	24/04/2002	
CofR	Committee of the Regions: opinion	CDR0093/2002 OJ C 278 14.11.2002, p. 0044	16/05/2002	
EESC	Economic and Social Committee: opinion, report	CES0684/2002 OJ C 221 17.09.2002, p. 0049	29/05/2002	

Asylum: common procedure and internal security. 1st report

2002/2053(COS) - 05/12/2001 - Supplementary non-legislative basic document

At the Extraordinary Justice and Home Affairs Council on 20 September 2001 the Council requested the Commission to consider the relationship between safeguarding the internal security of the EU whilst at the same time respecting its international obligations on the protection of individuals. In the aftermath of the terrorist attacks in America on 11 September EU Member States have tightened up their policies on terrorism in order to minimise the internal security threat they pose to the EU as a whole. One important, though slightly more ambiguous issue, is how to prevent persons with

terrorist intentions from taking advantage of international human rights. The need to prevent the infiltration of terrorists in the EU needs to be weighed against the need to respect international legal provisions, most notably the UNHCR Convention on Refugees. The Commission working document tackles this question by examining four central issues. 1) it analyses what provisions already exist for Member States to legally suspend persons from international protection (i.e. those not deserving of such protection due to terrorist attacks.). 2) it considers which legal steps can be taken by governments confronted with a person who is excluded from international protection regimes. 3) it elaborates on what action can be initiated at a European level. 4) it assesses the adequacy of internal security related provisions in EU legislation as well as expanding upon Commission proposals for Directives in the asylum and immigration field. The central policy of the working document is to assume that bona fide refugees and asylum seekers should not become victims of recent events. Nor, however, should those supporting or committing terrorist acts, be allowed access to the EU. Taking this as a basis the Commission cautions against a major reform of existing provisions relating to refugees. Rather, it urges a scrupulous application of the "exceptions" to refugee protection available under existing provisions. Since the events of 11/09 the UNHCR has stated that the purpose of the Convention is not to grant a "safe haven" to criminals, nor is it designed to protect them from criminal prosecution. Its aim is to protect "the persecuted from persecutors". Within the context of these parameters the Working Document begins by examining such concepts as, inter alia, the definition of a "terrorist act", "access to asylum procedures", "suspension of the examination of an asylum procedure" etc. In conjunction with these ideas it sets out how EU legislation already deals with such questions, where there is scope for improved provisions and lastly what sort of legislation should, in future, deal with such improvements. The second chapter of the working document seeks to establish the position of persons whose rights have been suspended under Article 1(F) f the UNHCR convention. Whilst some Member States seek to prosecute those alleged to have committed a crime, the high burden of proof required for a criminal prosecution, combined with the difficulty of finding credible witnesses, renders such procedures all too often futile. On the other hand, the European Court of Human Rights has repeatedly prohibited Member States from extraditing persons falling under the exclusion provisions of the Convention on Refugees. In caseswhere torture, inhuman or degrading treatment or punishment can be expected, the Court forbids extraditing persons whose basic human rights could be violated. Given the limited options open to Member States in cases where a person falls outside the scope of refugee/international protection provisions the Working Document acknowledges that this issue is urgently in need of further examination and eventual resolution at European level. It suggests that it may be necessary to harmonise the basic rights granted to this category of "excludable" but "non-removable" persons and to assess the different means for dealing with these persons if they pose a security risk. In its third chapter, the working document relates relevant legislation, regulations and administrative practices against the background of a "Common European Asylum System". This part of the paper seeks to suggest ways in which the EU could work more efficiently on common procedures, such as a more convergent interpretation and application of exclusion provisions as well as alternatives to detention. Similarly, it examines ways in which terrorist could face comparable treatment in all Member States. The final chapter of the working document is an analysis of "internal security" related provisions in EC legislation and future Commission proposals for EC legislation in the asylum and immigration field. It concludes that current EC legislation or on-going Commission proposals for such legislation currently contain sufficient standard provisions to allow for the exclusion of any third country national who may be perceived as a threat to national security from the right to international protection, residency or benefits. Nevertheless, this needs to be viewed and examined within the context of changing circumstances.

Asylum: common procedure and internal security. 1st report

2002/2053(COS) - 28/11/2001 - Non-legislative basic document

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.