Basic information

2003/0802(CNS) CNS - Consultation procedure Regulation	Procedure lapsed or withdrawn
Asylum: list of European safe third States, responsability of examining an application. Initiative Austria **Subject** 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)	

Key players

Council of the European Union	
European Commission	**Commission DG** / **Commissioner** Justice and Consumers /

Key events

Date	Event	Reference	Summary
10/12/2002	Legislative proposal published	14712/2002	Summary
29/01/2003	Committee referral announced in Parliament		
01/06/2003	Vote in committee		Summary
01/06/2003	Committee report tabled for plenary, 1st reading/single reading	A5-0210/2003	
22/09/2003	Debate in Parliament		
23/09/2003	Decision by Parliament	T5-0394/2003	Summary

Technical information

Procedure reference	2003/0802(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 063-p1
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	LIBE/5/19119

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0210/2003	01/06/2003	
Text adopted by Parliament, 1st reading/single reading		T5-0394/2003 OJ C 077 26.03.2004, p. 0021-0057 E	23/09/2003	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	14712/2002 OJ C 017 24.01.2003, p. 0006-0009	10/12/2002	Summary

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Asylum: list of European safe third States, responsability of examining an application. Initiative Austria

2003/0802(CNS) - 23/09/2003 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution rejecting the Austrian initiative. The report was drafted by Olle SCHMIDT (ELDR, Sweden). Parliament felt that the list was impractical, because after accession, only Switzerland would remain on the list. It also stated that there should first be a truly European asylum procedure, before safe third States are to be identified. Therefore, Parliament asked the Council and Commission to submit as swiftly as possible the modified proposal for a directive on minimum standards on procedures in Member States for granting and withdrawing refugee status. After Parliament had rejected the initiative, the Council was asked its opinion. Since nobody from the Council was present, the initiative was not referred back to committee, but the plenary decided to adopt the report, thus closing the procedure.

Asylum: list of European safe third States, responsability of examining an application. Initiative Austria

2003/0802(CNS) - 10/12/2002 - Legislative proposal

PURPOSE : to present the Austrian initiative which aims to adopt a Council Regulation establishing the criteria for determining the States which qualify as safe third States for the purpose of taking the responsibility for examining an application for asylum lodged in a Member State by a third-country national and drawing up a list of European safe third States. CONTENT : to recall, at its meeting in Tampere, the European Council reaffirmed the Union and Member States attach to absolute respect of the right to seek asylum. It agreed to work towards establishing a Common European Asylum System, based on the full and inclusive application of the Geneva Convention relating to the Status of Refugees, thus ensuring that nobody is sent back to persecution, i.e. maintaining the right of non-refoulement. The adoption of a common policy on asylum and immigration was agreed at the Laeken European Council. The Seville European Council emphasised that measures taken in the short and medium term for the joint management of migration flows should strike a fair balance between, on the one hand, a policy for the integration of lawfully resident immigrants and an asylum policy complying with international conventions, and on the other hand, resolute action to combat illegal immigration and trafficking in human beings. With a view to the creation of a Common European Asylum System, it is desirable to establish criteria for determining the States, which qualify as safe third States and to draw up a list of European safe third States, in respect of the which it can be assumed that they provide an adequate level of protection to refugees and asylum seekers against refoulement to their countries of origin, and by which such persons are to be received. The third States listed in the Annex are as follows : Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Switzerland. The draft Regulation shall not apply to Romania and Bulgaria. The Council shall take a decision in respect of these states at a later date. The Commission shall submit a first report to the Council not later than 30 June 2003. This list shall be reviewed on the basis of an examination and evaluation of criteria based on the application and observation of standards established under international law for the protection

and of basic human rights. Moreover, as soon as States included in this list become Member States of the European Union, they are no longer to be considered as third States for the purposes of this Regulation, since then being subject to the Dublin regime. TERRITORIAL APPLICATION : the UK and Ireland have notified their wish to take part in the adoption and application of this Regulation whereas Denmark shall not take part in the adoption of the proposed Regulation and is not bound by it or subject to its application. It should be noted that this proposed Regulation deals with one aspect of the creation of a Common European Asylum System, and more particularly with one aspect of minimum standard on procedures in Member States for granting or withdrawing refugee status. Once the Council has adopted the Directive dealing with this minimum standard in general, for which the Commission has submitted a proposal in 2000, the present draft Regulation may be repealed in order to allow for a full application of the provisions adopted in implementing that Directive.