Basic information

2008/0244(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Standards for the reception of applicants for international protection. Recast Repealing Directive 2003/9/EC 2001/0091(CNS) Repealed by 2016/0222(COD) **Subject** 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	MASIP HIDALGO Antonio (S&D)	12/07/2011
	Shadow rapporteur PAPANIKOLAOU Georgios (PPE) LAMBERT Jean (Verts/ALE)	

Former committee responsible	Former rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	MASIP HIDALGO Antonio (S&D)	12/07/2011
LIBE Civil Liberties, Justice and Home Affairs	MASIP HIDALGO Antonio (PSE)	20/01/2009

Former committee for opinion	Former rapporteur for opinion	Appointed
JURI Legal Affairs	LÓPEZ-ISTÚRIZ WHITE Antonio (PPE)	24/05/2011
JURI Legal Affairs	The committee decided not to give an opinion.	03/11/2008

Council of the

Council configuration	Meetings	Date

European Union	Justice and Home Affairs (JHA)	3096	2011-06-09
	Justice and Home Affairs (JHA)	3121	2011-10-27
	Justice and Home Affairs (JHA)	3172	2012-06-08
	Justice and Home Affairs (JHA)	3081	2011-04-11
	Justice and Home Affairs (JHA)	3195	2012-10-25
	Justice and Home Affairs (JHA)	3244	2013-06-06
	Justice and Home Affairs (JHA)	3162	2012-04-26
	Justice and Home Affairs (JHA)	2946	2009-06-04
	Justice and Home Affairs (JHA)	3111	2011-09-22
	Justice and Home Affairs (JHA)	3034	2010-10-07
	Justice and Home Affairs (JHA)	3135	2011-12-13
	Justice and Home Affairs (JHA)	3207	2012-12-06
	Justice and Home Affairs (JHA)	3228	2013-03-07
	Justice and Home Affairs (JHA)	2962	2009-09-21
	Justice and Home Affairs (JHA)	3151	2012-03-08

European Commission	Commission DG	Commissioner
	Justice and Consumers	MALMSTRÖM Cecilia

Key events

Date	Event	Reference	Summary
03/12/2008	Legislative proposal published	COM(2008)0815	Summary
15/01/2009	Committee referral announced in Parliament, 1st reading		
27/04/2009	Vote in committee, 1st reading		Summary
29/04/2009	Committee report tabled for plenary, 1st reading	A6-0285/2009	
06/05/2009	Debate in Parliament		
07/05/2009	Decision by Parliament, 1st reading	T6-0376/2009	Summary
07/05/2009	Results of vote in Parliament		
04/06/2009	Debate in Council		Summary
21/09/2009	Debate in Council		
07/10/2010	Debate in Council		Summary
11/04/2011	Debate in Council		
01/06/2011	Modified legislative proposal published	COM(2011)0320	Summary
09/06/2011	Debate in Council		

22/09/2011	Debate in Council		Summary
27/10/2011	Debate in Council		
13/12/2011	Debate in Council		Summary
08/03/2012	Debate in Council		Summary
26/04/2012	Debate in Council		Summary
08/06/2012	Debate in Council		Summary
25/10/2012	Debate in Council		Summary
07/03/2013	Debate in Council		Summary
07/06/2013	Council position published	14654/2/2012	Summary
10/06/2013	Committee referral announced in Parliament, 2nd reading		
10/06/2013	Vote in committee, 2nd reading		
10/06/2013	Committee recommendation tabled for plenary, 2nd reading	A7-0214/2013	Summary
11/06/2013	Debate in Parliament		
12/06/2013	Decision by Parliament, 2nd reading	T7-0254/2013	Summary
26/06/2013	Final act signed		
26/06/2013	End of procedure in Parliament		
29/06/2013	Final act published in Official Journal		

Technical information

Procedure reference	2008/0244(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Directive
Amendments and repeals	Repealing Directive 2003/9/EC 2001/0091(CNS) Repealed by 2016/0222(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 078-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/11671

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE421.203	03/03/2009	
Amendments tabled in committee		PE423.709	30/03/2009	
Committee report tabled for plenary, 1st reading/single reading		A6-0285/2009	29/04/2009	
Text adopted by Parliament, 1st reading/single reading		T6-0376/2009	07/05/2009	Summary
Committee recommendation tabled for plenary, 2nd				

reading		A7-0214/2013	10/06/2013	Summary
Text adopted by Parliament, 2nd reading		T7-0254/2013	12/06/2013	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	10183/2013	07/06/2013	
Council position	14654/2/2012	07/06/2013	Summary
Draft final act	00044/2013/LEX	26/06/2013	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2008)0815	03/12/2008	Summary
Document attached to the procedure	SEC(2008)2944	03/12/2008	
Document attached to the procedure	SEC(2008)2945	03/12/2008	
Commission response to text adopted in plenary	SP(2009)3616	07/07/2009	
Modified legislative proposal	COM(2011)0320	01/06/2011	Summary
Commission communication on Council's position	COM(2013)0415	10/06/2013	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2011)0320	20/04/2012	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1209/2009	16/07/2009	
EESC	Economic and Social Committee: opinion, report	CES1596/2011	26/10/2011	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Directive 2013/0033 OJ L 180 29.06.2013, p. 0096	Summary

Standards for the reception of applicants for international protection. Recast

2008/0244(COD) - 25/10/2012

The Council was informed in a public session about the state-of-play of negotiations on the various outstanding legislative proposals concerning the Common European Asylum System (CEAS), on the basis of a paper prepared by the Cypriot Presidency.

One of these proposals relates to the **Reception Conditions Directive** on which **a political agreement has been reached**. This political agreement was **adopted at the Council without discussion**. It fully reflects the result of negotiations with the European Parliament.

Once the text has been revised by its lawyer-linguists, the Council can adopt its first reading position at a forthcoming Council. Subsequently, Council's position at first reading will be communicated to the European Parliament with a view to approval **without amendments** in second reading.

Once formally adopted by both co-legislators, Member States will need to transpose the new provisions into national law within two years.

Denmark, Ireland and the United Kingdom are not bound by the Directive.

Standards for the reception of applicants for international protection. Recast

2008/0244(COD) - 07/03/2013

The Council was informed about the **state of play** of two legislative proposals **outstanding** in relation to the Common European Asylum System (CEAS), namely:

- the present proposal on the asylum procedures directive;
- the proposal on the Eurodac regulation.

Both files have entered into the final phase of negotiations with the European Parliament.

In the case of the Eurodac regulation, issues that remain to the resolved in the negotiations relate to the modalities of access to Eurodac data by law enforcement authorities.

Both files have entered into the final phase of negotiations with the European Parliament.

Issues that remain to be resolved in the negotiations relate to special procedures for unaccompanied minors and victims of torture on the asylum procedures directive.

Standards for the reception of applicants for international protection. Recast

2008/0244(COD) - 07/06/2013 - Council position

The Council adopted its position at first reading on the proposal for a recast of the Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.

The position at first reading is based on a compromise reached between Parliament and the Council. This compromise provides, in particular, for **strengthened legal safeguards and rights for the applicants for international protection**, while focusing in particular on the needs of vulnerable groups such as unaccompanied minors and dependent persons. At the same time, the compromise caters for **reducing abuses of the system set up by the Dublin Regulation** and for ensuring that disputes among Member States in its context are tackled more efficiently. The compromise also provides for addressing in a timely manner problems in the application of this Regulation owed to particular pressure on a Member State's asylum system, or because of its malfunctioning, through the setting up of a mechanism for early warning, preparedness and crisis management.

The key aspects of the compromise may be summarised as follows:

A. A mechanism for early warning, preparedness and crisis management (Art. 33): this mechanism is a new element added during the negotiations, replacing the so-called "suspension mechanism" contained in the original recast proposal of the Dublin Regulation. It is designed to address effectively and in a timely manner situations where the application of the Dublin Regulation may be jeopardised (with direct effects on the applicants who are in the Member State concerned), due to a

particular pressure on a Member State's asylum system, or problems arising in the functioning of the asylum system of a Member State. It aims at ensuring effective cooperation and developing **mutual trust and solidarity among Member States** by way of preventing or managing a crisis in the asylum system of one or more Member States.

B. Remedies (Arts. 27 & 3(2)): the compromise emphasises the right of the person concerned to an **effective remedy against the transfer decision** before a court or a tribunal. The Member State shall provide for a reasonable period of time within which the aforementioned remedy may be exercised in order to be effective. As regards the issue of the suspension of the implementation of the transfer decision until a decision on a remedy against it is taken, Member States shall **at least ensure in their national legislation that an effective remedy can be exercised** by suspending the transfer until a decision on the first suspension request is taken. The recast also delineates the framework within which the person concerned will have access to legal assistance, free of charge where appropriate, in order to exercise effectively his/her right to an effective remedy.

As a corollary to Art. 27 on remedies, a provision has been added to make provision for the determination of the Member State responsible for examining the application, **where the transfer of the person concerned is impossible due to a real risk of violation of fundamental rights**. In this case, the Member State which carries out the determination procedure shall become the Member State responsible.

C. Detention (Art. 28): the compromise text provides for a comprehensive framework whereby the conditions under which a person concerned may be detained on the basis of "Dublin grounds". These conditions are when there is a significant risk of the absconding of the person concerned, and an individual assessment of each case is made before a decision is taken on whether to impose detention. The compromise also deals with the time limits of the detention period, stating that it shall be for **as short a period as possible.**

As regards the detention *per se*, the most important consequence **is the obligation of the Member State which detains him/her** (and which did not meet its deadlines) **to release the detainee**, while it is clarified that there is no shifting of the responsibility under the Dublin procedure.

D. Unaccompanied minors & the definition of relatives (Arts. 2(h) & 8): the compromise text provides for the legal framework under which an unaccompanied minor (provision is also made for the married minors whose spouse are not legally present on the territory of a Member State) shall be united with family members, siblings, or relatives, along with the relevant conditions of each provision, with a view to rendering responsible for the examination of the application the Member State where the reunification will take place. The ultimate check on all cases provided for under this Article is that **any reunification shall be in the best interest of the minor**.

The best-interest-of -the-minor requirement also applies **in the absence of any of the above family relations**, in which case the Member State responsible is the one where the unaccompanied minor lodged his/her application. In the context of this occasion, the European Parliament, the Council and the Commission have submitted a statement, inviting the latter to consider a possible revision of Art. 8(4).

The compromise also meets the concerns of the Council for fighting abuse in the context of the asylum procedures. In this context, the compromise text provides for **the scope of the term "relative"** as the applicant's adult aunt or uncle or grandparent, who is present in the territory of a Member State.

E. Dependent persons (Art. 16): the compromise on this provision deals with cases where the applicant, due to certain grounds of vulnerability, is dependent on the assistance of his/her child, sibling or parent legally resident in one of the Member States, or with cases where these persons depend on the applicant's assistance on the same grounds. The compromise provides for the legal framework on the basis of which Member States shall normally keep or bring together the applicant with the above persons, provided that certain conditions are met.

The following issues dealt with in the compromise text are also worth noting:

- definition of unaccompanied minor (Art. 2(j)): the text provides that the unaccompanied minor may be married or unmarried;
- right to information (Arts 4 & 5): the text provides for the right of the applicant to receive, in writing (or orally, where appropriate) and in a language that the applicant understands detailed information regarding the contents of the Dublin Regulation upon the lodging of his/ her application. A common leaflet (and a special one on unaccompanied minors) containing at least the information to which the applicant is entitled, shall be drawn up;
- personal interview (Art. 5): the compromise provides for an obligation to hold a personal interview with the applicant, in a timely and appropriate manner, with a view to facilitating the process of determining the Member State responsible. However, a Member State which omits the interview shall give the applicant the opportunity to present all further, relevant information, before a decision is taken on the transfer of the applicant;
- guarantees for minors (Art. 6): the text regarding the guarantees for minors should be considered in the context of the best-interest-of-the-child principle. It requires Member States' to ensure proper representation of the minor, as well as to take, as soon as possible, appropriate action to identify family members, siblings or relatives of an unaccompanied minor on the territory of another Member State;
- discretionary clauses (Art. 17): the text provides for a derogation from the criteria for establishing the Member State responsible. The scope of the provision has been extended more explicitly by the deletion **of the reference to "humanitarian and compassionate grounds"**, as a basis for the derogation has been deleted, as well as the provision for a prior consent from the applicant in order to use this Article;
- obligations of the Member State responsible (Chapters V & VI in general): within the context of these Chapters, which regulate the obligations of the Member State responsible, the text provides for legally and procedurally enhanced requirements aiming at safeguarding all the relevant rights of the applicant, as well as making the practical cooperation among the Member States concerned more efficient.

Implementing and delegating acts: lastly, the text provides for implementing powers (using the examination procedure) for the purpose of certain provisionswhere this kind of empowerment to the Commission was deemed sufficient. The option of delegated acts is provided for in the context of Art. 8 (reunification of the unaccompanied minor with family members, siblings or relatives) in particular regarding the assessment of whether the relevant criteria were met and Art. 16 (reunification of dependent applicants with children, parents or siblings, or vice versa) also in particular regarding the assessment of whether the relevant criteria were met.

Standards for the reception of applicants for international protection. Recast

2008/0244(COD) - 10/06/2013 - Commission communication on Council's position

In its communication on the Council’s position on the adoption of a Directive of the European Parliament and of the Council laying down standards for the reception of asylum seekers, the Commission indicates that it fully supports the text resulting from the compromise arising from negotiations between the two co-legislators. The text brings added value to the current standards of treatment and an increased level of harmonisation on reception conditions for asylum seekers. It also introduces rules on detention and access to free legal assistance, issues which the current asylum instruments do not address.

Analysis of the main differences between the common position and the Commission’s 2011 modified proposal:

- Definition of family members – Article 2(c): the Commission’s proposal extended the definition of family members as far as minors were concerned (both married and unmarried minors). The common position does not endorse this definition, but the more restrictive one as agreed in the “Qualification Directive” amended proposal, while including safeguards in other provisions which ensure the rights of minors, whether married or unmarried, in relation to their accommodation rights. The objectives of the Commission proposal are thus fully met.

- Identification of the special reception needs of vulnerable persons, Article 22, Recital 14: although the wording has been substantially amended in negotiations, the obligation to assess the individual needs of all applicants with a view to identifying who is a vulnerable person and thus may need special reception guarantees is retained.

- **Material reception conditions** - Article 17(5), Recital 20: the common position retains the obligation included in the Commission proposal for Member States to apply a national point of reference when calculating the required level of material assistance for asylum applicants.

- Health care - Article 19: the common position retains the objective of the Commission’s proposal in this respect, since it ensures better standards on healthcare for all applicants, including vulnerable persons.

- **Reduction or withdrawal of material reception conditions:** Article 20, Recital 21**: the common position is more restrictive than the Commission proposal on this issue**; it re-introduces the ground included in the current Directive which allows the reduction/withdrawal of support when the asylum application was unjustifiably made too late. However, it only allows the reduction of support and not its full withdrawal, and provides that, in all cases, applicants must be ensured "dignified standards of living".

- Access to the labour market - Article 15, Recital 19: **the common position is more restrictive than the Commission's proposal concerning the maximum period of time after which access to employment shall be granted** (9 months instead of 6, as proposed by the Commission, and only if a first instance decision is not issued within that period). It also re-introduces the possibility to apply the labour market test, which was deleted by the Commission proposal.

Detention: the Commission notes that, with the exception of a few general principles, the Directive in force does not include rules on detention. Therefore, the common position, which to a great extent retains the Commission proposal's objectives, achieves a high added value compared to current standards:

grounds for detention - Article 8(3): the common position adds one more ground for detention to the 4 proposed by the Commission, i.e. frustrating the return procedure;

guarantees for detention – Article 9: the common position retains, to a large extent, the guarantees proposed by the Commission, namely on access to free legal assistance, information on grounds for detention and possibilities to appeal. However, it does not foresee for an **automatic judicial review** of the detention order if it is issued by the administrative authorities;

Detention of persons with special reception needs - Article 11: Article 11(1) of the Commission amended proposal which prohibits Member States to detain vulnerable persons unless it is established that their health, including their mental health, and well-being, will not significantly deteriorate as a result of the detention has been deleted in the common position. Article 11(1) needs to be seen together with Article 22, which obliges Member States to assess without delay the situation of all applicants arriving on the territory with a view to identifying their special needs, including in terms of health and psychological status. Moreover, **Article 11 no longer refers to the obligation to ensure that detention is not applied unless it is established that it is in line with the best interests of the child principle.** However, Article 23 of the Directive states that the best interests of the child shall be a primary consideration for Member States when implementing the provisions of the law concerning minors, as also stipulated in the UN Convention on the Rights of the Child. In this respect, the Directive retains the obligation to ensure that the principle of the best interests of the child is respected in all cases including detention;

conditions for detention - Article 10: the common position does not retain the obligation to always ensure the separation of asylum applicants from other third country nationals while in detention, as proposed by the Commission, but only "as far as possible". Moreover, the common position allows Member States to exceptionally resort to **prison accommodation** if they are "obliged to" whereas the Commission proposal only allowed the use of prison facilities when places in special facilities are exhausted;

Appeals (free legal assistance and representation) - Article 26: the **common position reached is more restrictive** than the Commission proposal on two points. First it includes a second ground for accessing free legal assistance informed from the charter of Fundamental Rights, namely when "it is necessary to ensure effective access to justice". Secondly, it introduces the "merit test" (informed by case-law of the ECtHR) which allows judges to **refuse access to free legal assistance if they consider that the appeal will have no chance of success**. In all cases, the court will first need to assess the level of difficulty of the legal procedures and the person's ability to follow them and the level of severity of the sanctions involved with a view to deciding

whether free legal assistance is necessary. Although in the case of applicants it would be difficult to prove that such assistance is not needed (unaware of the language, national legal proceeding etc.), there could be cases where access to legal assistance may be considered by the court to be disproportionate (i.e. minor reduction of pocket money which does not affect his fundamental rights).

Standards for the reception of applicants for international protection. Recast

2008/0244(COD) - 10/06/2013 - Committee recommendation tabled for plenary, 2nd reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the recommendation for second reading contained in the report by Antonio MASIP HIDALGO (S&D, ES) on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast).

The committee recommends the European Parliament to approve, unamended, the Council position at first reading.

Standards for the reception of applicants for international protection. Recast

2008/0244(COD) - 12/06/2013 - Text adopted by Parliament, 2nd reading

The European Parliament approved the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast).

Parliament notes that the act is adopted in accordance with the Council position.

Standards for the reception of applicants for international protection. Recast

2008/0244(COD) - 26/06/2013 - Final act

PURPOSE: to recast Council Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers in the Member States

LEGISLATIVE ACT: Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast).

CONTENT: the European Parliament and the Council adopted a Directive recasting the 2003 Directive on the standards for the reception of asylum seekers.

The new Directive will provide better and more harmonised standards of living to applicants for international protection throughout the European Union, irrespective in which member state the application has been made thus contributing to the establishment of a **common European asylum procedure**.

It falls within the context of the revision of texts relating to asylum and the setting in place of a Common European Asylum System.

The main aspects of this revision may be summarised as follows:

Definition of "family members": the revised Directive amends the definition of "family members" in line with the provisions of the Directive on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection. Compared with the definition in the previous Directive (2003/9/EC), which covers the asylum seeker's spouse, or his/her non-married partner, and children who are minors and unmarried, **the definition is expanded to include the father, the mother or the adult responsible for the applicant, when the latter is an unmarried minor**.

Reception conditions: besides the existing standards, the revised Directive introduces the following changes:

- detention: the revised Directive introduces a broad legislative framework governing the placing in detention of asylum seekers:

- **reasons for placing in detention:** a list of reasons for detention was drawn up mainly to counter abuses of the system and in liaison with a **return procedure** in the context of the "Return" Directive, to prepare the return and/or carry out the removal process. The principle is that the applicant is only placed in detention if other less coercive measures cannot be effectively applied. Among other things, a Member State may place an applicant in detention if it has reasonable grounds to believe that he or she is making the application for international protection merely in order to delay or frustrate the enforcement of the return decision;
- **guarantees for detained applicants:** an applicant shall be detained only for as short a period as possible; a provision was introduced according to which the Member State concerned shall provide for a speedy judicial review of the lawfulness of detention to be conducted *ex officio* and/or at the request of the applicant, and as rapidly as possible. To respect the right to effective remedy, asylum applicants placed in detention **must be informed immediately in writing in a language they understand of the reasons for this detention** and the appeals procedures, as well as the possibility to request free legal assistance and representation;
- **conditions of detention:** detention of applicants shall take place, as a rule, in **specialised detention facilities**. Detained applicants shall be kept separately from other third-country nationals. Where a Member State cannot provide accommodation in a specialised detention facility and is obliged to resort to prison accommodation, the detained applicant shall be kept separately from ordinary prisoners. Independently of their detention conditions, asylum seekers shall keep their rights to privacy in the context of their communications with family representatives or members;
- **detention of vulnerable persons or those with special needs**: the health, including mental health, of applicants in detention who are vulnerable persons shall be of **primary concern** to national authorities. Where vulnerable persons are detained, Member States shall ensure regular

monitoring and adequate support taking into account their particular situation, including their health. It is stipulated that **minors shall be detained only as a measure of last resort** and that **unaccompanied minors** may only be placed in detention in certain exceptional circumstances and must **never be detained in prison accommodation**. The minor's best interests shall be a primary consideration for Member States.

Employment: the Directive reduces from 12 to **9 months** the period applicants have to wait to gain access to the labour market. However, for reasons of labour market policies, Member States may give priority to Union citizens and nationals of States parties to the Agreement on the European Economic Area, and to legally resident third-country nationals.

Other rules on material reception conditions: throughout the length of the procedure, the minor children of asylum applicants may access the education system, as well as vocational training. Provision is made for the following:

- where Member States provide material reception conditions in the form of financial allowances or vouchers, the amount thereof shall be determined on the basis of the level(s) established by the Member State concerned either by law or by the practice to ensure adequate standards of living for nationals. Moreover, it is stipulated that **Member States may grant less favourable treatment to applicants compared with nationals in this respect**;
- the introduction of an appropriate system to limit or withdraw material reception conditions, while guaranteeing asylum seekers **a dignified standard of living**. Member States may reduce or, in exceptional and duly justified cases, withdraw material reception conditions where an applicant abandons their place of residence, does not comply with reporting duties or has lodged a subsequent application. Moreover, a Member State may limit material reception conditions where an applicant has delayed in making his/her application or where an applicant has concealed financial resources.

Vulnerable persons with special reception needs: the Directive includes special provisions for the protection of victims of **female genital mutilitation**. The needs of minors and unaccompanied minors are also taken into account on the basis of an assessment.

Member States shall ensure that persons who have been subjected to torture, rape or other serious acts of violence receive the necessary treatment for the damage caused by such acts, in particular access to appropriate medical and psychological treatment or care. Those working with victims of torture, rape or other serious acts of violence shall have had and shall continue to receive appropriate training concerning their needs, and shall be bound by confidentiality rules.

Access to healthcare: Member States shall ensure that applicants receive the necessary health care which shall include, at least, **emergency care and essential treatment of illnesses and of serious mental disorders** (especially for those applicants with special needs).

Appeals: asylum seekers shall have the right of access to effective remedy to appeal against decisions relating to the granting, withdrawal or limitation of benefits and decisions relating to residence and freedom of movement. In such cases, the conditions for granting free legal assistance and representation are the same as in the case of the verification of a detention decision, except if the appeal has no tangible prospect of success.

Other technical provisions:

- Member States shall not impose unnecessary or **disproportionate** documentation or other administrative requirements on applicants before granting them the rights to which they are entitled;
- Member States shall start tracing **the members of the unaccompanied minor's family**, where necessary with the assistance of international or other relevant organisations, as soon as possible after an application for international protection is made, whilst protecting his or her best interests.

More favourable conditions: Member States should have the power to introduce or maintain more favourable provisions for third-country nationals and stateless persons who ask for international protection from a Member State.

Report: by 20 July 2017 at the latest, the Commission shall report to the European Parliament and the Council on the application of this Directive and shall propose any amendments that are necessary.

Territorial provisions: Denmark, Ireland and the UK do not take part either in the adoption of this Regulation or in its application, in accordance with the relevant provisions of the Treaty.

ENTRY INTO FORCE: 19 July 2013.

TRANSPOSITION: most of the provisions have to be transposed by 20 July 2015.

Directive 2003/9/EC is repealed for the countries bound by this Directive, with effect from 21 July 2015.

Standards for the reception of applicants for international protection. Recast

2008/0244(COD) - 03/12/2008 - Legislative proposal

PURPOSE: recast of Council Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers ("the Reception Conditions Directive").

PROPOSED ACT: Directive of the European Parliament and of the Council.

CONTENT: as announced in the Policy Plan on Asylum, this proposal is part of a first package of proposals which aim to ensure a higher degree of harmonisation and better standards of protection for the Common European Asylum System (CEAS). It is adopted at the same time as the recast of the Dublin and Eurodac Regulations. The main objective is to ensure **higher standards of treatment for asylum seekers** with regard to reception conditions that would guarantee a dignified standard of living, in line with international law. It also **harmonises national rules on reception conditions** in order to limit the phenomenon of secondary movements of asylum seekers amongst Member States, to the degree that such movements are generated from diverge national reception polices.

Scope: the scope of the directive is extended in order to include applicants for subsidiary protection. This modification is considered necessary in order to ensure consistency with the Qualification Directive which introduces the legal notion of subsidiary protection. The directive will be applicable to all types of asylum procedures and to all geographic areas and facilities hosting asylum seekers.

Access to the labour market: facilitated access to employment for asylum seekers could prevent exclusion from the host society, and encourage integration. Two measures are envisaged:

- the proposal provides that asylum seekers will be able to access employment after a period of maximum 6 months after lodging an application for international protection;

- it stipulates that the imposition of national labour market conditions shall not unduly restrict access to employment for asylum seekers.

Access to material reception conditions: in order to ensure that material reception conditions ensures a standard of living which is adequate for the health of the asylum seeker and capable of ensuring his/her subsistence, the proposal obliges Member States, when granting financial support to asylum seekers, to take into consideration the level of social assistance provided to nationals. The directive will also introduce an obligation for Member States, when allocating housing facilities, to take on board considerations of gender and age, and the situation of persons with special needs.

In order to ensure that asylum seekers are never left destitute if access to reception conditions is withdrawn or reduced, the proposal also limits the circumstances under which reception conditions could be fully withdrawn and ensures that asylum seekers will continue to benefit from access to necessary treatment of illness or mental disorders in relevant cases. Decisions on these issues will be subject to review before a national court.

The proposal furthermore, limits the circumstances where Member States could exceptionally set up modalities for material reception conditions different from those provided under the Directive.

Detention: the proposal takes as its underlying principle that a person should not be held in detention for the sole reason that he/she is seeking international protection. This principle confirms the EU acquis on detention, in particular the Asylum Procedures Directive, and is in line with the Charter of Fundamental Rights and with international human rights instruments.

Detention will be allowed only in exceptional grounds prescribed under the Directive based on the Recommendation of the Committee of Ministers of the Council of Europe on measures of detention of asylum seekers and UNHCR's Guidelines on Applicable Criteria and Standards Relating to the Detention of Asylum Seekers of February 1999. Moreover, detention must be in line with the principle of necessity and proportionality, and it should be subject to an individual assessment of each case.

The proposal also guarantees that detained asylum seekers are treated in a humane and dignified manner with respect for their fundamental rights and in compliance with international and national law. Particular attention is given in this respect to cases where vulnerable asylum seekers are detained. With regard to children the proposal is in line with the 1989 UN Convention on the Rights of the Child. Unaccompanied minors will never be detained. Moreover, a number of legal and procedural safeguards are provided with a view to ensuring that detention is legitimate.

Persons with special needs: the Commission has identified deficiencies in addressing special needs as being the most serious concern in the area of reception of asylum seekers. The new directive will ensure that mechanisms are established at national level with a view to identifying persons with special needs early in the asylum procedure and to guaranteeing that appropriate treatment is available. It incorporates numerous safeguards in order to ensure that reception conditions are specifically designed to meet asylum seekers' special needs. These amendments reflect several aspects of reception conditions such as access to health care, housing facilities, and education of minors.

Competent authorities: each Member State must notify the Commission of the identity of the authorities responsible for fulfilling the obligations arising under the Directive. Member States' reporting requirements and the Commission's monitoring obligations will be maintained.

Standards for the reception of applicants for international protection. Recast

2008/0244(COD) - 22/09/2011

The Council **discussed the state of play of negotiations on the asylum package** on the basis of two presidency papers taking into account the commitment to set up the CEAS by 2012.

Particular attention was given to possible ways to move forward in negotiations on the Dublin regulation based on the concept of an early warning and preparedness process, in the form of an **'asylum evaluation mechanism'**. Such an evaluation mechanism could be used as a tool for the prevention of asylum crises and could be set up in parallel to the 'emergency mechanism' so far included in the Commission proposal and rejected by a majority of Member States.

The evaluation mechanism would pursue two objectives:

- to contribute to the development of mutual trust among Member States with respect to asylum policy;
-

to function as a mechanism for early warning and preparedness for crises, thus facilitating decisions on the application of emergency measures in such situations.

The **'emergency mechanism'**, strongly advocated by the Commission, would allow for the temporary suspension of transfers of asylum seekers to a particular Member State which found itself in a situation of strong and disproportionate pressure on its asylum system.

The discussion showed that the **new idea for an evaluation mechanism was generally welcomed**. A **majority of Member States continued to refuse the idea of an emergency mechanism**, however, even if accompanied by an asylum evaluation mechanism.

Standards for the reception of applicants for international protection. Recast

2008/0244(COD) - 07/05/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 431 votes to 69, with 43 abstentions, a legislative resolution modifying, under the first reading of the codecision procedure, the proposal for a directive of the European Parliament and of the Council laying down minimum standards for the reception of asylum seekers (recast).

The main amendments are as follows:

Definitions: Parliament made some amendments to the definition of “family members”.

Guarantees for detained asylum seekers: under the proposal, detention shall be ordered for the shortest period possible and, in any event, the time needed to carry out the relevant procedure with a view to deciding on his/her right to enter the territory. However, Parliament specifies that such procedures should be processed with all due dispatch. Moreover, Member States shall ensure that asylum seekers held in detention have access to appropriate medical treatment and psychological counselling, where appropriate, and are provided with information in a language they understand. Where minors are detained they shall have the possibility to engage in open-air activities.

Opportunity to establish contact with social workers and religious visitors: in addition to the rights of asylum seekers already provided for in the directive, Parliament asks that detained asylum seekers be granted the opportunity to establish contact with social workers and religious visitors (this provision would bring the Community text into line with the provisions of the UNHCR guidelines on the criteria and standards applicable to detention of asylum-seekers).

Free legal assistance: Parliament considers that, **in all cases**, legal assistance for asylum seekers should **remain free of charge**, in accordance with the provisions of Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status. According to the Parliament, asylum seekers shall not have to prove that they cannot cover the costs of legal assistance or representation.

Schooling of minors: according to the Parliament, access to the education system for minors of asylum seekers shall be guaranteed, as soon as possible, once the application for international protection has been made.

Material reception conditions: the proposal for a directive sets out general rules on material reception conditions and health care of asylum seekers. However, Parliament considers that material reception conditions may be provided **in kind** or in the form of financial allowances or vouchers or in a combination of these elements. Provision in kind may ensure an adequate standard of living just as provision in money may. Parliament considers, however, that a requirement to make provision in the form of money is a significant pull factor, which would be likely to cause additional illegal immigration. Furthermore, MEPs delete the method proposed by the Commission for calculating the amount of assistance to be granted to asylum seekers.

Specific provisions for reasons of public policy or public health: contrary to the Commission, which deleted this paragraph from its proposal, Parliament reinstated a provision specifying that when it proves necessary, for example for legal reasons or reasons of public policy, Member States may confine an applicant to a specific place in accordance with their national law.

Victims of torture and other vulnerable persons: Parliament introduces a new paragraph on victims of torture. Under these new provisions, Member States shall ensure that victims of torture are quickly directed to a care centre appropriate to their situation. Moreover, Parliament added victims of female genital mutilation to the list of particularly vulnerable persons (to whom particular attention should be paid).

Legal guardian for unaccompanied minors: in addition to the safeguards already provided for in the directive for unaccompanied minors, Parliament makes an additional guarantee by defining the responsibilities of the legal guardian appointed to ensure the representation of unaccompanied minors. A guardian should be appointed to advise and protect the child and to ensure that all decisions are taken in the child’s best interests. A guardian should have the necessary expertise in the field of childcare so as to ensure that the interests of the child are safeguarded and that the child’s legal, social, health, psychological, material and educational needs are appropriately met. According to MEPs, agencies or individuals whose interests could potentially conflict with those of the child’s shall not be eligible for guardianship.

EU funds aimed at ensuring solidarity between Member States in terms of asylum: lastly, a recital specifies that, in order to cover any improvements in minimum standards for the reception of asylum seekers, there must be a proportionate increase in the funds made available by the European Union in order to cover the costs of such improvements, especially in the case of Member States which are facing specific and disproportionate pressures on their national asylum systems, owing in particular to their geographical or demographic situation.

Standards for the reception of applicants for international protection. Recast

2008/0244(COD) - 01/06/2011 - Modified legislative proposal

BACKGROUND: on 7 May 2009, the European Parliament adopted its position on the Commission proposal which approves the great majority of the proposed amendments. The proposal was discussed in the Council mainly under the Czech and the Swedish Presidencies but negotiations have been difficult and no position was reached on the text in the Council. By presenting the modified proposal, the Commission intends to use its right of initiative to boost up the work towards achieving a true Common European Asylum System (CEAS).

The modified proposal brings together the knowledge and experience built up during the negotiations and in consultations with other stakeholders such as UNHCR and NGOs, into a simplified and more coherent reception system in line with fundamental rights.

The modified proposal should be viewed together with the modified proposal on the Asylum Procedures Directive. That proposal, inter alia, aims to improve the efficiency and quality of national asylum systems which should reduce Member States' reception cost by enabling them to deliver decisions quicker.

CONTENT: the main objective of this modified proposal is to further clarify and provide more flexibility to the proposed reception standards so that they can be easier built into the national legal systems. At the same time it maintains the key elements of the 2008 proposal, namely ensuring adequate and comparable reception conditions throughout the EU. It also continues to guarantee full respect of fundamental rights as it is informed by developing case law of the Court of Justice of the European Union and the European Court of Human Rights. This is especially the case as regards the right to freedom of movement and respect of dignity.

Lastly, the proposal enhances the consistency within the CEAS legislative package, in particular with the modified proposal on the Asylum Procedures Directive. Where necessary, it also includes amendments resulting from the negotiations on the Qualification Directive and the Dublin Regulation to ensure coherence in respect of horizontal issues.

The modified proposal mainly addresses the following issues:

Making implementation easier for Member States: the modified proposal grants Member States more latitude in the implementation of some of the proposed measures in comparison to the 2008 proposal, which addresses concerns on potentially high financial implications and administrative constraints and costs. This is achieved by proposing better defined legal notions, more simplified reception standards and devices, and more adaptable rules that could be more easily built into national practices.

These amendments concern in particular:

- guarantees for detained asylum seekers,
- reception conditions in detention facilities,
- deadlines for access to the labour market,
- level of health care provided for persons with special reception needs and identification mechanisms for such needs,
- access to material support and the reporting obligations aimed to ensure better monitoring of the Directive's key provisions.

The modified proposal also better ensures that Member States have the tools to address cases where reception rules are abused and/or become pull factors. In particular, the modified proposal allows more cases of withdrawal of material support, provided that necessary guarantees are applied and that the situation of particularly vulnerable persons is respected.

Clear and strict rules on detention: it is necessary to establish strict and exhaustive EU rules to ensure that detention is not arbitrary and that fundamental rights are respected in all cases. The Commission is concerned about the wide use of detention of asylum seekers while the EU asylum acquis is silent on this issue. The modified proposal therefore retains the general approach of the 2008 proposal on the issue of detention. In particular, **detention may only occur under prescribed grounds and only if it is in line with the principles of proportionality and necessity, after an individual examination of each case**. Necessary guarantees shall be available such as access to an effective remedy and free legal assistance where necessary. Reception conditions in detention must also respect human dignity. The proposed amendments are fully in line with the EU Charter of Fundamental Rights and recent case law of the ECtHR in its interpretation of Article 3 of the Convention.

At the same time more flexibility for some of the proposed detention rules and clarification of different notions has been introduced in order to facilitate their implementation, and to accommodate certain particularities of Member States' different legal systems (e.g. concerning access to free legal assistance and the possibility of the administrative authorities to issue a detention order). The modified proposal also introduces **more adaptable conditions of detention** in relation geographical areas where it is practically difficult to always ensure the full set of guarantees proposed, namely border posts and transit zones. Several amendments were also introduced, in line with EU rules on detention applicable for third country nationals subject to a return decision to ensure, where appropriate, a more consistent approach on detention rules of third country nationals.

Discussions in the Council revealed that in certain circumstances it is in the best interests of unaccompanied minors to be kept in detention facilities, in particular to prevent abductions which reportedly do occur in open centres. In this respect, the **modified proposal allows the detention of unaccompanied minors, only if it is established that it is in their best interests**, as defined in the proposed Directive, and that alternative non-detention measures will not be effective. Moreover it has to be ensured through an individual examination of the situation that detention will not harm their health and well-being. Moreover, detention may only be applied if the necessary reception conditions can be offered in the specific detention facility (access to leisure activities, including in open air etc.). This proposed provision is in line with the European Court of Human Rights case law.

Ensuring dignified standards of living: new measures are provided:

- **addressing special reception needs**: this has been identified as one of the areas where current national standards are very problematic. Identifying special reception needs not only has a bearing on access to appropriate treatment, but could also affect the quality of the decision-making process. The modified proposal aims to ensure that national measures are put in place for the swift identification of the **special reception needs of vulnerable persons** and the continuous support and monitoring of individual cases. Particular attention is placed on the special reception needs of particularly vulnerable groups such as minors and victims of torture. At the same time the modified proposal

introduces a simplified format of this identification process and a clearer link between vulnerable persons and persons with special reception needs. The proposal does not include reference to equal treatment with nationals concerning access to health care, taking note of the position of the European Parliament and strong reservations in the Council;

- **material support to applicants**: the evaluation of the implementation of the current Directive noted deficiencies in relation to the level of material support Member States provide to asylum applicants. Although the current Directive stipulates the obligation of ensuring adequate standards of treatment, it has been difficult in practice to define the required level of support. It is therefore necessary to introduce points of reference that could better "quantify" this obligation and can also be effectively applied by national administrations. During Council negotiations and recent consultations with Member States it became clear that relevant points of reference are actually envisaged under national law or practices in this respect, although they are quite divergent. Taking note of this fact, the modified proposal allows flexibility and **does not aim to establish a single EU point of reference** but allows the applications of different national benchmarks in this respect provided that they are measurable and can facilitate the monitoring of the level of support provided to applicants.

Enhancing self-sufficiency of asylum seekers: access to employment could prevent exclusion from the host society and promote self-sufficiency among asylum seekers. Mandatory unemployment on the other hand imposes costs on the State through the payment of additional social welfare payments and could encourage illegal working. In this respect, facilitating access to employment is beneficial both for asylum applicants and the host Member State. A higher degree of flexibility is allowed by the modified proposal concerning access to the labour market, in line with the provisions on the duration of the examination of an asylum application set out in the Asylum Procedures Directive modified proposal.

Standards for the reception of applicants for international protection. Recast

2008/0244(COD) - 07/10/2010

Ministers discussed the state-of-play regarding the establishment of a **Common European Asylum System (CEAS).** The CEAS includes a package of six legislative proposals which EU member states have undertaken to adopt by 2012.

The basis for the discussion was a presidency report that gave an overview of the debate after an informal meeting of the Justice and Home Affairs Ministers on 15 and 16 July and a ministerial conference on 13 and 14 September 2010 in Brussels.

Member states highlighted a number of issues of particular concern to them including the need to combine a high level of protection with efficient and effective asylum systems, solidarity and changes to the Dublin II system. The current text of the Dublin II regulation states that the member states through which an asylum seeker first entered the territory of the EU are responsible for dealing with that person's request for asylum.

Malta, Greece and Cyprus, for example, repeated their call for solidarity and support from the European Commission and other member states to help them cope with the large number of asylum requests with which they are confronted. The Dublin II regulation should, in their opinion, be reformed.

Other member states, including Germany and Austria, maintained that the proper functioning of the Dublin II regulation was at the heart of any possible future Common European Asylum System. These countries and others, like the UK, also stressed the importance for more cooperation with third countries on issues such as readmission agreements and border controls. They also stressed that they were ready to **provide practical support and cooperation in order to help those member states struggling with a greater burden to implement existing legislation**. The European Asylum Support Office (EASO), which is expected to be operational early in 2011, is expected to play an important role in this respect.

In the context of this debate, the Commission also informed the Council of its recent missions to Greece where it discussed with Greek political leaders the reform of their asylum system. Greece has recently adopted a national action plan on asylum reform and migration management in response to significant increases in the number of illegal immigrants and asylum seekers. Member states confirmed their readiness to assist in the implementation of the plan.

Standards for the reception of applicants for international protection. Recast

2008/0244(COD) - 04/06/2009

In public deliberation, the Council held a policy debate on the state of negotiations regarding five legislative acts concerning asylum. The Council welcomed the progress already made and instructed its preparatory bodies to continue the examining the proposals taking account of the European Parliament’s opinion, delivered on 7 May, as well as the views expressed by delegations in the discussion.

The five proposals involve amendments to the so called "Dublin" regulation, the EURODAC regulation, and the **reception conditions directive** as well as a proposal for the establishment of a European asylum support office and a related amendment of the European refugee fund.

These measures stem from the commitments undertaken in the European Pact on Immigration and Asylum adopted by the European Council in October 2008, with the purpose to complete the Common European Asylum System provided for in the Hague Programme.

Over the last few months, the Council preparatory bodies have carried out intensive discussions on the five proposals. A first reading of the text has been completed in all cases.

On 7 May, the European Parliament adopted legislative resolutions setting out amendments to the Commission proposals under the Council-Parliament codecision procedure. Examination of these amendments is now underway.

Standards for the reception of applicants for international protection. Recast

2008/0244(COD) - 13/12/2011

The Council looked, on the basis of a presidency paper, at the **state-of-play of negotiations on the various legislative proposals concerning the Common European Asylum System** (CEAS).

Ministers instructed the Council preparatory bodies to continue their work to reach an agreement at Council level and with the European Parliament as soon as possible.

The situation on the various files can be described as follows:

- The Dublin II regulation establishes the procedures for determining the member state responsible for examining an application for international protection. Further progress has been made on almost all aspects, in particular concerning a proposal to introduce a mechanism for early warning, preparedness and crisis management. This mechanism aims at evaluating the practical functioning of national asylum systems, assisting member states in need and preventing asylum crisis. Such a mechanism would concentrate on adopting measures to prevent asylum crises from developing rather than addressing the consequences of such crises once they have occurred.

- The qualification directive providing for better, clearer and more harmonised standards for identifying persons in need of international protection was adopted in November 2011 and entered into force in January 2012.

- The asylum procedures (current proposal being examined) and reception conditions directives: revised proposals were tabled by the Commission on 1 June 2011. Significant progress has been made on the two instruments. Work is continuing on these two proposals.
- The Eurodac regulation: discussions on amendments to the rules regulating this fingerprint database are on hold pending a revised Commission proposal.

Two other agreements related to the CEAS have been achieved so far. They concern the long term residence directive and the creation of the European Asylum Support Office (EASO) which started operations in spring 2011.

In addition, the Council took a decision without discussion which establishes common EU resettlement priorities for 2013 as well as new rules on EU funding for resettlement activities carried out by member states.

For the overall context, it is to be remembered that the European Council confirmed in its conclusions in June 2011 that negotiations on the various elements of the CEAS should be concluded by **2012**.

Standards for the reception of applicants for international protection. Recast

2008/0244(COD) - 08/03/2012

The Council looked, on the basis of a presidency paper, at the state-of-play of negotiations on the various legislative proposals concerning the Common European Asylum System (CEAS).

Ministers instructed the Council preparatory bodies to continue their work to reach an agreement at Council level and with the European Parliament as soon as possible.

The situation on the various files can be described as follows:

- The qualification directive providing for better, clearer and more harmonised standards for identifying persons in need of international protection was adopted in November 2011 and entered into force in January 2012.
- The asylum procedures and reception conditions directives (current proposal being examined): revised proposals were tabled by the Commission on 1 June 2011. Significant progress has been made on the two instruments, in particular on the reception conditions directives where negotiations with the European Parliament are expected to start soon. **The main outstanding issues here concern the grounds for detention and access to labour market for asylum applicants**.
- The Dublin II regulation establishes the procedures for determining the member state responsible for examining an application for international protection. Further progress has been made on almost all aspects, in particular concerning a proposal to introduce a mechanism for early warning, preparedness and crisis management.
- The Eurodac regulation: discussions on amendments to the rules regulating this fingerprint database are on hold pending a revised Commission proposal. Member states have requested additional provisions which would allow their law enforcement authorities to access the Eurodac central database under strict conditions on data protection for the purposes of fighting terrorism and organised crime.

Two other agreements related to the CEAS have been achieved so far. They concern the long term residence directive and the creation of the European Asylum Support Office (EASO) which started operations in spring 2011.

Standards for the reception of applicants for international protection. Recast

2008/0244(COD) - 26/04/2012

The Council took note, on the basis of a presidency paper (doc. *8595/12*), of the **state-of-play of negotiations** on the various outstanding legislative proposals concerning the Common European Asylum System (CEAS).

In keeping with the commitment to strengthen the CEAS by the end of 2012, the Council instructed its preparatory bodies to continue work on the various proposals.

The situation on the **four outstanding files** can be described as follows:

- **The current Reception Conditions Directive**: negotiations between the Council and the European Parliament are expected to start soon. A revised proposal was tabled by the Commission on 1 June 2011.
- Asylum Procedures Directive: progress has been made, in particular regarding access to the procedure, applicants with special procedural needs and the applicability of accelerated procedures. Discussions in the Council preparatory bodies are continuing on other key elements such as guarantees for unaccompanied minors, subsequent applications and the right to an effective remedy. A revised proposal for the directive was tabled by the Commission on 1 June 2011.
- Eurodac Regulation: discussions are on hold pending a revised Commission proposal. Member States have requested additional provisions that would allow law enforcement authorities to access this central EU-wide fingerprint database, subject to strict conditions on data protection, for the purposes of fighting terrorism and organised crime.
- Dublin Regulation (procedures for determining the Member State responsible for examining an application for international protection): negotiations between the Council and the European Parliament are expected to start soon. The Council has introduced a **mechanism for early warning, preparedness and crisis management**. This mechanism is aimed at evaluating the practical functioning of national asylum systems, assisting Member States in need and preventing asylum crises. It will concentrate on enabling the adoption of measures to prevent asylum crises from developing rather than addressing the consequences of such crises once they had occurred.

Furthermore, in March 2012 the Council adopted **conclusions** on a **common framework for genuine and practical solidarity** with Member States facing particular pressures on their asylum systems, including through mixed migration flows. These conclusions are intended to constitute a toolbox for EU-wide solidarity with those Member States most affected by such pressures and/or encountering problems in their asylum systems. They aim to complement the implementation of the mechanism envisaged for early warning, preparedness and crisis management in the amended Dublin Regulation.

It should be noted that four other agreements and decisions related to the CEAS have already been adopted. They concern:

- the Qualification Directive providing for better, clearer and more harmonised standards for identifying persons in need of international protection which was adopted in November 2011 and entered into force in January 2012;
- the Long Term Residence Directive adopted in April 2011;
- the creation of the **European Asylum Support Office** (EASO) which started operations in spring 2011;
- the decision taken in March 2012 establishing common EU resettlement priorities for 2013 as well as new rules on EU funding for resettlement activities carried out by Member States.

As regards the overall context, it should be remembered that the European Council confirmed in its conclusions in June 2011 that negotiations on the various elements of the CEAS **should be concluded by 2012.**

Standards for the reception of applicants for international protection. Recast

2008/0244(COD) - 08/06/2012

The Council took note of the **state-of-play** of negotiations on the various outstanding legislative proposals concerning the Common European Asylum System (CEAS).

The situation on the four outstanding dossiers can be described as follows:

– **On the reception conditions directives**, negotiations between the Council and the European Parliament are ongoing. It is the goal of the Presidency to obtain political agreement by the end of June. A revised proposal was tabled by the Commission on 1 June 2011.

– Negotiations between the Council and the European Parliament are also expected to be finalised by the end of June on the Dublin Regulation, which establishes the procedures for determining the member state responsible for examining an application for international protection. The Council has introduced a mechanism for early warning, preparedness and crisis management.

This mechanism is aimed at evaluating the practical functioning of national asylum systems, assisting member states in need and preventing asylum crises. The mechanism would concentrate on adopting measures to prevent asylum crises from developing rather than addressing the consequences of such crises once they had occurred.

As a complement to the mechanism for early warning, preparedness and crisis management in the amended Dublin Regulation, the Council adopted in March 2012 conclusions on a common framework for genuine and practical solidarity towards member states facing particular pressures on their asylum systems, including through mixed migration flows. **These conclusions are intended to constitute a toolbox for EU-wide solidarity towards those member states most affected by such pressures and/or encountering problems in their asylum systems**.

– On the asylum procedures directives, the Presidency has received a mandate to start negotiations with the European Parliament as soon as possible. A revised proposal of the directive was tabled by the Commission on 1 June 2011.

– Regarding the Eurodac regulation, the Commission last week tabled its **new proposal for a revised Eurodac Regulation** (see summary dated 30/05 /2012) **which allows law enforcement authorities to access this central EU-wide fingerprint database**, subject to strict conditions on data protection, for the purposes of fighting terrorism and organised crime. After examination in the Council preparatory bodies, negotiations with the European Parliament should start as soon as possible.

On the basis of the mandates obtained from the Permanent Representatives Committee on 21 March 2012 and 4 April 2012 respectively, the Presidency has initiated negotiations with the European Parliament on the recast for Reception Conditions Directive and on the recast for the Dublin Regulation.

On both files a series of four trilogues have been agreed between the Presidency, the European Parliament and the Commission. Furthermore, **it has been agreed to work towards a political agreement on both files by the end of the Danish Presidency**.

The Permanent Representatives Committee has recently initiated discussion on the recast for the Asylum Procedures Directive. On the basis of these discussions, the Presidency hope to be able to initiate negotiations with the European Parliament and **thus paving the way forward for the incoming Cypriot Presidency to finalize negotiations in 2012**.