

# International protection: criteria and mechanisms for determining the Member State responsible for examining an application lodged by a third-country national or a stateless person.

## Recast

2008/0243(COD) - 08/11/2010

Ministers continued work on the establishment of a Common European Asylum System (CEAS) on the basis of a discussion paper which presents the state of play in relation to the discussions regarding a package of six legislative proposals which EU Member States have committed to adopt by 2012.

It relates to the following proposals:

- [the proposal for the extension of the Long-Term Residents Directive to beneficiaries of international protection](#);
- [the recast of the 'Qualification' Directive](#);
- [the recast of the EURODAC Regulation](#);
- this proposal for the recast of the 'Dublin' Regulation;
- [the establishment of a European Asylum Support Office \(EASO\)](#);
- [the amendment of Decision No 573/2007/EC](#) establishing the European Refugee Fund for the period 2008 to 2013 by removing funding for certain Community actions and altering the limit for funding such actions (already adopted).

As regards this proposal for the recast of the Dublin Regulation, the discussion paper recalls that on the basis of valuable efforts by previous Presidencies, technical discussions in Council preparatory bodies have reached their final stage now. During several meetings in the Asylum Working Party and in SCIFA (Strategic Committee on Immigration, Frontiers and Asylum), the Presidency found broad support for the proposed approach on a number of issues, such as

- the definition of 'family members',
- the concept of relatives,
- the issue of detention in relation with the Dublin procedure and
- the suspensive character of appeals against transfer decisions.

Also, on a number of occasions, **ministers voiced serious concerns** regarding proposed suspension mechanisms for Dublin transfers in case of particular pressure on the asylum system of a Member State.

Some Member States emphasised the need for the principle of solidarity to be adequately reflected in the development of the next phase of the CEAS, including in the context of discussions on the revision of the Dublin II mechanism (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).

In the course of the coming weeks, the Council position will be further clarified, taking account of the outcomes of abovementioned discussions, with a view to starting first informal contacts with the European Parliament before the end of the year.

