





Procedure file

Basic information		
COS - Procedure on a strategy paper (historic)	1999/2148(COS)	Procedure completed
Asylum: common standards for procedures		
Subject 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Citizens' Freedoms and Rights, Justice and Home Affairs		25/10/1999
		PPE-DE SCHMITT Ingo	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Foreign Affairs, Human Rights, Common Security, Defense	The committee decided not to give an opinion.	
	 Legal Affairs and Internal Market		09/11/1999
Council of the European Union		V/ALE ECHERER Raina A. Mercedes	

Key events			
03/03/1999	Non-legislative basic document published	SEC(1999)0271	Summary
04/10/1999	Committee referral announced in Parliament		
19/04/2000	Vote in committee		Summary
19/04/2000	Committee report tabled for plenary	A5-0123/2000	
14/06/2000	Debate in Parliament		
15/06/2000	Decision by Parliament	T5-0278/2000	Summary
15/06/2000	End of procedure in Parliament		
01/03/2001	Final act published in Official Journal		

Technical information	
Procedure reference	1999/2148(COS)
Procedure type	COS - Procedure on a strategy paper (historic)

Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 142
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/4/10812

Documentation gateway

Non-legislative basic document		SEC(1999)0271	03/03/1999	EC	Summary
Committee report tabled for plenary, single reading		A5-0123/2000 OJ C 059 23.02.2001, p. 0004	19/04/2000	EP	
Text adopted by Parliament, single reading		T5-0278/2000 OJ C 067 01.03.2001, p. 0183-0301	15/06/2000	EP	Summary

Asylum: common standards for procedures

PURPOSE : to launch a discussion on the adoption of measures towards common standards on asylum procedures. **CONTENT** : the Treaty establishing the European Community, as amended by the Treaty of Amsterdam, will require the Council to adopt measures on minimum standards on procedures in Member States for granting or withdrawing refugee status. The Commission intends to bring forward a proposal for a Community legal instrument on asylum procedures after the entry into force of the new Treaty. This working document is intended to launch a discussion on asylum procedures which will take place in the Council and the European Parliament. After this debate has taken place, the Commission will finalise a proposal for a Community legal instrument on asylum procedures. This paper will also serve as the basis for a dialogue with the United Nations High Commissioner for Refugees and with the non-governmental sector, which states that consultations shall be established with the United Nations High Commissioner for Refugees and other relevant international organisations on matters relating to asylum policy. The new Treaty will require the Council to adopt measures in a number of specific areas of asylum and protection policy, mostly within five years of its entry into force. The legislative programme on asylum and protection issues following the entry into force of the Treaty of Amsterdam can be divided into the following eight topics: - criteria and mechanisms for determining which Member State is responsible for considering an application for asylum submitted by a national of a third country in one of the Member States; - Eurodac; - minimum standards on the reception of asylum seekers in Member States; - minimum standards with respect to the qualification of nationals of third countries as refugees; - minimum standards on procedures in Member States for granting or withdrawing refugee status; - minimum standards for complementary/subsidiarity protection for persons in need of international protection; - minimum standards for giving temporary protection to displaced person from third countries who cannot return to their countries of origin; - promoting a balance of effort between Member States in receiving and bearing the consequences of receiving refugees and displaced persons. The scope and content of an instrument on asylum procedures must be considered in the light of overall work programme under the Treaty of Amsterdam. Broadly, there are two possible approaches to a first pillar instrument on asylum procedures: 1) to establish a certain level of procedural safeguards and guarantees which all Member States would have to provide, in the interests of of procedural fairness, whilst allowing Member States some degree of flexibility to determine the details of the administrative arrangements necessary for implementing these guarantees and to decide whether they wished to apply all the measures available for speeding up the procedures; or 2) to adopt a more prescriptive approach, which would require all Member States to apply exactly the same procedure, so that full harmonisation would be achieved. The Commission envisages that, in the first instance, it will bring forward a proposal in line with approach (1) above, in view of the structure of the Action Plan on how best to implement the provisions of the Treaty of Amsterdam establishing an area of freedom, security and justice. The Action Plan envisages an instrument on asylum procedures within two years of the entry into force of the new Treaty. Separately, it makes provision for a study with a view to establishing the merits of a single European asylum procedure, also within a two year timetable. This seems to imply that the European Union should first aim to put in place a binding instrument on asylum procedures, and then in the slightly longer term, on the basis of a single asylum system (which would presumably also cover such issues as reception and the refugee definition).?

Asylum: common standards for procedures

The committee adopted the report by Ingo SCHMITT (EPP/ED, D) on the Commission's working document on common standards for asylum procedures. The committee called for strict distinctions to be made between the entry of refugees within the meaning of the Geneva Convention, migration for economic reasons, and temporary admittance of displaced persons from crisis areas. The Commission was urged to reduce the number of legal instruments proposed in its working document from eight to three or four. These should include a directive on standards for the reception of asylum-seekers and conditions for qualification for refugee status; a regulation to "communitise" the Dublin system (i.e. to bring it within the first pillar), aimed at seeking more effective ways to determine the responsibilities of Member States and including provisions to enable burdens in this area to be shared fairly among the various states; and a directive on granting temporary protection to displaced persons and others in need of international protection. The committee called for the inclusion in any future common asylum procedure of such rights as the right of access to the asylum procedure, the right to a personal interview, the right to remain on the territory of the asylum country until a final decision had been taken and the right to appeal. It urged Member States to compile a common list on "safe third countries and countries of origin", while asking for the UNHCR and NGOs to be involved in drawing up reports on the situation in countries of origin on the basis of common criteria. The committee felt that qualification procedures in general should be shortened and simplified, without however neglecting the need for careful examination of cases. An accelerated procedure should be permissible in the case of applications which had plainly not been submitted on account of political, religious or racist persecution. Asylum-seekers should be required to substantiate their claims but the burden of proof should rest with them only in principle. ?

Asylum: common standards for procedures

The European Parliament adopted the resolution drafted by Ingo SCHMITT (EPP/ED, Germany) on the Commission's working document on common standards on asylum procedures. Parliament favours, in addition to harmonising asylum procedures, a policy of burden sharing amongst Member States. the Commission is urged to rationalise the schedule of legislative proposals by means of: -a directive on the standards for reception of asylum seekers -a regulation to apply the Dublin system across the whole Community -a directive to grant temporary protection to displaced persons and refugees -rules on equal and appropriate sharing of efforts of displaced persons and de facto refugees. Parliament also calls for the inclusion of certain basic procedural rights in any future common asylum procedure, such as the right of access to the procedure, as well as the inclusion of certain basic obligations on the part of the authorities. The latter includes the obligation to undertake an impartial and objective examination of the application by a fully qualified authority. Member States are called on to compile a common list, binding on all Member States, of countries subject to the visa requirement, and to update that list at regular intervals. A similar procedure should be followed as regards 'safe third countries and countries of origin'. The concept of a "manifestly unfounded application" should be clearly defined.?