


Procedure file

Basic information		
COS - Procedure on a strategy paper (historic)	2001/2048(COS)	Procedure completed
Asylum: common procedure, uniform status valid throughout the Union		
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		16/01/2001
		PSE EVANS Robert	
	Committee for opinion	Rapporteur for opinion	Appointed
	AFET Foreign Affairs, Human Rights, Common Security, Defense		20/03/2001
		PPE-DE MAIJ-WEGGEN Hanja	
	JURI Legal Affairs and Internal Market	The committee decided not to give an opinion.	
	ITRE Industry, External Trade, Research, Energy	The committee decided not to give an opinion.	
	EMPL Employment and Social Affairs	The committee decided not to give an opinion.	
	PETI Petitions		06/03/2001
		ELDR SBARBATI Luciana	
Council of the European Union European Commission	Commission DG Justice and Consumers	Commissioner	

Key events			
23/11/2000	Non-legislative basic document published	COM(2000)0755	Summary
15/03/2001	Committee referral announced in Parliament		
13/09/2001	Vote in committee		Summary
13/09/2001	Committee report tabled for plenary	A5-0304/2001	
02/10/2001	Debate in Parliament		
03/10/2001	Decision by Parliament	T5-0494/2001	Summary

03/10/2001	End of procedure in Parliament		
11/04/2002	Final act published in Official Journal		

Technical information	
Procedure reference	2001/2048(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/5/14159

Documentation gateway					
Non-legislative basic document		COM(2000)0755	23/11/2000	EC	Summary
Economic and Social Committee: opinion, report		CES0939/2001 OJ C 260 17.09.2001, p. 0112	12/07/2001	ESC	
Committee report tabled for plenary, single reading		A5-0304/2001	13/09/2001	EP	
Committee of the Regions: opinion		CDR0090/2001 OJ C 019 22.01.2002, p. 0020	20/09/2001	CofR	
Text adopted by Parliament, single reading		T5-0494/2001 OJ C 087 11.04.2002, p. 0058-0124 E	03/10/2001	EP	Summary
Non-legislative basic document		COM(2001)0710	28/11/2001	EC	Summary
Document attached to the procedure		COM(2003)0152	26/03/2003	EC	Summary
Document attached to the procedure		COM(2004)0503	15/07/2004	EC	Summary
Economic and Social Committee: opinion, report		CES1644/2004 OJ C 157 28.06.2005, p. 0096-0098	15/12/2004	ESC	

Asylum: common procedure, uniform status valid throughout the Union

PURPOSE : to present the Communication on a common asylum procedure and a uniform status, valid throughout the Union, for persons granted asylum. CONTENT : at the Tampere European Council on 15 and 16 October 1999, the Commission was asked to prepare a communication on the issue of establishing a common asylum procedure and a uniform status for those who are granted asylum valid throughout the Union. This Communication sets out the Commission's thinking on this procedure and this status. Its purpose is not to propose one or more ready-made systems but to launch a debate in the Community on the longer-term prospects. According to the Commission analysis, the range of solutions and tools is quite extensive. The Commission's intention is to take an ambitious approach to all the questions and certain possible scenarios so that the Council, Parliament and the various organisations concerned by asylum policy can engage in a full discussion and come up with precise guidelines. The Communication begins by looking at the context and objectives of the common procedure and the uniform status; it is important not to take account of the flows confronting Member States and the nature of the legal environment before considering common objectives and proposing a scope suitable for the European Union. It goes on to consider the possibilities of a common procedure, either through a limited procedural approach or through a more fully integrated approach, and the possibilities of a uniform status. It stresses the need to reach a common analysis underlying the procedure and the status. Finally, the Commission proposes a general structure and a method for examining the communication. The definition of guidelines for a common procedure and a uniform status demands a consensus on the challenges and objectives to be met. The Commission proposes the following as a basis: 1) following on from the Tampere conclusions, adopt clear principles offering guarantees to those who are legitimately seeking protection in the European Union and seeking access to its territory. These principles must remain firmly attached to respect for the Geneva Convention and other relevant human rights instruments and supply the basis for a capacity to meet humanitarian needs on a basis of solidarity; 2) absolutely respect the right to seek asylum; apply the Geneva Convention in full and inclusively; ensure that nobody will be sent to a country where he faces the renewed risk of persecution, in other words maintain the principle of non-refoulement; 3) allow the Member States to identify those who genuinely need protection and respond properly to situations of vulnerability. The rules adopted must be fair and effective and underlie rapid high-quality decision-making; 4) develop a procedure and a status within the context of common migration policy that covers

all aspects (partnership with countries of origin, fair treatment for third-country nationals, management of migratory flows). In particular: - to preserve the specificity of humanitarian admission and asylum in the European Union as distinct from other grounds for admission; - balance absolute respect for the specificity of humanitarian admission against the legitimate objectives of preventing and combating illegal immigration. In this context, the Commission believes that the Member States would be better placed to combat what is presented as a real abuse of the asylum system if they had a wide range of open and transparent immigration management policies (please refer to COS/2001/0047); 5) limit secondary movements influenced solely by the diversity of applicable rules. Divergent asylum policies in the different Member States must disappear and an effort must be made to harmonise conditions in order to avoid negative effects for the Member States' interests; 6) consider the first stage referred to in paragraphs 14, 16 and 17 of the Tampere conclusions and in the scoreboard presented in spring 2000 as the pillar on which a common procedure and a uniform status can be built; 7) base the future rules in the context of the development of the European Union as an area of freedom, security and justice; 8) consult the relevant international organisations, in particular the HCR.?

Asylum: common procedure, uniform status valid throughout the Union

The committee adopted the report by Robert EVANS (PES, UK) on the Commission paper, stressing that a common European asylum policy should maintain high standards for refugee protection, include a common definition of refugees and ensure full and inclusive interpretation of the Geneva Convention, taking account of persecution by both state and non-state agents and of an asylum seeker's fear of future persecution as grounds for granting asylum. Moreover, the report said that appeals procedures and the time taken to process asylum applications should be harmonised. The use of concepts such as safe third country, safe country of origin, accelerated procedures and procedures for manifestly unfounded applications should be limited to where justified and include legally binding guarantees. There should be agreement on a common list of safe countries which should take account of recent developments and be based on human rights considerations. MEPs were also concerned that the Commission so far had submitted no proposals on a common repatriation policy for asylum seekers whose applications had been rejected. Member States should encourage and organise voluntary return to the country of origin for asylum seekers whose applications had been rejected, and offer them material aid as well as other forms of support. The Commission should develop resettlement programmes. MEPs said that the Commission should also consider measures to combat the root causes of migration and that even greater attention should be paid to conflict prevention. Lastly, the report said that the EU should provide even greater support to the UNHCR and the High Commissioner for Refugees for the reception of refugees in regions affected by conflict. Appropriate financial support for the UNHCR from the EU and Member States was urgently needed.?

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The European Parliament adopted the resolution by Mr Robert EVANS (PES, UK) by 298 votes in favour, 235 against and 27 abstentions. (Please refer to the previous text).?