

# European Union Agency for Asylum

2016/0131(COD) - 04/05/2016 - Legislative proposal

**PURPOSE:** to amend and expand the provisions of Regulation (EU) No 439/2010 of the European Parliament and of the Council establishing the European Support Asylum Office (EASO) in order to develop it into an agency which facilitates the implementation and improves the functioning of the Common European Asylum System (CEAS).

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** on 6 April in its [Communication](#) "Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe", the Commission stated that it would progressively work towards reforming the existing Union framework by establishing a sustainable and fair system for determining the Member States responsible for asylum seekers, by reinforcing the Eurodac system, by achieving greater convergence in the asylum system thereby preventing secondary movements, and by developing an enhanced mandate for the European Asylum Support Office (EASO).

More specifically, this proposal is part of a first set of legislative proposals the Commission is presenting in the context of a major reform of the Common European Asylum System. These proposals include:

- this draft Regulation on the European Union Agency for Asylum which aims to strengthen the mandate of the European Asylum Support Office (EASO);
- [the draft Regulation](#) which aims to extend the scope of the Eurodac Regulation to include the possibility for Member States to store and search data belonging to third-country nationals or stateless persons who are not applicants for international protection and found irregularly staying in the EU;
- a [draft Regulation](#) 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.

**CONTENT:** this proposal builds upon the current mandate of EASO and expands it so as to transform EASO into a fully-fledged Agency.

**Scope:** the proposal renames EASO as the European Union Agency for Asylum to reflect the stronger mandate of the Agency. It shall ensure the efficient and uniform application of Union asylum law in Member States.

**Agency's tasks:** one of the main new tasks of the Agency will be to operate the reference key of applications for international protection under the new Dublin system and support a sustainable and fair distribution of applications for international protection. In order to ensure greater convergence and address disparities in the assessment of applications for international protection, the proposal gives the Agency the task of coordinating efforts among Member States to develop common guidance on the situation in third countries of origin. In addition to these activities, the Agency will also ensure the coordination of networks on country of origin information. Another new task of the Agency will be to assist the Commission in reviewing the situation in third countries which are included in the common EU list of safe countries of origin.

**Monitoring and assessment of the implementation of the CEAS:** all aspects of the Common European Asylum System (CEAS), including recognition rates, the quality and nature of international protection and reception conditions will be monitored. The aim of this exercise is to ensure that any shortcomings in the functioning of the Common European Asylum System are addressed as early as possible and to ensure an orderly management of the asylum and reception systems. It will also ensure that the Member States have the necessary tools in place to address situations of disproportionate pressure.

**Disproportionate pressure on the asylum and reception system:** the Agency should provide assistance to Member States in cases where the asylum and reception systems are subject to disproportionate pressure that creates exceptionally heavy and urgent demands on their systems. A disproportionate number of applications for international protection for which a Member State is responsible may be an indication of such pressure. In such cases, the Agency will deploy asylum support teams to provide operational and technical assistance to Member States. The Agency will organise and coordinate a comprehensive set of operational and technical measures, at the request of the Member State concerned, or on its own initiative.

In case the functioning of the Common European Asylum System is jeopardised, the Commission may adopt a decision by means of an implementing act, identifying one or more of the operational and technical measures that the Agency should take to support the Member State concerned. In cases of disproportionate pressure, the Agency will deploy experts from an asylum intervention pool as well as experts from its own staff.

The Executive Director then has two working days to prepare for the practical execution of those measures. The Executive Director and the Member State would need to agree on the operational plan.

Experts from the asylum intervention pool must be deployed within 3 working days from the date when the operational plan is agreed upon. The Agency can also deploy its own staff.

The Member State must cooperate with the Agency to facilitate the implementation of the Commission decision and the practical execution of all the necessary measures.

**Asylum intervention pool:** the reserve of asylum experts referred to as asylum intervention pool will be composed of at least 500 persons. Experts from this reserve must be placed at the immediate disposal of the Agency if requested. The share that each Member State will contribute towards the asylum intervention pool will also be determined by the Management Board on a proposal of the Executive Director.

**Territorial provisions:** the United Kingdom and Ireland may participate in this proposal, but are not required to do so, in accordance with the

relevant Protocols attached to the Treaties.

**BUDGETARY IMPLICATIONS:** the total financial resources necessary to enable the Agency to fulfil its mission under the proposed expanded mandate amount to EUR 363.963 million for the period 2017-2020. For the Agency to carry out its new tasks effectively, 357 staff members will be needed over the period 2017-2020, in addition to the number of temporary and contractual agent posts currently authorised under the 2016 budget. The total number of staff will reach 500 by 2020.