



EUROPEAN COMMISSION

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C(2017) 1559 final

Mr Milan ŠTĚCH

President of the Senát

Valdštejnské náměstí 17/4

CZ – 118 01 PRAGUE 1

Dear President,

The Commission would like to thank the Senát for its Opinion on the proposal for a Regulation establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU {COM(2016) 467 final}; the proposal for a Directive laying down standards for the reception of applicants for international protection (recast) {COM(2016) 465 final} and the proposal for a Regulation on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents {COM(2016) 466 final}.

Since the adoption of the European Agenda on Migration¹ in May 2015, the Commission has been working to enhance its ability to address the challenges arising from such unprecedented migratory pressure in full respect of the safeguards enshrined in international agreements. Notwithstanding the significant progress that has been made in the development of the current European asylum system, there are still notable differences between the Member States in the types of procedures used, the reception conditions provided to applicants, the recognition rates and the type of protection granted to beneficiaries of international protection. These divergences contribute to secondary movements and asylum shopping, ultimately leading to an uneven distribution of the burden among Member States to deal with asylum applications and offer protection to those in need.

In this context, the Commission set out its priorities for a structural reform of the Common European Asylum System in its Communication, adopted in April 2016, 'Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe'². Based on this Communication, the Commission presented, on 4 May and 13 July 2016, two sets of proposals to complete the overall reform of the Common European Asylum System.

¹ COM(2015) 240 final.

² COM(2016) 197 final.

The proposals referred to in the Opinion are therefore part of this broad package of ambitious measures aiming at both preventing secondary movements and other procedural abuses, and achieving greater convergence in the assessment and outcome of asylum claims across EU Member States.

To that end: i) the proposal for a Reception Conditions Directive ensures that asylum seekers can benefit from harmonised and dignified reception standards throughout the EU and increase applicants' self-reliance and possible integration prospects; ii) the proposal for an Asylum Procedure Regulation intends to establish a fully harmonised common EU procedure for international protection; iii) finally the proposal for a Qualification Regulation aims to harmonise protection standards in the EU and the rights granted to beneficiaries of international protection. Moreover, it must be highlighted the added-value of the chosen legal instrument for both proposals of an Asylum Procedure Regulation and a Qualification Regulation, which allows for a maximum degree of harmonisation as opposed to the current legal framework setting out a minimum level of harmonisation.

Given these considerations, the Commission welcomes the Sénat's support for those aspects of the proposals aiming at strengthening the obligations of the asylum applicants and the beneficiaries of international protection, and also wants to provide, in the attached annex, further clarifications on the issues raised by the Sénat with regards to other aspects of the same proposals.

In the meantime, the Opinion of the Sénat has been made available to the Commission's representatives in the ongoing negotiations with the co-legislators and will inform these discussions. The co-legislators are discussing the proposals and the Commission remains hopeful that agreement will be reached on all proposals in the near future.

Hoping that the clarifications provided in this reply address the issues raised by the Sénat, the Commission looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Dimitris Avramopoulos
Member of the Commission*

ANNEX

The Commission has carefully considered each of the points raised by the Sénat in its Opinion and is pleased to offer the following clarifications.

Responsible Member State and secondary movements (I.2., II.3.)

While acknowledging that factual differences in Member States' living standards play a role in the choice of asylum applicants' Member States of destination, the Commission presented a series of measures aiming at preventing secondary movements once the first country of arrival has been reached. One of the key objectives of the ongoing reform of the Common European Asylum System is to ensure that asylum applicants as well as beneficiaries of international protection fully respect EU rules concerning the responsible Member State.

To that end, the proposal for an Asylum Procedure Regulation clearly provides for enhanced obligations for the applicants and it attaches strict consequences to non-compliance with those obligations such as the implicit withdrawal of an application where the applicant does not provide the necessary details for the examination of the application including fingerprints and facial image. The proposal also renders the accelerated examination procedure and the inadmissibility assessment mandatory in order to prevent abuse. Furthermore, it provides for stricter treatment of subsequent applications.

The Commission believes that the right balance has been found between the proposed measures to discourage procedural abuses and secondary movements, and the respect of applicants' procedural rights.

Integration of asylum applicants (II. 4)

The proposal for an Asylum Procedure Regulation includes measures to make the asylum procedure quicker and more efficient. It specifies time-limits for the administrative stage and the first appellate stage. In addition, one of the objectives of the proposal for a Reception Conditions Directive is to promote early integration of asylum applicants with well-founded claims. The Commission believes this to be crucial and beneficial in order to promote self-sufficiency of applicants, reduce reception costs, increase integration prospects and limit employment-related secondary movements.

Asylum Agency (II.5)

The Commission would like to stress that the obligation introduced by the proposals on the European Union Agency for Asylum, the Asylum Procedure Regulation and the Qualification Regulation to use the guidance developed by the European Asylum Support Office (EASO) on the situation in countries of origin is of a procedural nature. It must therefore be taken into account when assessing an application for international protection lodged by a national of a particular country of origin, but its content is not binding. In addition, the operational standards, indicators, guidelines and best practices provided for in the proposal for a Regulation on the European Union Agency for Asylum are also of a non-binding nature.

Transposition period (II. 7)

Given the limited amount of changes presented in the proposal for a Reception Conditions, as well as the short period of time that has passed since the transposition deadline of the current Directive, the Commission believes that a short transposition deadline of six months is feasible.