

**5926/04**

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**Interinstitutional File:  
2001/0207 (CNS)**

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**LIMITE**

**ASILE 3**

**NOTE**

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from : Presidency

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to : Permanent Representatives Committee/Council

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No. prev.doc. : 10576/03 ASILE 40

No. Cion prop. : 13620/01 ASILE 52 - COM(2001) 510 final

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Subject : Proposal for a Council Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection

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1. The above-mentioned proposal was presented by the Commission on 31 October 2001.

The purpose of the proposal is to provide a framework for an international protection regime, based on existing international and Community obligations and current Member States practice, and separated into the two complementary categories of refugee and subsidiary protection in order to maintain the primacy of the Geneva Convention in such a regime.

2. The European Parliament delivered its opinion on 22 October 2002, the Economic and Social Committee on 29 May 2002 and the Committee of the Regions on 16 May 2002.

3. In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Directive and is not bound by it nor subject to its application.

On 29 January 2002 and 13 February 2002 respectively, the United Kingdom and Ireland notified their wish to participate in the adoption of this Directive in accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland.

4. It is recalled that under article 63 TEC, this draft Directive should be adopted by 1 May 2004.
5. During 2002/2003, agreement was reached, subject to reservations from two delegations.

The text of the draft Directive, as it results from these works, is set out in 10576/03 ASILE 40, with delegations' comments in the footnotes.

At its meeting on 27 November 2003, the Council instructed the Permanent Representatives Committee to continue the examination of the draft Directive with a view to reaching an agreement during the Irish Presidency.

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