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NOTE

From:	Presidency
To:	Permanent Representatives Committee/Council
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Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing a crisis relocation mechanism and amending Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 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 - State of play

1. At its meeting on 8-9 October 2015, the Presidency presented a report¹ to the Council on the state of play of the examination of the abovementioned proposal by the Council preparatory bodies.
2. On 9 November 2015, the Council adopted Conclusions on measures to handle the refugee and migration crisis² and invited its preparatory bodies to continue the examination of the above mentioned proposal. To this end, the Presidency organised meetings of the Asylum Working Party on 9 October and the Friends of Presidency (Asylum) on 16 and 27 November.

¹ Doc. 12557/15

² Doc. 13880/15, point 12

3. During these discussions, a number of delegations raised general scrutiny reservations and reiterated their positions according to which they consider that it would be preferable to evaluate the functioning of the temporary emergency relocation schemes, adopted by the Council on 14 and 22 September³, before the discussion on the proposal on the crisis relocation mechanism continues. They are of the view that shortcomings in the implementation of the relocation decisions, including the functioning of the hotspots and the prevention of secondary movements, should be addressed as a matter of urgency.

Some delegations reiterated the necessity to place the examination of the current proposal in a wider context and as part of the ongoing evaluation of the Dublin Regulation and its further reform announced by the Commission for March 2016.

However, some other delegations supported the Presidency underlining the importance of pursuing the discussions with a view to seeking a fairer burden sharing between Member States.

4. During the examination of the text of the proposal, views were exchanged and clarifications provided on a number of issues. These issues include the legal basis of the proposal, general conditions and specific criteria for triggering the mechanism, relation between the proposal and other provisions of the Dublin Regulation and the emergency relocation scheme, delegation of powers regarding the application of the mechanism, temporary suspension of the mechanism, and the need for effective measures to prevent secondary movements. Several drafting suggestions were made, which are still subject to agreement. The formula for a distribution key according to which the relocation should take place has so far not been discussed.
5. A revised version of the text will be distributed to delegations by 4 December 2015.

³ OJ L 239, 15.9.2015, p. 146 and OJ L 248, 24.9.2015, p.80

6. The Asylum Working Party should continue the examination of the proposal, in parallel with the ongoing evaluation of the Dublin Regulation and the assessment of the functioning and implementation of the emergency relocation schemes, in order to achieve a fairer sharing of responsibilities among Member States for the benefit of any Member State that experiences a crisis situation, which puts its asylum system under significant strain.
7. The Council is therefore invited to take note of this report and to invite its preparatory bodies to pursue the examination of the above legislative proposal in order to reach an agreement with a view to starting negotiations with the European Parliament as soon as possible.
