



More Responsibility in managing the refugee crisis: European Commission adopts 40 infringement decisions to make European Asylum System work

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More Responsibility in managing the refugee crisis: European Commission adopts 40 infringement decisions to make European Asylum System work.

The European Commission adopted today 40 infringement decisions against several Member States (see table in Annex) for failing to fully implement legislation making up the Common European Asylum System. Following up on the [second implementation package](#) of the [European Agenda on Migration](#), the European Commission is stepping up its efforts to ensure the full application of EU law in the area of migration and asylum. The pieces of legislation concerned focus on fairer, quicker and better quality asylum decisions (the Asylum Procedures Directive); ensuring that there are humane physical reception conditions (such as housing) for asylum seekers across the EU (the Reception Conditions Directive); and clarifying the grounds for granting international protection (the Qualification Directive).

European Commission First Vice-President **Frans Timmermans** said: "*Solidarity and responsibility are two sides of the same coin. EU leaders in an extraordinary European Council in April called for the rapid and full transposition and effective implementation of the Common European Asylum System to ensure common European standards under existing legislation. The European Commission is the guardian of the Treaties and today's 40 infringement proceedings are meant to ensure that Member States actually implement and apply what they had previously agreed to do - and agreed to do rapidly and fully. Our Common European Asylum System can only function if everyone plays by the rules.*"

Migration and Home Affairs Commissioner **Dimitris Avramopoulos** said: "*In Europe everyone must uphold the commonly agreed standards, in the way we receive asylum seekers. All participating Member States, must process their asylum applications according to the common criteria and standards, which are used by national authorities to determine whether someone is entitled to international protection. These standards need to be fully implemented and respected, while always respecting the dignity and human rights of the applicants.*"

Today, the European Commission adopted 40 infringement decisions against 19 Member States in the following areas:

1. The Commission is sending **Reasoned Opinions to Bulgaria and Spain** for having failed to communicate national measures to transpose the updated [Qualifications Directive \(2011/95/EU\)](#). The Directive harmonises minimum standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection. It also foresees a series of rights on protection from *refoulement*, residence permits, travel documents, access to employment, access to education, social welfare, healthcare, access to accommodation, access to integration facilities, as well as specific provisions for children and vulnerable persons. The deadline for the transposition of the Directive expired on 21 December 2013. Despite letters of Formal Notice (the first formal step of an infringement procedure) sent to Bulgaria and Spain in June 2013 and January 2014 respectively, the two Member States have not transposed the Qualifications Directive, or in any event have not yet notified the Commission of the national transposition measures.
2. The Commission is sending **Letters of Formal Notice to 18 Member States^[1]** for having failed to communicate national measures taken to fully transpose the [revised Asylum Procedures Directive \(2013/32/EU\)^{\[2\]}](#): This Directive establishes common procedures for granting and withdrawing international protection and sets clearer rules on how to apply for asylum. It applies to all applications for international protection made in the territory, including at the border, in the territorial waters or in the transit zones of the Member States. Member States were under an obligation to transpose this Directive, which updates Directive 2005/85/EC, and to communicate national transposition measures to the Commission by 20 July 2015 (with the exception of Article 31(3), (4) and (5) for which the transposition deadline is 20 July 2018).
3. The Commission is sending **Letters of Formal Notice to 19 Member States^[3]** for not having communicated the national measures taken to fully transpose the updated [Reception](#)

Conditions Directive (2013/33/EU)^[4] which sets out common minimum standards for the reception of applicants for international protection across Member States. It provides a legal obligation for Member States to ensure that material reception conditions are available to applicants when they apply for international protection. These include access to housing, food, health care and employment, as well as medical and psychological care. It also restricts the detention of vulnerable persons, in particular minors. Member States had to transpose the Directive, which updates Directive 2003/9/EC and communicate the national transposition measures taken by 20 July 2015.

4. The Commission is sending a **second supplementary Letter of Formal Notice to Greece** for violation of certain provisions of the updated **Reception Conditions Directive** and the updated **Asylum Procedures Directive**. It concerns serious deficiencies in the Greek asylum system, notably with regard to the material reception conditions to applicants for international protection, particularly those with special reception needs and vulnerable persons, and structural flaws in the functioning of the guardianship system or legal representation of all unaccompanied minors during the asylum procedure. Following the Commission's Letter of Formal Notice in 2009 and a first supplementary Letter of Formal Notice in 2010, Greece committed to comprehensively reform its asylum system on the basis of a Greek Action Plan on Asylum Reform and Migration Management presented in August 2010 and revised in January 2013. The Commission closely monitored the implementation of the measures of the Action Plans and provided financial and technical support. Greece presented a new Road Map on Asylum for 2015 in March. While progress has been made, there is still a structural and persistent lack of reception capacity, independent of the large and unexpected influxes which have recently been observed. As a consequence, the European Commission still has serious concerns about the availability of adequate reception conditions for asylum applicants and the situation of unaccompanied minor asylum applicants.

What are the next steps?

Letters of Formal Notice are the first formal step of an infringement procedure. After receiving a letter of formal notice, Member States have two months to reply to the letter of formal notice and in cases of non-communication have to notify their national transposition measures to the Commission. In the absence of satisfactory replies or in the continuing absence of notification of national measures fully transposing a Directive, the European Commission can decide to send Reasoned Opinions, the second step in an infringement proceeding.

After Member States receive Reasoned Opinions, they have two months to respond to the Commission, notifying the latter of the measures taken to ensure full transposition, or bringing national legislation in line with EU law. Otherwise, the Commission may decide to refer them to the European Court of Justice. In cases where there is no communication of the national transposition measures, the Commission may propose to the Court to impose financial sanctions under Article 260 (3) TFEU.

Background

Since the early 2000s, the Commission has proposed a number of legislative acts aimed at building a [Common European Asylum System](#). And the Parliament and the Council have enacted this legislation, piece by piece.

Across Europe we now have common standards for the way we receive asylum seekers, in respect of their dignity, for the way we process their asylum applications, and we have common criteria which our independent justice systems use to determine whether someone is entitled to international protection.

Five different pieces of legislation form the core of the Common European Asylum System (the Dublin Regulation, the recast Asylum Procedures Directive, the recast Qualification Directive, the recast Reception Conditions Directive and the EURODAC rules on fingerprinting).

On 13 May 2015, the European Commission presented its [European Agenda on Migration](#), setting out a comprehensive approach for improving the management of migration in all its aspects. This included a commitment to prioritise transposition and implementation in practice of the recently adopted legislation on asylum rules when considering infringement procedures. The Commission today opened 37 new cases, stepped up 2 open cases and sent a second supplementary Letter of Formal Notice in one case.

The Commission recently also sent administrative letters requesting clarification on compliance with the EURODAC Regulation (Regulation EU/603/2013) to Cyprus, Germany, Greece, Hungary and Italy on 28 August 2015 and administrative letters requesting clarification on the adoption and enforcement of return decisions (Directive 2008/115/EC) to Germany, Italy and Greece on 11 September 2015.

For more information

[Fact sheet Balancing responsibility and solidarity on migration and asylum](#)

ANNEX

Implementing the Common European Asylum System

	Asylum Procedures Directive 2013/32/EU	Reception Conditions Directive 2013/33/EU	Qualifications Directive 2011/95/EU	EURODAC Regulation EU/603/2013	Return Directive 2008/115/EC
	Stage of Process	Stage of Process	Stage of Process	Stage of Process	Stage of Process
Austria		<i>LFN sent for non-communication of transposition</i>			
Belgium	<i>LFN sent for non-communication of transposition</i>	<i>LFN sent for non-communication of transposition</i>			
Bulgaria	<i>LFN sent for non-communication of transposition</i>	<i>LFN sent for non-communication of transposition</i>	<i>RO sent for non-communication of transposition</i>		
Cyprus	<i>LFN sent for non-communication of transposition</i>	<i>LFN sent for non-communication of transposition</i>		Administrative letter sent requesting clarifications on application	
Croatia					
Czech Republic	<i>LFN sent for non-communication of transposition</i>	<i>LFN sent for non-communication of transposition</i>			
Denmark	N/A	N/A	N/A		
Estonia	<i>LFN sent for non-communication of transposition</i>	<i>LFN sent for non-communication of transposition</i>			
Finland					
France	<i>LFN sent for non-communication of transposition</i>	<i>LFN sent for non-communication of transposition</i>			
Germany	<i>LFN sent for non-communication of transposition</i>	<i>LFN sent for non-communication of transposition</i>		Administrative letter sent requesting clarifications on application	Administrative letter sent requesting clarifications on application
Greece	<i>LFN sent for non-communication of transposition</i>	<i>LFN sent for non-communication of transposition</i>		Administrative letter sent requesting clarifications on application	Administrative letter sent requesting clarifications on application
	<i>Second additional application</i>	<i>LFN sent for bad application</i>			
Hungary	<i>LFN sent for non-communication of transposition</i>	<i>LFN sent for non-communication of transposition</i>		Administrative letter sent requesting clarifications on application	
Ireland	N/A	N/A	N/A		N/A

Italy				Administrative letter sent requesting clarifications on application	Administrative letter sent requesting clarifications on application
Latvia	<i>LFN sent for non-communication of transposition</i>	<i>LFN sent for non-communication of transposition</i>			
Lithuania	<i>LFN sent for non-communication of transposition</i>	<i>LFN sent for non-communication of transposition</i>			
Luxembourg	<i>LFN sent for non-communication of transposition</i>	<i>LFN sent for non-communication of transposition</i>			
Malta	<i>LFN sent for non-communication of transposition</i>	<i>LFN sent for non-communication of transposition</i>			
Netherlands					
Poland	<i>LFN sent for non-communication of transposition</i>	<i>LFN sent for non-communication of transposition</i>			
Portugal					
Romania	<i>LFN sent for non-communication of transposition</i>	<i>LFN sent for non-communication of transposition</i>			
Slovakia					
Slovenia	<i>LFN sent for non-communication of transposition</i>	<i>LFN sent for non-communication of transposition</i>			
Spain	<i>LFN sent for non-communication of transposition</i>	<i>LFN sent for non-communication of transposition</i>	<i>RO sent for non-communication of transposition</i>		
Sweden	<i>LFN sent for non-communication of transposition</i>	<i>LFN sent for non-communication of transposition</i>			
United Kingdom	N/A	N/A	N/A		N/A

40 new decisions	LFN = Letter of Formal Notice RO = Reasoned Opinion
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[1] Belgium, Bulgaria, Cyprus, Czech Republic, Germany, Estonia, Greece, Spain, France, Hungary, Lithuania, Luxembourg, Latvia, Malta, Poland, Romania, Sweden, Slovenia

[2] The present directive is not applicable to Denmark, Ireland and the United Kingdom.

[3] Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Germany, Estonia, Greece, Spain, France, Hungary, Lithuania, Luxembourg, Latvia, Malta, Poland, Romania, Sweden, Slovenia.

[4] The present directive is not applicable to Denmark, Ireland and the United Kingdom.

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