



## Implementing the Common European Asylum System: Commission acts on 9 infringement proceedings

Brussels, 10 February 2016

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The European Commission today decided to issue reasoned opinions against Member States in 9 infringement cases concerning their non-transposition of the Common European Asylum System. The decisions concern **Germany (2 cases), Estonia, Slovenia (2 cases), Greece, France, Italy and Latvia**.

The Commission is today urging **Germany, Estonia and Slovenia** to communicate the national measures taken to transpose the [Asylum Procedures Directive](#), which sets out common procedures for granting and withdrawing international protection. A non-communication decision has also been taken against **Germany** on the [Reception Conditions Directive](#), which deals with access to reception conditions for asylum seekers while they wait for examination of their applications. Letters of Formal Notice were sent on 23 September 2015 to these Member States. Despite these letters, they have not yet notified the Commission of their transposition measures. Therefore the Commission has decided today to address Reasoned Opinions to them.

The Commission is also pursuing infringement proceedings against **Greece, France, Italy, Latvia and Slovenia** for failing to notify measures to fully transpose Directive 2011/51, which amends [the Long Term Residents Directive](#) by extending the scope of EU rules on long-term residents so as to include refugees and beneficiaries of subsidiary protection. The four Member States should have communicated the necessary transposition measures by the deadline of 20 May 2013. Letters of Formal Notice were sent in July 2013, and the Commission subsequently received replies with details of the measures taken. However, an assessment concluded that the Member States have not communicated all the measures necessary to transpose the Directive. Consequently, the Commission has decided to send Reasoned Opinions to the five Member States regarding this Directive.

All 9 cases concern the non-transposition of directives that would contribute to a greater convergence between the national asylum systems. The reduction in divergences between national asylum systems plays a role in reducing secondary movements among asylum seekers who would otherwise be influenced by differences in the asylum rules in different Member States.

#### 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 and in cases of non-communication have to notify their national transposition measures to the Commission. In the absence of satisfactory replies or of notification of national measures, 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 measures taken to ensure full transposition or bring national legislation in line with EU law. If they fail to do so, the Commission may decide to refer the Member States to the Court of Justice of the EU. In cases where there is no communication of the national transposition measures, the Commission may propose to the Court of Justice of the EU to impose financial sanctions.

#### Background

Since the early 2000s, the Commission has proposed a number of legislative acts aimed at building a [Common European Asylum System](#). The European Union now has common standards for the way asylum seekers are received and their asylum applications are processed. The EU has also established common criteria which national authorities 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 Asylum Procedures Directive, the Qualification Directive, the Reception Conditions Directive and the EURODAC Regulation).

The recast **Asylum Procedures Directive** ([Directive 2013/32/EU](#)) establishes rules on the process of claiming asylum, including on how to apply, how the application will be examined, what help the asylum seeker will be given, how to appeal or how to deal with repeated applications. 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 and communicate their transposition measures by 20 July 2015 (with the exception of Article 31(3), (4) and (5) for which the transposition deadline is 20 July 2018). The European Commission already [issued reasoned opinions](#) on 10 December 2015 to Greece and Malta for failure to transpose this Directive.

The recast **Reception Conditions Directive** ([Directive 2013/33/EU](#)) deals with access to reception conditions for asylum seekers while they wait for the examination of their claim. It ensures that applicants have access to housing, food, healthcare and employment, as well as medical and psychological care. It ensures that detention of applicants is always in line with fundamental rights and restricts the detention of vulnerable persons, in particular minors. Member States had to transpose the Directive and communicate their transposition measures by 20 July 2015. The European Commission [already issued reasoned opinions](#) on 10 December 2015 to Greece and Malta for failure to transpose this Directive.

Directive 2011/51/EU amending [Directive 2003/109/EC](#), the **Long Term Residents Directive**, extends the scope of EU rules on long-term residents so as to include refugees and beneficiaries of subsidiary protection. Refugees and beneficiaries of international protection, who initially were not covered by Directive 2003/109/EC, may acquire long-term resident status on a similar basis to other third country nationals after a period of five years legal residence. The beneficiaries are refugees under the terms of the Geneva Convention and those enjoying subsidiary protection under Directive 2004/83/EC. This ensures a higher level of legal certainty for refugees in Europe and allows for their better integration into our societies.

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 implementation of the Common European Asylum System. Previously, on [23 September 2015](#), the Commission adopted 40 decisions on potential or actual infringements of EU asylum legislation, in addition to 34 already pending cases. On [10 December](#), the Commission issued 8 infringement decisions.

### **For More Information**

On the monitoring the EU law in the area of [Home Affairs](#).

On key decisions in the December 2015 infringement package, see [MEMO/15/6223](#).

On the general infringement procedure, see [MEMO/12/12](#).

On [infringement procedures](#).

[Press release - Implementing the Common European Asylum System: Commission escalates 9 infringement proceedings](#)

[Annex 8: Implementation of EU law – State of Play](#)

[Press release - Managing the Refugee Crisis: Commission reports on implementation of EU-Turkey Joint Action Plan](#)

[Press release - Implementing the European Agenda on Migration: Commission reports on the state of play in Greece, Italy and the Western Balkans](#)

[FACTSHEET: Balancing responsibility and solidarity on migration and asylum](#)

[FACTSHEET: The Schengen Rules Explained](#)

[Communication on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration](#)

[European Agenda on Migration](#)

[Communication of 23 September 2015](#): Managing the refugee crisis: immediate operational, budgetary and legal measures under the European Agenda on Migration

[Communication of 14 October 2015](#): Managing the refugee crisis: State of Play of the Implementation of the Priority Actions under the European Agenda on Migration

[Communication of 15 December](#): A European Border and Coast Guard and effective management of Europe's external borders

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