



Council of the
European Union

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NOTE

From: Presidency

To: Delegations

Subject: Improvement of information exchange between national asylum
determining authorities

Delegations will find in Annex a **courtesy translation** of doc. 6331/22.

During the SCIFA of 16 February, the delegations discussed about the convergence of asylum practices and, more specifically, the ways and means to promote it at a global level the convergence of national doctrines.

The Presidency suggests to continue the discussions at a technical level, focusing on improving the exchange of information between the national determining authorities. Indeed, the convergence of asylum practices also depends on the consistency of the decisions taken by the determining authorities on applications for international protection submitted by the same person in several Member States.

Currently, pursuant to Article 34 of Regulation (EU) 604/2013, (Dublin III Regulation), the determining authorities of a Member State can request information on the status of an asylum application in another Member State, in particular on the nature of the decision taken by the determining authority of that Member State, and be provided with the decision.

Such exchanges of informations take place between the Dublin units, on the basis of a request for information, materialized by a form sent via the secure messaging system "Dublinet"¹. In practice, the response time, which should be five weeks according to the Dublin III regulation, varies unequally. In addition, the content of the information sent in response also varies mainly due to the lack of a harmonized response form.

In view of these recurrent difficulties, on 14 December 2021, the network of Dublin units of the European Asylum Support Office (EASO) published a set of recommendations on information exchange for Dublin units and their national partners, aimed at promoting good practices in the field of information requests. Along these lines, the Presidency thus proposes to discuss new arrangements for the application of Article 34 of the Dublin III Regulation.

¹ « Dublinet » is an information exchange system for the implementation of the Dublin III Regulation

A specific procedure between determining authorities, via the "Dublinet" messaging system, could be established to facilitate exchanges

It would consist of a sharing of tasks between the Dublin units and the determining authorities: the Dublin units would deal with requests for information aimed at assessing the relevance of submitting a request for taking charge or taking back under the Dublin III Regulation, while the determining authorities would be responsible for responding to requests for information concerning the examination of the asylum application.

A fast-track procedure could be established to facilitate the communication of information to the determining authorities and Dublin units on the files of asylum applicants presenting a threat to public order

This procedure would enable the determining authorities to speed up the examination of these files, if necessary, and the national authorities to anticipate or take any useful measure with regard to these applicants.

A harmonised form for replying to a request for information, in application of Article 34 of the Dublin III Regulation, could be established, based on the example of the information request form and under the conditions provided for by article 34 of the Dublin III Regulation.

In addition to administrative information on the application, the form could contain information on:

- the legal basis of the decision taken (refugee status, subsidiary protection; humanitarian protection, inadmissibility, rejection on the merits) ;
- the grounds for rejection, if any (e.g. lack of fear, exclusion, refusal of protection due to a threat to public security, discontinuation of the file, withdrawal of protection);
- a general description, in the language of the requiring Member State with, if possible, a courtesy translation, of the grounds for the determining authority's decision as well as the material used by the determining authority (especially from the EUAA).

The delegations are thus invited to express their views on the following questions:

- Should a specific procedure for requesting information be created between determining authorities, in addition to the one foreseen for Dublin units?
- Should a specific procedure for the exchange of information be set up for the files of asylum applicants presenting a threat to public order?
- Should a harmonized form for responding to the request for information, in application of article 34 of the Dublin III regulation, be created?
- Do you have any other suggestions on how to improve the exchange of information between determining authorities?