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NOTE

From:	General Secretariat of the Council
To:	Delegations
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Subject:	Improvement of information exchange between determining authorities and Dublin units
	<ul style="list-style-type: none">• Contributions from Member States

Following the meeting of the Asylum Working Party on 22 February 2022, delegations will find attached a compilation of replies received from Member States on the abovementioned subject.

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AUSTRIA

- Austria welcomes any improvements for the practical implementation of information requests in line with Art. 34 of the Dublin Regulation.
- However, at this stage Austria does not see the need for special operational procedures between the determining authorities via Dublin Net. The exchange between the Dublin Units seems to sufficient and a special procedure for determining authorities would lead to questions regarding the legal basis and the added value in practice.
- Nevertheless we are open for discussion regarding a harmonized form, such as the proposed „universal messaging format“ (UMF) but we would need more information in order to assess possible implications on the national system and the possible need for adjustments.
- Relevant **discussions should be dealt with by the responsible Dublin network of the EUAA and its steering group.**

BELGIUM

Belgium's answer to the question: how does the determination authority receive the security-related information concerning asylum applicants):

Once the application is made, a list with the identity data is sent to the intelligence services and to the federal police. The fingerprints are sent by the Immigration Office to the federal police. In case there is information about an applicant who represents a danger to the public order or national security, a special unit within the Immigration Office dedicated to security issues is informed of it and transmits the information to the competent authority (Immigration Office if it is a Dublin file and the CGRS if Belgium is the competent authority to examine the asylum application). (CGRS is the determining authority, an independent institution from the Immigration Office).

Two others checks are made by the Immigration Office on the basis of the name of the applicant: 1° consultation of a part of the data bank of the federal police; 2° SIS (article 24). In case there is information about an applicant who represents a danger to the public order or national security, that unit (which is different from the one mentioned above) directly transmits that information to the determination authority.

DENMARK

Contributions from DK regarding the improvement of information exchange between determining authorities and Dublin units.

“DK do not support a specific procedure for requesting information between determining authorities, in addition to the one foreseen for Dublin units or a specific procedure for the exchange of information regarding applicants presenting a threat to public order.

In regards to a harmonized form for responding to the request for information, it depends if the intent is to obtain more information from other Member States. DK do support to create a harmonized form for responding, but it would be more valuable to obtain the actual documents i.e. interview reports and decisions are essential. A template filled out by the other Member State – even if it is the same template used by all Member States – can still differ in the replies and quality and some information can be left out.

A standard template would ensure common topics but does not ensure the quality of the reply and the details provided.

Further in a credibility assessment the applicant’s statements are the most important and all statements are relevant. If these instead are quoted and referred by the Member State in a template, it could open up for uncertainties including whether the quotes are correctly cited and translated to English.

Further since all statements are relevant it seems more efficient to send the actually interview instead. It should also be considered that it is resourceful to fill out a template if all statements should be included and filled out in English and could also lead to less information being received”.

ESTONIA

Please find Estonia's answers as follows:

- 1. Should a specific procedure for requesting information be created between determining authorities, in addition to the one foreseen for Dublin units?**

We consider that the additional specific procedure is not needed.

- 2. Should a specific procedure for the exchange of information be set up for the files of asylum applicants presenting a threat to public order?**

We consider that the additional specific procedure is not needed. We maintain our previous position that the information on the security threat should be shared between migration authorities on yes/no basis and all other security threat related information should be shared between security authorities via their respective channels.

- 3. Should a harmonized form for responding to the request for information, in application of article 34 of the Dublin III regulation, be created?**

We support the idea of harmonized forms.

- 4. Do you have any other suggestions on how to improve the exchange of information between determining authorities?**

We do not have any specific suggestions at the moment as main tools of sharing information are in place.

- 5. How does the information exchange work in practice between the determining authority and the security authority?**

The information exchange between the authorities on the persons with security threat is done on case-by-case basis.

- 6. How and in what extent the determining authority has and should receive information from the security authority?**

The security authority is providing the information to the determining authority on the minimum level needed to take account when deciding upon protection need.

GREECE

Exchange of information in the context of art.34 of Regulation (EU) 604/2013

On the questions raised in document ST 6331/22, Greece would like to submit the following comments:

Should a specific procedure for requesting information be created between determining authorities in addition to the one foreseen for Dublin Units?

No additional procedure between determining Authorities should be created. Art 34.6 read together with Art. 35.1 provide for flexibility for MS to designate the responsible national authority with the competence to handle information exchange according to art 34 of Reg. 604/2013. National Dublin Unit of Greece acting as the national focal point, collects if needed all information from other national authorities necessary replying an information request.

Determining authorities are primarily responsible for status determination procedures, thus assigning additional tasks may add up administrative burden and may lead to considerable delays.

On the proposal of courtesy translation of parts of a file, eg information requested on the grounds for applying for international protection, Greece supports the provision of art 16 of Regulation (EU) 1560/2003 in specific “the language or languages of communication shall be chosen by agreement between the Member States concerned”.

Should a specific procedure for exchange of information be set up for the files of asylum applicants presenting a threat to public order?

Security related information exceeds the scope of art. 34. Information of that nature, often classified, is to be accessed and shared only via the competent law enforcement authorities. Administrative authorities do not have the competence to access and share security related information.

In addition Art. 34 par. 4 limits the scope of the information exchange in the context of “*individual application for international protection*” and sets the obligation of applicants consent (art.34.3).

Should a harmonised form for responding to the request for information in application of art 34 of the Dublin III be created?

A harmonized form for responding to info requests is welcomed and will facilitate the accuracy of the exchanged information. Worth noted, that all standard forms of the Implementing Reg. (EU)1560/2003 facilitate daily operation of National Dublin Unit.

The new form should have a clear distinction of parts (a) information needed for the determination of the MS responsible and (b) information needed for the examination of an application for international protection.

POLAND

1. Should a specific procedure for requesting information be created between determining authorities, in addition to the one foreseen for Dublin units?

PL does not consider a separate procedure of gathering information as necessary. The bodies responsible for exchanging information within the framework of Dublin procedure are fully aware of importance of this process and spare no effort to answer in the time limit provided by the Dublin Regulation.

Polish Office for Foreigners uses the possibility of asking for missing information through the Dublin Unit or the German Liaison Officer as well.

2. Should a specific procedure for the exchange of information be set up for the files of asylum applicants presenting a threat to public order?

In our opinion in case of applicants presenting a threat to public order a separate procedure of gathering information is not necessary. However, the marking on the application form of the exchanging information based on art. 34 of the Dublin III that the request concerns a person presenting a threat to public order would probably cause a faster answer to the request for information. Adapting the application form to exchanging that kind of information would make it easier. Moreover, waiving of the required written consent on the part of a foreigner for the exchange of information would be reasonable as well.

A similar solution is the marking on the application form of the take charge request the information that the foreigner was apprehended on the basis of art. 28 of the Dublin III Regulation, thereby making the time limit for an answer to this request shorter.

3. Should a harmonized form for responding to the request for information, in application of article 34 of the Dublin III regulation, be created?

One form of answering to requests for information for all Member States is a very good idea, taking into consideration the quality and fullness of answers nowadays. Nevertheless, particular Member States require so many different information that it will be a challenge to adapt the form to the requirements.

4. Do you have any other suggestions on how to improve the exchange of information between determining authorities?

The unified form of the answer to art. 34 will make an information exchange much more efficient. What is more, requiring only stage of the procedure without asking for a copy of the asylum file (which is very often archived) would not be as much time consuming, especially taking into consideration a huge influx of applicants/requests in a requested Member State which involves a lot of work.

PORTUGAL

We support the development of the discussion on the convergence of asylum systems, and in particular on the exchange of information between authorities with competence in the field of asylum.

On the issue of the creation of a new specific procedure for exchanging information, we consider that the current procedure is adequate and functional, not seeing the need to create an additional procedure to the one currently in place for exchanging information between the Dublin units. In addition, we support the improvement of the current system.

Concerning the third question, we consider there is still a great variation of the information sent in response to a request. In view of converging asylum systems and harmonizing their practices, Portugal supports the creation of a harmonized form to respond to requests for information, in order to standardize the type of response between MS, ensuring that the necessary information is provided. Additionally, as stated, we also support the involvement of the EUAA in this matter.