



Council of the
European Union

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LIMITE

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NOTE

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| From: | Presidency |
| To: | Delegations |
| Subject: | Terms of Reference on improving information exchange between determining authorities |

*Delegations will find below a **courtesy translation** of doc. 7868/22.*

At the Asylum Working Party on 22 February 2022, the Presidency proposed to discuss the convergence of national asylum systems and the improvement of information exchange between determining authorities. The delegations agreed in particular on the usefulness of a harmonised form for replying to a request for information in Dublinet, drawn up in conjunction with the European Union Agency for Asylum (EUAA) (*see Annex*).

From the discussions and written comments sent by some delegations, it emerged that the following points should be taken into consideration in order to improve the exchange of information on the basis of Article 34 of the Dublin III Regulation, in particular between determining authorities:

➤ **Improve the flow of exchanges between authorities of determination, only by improving the existing modalities:**

- It could be suggested as good practice to precise in the section “detail” of the request form, that the request for information aims at gathering the necessary information for the determination of the responsible Member State (article 34, paragraph 1, point a)) or for assessing of the asylum application (article 34, paragraph 1, point b)), while respecting the requirement of the written consent of the applicant for international protection for this kind of request (article 34, paragraph 3).

➤ **Improve the exchange of information on applications of asylum seekers presenting a threat to public order between determining authorities:**

- It could be proposed that in the request form, the determining authorities communicate whether grounds for exclusion or public policy were raised in the decision taken concerning the applicant for international protection. Indeed, Article 34(3) provides that Member States may communicate ‘the grounds for any decisions taken concerning the applicant’, while respecting that ‘the communication of information requested shall be subject to the written approval of the applicant’. The communication of such information would not imply releasing potentially classified information and would respect the legal framework of the Dublin III Regulation;
- It could be reminded that the keyword “urgent” can also be included in the subject line of the email sending the request form (Recommendations of EUAA on Information Exchange between Dublin Units, p. 20).

➤ **As regards the harmonised form of reply to requests for information, the format should be as follows:**

- Short and adaptable to the diversity of requests for information, with space for free comments;
 - Distinguishing the part on the information needed to determine the Member State responsible from the part on the examination of the asylum application;
 - Using English as the working language, unless there is a bilateral agreement between Member States (see Article 16 of the Dublin Implementing Regulation).
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PROJECT FOR A HARMONISED RESPONSE FORM TO A REQUEST FOR INFORMATION

Requesting State:
Requested State:

Date (DD/MM/YYYY):
Reference number:

The person concerned is:
 Unknown to the national migration and asylum authorities
 Known to the national migration and asylum authorities

Known identity:
Name:
Surname:
Date of birth (DD/MM/YYYY):
Place of birth:
Nationality:
Other identity/alias known by the responding Member State:

COMPULSORY FIELDS FOR REPLIES

Necessary information for the determination of the responsible Member State:
 Presence of a family member:
 Travel document (passport/ID card) :
 Residence permit, date of issue, date of expiration:
 Visa, date of issue:
 First instance decision, date:
 Second instance decision, date:
 Removal, date of actual return and country:

Details:
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Evidence enclosed:
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Necessary information for assessing the asylum application: *(delete as appropriate)*

Type of application: **FIRST APPLICATION / RE-EXAMINATION**

Procedure: **NORMAL / ACCELERATED / OTHER**

Nature of decision: **POSITIVE / NEGATIVE**

Date of decision: .../.../....

Legal basis of the decision (refugee status, subsidiary protection, humanitarian protection, inadmissibility, refusal, closure etc.):

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Grounds for the decision:

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Appeal against the first instance decision: **YES / NO**

Date of registration of appeal: .../.../...

Nature of the second instance decision: **POSITIVE / NEGATIVE**

Date of second instance decision: .../.../...

Final decision? **YES / NO**

Legal basis of the decision (refugee status, subsidiary protection, humanitarian protection, inadmissibility, refusal, closure etc.):

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Grounds for the decision:

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Evidence enclosed:

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RESPONSE FIELDS IF RELEVANT

Complementary information for assessing the asylum application:
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Public order grounds identified: YES / NO
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Exclusion grounds identified: YES / NO
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Country of Origin Information reports and guidance notes published by EUAA used by the determining authority as a basis for its decision:
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