

"INFORMAL" JAI (JUSTICE & INTERNAL AFFAIRS) MEETING – 7 & 8 JULY 2008

CONCERNING THE "COMMON EUROPEAN ASYLUM PROCEDURE"

During the senior civil servants' meeting held on 27 June in Paris concerning the Pact project, some delegations requested further details on paragraph b) of part IV (*"Building a European asylum policy"*) which provides that *"the European Council agrees ... to invite the Commission to present proposals with a view to establishing a common asylum procedure in 2012 that will include common guarantees, and adopting a uniform status for refugees, on the one hand, and beneficiaries of subsidiary protection, on the other."*

We hereby provide the following information:

- **the concept of "a common European asylum procedure"** was described, notably, in the communication of 22 November 2000 from the Commission to the Council and the European Parliament, entitled: *"Towards a common asylum procedure and a uniform status, valid throughout the Union, for persons granted asylum."*

This is the "one-stop-shop" procedure already applied by several Member States (including France), which *"aims to centralise the examination of all protection needs at a single place so as to assure the applicant that no form of persecution or risk is ignored and also to reduce the time taken to examine the request for international protection."*

- **the concept of "common guarantees"** refers back to the modification of the "procedures" directive of 1 December 2005, which establishes "minimum standards for procedures for granting and withdrawing refugee status" in the Union. Implementation of this directive by Member States left in place a great diversity of procedural regimes. The objective of the Pact is to achieve much closer alignment of asylum procedures in Member States and to establish mandatory procedural guarantees, which corresponds to the objective of the Commission in its Action Plan of 17 June 2008 concerning asylum.

- finally, we note that the aim of establishing **"a uniform status for people benefiting from asylum or subsidiary protection"** was already included in The Hague programme (see communication of 10 May 2005 from the Commission to the Council and the European Parliament. The Hague programme: Ten priorities for the next five years).

Various options for implementing this objective were envisaged by the Commission in its Green Paper on the future Common European Asylum System (6 June 2007).

The option adopted by the Pact is to set up in the territory of the Member States a uniform status for refugees, on the one hand, and for beneficiaries of subsidiary protection, on the other. These two uniform statuses would, as the Commission indicates in its asylum action plan, encompass *"most of the rights and obligations"* of refugees and beneficiaries of subsidiary protection *"while at the same time authorising differences in treatment where justified."*