



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from: Presidency

to: Delegations

No. Cion prop.: 11214/11 ASILE 46 CODEC 981

Subject: Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)

- A process for early warning, preparedness and management of asylum crises

Delegations will find in the annex to this note suggestions made by the Presidency concerning the above subject.

Additional Recitals of the Dublin Regulation

“(X) Deteriorations or collapses of asylum systems can destabilise the proper functioning of the system put in place by the present Regulation. A process for early warning, preparedness and management of asylum crises serving to prevent such deteriorations or collapses should be established both in order to ensure that cooperation within the framework of this Regulation is robust as well as to develop mutual trust among the Member States with respect to asylum policy. The process should ensure that the Union is alerted as soon as possible of situations in which a concern exists that the smooth functioning of the system set up by this Regulation is jeopardized either because the asylum systems of one or more Member States are subject to particular pressure or due to deficiencies in the asylum systems of one or more Member States. Such a process would allow the Union to promote preventive measures at an early stage and afford such situations the appropriate political attention. Solidarity is a pivotal element in the CEAS and solidarity and mutual trust go hand in hand. By enhancing such trust, this process could improve the steering of concrete measures of solidarity towards the Member State or Member States concerned.

(X+1) Member States should collaborate with the European Asylum Support Office in the gathering of information concerning their ability to manage particular pressure on their asylum and reception systems, in particular in the framework of the application of this Regulation. The European Asylum Support Office should regularly report on the information gathered in accordance with Regulation (EU) No 439/2010.”

Additional Article of the Dublin Regulation – Early warning and preparedness

“1. Where, based in particular on the information gathered by EASO pursuant to Articles 9 and 11 of Regulation (EU) 439/2010 or the assessment of the needs of a Member State pursuant to Article 9(1) of Regulation (EU) 439/2010, the Commission identifies problems in the functioning of the asylum system of a Member State which may jeopardise the application of this Regulation, the Commission, in cooperation with EASO, may address recommendations to that Member State inviting it to draw up a preventive action plan designed to counter the problems identified. The Member State concerned shall inform the Council and the Commission whether it intends to present a preventive action plan following the Commission’s recommendations.

A Member State may draw up a preventive action plan of its own initiative. In this regard, it may call for the assistance of the Commission and EASO.

2. Where a preventive action plan is drawn up, the Member State concerned shall submit it as well as regular reports on its implementation to the Council and the Commission. Where necessary, the Commission shall submit reports on its implementation to the Council. The Council may request further information on this subject and provide such political guidance as it deems appropriate.

3. The Commission, in cooperation with the Member State concerned, may elaborate a crisis management action plan if the preventive action plan does not lead to an improvement of the situation. It shall convey the plan to the Council for political endorsement. The Member State concerned shall submit reports at least every three months on the implementation of the crisis management action plan to the Commission, which shall inform the European Parliament and the Council on progress. Subject to political endorsement by the Council, the Commission may, in cooperation with the Member State concerned, amend the crisis management action plan to take into account any developments revealed by the regular reports.

4. This Article is without prejudice to Articles 258, 259 and 260 of the Treaty on the Functioning of the European Union.”