

## Meijers Committee

Standing committee of experts on international immigration, refugee and criminal law

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**To (by email)** European Parliament  
Civil Liberties, Justice and Home Affairs Committee  
Rue Wiertz  
BE-1047 Bruxelles

**Reference** CM1207  
**Regarding** The recast of the Dublin regulation (2008/0243 COD) and the proposal for a process for early warning, preparedness and management of asylum crisis  
**Date** 26 March 2012

Dear Members of the Civil Liberties, Justice and Home Affairs Committee,

The Meijers Committee has taken note of the proposal of the former Polish Presidency and the current Danish Presidency to install a process for early warning, preparedness and management of asylum crises (Council document 15055/11) in the recast of the Dublin regulation. In this letter, the Meijers Committee comments on the proposal. It hopes that these comments can be taken into account during the negotiations with the Council.

According to the proposal the Member States should, on a quarterly basis, submit to the EASO and the Commission statistical data (the Asylum Management Reporting System). These data mainly relate to questions regarding the inflow of asylum seekers. When the provided information gives cause for questions or concerns, the Commission, in cooperation with EASO, will start up an action plan (described in Council document 15055/11) to prevent an asylum crisis in the Member State.

The Meijers Committee supports the proposal to oblige Member States to report on their asylum management. However, the statistical data requested from the Member States do not necessarily indicate whether the fundamental rights of the asylum seekers are protected in these States. The Meijers Committee is of the opinion that the Member State should also be obliged to report on the criteria mentioned in the M.S.S. case (*ECTHR M.S.S. v. Belgium and Greece, 21 January 2011, app.nr. 30696/09*) such as the length of the procedure, the detention conditions and reception capacity in relation to the inflow of asylum seekers. The European Court of Justice has also stated that 'serious deficiencies in the asylum procedure and in the reception conditions of asylum seekers' in a Member State can lead to the conclusion that the transfer to this State amounts to a violation of Article 4 of the Charter (*EU Court of Justice, N.S. and M.E., 21 December 2011, C-411/10 and C-493/10*).

Moreover, the Meijers Committee questions whether the proposed system offers a solution to shortcomings in the asylum system that are not caused by a large inflow of asylum seekers, but are due to internal factors such as deficiencies in the reception conditions or in the decision-making process. In the original Commission proposal for a recast of the Dublin Regulation the 'temporary suspension of transfers' did provide solutions to these problems (COM(2008) 820, Article 31).

Finally, in order to guarantee transparency, the Meijers Committee urges the European Parliament to call for an explicit provision in the Dublin regulation that the statistical data provided by the Member States will be made public.

We hope you will find these comments useful. Should any questions arise, the Meijers Committee is prepared to provide you with further information on this subject.

Yours sincerely,



Prof. dr. C.A. Groenendijk  
Chairman

• Commissie Meijers  
Permanente commissie van deskundigen in internationaal vreemdelingen-, vluchtelingen- en strafrecht

• Comité Meijers  
Comité permanent d'experts en droit international de l'immigration, des réfugiés et du droit pénal

• Meijers-Ausschuss  
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