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NOTE

From:	Presidency
To:	Strategic Committee on Immigration, Frontiers and Asylum (SCIFA)
No. prev. doc.:	8742/16 ASILE 12 CODEC 619
Subject:	Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010

On 4 May 2016, the Commission adopted a proposal for the Regulation on the European Union Agency for Asylum¹. The proposal aims to strengthen the role of EASO and develop it into an agency which facilitates the implementation and improves the functioning of CEAS. The Agency is one of the tools that can be used to effectively address the structural weaknesses of CEAS that have been further exacerbated by the recent large-scale arrival of migrants and asylum seekers to the EU.

Detailed examination of the proposal by Member States started at the Asylum Working Party meeting on 15 June and continued on 6 September (Articles 1 to 28 with the exception of Article 6 - were examined in those meetings). While a large majority of Member States welcomed the general aim of the proposal to strengthen the role of EASO, it is clear from the discussions held that several aspects of the proposal need further clarification.

¹ doc. 8742/16 ASILE 12 CODEC 619 + ADD 1

1. Member States expressed a number of concerns regarding in particular the mechanism for monitoring and assessing the asylum and reception systems of Member States that the Agency is tasked to establish (Articles 13 to 15). Several Member States indicated that the role suggested to the proposed Agency in this respect is too broad and the obligations of Member States seem too excessive. In addition, Member States considered that they should have a greater and more active role in the monitoring exercise. In order to receive further guidance for its work on this issue, the Presidency would like delegations to express their positions on the following questions:
 - What should be the scope of the monitoring mechanism?
 - Should it be modelled on the vulnerability assessment mechanism agreed in the context of the European Border and Coast Guard Regulation?
 - Should it focus on the practical application (e.g. national asylum systems, the Dublin system, reception conditions, infrastructure, equipment, staff, contingency planning) or the implementation of the asylum legislation?
 - How should the procedure for monitoring be designed so that it is effective without creating an additional administrative burden?
 - What should be the role of Member States in the procedure for monitoring and assessment of the asylum and reception systems?
2. A number of Member States suggested that the system of expert pools in this proposal should be streamlined and more flexibility should be provided to respond to different situations, needs and tasks. The Presidency would thus like to hear the views of delegations on the issue of the asylum intervention pool suggested in Article 18 of the proposal. In particular, delegations are invited to comment on the practical aspects of setting up and deploying such a pool (Article 20) as well as on the interactions with the other pools referred to in the proposal (asylum support teams in Article 17 and migration management support teams in Article 21).