



**COUNCIL OF
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NOTE

from:	Presidency
to:	Strategic Committee on Immigration, Frontiers and Asylum
on:	11 September 2012
Subject:	Common European Asylum System = State of play

The Common European Asylum System (CEAS) aims at providing a common area of protection and solidarity based on a common asylum procedure and a uniform status for those granted international protection. Since the end of 2008 a number of proposals aimed at further developing the CEAS have been submitted to the Council and the European Parliament. The completion of the CEAS by 2012 constitutes an overriding political priority for all the parties involved as was repeatedly confirmed by the European Council in June 2012.

During successive Presidencies, the Council and its preparatory bodies have conducted discussions on the different files that establish the legislative framework of the CEAS.

Already adopted elements of the CEAS are the EASO Regulation and the revised Qualification Directive.

On 8 March 2012, the Council adopted, Conclusions on a Common Framework for genuine and practical solidarity towards Member States facing particular pressure on their asylum systems, including through mixed migration flows. These conclusions supplement the discussions on the mechanism for early warning, preparedness and crisis management included in the recast Dublin Regulation.

Following a series of five informal trilogues under the Danish Presidency on the Reception Conditions Directive, the Committee of Permanent Representatives endorsed the resulting compromise package on 11 July 2012 at the beginning of the Cyprus Presidency.

Likewise, Committee of Permanent Representatives on 18 July endorsed a further compromise package on the outstanding asylum aspects of the recast Dublin Regulation in July 2012, following intensive negotiations on the proposal with the European Parliament in the period between May and July 2012. The outstanding issues relate to the transfer of unaccompanied minors (Art 8(4)) and detention (Art 27). The Presidency has conveyed the amended compromise package to the EP Rapporteur with a view to reaching agreement on all issues except those related to comitology. The Presidency is awaiting confirmation from the LIBE Committee on agreement on the amended text. The Presidency aims to conclude discussions on the outstanding issue of comitology within Council's preparatory bodies imminently so as to obtain a negotiating mandate from COREPER and start trilogue with the EP already in October with a view to finalizing the recast Dublin Regulation by the end of the year.

The Presidency also aims to drive forward negotiations on the outstanding legislative instruments in order to meet the 2012 deadline. On the recast of the Asylum Procedures Directive, the Committee of Permanent Representatives approved a mandate for the purpose of launching informal trilogues with the European Parliament on 30 May 2012. The first trilogue was conducted on 28 June 2012. The most sensitive issues seem to be the identification of applicants in need of special procedural guarantees, in particular (unaccompanied) minors, the role and funding of medical examinations, grounds for accelerated procedures, subsequent applications, the time limits applicable as regards the procedure at first instance, the scope of legal assistance and representation and the right of an applicant to remain on the territory pending an appeal. The Cyprus Presidency aims to hold a substantive number of technical discussions with the European Parliament and the Commission in September in preparation of the trilogues scheduled to take place in September, October and November 2012.

Furthermore, the Cyprus Presidency aims to finalise negotiations within the Council on the new Commission proposal concerning the EURODAC Regulation. The Commission's original proposal was submitted in December 2008 and the most recent (fourth) revised version was submitted on 30 May 2012.

The new proposal takes into account the work that has already been done by the Council and the European Parliament. The Cyprus Presidency is expected to facilitate the negotiations on the other outstanding instruments. The main added value of this proposal is the provision for access of law-enforcement authorities to the central database of the system, under strict conditions, for the purposes of fighting terrorism and serious crime.

The Asylum Working Party had a first exchange of views on the proposal on 12 June 2012 under the Danish Presidency. These discussions have been continued under the Cyprus Presidency on 12 July and 6 September 2012. The Presidency also held a discussion at the informal SCIFA meeting in Nicosia on 3 July 2012 where certain issues pertaining to the definition of serious criminal offences (Art 2 (k)), storage of data (Art 16), the requirement for a fingerprint expert (Art 25) and the prohibition of transfers of data to third countries or to international bodies or private entities (Art. 35) were discussed.

The Presidency intends to pursue work with a view to confirming an agreement on this draft Regulation at the level of the Council with the aim of launching negotiations with the Parliament in October 2012.

SCIFA delegates are invited to take note of the progress achieved on the legislative proposals in the field of asylum and to instruct Council's preparatory bodies to continue work in keeping with the commitment to establish the legislative framework for a Common European Asylum System by the end of 2012.