



Malta-EU Steering & Action Committee

MIGRATION



23.02.09

Minimum Standards for the reception of asylum seekers

COM (2008) 815 - Proposal for a Directive of the European Parliament and of the Council laying down minimum standards for the reception of asylum seekers (Recast)¹ (Reception Conditions)

The main objective of this proposal is, as part of the second phase of the asylum legislation, to ensure higher standards of treatment for asylum seekers with regard to reception conditions that would guarantee a dignified standard of living, in line with international law. Further harmonisation of national rules on reception conditions is also required in order to limit the phenomenon of secondary movements of asylum seekers amongst Member States, to the degree that such movements are generated from divergent national reception policies.

Criteria and mechanisms for determining the Member State responsible for examining an application for international protection

COM (2008) 820 - 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) (Dublin II)

¹ The recasting of legislation means the adoption, when an amendment is made to a basic instrument, of a new legal instrument which incorporates the said amendment into the basic instrument, but repeals and replaces the latter. Unlike formal consolidation, it involves changes of substance. It also gives a comprehensive overview of an area of legislation.



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The main aim of the proposal is to increase the system's efficiency and to ensure higher standards of protection for persons falling under the "Dublin procedure". At the same time, the proposal aims to contribute to better addressing situations of particular pressure on Member States' reception facilities and asylum systems. The proposal retains the same underlying principles as in the existing Dublin Regulation, namely that responsibility for examining an application for international protection lies primarily with the Member State which played the greatest part in the applicant's entry into or residence on the territories of the Member States, subject to exceptions designed to protect family unity.

Eurodac

COM (2008) 825 - Proposal for a Regulation of the European Parliament and of the Council concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EC) No (.../...) (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 version) (EURODAC)

The purpose of the proposed Regulation is the recast of Council Regulation (EC) No 2725/2000/EC for the establishment of 'EURODAC' ("EURODAC Regulation"). As announced in the Policy Plan on Asylum (refer to [COM 2008/360](#)), this proposal is part of a first package of proposals (*See also COM 2008/815 and COM 2008/820 above*) which aim to ensure a higher degree of harmonisation and better standards of protection for the Common European Asylum System (CEAS). It is adopted at the same time as the recast of the Dublin Regulation and the Reception Conditions Directive.

EURODAC, a Community-wide information technology system, was created to facilitate the application of the Dublin Convention. The Convention was replaced by a Community law instrument Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national ("the Dublin Regulation").

Regarding the more **efficient use of the EURODAC database**, the proposal aims to:



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- establish rules to ensure truly prompt transmission of fingerprints to the Central Unit of EURODAC in order to ensure that the Member State responsible under the Dublin Regulation for examining the application is correctly identified;
- update and clarify definitions of the different stages of management of the database, also in line with the objective to house all large-scale IT systems under Title IV of the TEC in one location under one management and running on the same platform (enabling to improve productivity and reduce operational costs);
- to unblock data on recognised refugees and to make them searchable by national asylum authorities, in order to avoid a situation where recognised refugee in one Member State applies for protection in another Member State.

APPROVED – 19.02.2009

Directive of the European Parliament and of the Council providing for sanctions against employers of illegally staying third-country nationals (COM (2007)249)

http://www.europarl.europa.eu/news/expert/infopress_page/018-48323-033-02-06-902-20090204IPR48320-02-02-2009-2009-false/default_en.htm

SUGGESTED FURTHER READING

On the setting up of a European Asylum Support Office

On Wednesday 18 February, the European Commission suggested the creation of a European Asylum Support Office, one of the main priorities of which would be the constitution of a team of experts to be sent out into member states suffering from strong migratory pressure. The proposal for a regulation (co-decision, qualified majority) provides for the Office, which will take the form of a Community agency, to be assigned three main tasks: - support for practical cooperation in terms of asylum, support to member states under particular pressure, and improvements in member state application of Community rules on asylum.

This will be discussed by the Justice and Home Affairs Council on Thursday 26 and Friday 27 February 2009.

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/275&format=HTML&aged=0&language=EN&guiLanguage=en>