

**Interparliamentary Committee Meeting**  
**organised by the**  
**Committee on Civil Liberties, Justice and Home Affairs**  
**on**  
**The Third Reform of the Common European Asylum System**  
**- Up for the Challenge -**

**JÓZSEF ANTALL (JAN) building, Room 6Q2**

**European Parliament, Brussels**

**28 February 2017, from 9:00 to 18:15**

**SUMMARIES OF REASONED OPINIONS AND CONTRIBUTIONS**  
**OF NATIONAL PARLIAMENTS**

**on Commission Proposals:**  
**COM(2015)452, COM(2016)270, COM(2016)271,**  
**COM(2016)272, COM(2016)465, COM(2016)466,**  
**COM(2016)467, COM(2016)468**

Brussels, 31 January 2017

**Subject: Briefing note on submissions by national Parliaments on the European Commission proposal on establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU on common procedures for granting and withdrawing international protection**

**Official title:** Proposal for a Regulation of the European Parliament and of the Council establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection, and amending Directive 2013/32/EU (**COM (2015) 452**)

**Adoption date:** 9 September 2015  
**Transmission date:** 14 September 2015

**Legal basis:** Article 78(2) TFEU  
Ordinary legislative procedure

**EP lead committee:** LIBE, rapporteur: GUILLAUME Sylvie (SD)  
**Opinion committee:** AFET and DEVE

#### **Scrutiny under Protocol 2 of the Lisbon Treaty**

**Deadline for submission of reasoned opinions: 9 November 2015**  
**0 reasoned opinions received (alleging breach of the subsidiarity principle)**  
**7 contributions received (commenting on the substance of the proposal)**

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#### **SUMMARY OF NATIONAL PARLIAMENTS' CONTRIBUTIONS**

The [Spanish Congress of Deputies](#) notes that the goal of the proposal is to increase efficiency of asylum systems as concerns applications for international protection, as well as to establish a common EU list of safe countries.

The [Czech Senate](#) objects to plans to introduce mandatory relocation mechanisms, and supports the Czech Government in rejecting these mechanisms. The Senate believes that the measures don't deal with the root causes of migration, but would rather result in its intensification. It welcomes, that the Commission is paying more attention to return policy and cooperation with third countries, but also highlights the Czech contribution to the solution of the situation through financial assistance and bilateral cooperation, and calls on its government to scale up solidarity assistance to the Member States and most affected third countries.

The [Italian Chamber of Deputies](#) acknowledges rising migratory flows and humanitarian tragedy, which calls for intensifying rescue operations and stepping up efforts to combat human traffickers. It further welcomes that Commission is trying to translate Member State solidarity in the area of asylum and immigration into concrete action. It does, however, stress that the programme cannot be

considered optional and calls for burden sharing within the Union, accompanied by effective measures that will stop individual MS from avoiding their responsibilities. Overall, the Chamber express a favourable opinion, while calling for: an overhaul of the Dublin Regulation; implementation of measures to secure a more orderly processing of refugees; an assessment of whether proportionate relocation is following the principle of fair burden sharing; a consideration of reducing the current 75% recognition rate threshold; an upward adjustment to the financial penalty imposed on Member States that refuse to host refugees assigned to them; measuring increase in migratory flows over a longer time scale; an increase in the sum of €500 allocated per asylum seeker; and an increase in the effectiveness of the list of safe countries.

The [Romanian Chamber of Deputies](#) notes that only 15 MS apply the concept of 'safe country of origin' in practice. It supports the document in its current form, and believes a common position on safe countries of origin to be useful and timely. The Chamber draws attention to the difference between the procedures for being included and removed as a 'safe country', with the former implemented in accordance with the Ordinary Legislative Procedure and the latter through the adoption of a delegated act. Finally, the Chamber expresses concern that in some states on the safe list, there were recorded cases of discrimination and violence on the grounds of ethnicity, religion or political views.

The [Czech Chamber of Deputies](#) supports the proposal to establish a common EU list of safe countries of origin and considers this an effective tool.

The [Italian Senate](#) holds a favourable opinion of this proposal.

The [Romanian Senate](#) concludes that this regulation complies with the principles of subsidiarity and proportionality. The Senate further notes its importance, and its usefulness, both for Member States and asylum seekers. It calls for: convergence of asylum procedures; a uniform list of safe countries of origin; provisions to affirm that Member States may designate safe countries other than these; periodic review of these countries; and identification of solutions to the underlying causes of migration.

Brussels, 31 January 2017

**Subject: Briefing note on submissions by national Parliaments on the European Commission proposal on 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)**

**Official title:** Proposal for a Regulation of the European Parliament and of the Council on 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) **(COM (2016) 270)**

**Adoption date:** 4 May 2016  
**Transmission date:** 23 August 2016

**Legal basis:** Article 78(2) TFEU  
Ordinary legislative procedure

**EP lead committee:** LIBE, rapporteur: **WIKSTRÖM Cecilia (ALDE)**  
**Opinion committee:** AFET, BUDG and JURI (on the recast technique)

#### **Scrutiny under Protocol 2 of the Lisbon Treaty**

**Deadline for submission of reasoned opinions: 27 October 2016**  
**8 reasoned opinions received (alleging breach of the subsidiarity principle)**  
**3 contributions received (commenting on the substance of the proposal)**

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#### **SUMMARY OF NATIONAL PARLIAMENTS' REASONED OPINIONS**

The [Hungarian National Assembly](#) declares that the Proposal does not comply with the principle of subsidiarity. In its reasoned opinion, the Assembly takes the view that there is no opportunity to shape the automated IT-system driven procedure forming part of the corrective allocation mechanism as introduced by this Proposal. Furthermore, it notes that Article 37 of the Proposal on financial solidarity doesn't acknowledge any objective ground for exemption or flexibility and is therefore contrary to the principle of proportionality. In addition, Article 78(2)(e) TFEU is an insufficient legal basis either for the establishment of the so-called financial solidarity or the automated allocation mechanism without maximum caps.

The [Slovak National Council](#) is of the opinion that by introducing a permanent mandatory distribution key instead of adopting provisional measures in emergency situations, the draft regulation goes beyond the extent necessary to achieve the objective and thus violates the principles of subsidiarity and proportionality. Moreover, the Council argues, in light of the fact that the presented proposal of the regulation is a recast proposal of the regulation of 9 September 2015 COM (2015) 450, that the

recast proposal violates the principle of legal uncertainty as there is a duplication. The Commission should therefore withdraw the draft Regulation COM (2015) 450.

The National Council also criticises the corrective allocation mechanism as it causes persons to be allocated to Member States against their will. It also is of the opinion that the mechanism fails to restrict the secondary movements of persons once allocated. In addition, operating the technical system would be an additional burden for the Member States, which serves no good reason. In addition, the requirement to make a payment for the solidarity contribution in the amount of EUR 250,000 when it does not participate in the allocation system, is not proportionate and seems to be a disguised fine for the country refusing the mandatory quotas.

The [Romanian Chamber of Deputies](#) reasserts the inadequate character of the corrective mechanism noting that Member States that are subject to disproportionate pressure will continue to face systemic deficiencies after its introduction. It considers that any proposal concerning the international protection seekers' redistribution among the Member States must take into consideration the specific character and the capacity of the Member States. It is obvious that a corrective distribution mechanism, having an automatic character, ignores the real circumstances in each Member State and its infrastructure. It also considers that the fair sharing of responsibilities among Member States in the field of migration, cannot start by the financial sanction of some Member States which could face difficulties, in their turn, as stipulated at Art. 37 of the Regulation proposal. Moreover, the Chamber considers that, in the absence of an adequate evaluation, clarifications are necessary regarding the reason why the Early Warning and Preparedness Mechanism for the crisis management has not yet been activated.

The Chamber also criticises the fact that the proposal will lead to incoherence in future regulations concerning the common European asylum system, in light of any reform of the Dublin Regulation. It also considers that by introducing an obligatory permanent distribution key instead of adopting provisional measures for emergency situations, the Regulation project surpasses the necessary measure for accomplishing the objective, consequently infringing the principles of subsidiarity and proportionality. In this respect, it notes the fact that a permanent character is conferred to certain corrective mechanisms which, according to Article 78(3) of the TFEU, must have, by their definition, a temporary character.

The [Czech House of Representatives](#) strongly rejects the Commission's proposal to establish the so-called Corrective Allocation Mechanism as well as the financial solidarity contribution related to this mechanism, which it considers inconsistent with the principle of subsidiarity and deems there to be insufficient justification for the establishment of such a compulsory mechanism at the EU level. The proposed mechanism also shows a number of practical problems (lack of asylum seekers' will to obey this mechanism and possibility of subsequent secondary movements related to this problem, unclear regulation of allocation system, lack of consideration of actual capacities of the Member States, etc.).

The House further disagrees with the strengthening of the competences of this agency to the extent that it could on its own initiative or on the basis of Commission's implementing decisions interfere with the competences of Member States in the field of decision-making process on granting international protection. Similarly, it rejects the proposed strengthening of the competencies given to the agency and to the Commission in the field of overall regular evaluation of the Member States' asylum systems and the related imposition of corrective measures and their subsequent enforcement.

The [Italian Senate](#) raises concerns of subsidiarity and proportionality stating that the measures and mechanisms for which provision is made here fail to meet the need to address the present unprecedented migration levels as a Europe acting as a whole, and the overall effects of the

amendments proposed fail to achieve the two main stated objectives. The introduction of the obligation to undertake a preliminary examination before activating the Dublin procedure would entail a considerable increase in the number of applications to be examined by a country of first entry, such as Italy. Moreover, this mechanism would increase the number of cases in which Italy would be responsible, which would have consequences in terms of the period of stay and the repatriation of people without the right to international protection.

With regard to the corrective allocation mechanism, the Committee deems it necessary to substantially lower the threshold for triggering the allocation mechanism, and to delete the possibility of replacing participation in the mechanism with the payment of a financial contribution, to effectively pursue the very purpose of the proposal, of ensuring the equitable burden-sharing of asylum applicants in the territory of the Member States.

The [Czech Senate](#) believes that the proposal for a Regulation, as far as the establishment of the corrective allocation mechanism and so called solidarity contribution is concerned, does not comply with the principle of subsidiarity. It further notes that the establishment of the corrective allocation mechanism does not have a real added value compared to the existing possibilities of Member States' action. This is due to the belief that the EU already has instruments to confront disproportionate pressure on a Member State (Article 78(3), Article 78(2) (c) TFEU and Directive 2001/55/EC on temporary protection). The abovementioned instruments allow a flexible response to crisis situations; however, so far the Commission has only used them to propose relocation of applicants for international protection obligatory for the Member States and persons concerned.

The Senate further raised concerns that involuntarily relocated persons will not have the motivation to integrate into the society of the Member State of relocation and will seek to move to those Member States where they would be naturally heading, which cannot be prevented in the long-term. It further expressed doubts over the short-time limits in the proposal, the restrictions on the right of a State to assume responsibility for examining an application for international protection on humanitarian grounds, and over the productivity of the proposed sanctions for uncooperative applicants.

The [Polish Senate](#) deems the proposal to be incompatible with the principle of subsidiarity in light of the mandatory nature of the corrective allocation mechanism. The Senate considers that the proposed regulation thus encroaches too far on the competences reserved to the Member States in the areas of security policy and social rights.

The [Polish Sejm](#) deems the proposal to be incompatible with the principle of subsidiarity as the proposed regulation does not guarantee that the objectives of the proposed action would be better achieved at the EU level than at the national level. The Sejm emphasises that the proposal does not take into account the scale of involvement of individual Member States in operational support granted to other Member States or the fact that a Member State may encompass a section of the EU's external border. Furthermore, the proposal does not take into account the hosting and integration capacities of Member States.

Although the use of automated allocation of persons seeking international protection between the Member States may guarantee order in terms of quantitative management of migratory flows, it will lead to lowering of management standards. As such, the Sejm believes that a preferred solution would be to host asylum seekers in the Member State neighbouring the country of origin, for example due to wider availability of interpreters of the language of the neighbouring, closer cultural ties, etc.

Finally, in order to make the examination of the application process more efficient, it would be better if such applications were examined by the Member States located closer to the country of origin of particularly by the Member State neighbouring the country of origin, while the so-called solidarity

contribution of EUR 250,000 for each applicant for international protection to be paid to the Member State responsible for examining the application is considered excessively high.

## SUMMARY OF NATIONAL PARLIAMENTS' CONTRIBUTIONS

The [Portuguese Assembly](#) agrees with positive overview and finds no subsidiarity issues.

The [Romanian Senate](#) considers the proposal to contain many positive elements, e.g. a system for sharing surplus asylum seekers, but expresses hopes that any proposal take into account the circumstances of individual Member States and ensure that the division of responsibilities is fair. The Senate further expresses reluctance at the requirement of Member States who do not take part in temporary redistribution of asylum applicants to pay a solidarity contribution of EUR 250,000 for each applicant. Finally, it finds that this proposal goes beyond the extent necessary to achieve its objective and therefore infringes upon the principle of proportionality.

The [German Bundesrat](#) regrets the lack of progress in resettling refugees in the EU, and acknowledges the Commission's efforts to set out common European standards. It supports stronger harmonisation and fair repatriation of responsibilities through a new Dublin Regulation and also calls for an obligatory procedure of uniform scrutiny of terms of admission in all Member States, examining weaknesses in others. The Bundesrat demands, however, that the principle of voluntary departure be included in the new Dublin Regulation. Finally, it disagrees with the intention to adopt implementing acts, as these interfere with provisions governing the execution of law, which are competences of the federal states.

The [Italian Chamber of Deputies](#) expresses regret at the delay in developing effective policies at EU level, and supports proposals for a fairer sharing of burdens. The Chamber notes that some Member States have been reluctant to accept the asylum seekers assigned to them and expresses concern that these countries are now responding negatively to the proposals through reasoned opinions. However, it also highlights the potential administrative burden of Article 3, which requires Member States to consider admissibility of asylum requests, as well as the possibility that Article 10 is not in the best interests of unaccompanied minors. On the solidarity mechanism, the Chamber suggests reducing 150% threshold, and underlines that the EUR 250,000 fine - in exchange for not participating in the redistribution mechanism - is not in line with the principle of solidarity.

Brussels, 31 January 2017

**Subject: Briefing note on submissions by national Parliaments on the European Commission proposal on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010**

**Official title:** 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 **(COM (2016) 271)**

**Adoption date:** 4 May 2016

**Transmission date:** 4 July 2016

**Legal basis:** Article 78(2) TFEU  
Ordinary legislative procedure

**EP lead committee:** LIBE, rapporteur: NIEDERMÜLLER Péter (SD)

**Opinion committee:** AFET, DEVE (decided not to give an opinion) and BUDG

#### **Scrutiny under Protocol 2 of the Lisbon Treaty**

**Deadline for submission of reasoned opinions: 29 September 2016**

**1 reasoned opinions received (alleging breach of the subsidiarity principle)**

**6 contributions received (commenting on the substance of the proposal)**

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#### **SUMMARY OF NATIONAL PARLIAMENTS' REASONED OPINION**

The [Czech House of Representatives](#) approves those initiatives included in the proposal in its aims to make the Dublin system more efficient. However, it strongly rejects the Commission's proposal to establish a corrective allocation mechanism as well as the financial solidarity contribution related to this mechanism, which it considers to be inconsistent with the principle of subsidiarity. The House states that the European Commission has not sufficiently explained the need to establish such a mechanism at the EU level. It highlights the existence of a tool at the EU level to deal with such situations: temporary protection, regulated by the Council Directive 2001/55/EC.

#### **SUMMARY OF NATIONAL PARLIAMENTS' CONTRIBUTIONS**

The [Czech Senate](#) believes that the proposal should not lead to interference in the decision-making powers of the Member States in the field of asylum, as the Member States bear responsibility for the stay of asylum seekers in their respective territories. Moreover, the proposal does not contain clear rules where a Member State whose asylum and reception system is exposed to disproportionate pressure and at the same time would not be willing to cooperate. The Senate affirms its belief that the Council, not the Commission should decide on this matter.

The [Italian Senate](#) adopted a positive resolution on this proposal.



The [Portuguese Assembly](#) holds a positive view of this proposal.

The [Romanian Senate](#) welcomes the idea that a future agency could offer better implementation of migration policy and asylum with the current proposals. It recommends the strengthening of practical cooperation on asylum between Member States as well as the operational support for Member States in order to turn BESA into a consolidated agency, equipped with the adequate tools.

The [Romanian Chamber of Deputies](#) expresses its concern regarding the right of the agency to embark on an own-initiative monitoring exercise in order to evaluate the asylum system or the reception system of a given Member State. The Chamber therefore recommends that the agency thoroughly justify the monitoring actions on its own initiative. The Chamber of Deputies further considers that the forecasted model, based on the obligation of cooperation, should also contain the possibility of non-participation of Member States that consider compliance with such obligations would result in an undue administrative burden or would be in conflict with national legislation.

The [Polish Senate](#) supports the adoption of the Regulation. However, it opposes the proposition of possible intervention by the European Union Agency for Asylum in the territory of a Member State without its approval.

The [Italian Chamber of Deputies](#) believes that the proposal would extend the current mandate of EASO resulting in the establishment of a fully-fledged agency that would be sufficiently equipped to: enhance practical cooperation and information exchange on asylum; promote EU law and operational standards to ensure a high degree of uniform application of the legal framework on asylum; ensure greater convergence in the assessment of protection needs across the Union; monitor and assess the implementation of EU asylum legislation; and provide increased operational and technical assistance to Member States for the management of the asylum and reception systems, notably in cases of disproportionate pressure.

Brussels, 31 January 2017

**Subject:** Briefing note on submissions by national Parliaments on the European Commission proposal on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 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] , for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast)

**Official title:** Proposal for a Regulation of the European Parliament and the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 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] , for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) (COM (2016) 272)

**Adoption date:** 4 May 2016  
**Transmission date:** 22 August 2016

**Legal basis:** Article 78(2) TFEU  
Ordinary legislative procedure

**EP lead committee:** LIBE, rapporteur: MACOVEI Monica (ECR)  
**Opinion committee:** AFET, BUDG and JURI (for opinion on the recast technique)

#### Scrutiny under Protocol 2 of the Lisbon Treaty

**Deadline for submission of reasoned opinions:** 27 October 2016  
**1 reasoned opinion received (alleging breach of the subsidiarity principle)**  
**3 contributions received (commenting on the substance of the proposal)**

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#### **SUMMARY OF NATIONAL PARLIAMENTS' REASONED OPINION**

The [Czech House of Representatives](#) strongly rejects the Commission's proposal to establish the corrective allocation mechanism as well as the financial solidarity contribution related to this mechanism, which it considers to be inconsistent with the principle of subsidiarity. The legal basis used by the Commission does not presume solving emergency situations at all; on the contrary it intends to control standard migratory flows with regards to the fact that for crisis situations certain emergency measures can be adopted, thereby constituting an exception from the rules adopted on this legal basis. Incorporation of the crisis allocation mechanism within the framework of the Dublin

rules therefore completely denies accordance with Article 78, Paragraph 3 TFEU. The House insists on its previous opinion that decision-making regarding who will be granted long-term or permanent residence within its territory should remain an exclusive competence of each Member State. It further insists on the deletion of the provisions establishing the corrective allocation mechanism from the text of the proposal while discussing the Dublin regulation reform at the EU level and eventually to block adoption of the respective proposal as a whole.

It welcomes Commission's initiative to strengthen the mandate of the European Asylum Support Office, whose potential should be utilised primarily to provide support and to help to those Member States that are under undue pressure of asylum seekers. The House also emphasises that the main responsibility for decision-making in asylum matters should remain exclusively with Member States while the House rejects the proposed strengthening of the competences given to the agency and to the Commission in the field of overall regular evaluation of Member States' asylum systems and the related imposition of corrective measures and their subsequent enforcement.

## **SUMMARIES OF NATIONAL PARLIAMENTS' CONTRIBUTIONS**

The [Italian Senate](#) issues a positive resolution on the proposal.

The [Portuguese Assembly](#) agrees positively with the proposal and raised no issues of subsidiarity.

The [Italian Chamber of Deputies](#) expresses a favourable opinion and opposes the stance adopted by those countries that are against the reform to make European asylum policy more uniform and are intent on undermining the innovative scope of the proposed measures. Although the current Eurodac system has proved useful, it is not adequate to deal with the constant increase in migration flows and illegal crossings into the EU. This proposal therefore aims to strengthen the system and expand its functions, also with a view to facilitating repatriation and countering irregularities.

The provisions envisioned in Article 2 to expand the categories of data and information that Member States must enter into Eurodac, with particular regard to facial images, are to be commended, and are not in violation of data protection laws. The Chamber further agrees with the provisions to lower the minimum age for fingerprinting to six years, as this would enhance the effectiveness of the control of the movement of unaccompanied minors, who often flee from residential institutions and are at risk of falling prey to human traffickers or other exploitation.

Brussels, 31 January 2017

**Subject: Briefing note on submissions by national Parliaments on the European Commission proposal on standards for the reception of applicants for international protection**

**Official title:** Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast) skilled employment (COM (2016) 465)

**Adoption date:** 13 July 2016  
**Transmission date:** 15 September 2016

**Legal basis:** Article 78(2) TFEU  
Ordinary legislative procedure

**EP lead committee:** LIBE, rapporteur: IN 'T VELD Sophia (ALDE)  
**Opinion committee:** AFET (decided not to give an opinion), EMPL and JURI (opinion on recast technique)

#### Scrutiny under Protocol 2 of the Lisbon Treaty

**Deadline for submission of reasoned opinions: 10 November 2016**  
**1 reasoned opinion received (alleging breach of the subsidiarity principle)**  
**4 contributions received (commenting on the substance of the proposal)**

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#### **SUMMARY OF NATIONAL PARLIAMENTS' REASONED OPINIONS**

The [Italian Senate](#) believes that, in stark contrast to the very rationale behind the proposal, the overall framework generates a complete weakening of the right to asylum in Europe. Indeed, it states that it moves in the direction of making international protection within the framework of the EU more precarious, further shifting the burden to the obligations envisaged of entry-point nations. The Senate further opposes the new principle whereby an asylum seeker who is in a member state other than the one in which he/she is duty-bound to be has no right to make use of any conditions of reception whatsoever, and in particular the schooling and education of minors, access to employment, the provision of a “dignified” standard of living, among others.

It is felt that this regulation, oriented towards penalising the situation of asylum seekers, in some ways also penalises minors inasmuch as it excludes them from access to schooling and education, thereby clashing with the principle of the best interests of the minor. Furthermore, an explicit definition of what a “dignified standard of living” entails is required, in particular whether the state must be responsible not only for healthcare but also for accommodation, living expenses or other services. The promotion of safe and legal access methods remains altogether insufficient. Finally, reducing the length of time required to access the labour market from a maximum of nine months to a maximum of six months from the date that the international protection application is suggested.

## SUMMARY OF NATIONAL PARLIAMENTS' CONTRIBUTIONS

The [Czech House of Representatives](#) considers that decisions about participation in resettlement programmes should be voluntary and in the competence of MS, and disagrees with the compulsory redistribution mechanisms. In addition, The House doesn't believe that persons of socio-economic vulnerability should be eligible for targeted Union resettlement, and also feels that the declared legal purpose could be achieved through a directive, instead of a regulation. Finally, the House proposes introducing obligatory regular reviews and sanctions for breach of obligations to remain in the Member State in which protection was granted.

The [Romanian Chamber of Deputies](#) doubts the usefulness and efficiency of the newly introduced measures, and draws attention the lack of proof of efficiency of the return system. The Chamber further expresses doubts over harmonisation of applicants' access to Member State labour markets and wishes to preserve Member State prerogatives to establish conditions of access to the labour market.

The [Czech Senate](#) reiterates that differences in living standards and varying social ties of asylum seekers in some Member States may influence their choice of destination, which may prevent the objectives from being achieved. The Senate agrees with its government and wants the Czech Republic to retain responsibility for the concerned persons in its country. The Senate further underlines the duty of asylum seekers to remain in the Member States in which protection was granted, while stressing that speeding up the decision-making process should a greater priority than the integration of asylum seekers. Finally, it highlights that the ESASO's tools are merely advisory and supports the designation of the proposal as a directive and not a regulation. The Senate also calls for prolonging the transposition limit of the proposed directive and postponing the application of both regulations.

The [German Bundesrat](#) welcomes the aims of harmonising standards for receiving asylum seekers in Member States, reducing incentives for secondary migration, and increasing prospects of integration of applicants. One point of concern is the deadline for decisions regarding the appointment of a legal guardian for unaccompanied minors of five working days, which the Bundesrat believes to be insufficient and possibly incompatible with the Charter of Fundamental Rights.

Brussels, 31 January 2017

**Subject:** Briefing note on submissions by national Parliaments on the European Commission proposal on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents

**Official title:** Proposal for a Regulation of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents **(COM (2016) 466)**

**Adoption date:** 13 July 2016  
**Transmission date:** 2 September 2016

**Legal basis:** Article 78(2) TFEU  
Ordinary legislative procedure

**EP lead committee:** LIBE, rapporteur: FAJON Tanja (SD)  
**Opinion committee:** AFET, EMPL and JURI (decided not to give an opinion)

#### Scrutiny under Protocol 2 of the Lisbon Treaty

**Deadline for submission of reasoned opinions:** 28 October 2016  
**0** reasoned opinion received (alleging breach of the subsidiarity principle)  
**7** contributions received (commenting on the substance of the proposal)

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#### **SUMMARY OF NATIONAL PARLIAMENTS' CONTRIBUTIONS**

The [Czech House of Representatives](#) considers decisions about participation in resettlement programmes to be voluntary and within the competences of Member States, as well as disagrees with the compulsory redistribution mechanisms. Moreover, the House does not believe that persons of socio-economic vulnerability should be eligible for targeted Union resettlement, and also feels that the declared legal purpose could be achieved through a directive, rather than a regulation. Finally, the House proposes the introduction of regular obligatory reviews and sanctions for breach of obligations to remain in the Member State in which protection was granted.

The [Romanian Chamber of Deputies](#) doubts the usefulness and efficiency of the newly introduced measures, and draws attention the lack of proof of efficiency of the return system. The Chamber further expresses doubts about harmonisation of applicants' access to Member States' labour markets

and wishes to preserve Member State prerogatives to establish conditions of access to the labour market.

The [Czech Senate](#) reiterates that differences in living standards and varying social ties of asylum seekers in some Member States may influence their choice of destination, which may prevent the objectives from being achieved. The Senate agrees with its Government and wants the Czech Republic to retain responsibility for the concerned persons in its country. The Senate further underlines the duty of asylum seekers to remain in the Member States in which protection was granted. It further stresses that speeding up the decision-making process should be a greater priority than the integration of asylum seekers. Finally, it highlights that the ESASO's tools are merely advisory and supports the designation of the proposal as a directive and not a regulation. The Senate also calls for prolonging the transposition limit of the proposed directive and postponing the application of both regulations.

The [Romanian Senate](#) believes that the proposed regulation complies with the principles of subsidiarity and proportionality, and notes that its main objective is to ensure all Member States use common criteria for the identification of persons in need of protection, and that these people enjoy a common set of rights in all Member States.

The [Portuguese Assembly](#) believes that the draft act does not raise any subsidiarity issues.

The [Italian Senate](#) proposes that an impact assessment of the proposal be carried out; that the duration of the stay permit be extended; and that the Dublin system be reviewed.

The [German Bundesrat](#) is against any delay of the proposal, but highlights incoherence between this proposal and draft regulation COM (2016) 467 and recast directive COM (2016) 465; this proposal links the deadline to the moment when protection is granted, and the others to when the person applies.

Brussels, 31 January 2017

**Subject: Briefing note on submissions by national Parliaments on the European Commission proposal on common procedure for international protection in the Union and repealing Directive 2013/32/EU**

**Official title:** Proposal for a Regulation of the European Parliament and of the Council on establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (COM (2016) 467)

**Adoption date:** 13 July 2016  
**Transmission date:** 9 September 2016

**Legal basis:** Article 78(2) TFEU  
Ordinary legislative procedure

**EP lead committee:** LIBE, rapporteur: FERRARA Laura (EFDD)  
**Opinion committee:** AFET, EMPL (decided not to give an opinion)

#### Scrutiny under Protocol 2 of the Lisbon Treaty

**Deadline for submission of reasoned opinions: 4 November 2016**  
**0 reasoned opinion received (alleging breach of the subsidiarity principle)**  
**6 contributions received (commenting on the substance of the proposal)**

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#### **SUMMARY OF NATIONAL PARLIAMENTS' CONTRIBUTIONS**

The [Czech House of Representatives](#) believes that the level of participation in resettlement programmes should be entirely voluntary and is opposed to compulsory redistribution mechanisms. It further rejects the inclusion of persons with socio-economic vulnerability in the 'vulnerable persons' category as well as the adoption of said resettlement schemes in the form of an implementing act. It similarly disagrees that Member States should be required to take into account operational standards on reception conditions and indicators developed by the European Asylum Support Office.

Finally, it states that the issue of integration of applicants for international protection and their access to the labour market should be a Member State competence and that the draft Asylum Procedures Regulation have insufficient added value, and that its adoption as a regulation is not justified, since the declared goals could be achieved through a directive.

The [Romanian Chamber of Deputies](#) supports elaborating a list – at the EU level – with third countries that are deemed definite origin countries. The House further supports the use of fingerprinting and provision of the necessary details for the examination of applications for international protection as well as the procedural sanctioning of any applicant who misleads authorities as regards his or her identity or citizenship.



The Chamber wishes, however, for clarifications on the provision that stipulates that, further to the refusal of a previous demand based on a final decision, the responsible Member State could consider that any new demand made by the same applicant in any of the Member States is an ulterior one.

The [Czech Senate](#) notes that factual differences in living standards and social and family ties of asylum seekers in individual Member States play a much more significant role in the asylum seekers' choice of a Member State destination and that these differences cannot be eliminated by legal means. As such, it fears that given minimal substantive changes in the individual legal acts, the established objectives may not be achieved and the proposals may not significantly contribute to a systemic solution of the migration crisis.

While the Senate supports the principle of asylum seekers and beneficiaries to remain in the Member State that granted them international protection and the possibility to impose penalties for violation of this duty, the Senate highlights that the measures introduced to prevent unwanted secondary movement within the EU may not be sufficiently discouraging. Regarding the demands to integrate asylum seekers even before the decision on granting the international protection is made, the objective should rather be to speed up the decision-making process than to provide significant integration measures during the consideration of the application. The House further emphasises that all outputs of the EU Asylum Agency must be optional and must not override national law.

The [Italian Senate](#) adopted a positive resolution, highlighting though that the architecture of the European asylum reform envisages burdens for first entry member States like Italy, which are inconsistent with the reform's stated goal of a more equitable distribution of the onus connected with asylum seekers' processing.

The [Portuguese Assembly](#) does not consider the proposal to raise any issues of subsidiarity.

The [German Bundesrat](#) expresses its objection against the introduction of area specific law for the judicial procedures of international protection, as this would interfere into the competences of Member States. It objects to any fixed delay, which it considers too short to find all necessary elements on which a judicial decision must be based and which it sees in possible contradiction to the independence and impartiality of the courts. Moreover, as the deadline shall start at the moment of application for international protection, in most cases the possible non-age of the applicant is not obvious, nor can the competent youth welfare service be contacted.

Furthermore, the Bundesrat considers legal representation of unaccompanied minors in every moment of the procedures as necessary. Provisions of the proposal entitling the asylum authorities to apply on behalf of the minor without or disregarding the position of the legal representative of the minor are clearly rejected, as well as the possibility to apply accelerated procedures. This would be incompatible with the aim to protect interest and welfare of minors. Moreover, the Bundesrat is against the empowerment to enact implementing acts. It calls for the possibility to scrutinise provisions foreseen in implementing acts in order to make sure that the provisions are not in conflict with provisions governing the execution of legal provisions by the Länder.

Finally, the Bundesrat is of the view that the transitional period of six-month after entry into force will lead to considerable practical problems in in courts. The implementation of the provisions of the draft will require far-reaching adjustments of national asylum law and asylum procedural law, which are not feasible within six months. Therefore, the Bundesrat calls for a transitional period of at least one year.

Brussels, 31 January 2017

**Subject: Briefing note on submissions by national Parliaments on the European Commission proposal on establishing Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council**

**Official title:** Proposal for a Regulation of the European Parliament and of the Council establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council **(COM (2016) 468)**

**Adoption date:** 13 July 2016  
**Transmission date:** 5 September 2016

**Legal basis:** Article 78(2) TFEU  
Ordinary legislative procedure

**EP lead committee:** LIBE, rapporteur: BJÖRK Malin (GUE/NGL)  
**Opinion committee:** AFET, DEVE (decided not to give an opinion), BUDG, EMPL (decided not to give an opinion)

#### Scrutiny under Protocol 2 of the Lisbon Treaty

**Deadline for submission of reasoned opinions: 31 October 2016**  
**0 reasoned opinion received (alleging breach of the subsidiarity principle)**  
**6 contributions received (commenting on the substance of the proposal)**

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#### **SUMMARIES OF NATIONAL PARLIAMENTS' CONTRIBUTIONS**

The [Czech House of Representatives](#) rejects the proposal and considers that decisions about the level of participation in resettlement programmes should be voluntary and a competence of the Member States, while also disagreeing with the compulsory redistribution mechanisms. The House rejects the inclusion of persons with socio-economic vulnerability in the category of vulnerable persons who are eligible for targeted Union resettlement schemes. Furthermore, it opposes the authorisation given to the Commission to adopt targeted Union resettlement schemes in the form of an implementing act and disagrees with the chosen legal instrument concerning the Qualification Regulation, since it considers that the declared purpose could be achieved through a directive.

The House does support the introduction of the obligation of regular review whether the situation of beneficiaries of protection status has not been changed and the obligation to reside in a Member State where protection was granted; also supports the introduction of a sanction for breach of this obligation. However, it disagrees that Member States should be required to take into account operational standards on reception conditions and indicators developed by the European Asylum Support Office/European Union Agency for Asylum. The House takes note of the issue of integration of applicants for international protection and their access to the labour market should be within the

competence of the Member States, but nevertheless believes that the draft Asylum Procedures Regulation has insufficient added value, and that its adoption as a regulation is not justified, since the declared goals could be achieved through a directive.

The [Romanian Chamber of Deputies](#) regrets the absence of an impact evaluation and supports preserving the Union's voluntary character of the relocation framework, opposing the mechanism of corrective relocation of the regulation proposal on the reform of the Dublin Regulation – COM (2016)270. The Chamber appreciates the clear presentation of relevant elements for establishing the regions or third countries from where the relocation takes place, thus leading to a synergy between the EU external action and its internal policies, as well as the coherence of the eligibility criteria of third-country nationals or stateless persons, as they take into consideration the protection of national security and of the public order. It further takes note that resettlement is conditioned by the consent of third-country nationals or of stateless persons who are subject to this procedure.

However, the Chamber considers it adequate to give the Council the competence to adopt the annual EU resettlement plan, as the Member States can better establish conditions of participation and contribution, the maximum total number of persons who will be relocated, and their global geographic priorities. It further asks for clarifications on the relations between the act adopted by the Council and the implementing acts adopted by the Commission for setting up the specific relocation mechanisms of the Union. It also asks for clarifications regarding the activating conditions of an accelerated procedure. Finally, the Chamber has certain doubts on imposing a regular term of five years from the relocation date for storing personal data of persons who are subject to a Union's relocation mechanism, taking into consideration the diversity of national regimes.

The [Italian Senate](#) adopted a positive resolution, with qualifications lamenting that no criteria had been set for the adoption of the European Commission implementing acts concerning the exact numbers relating to the participation of each Member State in targeted Union resettlement schemes. According to the Committee, criteria should be established, based on, for instance: the Member State's population; its GDP or the number of aliens previously resettled; and the use of the fast track procedure. The Committee highlighted the importance of introducing criteria or conditions based on which international protection may be granted, also following an assessment of the UN High Commissioner for Refugees or other recognised humanitarian agencies.

The [Czech Senate](#) considers resettlement to be an effective humanitarian tool for helping vulnerable persons in need of international protection and one of ways how to safely and legally enter the EU territory. It does, however, reiterate its long-term negative position on permanent and obligatory resettlement mechanisms and emphasises the exclusively voluntary character of resettlement activities for the Member States and persons concerned, as otherwise it may give rise to security risks and undesirable secondary movements within the EU. As such, it requests the avoidance of weakening the decision-making powers of the Member States and establishing new powers of the Commission regarding resettlement. Hence, the Senate disagrees with the adoption of targeted Union resettlement schemes by delegated acts of the Commission and emphasises the key role of Member States in the making of decisions on which persons, how many of them and from what area will come to their territory, as it is the Member State that will be responsible for such persons whether in terms of their social, economic and cultural integration or maintaining public security.

The Senate also highlights the need for caution when defining eligibility criteria for resettlement as too broad a definition (including the provisions on family reunification) can lead to abuse and may encourage further migration flows; in particular disagrees with the inclusion of “persons with socio-economic vulnerability”, given the other groups already included (women and girls at risk, persons with disabilities, survivors of violence or torture and others) it is not clear which persons should be

covered by this category. Finally, the Senate emphasises its support on: making resettlement conditional upon cooperation of third countries from which people will be resettled (particularly in return policy); the inclusion of internally displaced persons in the resettlement framework; and the submission of an annual Union resettlement plan together with the EU budget in order to take the expected costs of resettlement activities into account. Moreover, the Senate seeks clarifications on how persons for resettlement will be chosen on the basis of conditioned cooperation in the case of ongoing war or other conflict in the target area and lack of possibilities for cooperation, as well as to regulate the activity of High-Level Resettlement Committee in particular with regard to the decision-making procedure with the aim to preserve the powers of the Member States.

The [Portuguese Assembly](#) raises no issues of subsidiarity.

The [Romanian Senate](#) expressed a number of concerns about the compliance with subsidiarity and proportionality. Firstly, the external relocation mechanism proposed by the Commission involves a major commitment of Member States, in procedural terms, as they would carry out resettlement operations in practice, from identifying potential candidates in the countries of origin to the actual grant of international protection; Union involvement is limited to outlining a resettlement scheme and allocation of money for the integration of people relocated by Member States. Secondly, one of the reasons underlying the proposal to achieve the objectives of the Union's foreign policy resides in increasing the involvement of the Union in third countries (relocation mechanism being considered as an additional lever of foreign policy objective). This aim provides sufficient reason to regulate the issue through regulations. Finally, imposing a number of people to be resettled in third countries, based on a European Commission decision. At the same time, it is estimated that once the people are relocated and international protection is granted, Member State shall assume responsibility for integration into society. This point must be examined in the medium-term and it is not clear whether the lump sum of EUR 10,000 per person is required to cover the costs of integration.

Regarding the proposed form, it is stated that the arguments in the explanatory memorandum are not of sufficient relevance so as to justify the choice of instrument (the Regulation), in order to achieve objectives of the Treaties. In terms of content, the proposed regulation aims to establish quotas for relocation that are reinforced on compliant Member States. It is considered that this may affect one of the basic principles of the Union expressly stipulated in article 21 par. (1) TFEU that the Union *shall constitute an area of freedom, security and justice with respect for fundamental rights and the various legal systems and legal traditions of the Member States*. In the absence of the possibility of applying a voluntary principle that takes into account the capabilities of Member States for the reception and integration of people relocated to local firms, imposing quotas could affect the application of art. 21(1) of the Treaty, mentioned above.