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Committee on Legal Affairs

8.11.2016

NATIONAL PARLIAMENT REASONED OPINION ON SUBSIDIARITY

Subject: Reasoned opinion of the Italian Senate on the 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)
(COM(2016)0270 – C8-0173/2016 – 2016/0133(COD))

Under Article 6 of the Protocol (No 2) on the application of the principles of subsidiarity and proportionality, national parliaments may, within eight weeks of the date of transmission of a draft legislative act, send the Presidents of the European Parliament, the Council and the Commission a reasoned opinion stating why they consider that the draft in question does not comply with the principle of subsidiarity.

The Italian Senate has sent the attached reasoned opinion on the aforementioned proposal for a directive.

Under Parliament's Rules of Procedure the Committee on Legal Affairs is responsible for matters relating to compliance with the subsidiarity principle.

ANNEX

SENATE OF THE REPUBLIC
17th PARLIAMENTARY TERM

Doc XVIII
No 156

RESOLUTION OF THE 1st STANDING COMMITTEE
(Constitutional affairs, affairs of the Prime Minister's Office, internal affairs, general state and government system)

(Rapporteur: Mazzoni)

adopted at the sitting of 5 October 2016

on the

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) (COM(2016) 270 FINAL)

pursuant to Senate Rule 144(1) and (6)

Forwarded to the Presidency on 17 October 2016

The Standing Committee,

– having considered the proposal for a regulation, pursuant to Senate Rule 144(1) and (6),

whereas:

– the proposal provides for a recast of Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 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 (‘the Dublin III Regulation’),

pointing out that:

– on 6 April 2016 the Commission adopted a communication on the reform of the Common European Asylum System (COM(2016)197), providing for a comprehensive strategy to establish a stable system for determining the Member State responsible for asylum seekers, to reinforce the Eurodac system and to strengthen the European Asylum Support Office (EASO). In that communication the Commission stressed that a system which placed a disproportionate responsibility on certain Member States and encouraged uncontrolled movements towards other Member States had to be abandoned;

– in accordance with this reform plan, on 4 May 2016 the Commission submitted a package of three proposals to reform Regulation (EU) No 604/2013, known as Dublin III (COM(2016) 270), to reform Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 (‘Eurodac’) (COM(2016) 272) and to reform Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office (EASO) (COM(2016) 271), defining it as the first step towards a comprehensive reform of the Common European Asylum System (CEAS);

– on 13 July 2016 the Commission submitted a further package of four proposals, to complete the reform of the CEAS, namely: a proposal establishing a common procedure for international protection (COM(2016) 0467); a proposal to reform the directive concerning standards for qualification of persons as beneficiaries of international protection (COM(2016) 0466); a proposal revising the Reception Conditions Directive to increase applicants' integration prospects and decrease secondary movements (COM(2016) 465); and a proposal to establish a structured resettlement framework, with the aim of enhancing legal avenues to the EU and progressively reducing the incentives for irregular arrivals (COM(2016) 468),

whereas:

– the fundamental principle of the existing Dublin III Regulation is that the responsibility for examining an application lies mainly with the Member State which has played the greatest part in the applicant's entry or residence. The criteria for

establishing such responsibility are, in hierarchical order, family considerations, recent possession of a visa or residence permit in a Member State, or whether the applicant has entered the EU irregularly or regularly. In particular, Article 13 stipulates that that where it is established, on the basis of proof or circumstantial evidence, that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the Member State thus entered shall be responsible for examining the application for international protection. That responsibility ceases, however, 12 months after the date on which the irregular border crossing took place;

– the Commission points out that the current 'Dublin system' is no longer appropriate for ensuring a sustainable sharing of responsibility for applicants across the Union and that, at present, only a few Member States are having to deal with the majority of asylum seekers arriving in the Union, putting the capacities of their asylum systems under great strain and resulting in a failure to comply with EU rules. In particular, it identifies the complexity of determining the Member State responsible and the slowness of procedures, especially with regard to the transfer of responsibility between Member States;

– in order to prepare its proposal, the Commission based itself on external studies it had commissioned itself, to evaluate the current 'Dublin system'. The critical aspects that emerged concerned chiefly the large number of secondary movements, from the state of first entry to other Member States. Owing to these secondary movements, it came to light that there was a large number of multiple asylum applications – in 2014, in fact, 24% of applicants had already submitted prior applications in other Member States. As a result, the rules pursuant to the regulation on transfers between Member States have also rarely been implemented, as applicants have been able to submit (or re-submit) an application in whatever Member State of destination they desired. This is mainly due to the fact that the current 'Dublin III' Regulation does not take account of the reception capacity of the Member States, especially if they are subject to great migratory pressure, and places a disproportionate responsibility on Member States along the external borders, because of the tendency to apply primarily the 'first country of entry' criterion. The criteria relating to family links are, in fact, being used less frequently, mainly due to the difficulty of tracing family members or obtaining documentary evidence of family connections;

– the Commission has consulted the Member States, some of which have requested a permanent burden-sharing system through a distribution key for asylum seekers, while others were in favour of keeping and streamlining the current system, including the criterion relating to the responsibility of the Member State of first entry in case of irregular entry;

– the main changes provided for by the proposal for a regulation at issue are to strengthen the mechanism relating to the responsibility of the Member State of first entry, balancing it with an automatic corrective allocation mechanism, which would be activated in cases where Member States have to deal with a disproportionate number of asylum seekers,

noting in particular that the proposal for a regulation:

– in the new Article 3(3) of the Dublin Regulation, introduces an obligation to check, before launching the procedures to determine the Member State responsible, whether the application is inadmissible on the grounds that the applicant comes from a first country of asylum or a safe third country, in which case the applicant must be returned to that country;

– in the new Article 4 stipulates the obligation of an applicant who has entered irregularly into the territory of the Member States to submit his or her application in the Member State of first entry and to cooperate in the identification of that state. In this regard, the new Article 6 points out that the applicant does not have the right to choose the Member State responsible for examining his or her asylum application;

– in the new Article 5 provides that during the procedures laid down in the regulation an applicant is not entitled to the reception conditions set out in Articles 14 to 19 of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013, including access to the labour market and to the education system for under-age children in any Member State other than the one in which he or she is required to be present;

– in the new Article 9, deletes the rule whereby Member States have to take into consideration any available evidence regarding the presence, on the territory of a Member State, of family members, relatives or any other family relations of the applicant. However, the definition of family members under Article 2 has been extended, to include also the sibling or siblings of an applicant and family relations which were formed after leaving the country of origin but before arrival on the territory of the Member State;

– in the new Article 15 deletes the clause providing for cessation of responsibility of the Member State of first entry 12 months after the irregular entry and the clause which determines the Member State responsible on the basis of a continuous irregular stay of at least five months;

– in the new Articles 34 et seq. introduces the corrective allocation mechanism which provides for the sharing of responsibility between Member States and a swift access of applicants to procedures for granting international protection, in situations when a Member State is confronted with a disproportionate number of applications for international protection for which it is the Member State responsible under the regulation. The mechanism will be automatically activated when the automated system indicates that the number of applications for international protection for which a Member State is responsible, in addition to the number of persons effectively resettled, is higher than 150% of the reference number for that Member State as determined by a reference key. The reference key will be established by the European Union Agency for Asylum which, each year, will have to adapt the figures of the criteria (population and GDP) and the key, based on Eurostat figures. Member States will have the option of temporarily not participating, for a 12-month period, in the corrective allocation mechanism, but in exchange for that, they will have to pay a EUR 250 000 contribution per applicant to the Member State that was determined as responsible for examining the application,

– having regard also to the government report, forwarded on 25 July 2016, pursuant to Article 6(4) of Law No 234 of 24 December 2012,

noting in particular that:

– the government has marked the proposal in question as being a Union act of particular national interest, and that the report gives an assessment of the proposal that is, on the whole, negative, highlighting the fact that it does not help to distribute migrants equally among Member States, but rather, strengthens and extends 'in several ways, the first-entry criterion, increasing the difficulties for border countries such as Italy',

opposes the proposal.

In terms of compliance with the principles of subsidiarity and proportionality, indeed the text poses the following problems:

– the aims of the proposal, to secure a fair sharing of responsibilities among Member States, especially at times of crisis, and to curb secondary movements among Member States of citizens from third countries, cannot be achieved sufficiently by individual Member States. However, the proposed measures and mechanisms do not meet the need to address this historic wave of migration as Europe as a whole, and the overall effects of the proposed amendments are not geared to achieving the two above-mentioned goals;

– the introduction, in the new Article 3 of the proposal, of the requirement to conduct a preliminary examination before launching the Dublin procedure, with regard to the admissibility of the application, where the applicant comes from a safe third country or a first country of asylum, will 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 becomes the Member State responsible, which would have an impact also in terms of the duration of stays at reception centres and the returns of those not entitled to international protection. These aspects would have counter-productive consequences in terms of the aims set out in the proposal;

– the new Article 10(5) concerning minors, stipulates that in the absence of a family member, the Member State responsible shall be that in which the unaccompanied minor first lodged his or her application for international protection, unless it is demonstrated that this is not in the best interests of the minor and that, in the event of asylum applications submitted in several Member States, the state in which the application was first submitted should be held responsible. In this regard, the Standing Committee takes the view that it is more in the interests of the minor if the Member State in which the minor is located when the application is submitted is deemed responsible;

– the amendments to the new Article 15, namely the deletion of the clause whereby the Member State of first irregular entry ceases to be responsible after 12 months, and of the rule which determines the Member State responsible on the basis of a continuous irregular stay of at least five months, in addition to the deletion of Article 19, which

provides for the cessation of responsibilities of a Member State where a foreigner voluntarily leaves the territory of the Member States for a certain amount of time, and the principle of single permanent responsibility, introduced by the new Article 3(5), are measures which reinforce and extend the first-entry criterion; the latter is regarded, even by the proposal for a regulation itself, as one of the causes of the work overload in the border countries, in terms of reception, pre-identification and management of returns, and therefore runs counter to the stated objectives of the proposal. The Standing Committee thus considers it necessary to review the proposal, in order to develop mechanisms for determining the Member State responsible by reducing the predominance of the criterion of first entry in favour of a distribution criterion that reflects the wealth and capacity of the Member States to absorb asylum seekers;

– as regards the corrective allocation mechanism, referred to in Articles 34 et seq., the Standing Committee considers it necessary considerably to lower the threshold that will be required to trigger the relocation mechanism and to abolish the option of replacing participation in the mechanism with a financial contribution, in order effectively to pursue the goal set out in the proposal itself – a fair distribution of applicants between the Member States. In this regard, serious questions are raised also by the new Article 35(4), which assigns to the soon-to-be-established European Union Agency for Asylum the task of establishing the reference key, to be allocated to each Member State, for the distribution of asylum seekers on the basis of the corrective allocation mechanism, and to adapt it annually on the basis of Eurostat figures;

the Standing Committee would also point out that:

– a year after the launch of the relocation plan for EU Member States, the overall number of asylum seekers transferred from Italy to other countries still stands at 3% of the target, i.e. 1 196 people out of a planned total of 39 600;

– between 12 July and 27 September 2016, 2 242 people moved on from Greece and only 353 from Italy;

– the relocation plan is therefore undergoing serious delays, given that, according to the commitments made by the European Union in September 2015, 160 000 people will have to be relocated from Italy, Greece and Hungary to other EU Member States by September 2017. The aim is to achieve at least 6000 relocations per month. However, one year on, we are still at a mere 3% of the total expected figure. At present, the number of places made available by Member States for the relocation programme remains fixed at 13 585 (3 809 for Italy and 9 776 for Greece);

– the Commission’s proposal for reform claims to achieve the above-mentioned objectives and remedy the clear failure of the ‘Dublin system’ by essentially maintaining the Dublin hierarchy of criteria unchanged, introducing a corrective system for the fair sharing of responsibilities between Member States which reproduces the problematic aspects of the temporary relocation mechanisms already under way, and providing for a range of obligations to be imposed on asylum seekers (with consequent penalties in the event of infringement), to restrict their movements within the area of the Member States bound by the Dublin Regulation;

– the proposal presented by the Commission on 4 May 2016 as the ‘reform of the Dublin Regulation’ is no such reform: apart from a few amendments which improve the procedural terms, the transfer of asylum seekers to a potentially responsible Member State is being weighed down by the introduction of further, intermediate procedural steps; with the exception of the extended definition of a ‘family member’, none of the criteria for determining the Member State responsible have been touched, while the corrective allocation mechanism, as it is presently structured, is likely to end up in failure, as have the temporary relocation mechanisms;

– the proposal to reform the Dublin Regulation does not therefore appear such as to ensure the achievement of the objectives stated by the Commission in its preamble, namely, quickly to determine the Member State responsible and thus provide swift access to the asylum procedure for applicants, to ensure that responsibility is shared more fairly between Member States and to combat abuse and secondary movements of asylum seekers.

OPINION OF THE 14TH STANDING COMMITTEE

(European Union Policies)

(Draftsman: ROMANO)

28 September 2016

The Standing Committee, having considered the act:

– whereas the proposal for a regulation – which provides for a recast of Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 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 ('the Dublin III Regulation') – seeks to merge the current regulatory framework with a new corrective allocation mechanism in order to address situations where disproportionate numbers of people seek asylum in the Member States;

Noting that:

– on 6 April 2016 the Commission adopted a communication on the reform of the Common European Asylum System (COM(2016)197), providing for a comprehensive strategy to establish a stable system for determining the Member State responsible for asylum seekers, to reinforce the Eurodac system and to strengthen the European Asylum Support Office (EASO); in that communication the Commission stressed that a system which placed a disproportionate responsibility on certain Member States and encouraged uncontrolled movements towards other Member States had to be abandoned;

– in accordance with this reform plan, on 4 May 2016 the Commission submitted a package of three proposals to reform Regulation (EU) No 604/2013, known as Dublin III (COM(2016) 270), to reform Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 ('Eurodac') (COM(2016) 272) and to reform Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office (EASO) (COM(2016) 271), defining it as the first step towards a comprehensive reform of the Common European Asylum System (CEAS);

– on 13 July 2016 the Commission submitted a further package of four proposals, to complete the reform of the CEAS, namely: a proposal establishing a common procedure for international protection (COM(2016) 0467); a proposal to reform the directive concerning standards for qualification of persons as beneficiaries of international protection (COM(2016) 0466); a proposal revising the Reception Conditions Directive to increase applicants' integration prospects and decrease secondary movements (COM(2016) 465); and a proposal to establish a structured resettlement framework, with the aim of enhancing legal avenues to the EU and progressively reducing the incentives for irregular arrivals (COM(2016) 468).

Whereas the fundamental principle of the existing Dublin III Regulation is that the responsibility for examining an application lies mainly with the Member State which has played the greatest part in the applicant's entry or residence. The criteria for establishing such responsibility are, in hierarchical order, family considerations, recent possession of a visa or residence permit in a Member State, or whether the applicant has entered the EU irregularly or regularly. In particular, Article 13 stipulates that that where it is established, on the basis of proof or circumstantial evidence, that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the Member State thus entered shall be responsible for examining the application for international protection. That responsibility ceases, however, 12 months after the date on which the irregular border crossing took place;

– whereas the Commission points out that the current 'Dublin system' is no longer appropriate for ensuring a sustainable sharing of responsibility for applicants across the Union and that, at present, only a few Member States are having to deal with the majority of asylum seekers arriving in the Union, putting the capacities of their asylum systems under great strain and resulting in a failure to comply with EU rules. In particular, it identifies the complexity of determining the Member State responsible and the slowness of procedures, especially with regard to the transfer of responsibility between Member States;

– whereas, in order to prepare its proposal, the Commission based its position on external studies it had commissioned itself on the evaluation of the current 'Dublin system'. The critical aspects that emerged concerned chiefly the large number of secondary movements, from the state of first entry to other Member States. It emerged that as a result of these secondary movements a large number of multiple asylum applications were being made – indeed, in 2014, 24% of applicants had already submitted prior applications in other Member States. As a result, the rules pursuant to the regulation on transfers between Member States have also rarely been implemented, as applicants have been able to submit (or re-submit) an application in whatever Member State of destination they desired. This is mainly due to the fact that the current 'Dublin III' Regulation does not take account of the reception capacity of the Member States, especially if they are subject to great migratory pressure, and places a disproportionate responsibility on Member States along the external borders, because of the tendency to apply primarily the 'first country of entry' criterion. The criteria relating to family links are, in fact, being used less frequently, mainly due to the difficulty of tracing family members or obtaining documentary evidence of family connections;

– whereas, moreover, the Commission has consulted the Member States, some of which have requested a permanent burden-sharing system through the use of a distribution key for asylum seekers, while others were in favour of keeping and streamlining the current system, including the criterion relating to the responsibility of the Member State of first entry in case of irregular entry;

– whereas the main changes provided for by the proposal for a regulation in question are to strengthen the mechanism relating to the responsibility of the Member State of first entry, balancing it with an automatic corrective allocation mechanism, which would

be activated in cases where Member States have to deal with a disproportionate number of asylum seekers.

Whereas, more specifically, the proposal for a regulation:

- in the new Article 3(3) of the Dublin Regulation, introduces an obligation to check, before launching the procedures to determine the Member State responsible, whether the application is inadmissible on the grounds that the applicant comes from a first country of asylum or a safe third country, in which case the applicant must be returned to that country;

- in the new Article 4, stipulates the obligation of an applicant who has entered irregularly into the territory of the Member States to submit his or her application in the Member State of first entry and to cooperate in the identification of that state. In this regard, the new Article 6 points out that the applicant does not have the right to choose the Member State responsible for examining his or her asylum application;

- in the new Article 5, provides that during the procedures laid down in the regulation an applicant is not entitled to the reception conditions set out in Articles 14 to 19 of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013, including access to the labour market and to the education system for under-age children in any Member State other than the one in which he or she is required to be present;

- in the new Article 9, deletes the rule whereby Member States have to take into consideration any available evidence regarding the presence, on the territory of a Member State, of family members, relatives or any other family relations of the applicant. However, the definition of family members under Article 2 has been extended, to include also the sibling or siblings of an applicant and family relations which were formed after leaving the country of origin but before arrival on the territory of the Member State;

- in the new Article 15, deletes the clause providing for cessation of responsibility of the Member State of first entry 12 months after the irregular entry and the clause which determines the Member State responsible on the basis of a continuous irregular stay of at least five months;

- in the new Articles 34 *et seq*., introduces the corrective allocation mechanism, which provides for the sharing of responsibility between Member States and a swift access of applicants to procedures for granting international protection, in situations where a Member State is confronted with a disproportionate number of applications for international protection for which it is the Member State responsible under the regulation. The mechanism will be automatically activated when the automated system indicates that the number of applications for international protection for which a Member State is responsible, in addition to the number of persons effectively resettled, is higher than 150% of the reference number for that Member State as determined by a reference key. The reference key will be established by the European Union Agency for Asylum which, each

year, will have to adapt the figures of the criteria (population and GDP) and the key, based on Eurostat figures. Member States will have the option of temporarily not participating, for a 12-month period, in the corrective allocation mechanism, but in exchange for that, they will have to pay a EUR 250 000 contribution per applicant to the Member State that was determined as responsible for examining the application.

Having regard to the report of the Italian Government report, forwarded on 25 July 2016, pursuant to Article 6(4) of Law No 234 of 24 December 2012;

– and whereas, in particular, the Government has indicated the proposal in question to be a Union act of specific national interest, and whereas the report gives an assessment of the proposal that is, on the whole, negative, highlighting the fact that it does not help to distribute migrants equally among Member States but actually strengthens and extends 'in several ways, the first-entry criterion, increasing the difficulties for border countries such as Italy'.

Makes the following criticisms of the proposal for a regulation, specifically as regards matters falling within its area of responsibility:

– Article 78(2)(e) of Treaty on the Functioning of the European Union, which has been correctly identified as the legal basis, provides for the use of the ordinary legislative procedure for the adoption of measures for a common European asylum system comprising criteria and mechanisms for determining which Member State is responsible for considering an application for asylum or subsidiary protection. This is, moreover, the same legal basis used for Regulation (EU) No 604/2013, which is being reformed.

On the other hand, there are strong criticisms to be made in respect of compliance with the principles of subsidiarity and proportionality:

– the aims of the proposal, which seeks to secure a fair sharing of responsibilities among Member States, especially at times of crisis, and to curb secondary movements among Member States of citizens from third countries, cannot be achieved sufficiently by individual Member States. However, the proposed measures and mechanisms do not respond to the need to address this unprecedented wave of migration in the form of Europe as a whole, and the overall effects of the proposed amendments are not geared to achieving the two above-mentioned goals;

– the introduction, in the new Article 3 of the proposal, of the requirement to conduct a preliminary examination before launching the Dublin procedure, with regard to the admissibility of the application, where the applicant comes from a safe third country or a first country of asylum, will 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 becomes the Member State responsible, which would have an impact also in terms of the duration of stays at reception centres and the returns of those not entitled to international protection. These aspects would have counter-productive consequences in terms of the aims set out in the proposal;

– the new Article 10(5), concerning minors, stipulates that in the absence of a family member, the Member State responsible shall be that in which the unaccompanied minor first lodged his or her application for international protection, unless it is demonstrated that this is not in the best interests of the minor and that, in the event of asylum applications submitted in several Member States, the state in which the application was first submitted should be held responsible. In this regard, the Standing Committee takes the view that it is more in the interests of the minor if the Member State in which the minor is located when the application is submitted is deemed responsible;

– the amendments to the new Article 15, namely the deletion of the clause whereby the Member State of first irregular entry ceases to be responsible after 12 months, and of the rule which determines the Member State responsible on the basis of a continuous irregular stay of at least five months, in addition to the deletion of Article 19, which provides for the cessation of responsibilities of a Member State where a foreigner voluntarily leaves the territory of the Member States for a certain amount of time, and the principle of single permanent responsibility, introduced by the new Article 3(5), are measures which reinforce and extend the first-entry criterion; the latter is regarded, even by the proposal for a regulation itself, as one of the causes of the work overload in the border countries, in terms of reception, pre-identification and management of returns, and therefore runs counter to the stated objectives of the proposal. The Standing Committee thus considers it necessary to review the proposal, in order to develop mechanisms for determining the Member State responsible by reducing the pre-eminence of the criterion of first entry in favour of a distribution criterion that reflects the wealth and capacity of the Member States to absorb asylum seekers;

– as regards the corrective allocation mechanism, referred to in Articles 34 *et seq*., the Standing Committee considers it necessary to lower considerably the threshold required to trigger the relocation mechanism and to abolish the option of replacing participation in the mechanism with a financial contribution, in order effectively to pursue the goal set out in the proposal itself – a fair distribution of applicants between the Member States. In this regard, serious questions are also raised by the new Article 35(4), which assigns to the soon-to-be-established European Union Agency for Asylum the task of establishing the reference key, to be allocated to each Member State, for the distribution of asylum seekers on the basis of the corrective allocation mechanism, and to adapt it annually on the basis of Eurostat figures.

This Committee therefore wishes to issue a negative reasoned opinion within the meaning of Protocol No 2 to the TFEU and concerning the principles of subsidiarity and proportionality.