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on enhanced intra-EU solidarity in the field of asylum
(2012/2032(INI))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Kyriacos Triantaphyllides

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on enhanced intra-EU solidarity in the field of asylum

(2012/2032(INI))

The European Parliament,

- having regard to Articles 67(2), 78 and 80 of the Treaty on the Functioning of the European Union,
- having regard to the communication of 2 December 2011 from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on enhanced intra-EU solidarity in the field of asylum - An EU agenda for better responsibility-sharing and more mutual trust (COM(2011)0835),
- having regard to its resolution of 25 November 2009 on the communication from the Commission to the European Parliament and the Council – An area of freedom, security and justice serving the citizen – Stockholm programme¹,
- having regard to the communication of 6 April 2005 from the Commission to the Council and the European Parliament establishing a framework programme on solidarity and management of migration flows for the period 2007-2013 (COM(2005)0123),
- having regard to the conclusions of the Justice and Home Affairs Council of 8 March 2012 on a Common Framework for genuine and practical solidarity towards Member States facing particular pressures on their asylum systems, including through mixed migration flows, during the 3151st Justice and Home Affairs Council meeting,
- having regard to international and European human rights instruments including in particular the UN Convention relating to the Status of Refugees, the European Convention for the Protection of Human Rights and Fundamental Freedoms (the ECHR), and the Charter of Fundamental Rights of the European Union (the Charter),
- having regard to the Commission's Green Paper of 6 June 2007 on the future Common European Asylum System (COM(2007)0301),
- having regard to the Commission Policy Plan on Asylum of 17 June 2008: An integrated approach to protection across the EU (COM(2008)0360),
- having regard to Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof²,
- having regard to the 18-month programme of the Council of 17 June 2011, prepared by

¹ OJ C 285 E, 21.10.2010, p. 12.

² OJ L 212, 7.8.2011, p. 12.

the Polish, Danish and Cypriot Presidencies,

- having regard to the Commission proposal for a regulation of 15 November 2011 establishing the Asylum and Migration Fund (COM(2011)0751),
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0248/2012),
- A. whereas the European Union has committed itself to completing the establishment of a Common European Asylum System (CEAS) in 2012;
- B. whereas solidarity has been recognised as an essential component and a guiding principle of the CEAS from the outset, as well as constituting a core principle in EU law according to which Member States should share both advantages and burdens in an equal and fair manner;
- C. whereas solidarity must go hand in hand with responsibility, and Member States must ensure that their asylum systems are able to meet the standards laid down in international and European law, in particular those of the Geneva Convention on Refugees of 1951 and its additional protocol of 1967, the European Convention on Human Rights, and the Charter of Fundamental Rights of the European Union;
- D. whereas providing support in carrying out asylum procedures in the sense of efficient solidarity and fairly shared responsibility must be perceived as a means to assist Member States so that they comply with their obligation to provide protection to those in need of international protection and assistance to third countries hosting the largest numbers of refugees, with the aim of strengthening the common area of protection as a whole;
- E. whereas, notwithstanding the obligation to examine individual asylum applications on a case-by-case basis, if joint processing is to lead to common decisions it is necessary that due respect be accorded to the common EU concepts of safe country of origin and safe third countries, respecting the conditions and safeguards included in Parliament's first reading position of 6 April 2011 on the Commission's proposal for a revised Asylum Procedures Directive;

Introduction

1. Welcomes the Commission communication on enhanced intra-EU solidarity in the field of asylum, which calls for the translation of solidarity and responsibility-sharing into concrete measures, and for Member States to fulfil their responsibility for ensuring their own asylum systems meet both international and European standards;
2. Emphasises the central role and horizontal effect of solidarity and responsibility-sharing in the establishment of a CEAS; reiterates the need to ensure the efficient and uniform application of the Union's asylum acquis and implementation of legislation in order to ensure high levels of protection;

3. Recalls that the right to international protection is a fundamental right enshrined in international and Union law which is complemented by a series of additional rights and principles, such as the principle of non-refoulement, the right to dignity, the prohibition of torture, inhuman or degrading treatment, the protection of women from violence and all forms of discrimination, the right to an effective remedy and the right to private and family life;
4. Underlines that the principle of solidarity and responsibility-sharing is enshrined in the Treaties, and that an effective solidarity framework includes, at the least, the duty on the part of the EU institutions and agencies and the Member States to cooperate in order to find ways to give effect to this principle; asserts that solidarity is not limited to Member States' relations with each other, but is also aimed at asylum seekers and beneficiaries of international protection;
5. Underlines the fact that while the number of asylum seekers increased during 2011, the last decade has seen a significant overall decrease in the number of asylum applications in the EU; stresses that certain Member States face a disproportionate number of asylum requests compared to others, owing to various factors including their geographical characteristics, and that asylum applications are unevenly spread across the EU; recalls that in 2011, ten Member States accounted for more than 90 % of asylum applications, that up to the summer of 2011 only 227 beneficiaries of international protection were relocated within the EU from Malta, to six other Member States, and that in 2011 in the whole EU, only 4 125 refugees were resettled to just ten Member States, representing approximately 6.6 % of all persons resettled during that year; stresses that it is crucial to identify these inequalities by, inter alia, comparing absolute numbers with capacity indicators, and that the Member States most affected by asylum applications must have greater assistance from the EU, both administratively and financially;
6. Stresses that a high level of protection for asylum applicants and beneficiaries of international protection cannot be achieved, and solid asylum decisions cannot be made, if the discrepancies between the proportion of asylum applications and individual Member States' absorption capacity in technical and administrative terms are not redressed and if the support measures in place in Member States are ill-adapted to respond to varying asylum flows;
7. Reiterates that Member States should ensure that fair and efficient asylum systems are put in place in order to respond to varying asylum flows; takes the view that although the number of asylum applications is not constant, there is evidence of specific entry points at the EU's external borders which constitute 'hot spots', and where it is reasonably predictable that a large number of asylum applications may be lodged; calls for measures to boost the preparedness of the asylum systems of those Member States located at the main EU entry points, as a sign of practical solidarity;
8. Emphasises that all Member States have the obligation to fully implement and apply both EU law and their international obligations on asylum; notes that Member States at the external borders of the Union face different challenges under the CEAS than do those without external borders, hence also needing different forms of support in order to carry out their respective tasks adequately; points out that Article 80 TFEU requires the

activation of existing measures as well as the development of new measures so as to assist those Member States when necessary;

9. Calls for the optimisation of the use of existing measures, as well as for the development of new targeted measures and tools in order to respond to ever-changing challenges in a flexible yet effective manner; such optimisation is particularly timely given the acute financial crisis afflicting the EU, which is putting additional strain on Member States' efforts to cope efficiently with asylum procedures, particularly in the case of those receiving disproportionate numbers of asylum seekers;
10. Notes that in the light of growing needs with respect to refugees at a global level, cooperation with third countries in the context of environmental and development policies can play a vital role in the construction of relationships guided by solidarity;
11. Underlines the importance of collecting, analysing and putting in perspective reliable, accurate, comprehensive, comparable and up-to-date quantitative and qualitative data, in order to monitor and evaluate measures and acquire a sound understanding of asylum-related issues; encourages Member States, therefore, to provide EASO and the Commission with relevant data on asylum issues, in addition to the data provided under the Migration Statistics Regulation and the EASO Regulation; all statistical data where possible should be broken down by gender;
12. Regrets the rise of xenophobia and racism and of negative and misinformed assumptions about asylum seekers and refugees accompanying socio-economic insecurity in the EU; recommends that Member States undertake awareness-raising campaigns on the actual situation of asylum seekers and beneficiaries of international protection;

Practical cooperation and technical assistance

13. Stresses that the establishment of the European Asylum Support Office (EASO) has the potential to promote closer practical cooperation among Member States in order to help reduce significant divergences in asylum practices, with a view to creating better and fairer asylum systems in the EU; believes that such active and practical cooperation must go hand in hand with the legislative harmonisation of European asylum policies;
14. Recalls the need for EASO to provide technical support and specific expertise to Member States in their implementation of the asylum legislation, in cooperation with civil society and the UNHCR; stresses that it is important that the Commission should use the information gathered by EASO to identify potential shortcomings in Member States' asylum systems; such information collected by EASO pursuant to Regulation (EU) 439/2010 is also pertinent in the framework of the mechanism for early warning, preparedness and crisis management which will form part of the amended Dublin Regulation; underlines the importance of presenting regular reports and drawing up action plans in order to promote targeted solutions and recommendations for improving the CEAS and remedying potential deficiencies; notes, in particular, the agency's role in coordinating and supporting common action in order to assist Member States whose asylum systems and reception facilities are subject to particular pressure, by means of measures including the secondment of officials to the Member States in question and the deployment of asylum expert teams and of social workers and interpreters who can be

mobilised quickly in crisis situations; recalls that the impact of EASO will depend on the willingness of Member States to make full use of its potential;

15. Calls on EASO, taking into account its duties as well as its limited budget, resources and experience, to optimise its available resources by engaging in close dialogue and cooperation with international organisations and civil society with a view to exchanging information and pooling knowledge in the field of asylum, collecting data, exchanging best practice, developing comprehensive guidelines on gender-related asylum issues, developing training, and creating pools of experts, case workers and interpreters who could be mobilised at short notice to provide assistance; further recommends that EASO ensure a broad representation of organisations participating in the consultative forum;
16. Stresses that EASO's activities should focus on both long-term preventive objectives and short-term reactive measures, in order to respond adequately to different situations; considers, therefore, that while EASO should support capacity-building measures for underdeveloped or dysfunctional asylum systems, it should give priority to emergency situations and to Member States facing particular or disproportionate pressures; emphasises, in this respect, the crucial role of Asylum Expert Teams in assisting with heavy caseloads and backlogs, providing training, undertaking project management, advising and recommending concrete measures, and monitoring and implementing follow-up measures;
17. Takes note of the operational plan in place to support the Greek asylum system and improve the situation of asylum seekers and beneficiaries of international protection in Greece; underlines that despite some progress achieved, additional efforts are needed from both the EU and the Greek authorities to improve the asylum system and ensure that asylum seekers' rights are respected in full; recalls that measures to reduce the budget deficit preclude allocating national funds to hire more officials, and recommends that this problem be addressed, since a well-functioning asylum authority is necessary to enable Greece to fulfil its obligations under international and EU law;
18. Takes note of the recommendation of the Commission and Council regarding inter-agency cooperation between EASO and Frontex, and stresses that the full and swift implementation of Frontex's Fundamental Rights Strategy is a sine qua non for any such cooperation in the context of international protection, including the appointment of a Human Rights Officer, setting up the consultative forum with civil society, and inviting international organisations to participate in its activities as human rights observers; emphasises that any cooperation must be viewed in the context of upholding the standards set by European and international norms thus increasing in practice the quality of protection provided to asylum seekers; calls, therefore, on the EASO to support Frontex with respect to its obligations related to access to international protection, in particular the principle of non-refoulement; stresses that border measures should be applied in a protection-sensitive manner;
19. Recognises the need to review EASO's mandate regularly, in order to ensure adequate responsiveness to the different challenges faced by asylum systems; bearing in mind that all action undertaken by EASO depends on Member States' goodwill, suggests considering the possibility of introducing structural safeguards within EASO's mandate so

as to ensure that practical cooperation and technical assistance are provided where necessary;

Financial solidarity

20. Encourages Member States to make full use of the possibilities available under the European Refugee Fund (ERF) in terms of undertaking targeted actions for the improvement of asylum systems; recommends that Member States take action to address issues such as cumbersome bureaucratic procedures, absorption delays and liquidity problems, in order to ensure an effective and swift distribution of funds;
21. Notes that Member States must ensure that full use is made of the opportunities afforded by the European Refugee Fund, and that all appropriations allocated can be disbursed so that project leaders do not face problems when implementing funded projects;
22. Welcomes the creation as from 2014 of a simpler and more flexible Asylum and Migration Fund (AMF), which will replace the European Refugee Fund, the European Fund for the Integration of Third-Country Nationals and the European Return Fund, and underlines the need to allocate sufficient resources to support the protection of beneficiaries of international protection and asylum seekers; stresses, in this respect, the importance of including safeguards within the AMF, in order to prevent excessive allocation of funds to only one policy area at the expense of the CEAS as a whole; considers it necessary, in the context of the reform of allocation of funds in the home affairs area for the MFF 2014-2020, to also allocate sufficient resources for border protection in order to achieve greater solidarity in this area too; recalls that there should always be sufficient resources to fund international protection and solidarity measures for Member States;
23. Emphasises the need for the Asylum and Migration Fund to be sufficiently flexible and easy to mobilise as well as offering rapid access, in order to be able to respond rapidly and appropriately to unforeseen pressures or emergency situations affecting one or several Member States; proposes in this respect to reserve, where necessary, a certain percentage of the AMF's amount earmarked in the framework of the mid-term review for measures aimed at helping Member States to fully implement and apply the existing EU asylum acquis and to adhere to all international obligations in this field;
24. Welcomes the home affairs policy dialogues with individual Member States on their use of the funds preceding multiannual programming; stresses the importance of participatory action to achieve optimal results, and recommends reinforcing the partnership principle by including civil society, international organisations and local and regional authorities, as well as relevant stakeholders, as their experience on the ground is essential for setting realistic priorities and developing sustainable programmes; their input in terms of the development, implementation, monitoring and evaluation of the objectives and programmes is therefore important and should be taken into account by the Member

States;

25. Underlines the importance of financial responsibility-sharing in the field of asylum, and recommends creating a well-resourced mechanism for receiving larger numbers of asylum seekers and beneficiaries of international protection, in either absolute or proportional terms, and for helping those with less developed asylum systems; considers that further research is required to identify and quantify the real costs of hosting and processing asylum claims; calls, therefore, on the Commission to undertake a study in order to assess the funds that should be allocated according to the responsibility borne by each Member State, on the basis of indicators such as: the number of first asylum applications, the number of positive decisions granting refugee status or subsidiary protection, the number of resettled and relocated refugees, the number of return decisions and operations, and the number of apprehended irregular migrants;
26. Recommends that Member States make use of the financial incentives available through the AMF for relocation activities, acknowledging that financial assistance through the fund and technical assistance through the EASO are important; suggests introducing priority areas to address urgent situations and provide more substantial financial assistance to Member States wishing to participate in relocation initiatives, in order to alleviate the related financial costs;
27. Believes that the establishment of a clearer and more effective system of financial incentives for Member States participating in relocation activities and proactive strategies aimed at improving the infrastructures of national asylum systems will have a long-term positive effect on the convergence of standards in the EU and the quality of the CEAS;
28. Welcomes the possibility of increasing the Commission's contribution to up to 90 % of the total eligible expenditure for projects that could otherwise not have been implemented; considers that a clear added value should emerge from projects funded by the Commission; stresses that EU funding should under no circumstances be a substitute for national budgets allocated to asylum policies;
29. Underlines the problems currently linked to the funding of activities in terms of obstacles to access to accurate information and funding, the setting-up of realistic and tailored objectives, and the implementation of effective follow-up measures; suggests introducing safeguards to avoid duplication, clear allocation of funding, and thorough examination of activities' added value and the results achieved;
30. Stresses the importance of strict oversight with regard to the funds' use and management, on the basis of quantitative and qualitative indicators and specific criteria, in order to avoid the misallocation of human and financial resources and guarantee compliance with the objectives established; welcomes, in this respect, the setting-up of a common evaluation and monitoring system;
31. Urges the Member States, with the assistance of the Commission, to ensure the full exploitation of existing complementarities between other available financial instruments such as the European Social Fund and other Structural Funds, in order to achieve a holistic

funding approach for asylum-related policies;

Allocation of responsibilities

32. Welcomes the Commission's commitment to performing a comprehensive evaluation of the Dublin system in 2014, reviewing its legal, economic, social and human rights effects, including the effect on the situation of women asylum seekers; considers that further reflection is needed on the development of an equitable responsibility-sharing mechanism for determining which Member State should be responsible for processing asylum applications, which would allow for quick and effective practical support for Member States in emergency situations and facing disproportionate burdens;
33. Considers that the Dublin Regulation, which governs the allocation of responsibility for asylum applications, places a disproportionate burden on Member States constituting entry points into the EU, and does not foresee for a fair distribution of asylum responsibility among Member States; notes that the Dublin system as it has been applied so far, in a context characterised by very different asylum systems and insufficient levels of asylum acquis implementation, has led to the unequal treatment of asylum seekers while also having an adverse impact on family reunification and integration; stresses, moreover, its shortcomings in terms of efficiency and cost-effectiveness, since more than half of agreed transfers never take place and there are still significant numbers of multiple applications; calls on the Commission and the Member States to ensure that asylum-seekers who are returned to a Member State on the basis of the Dublin II Regulation are not discriminated against for the sole reason of being Dublin II transferees;
34. Stresses that the relevant case-law is already in the process of undermining the rationale behind the Dublin system; considers that while providing an answer to individual cases, the case-law fails to overcome the deficiencies that exist in the implementation of the asylum acquis; while recognising the need for Member States to ensure that their asylum systems comply with EU and international norms, welcomes, therefore, the efforts to include additional criteria in Dublin II in order to mitigate the system's unwanted adverse effects; believes that discussions for the determination of the Member State responsible must take account of the fact that some Member States are already facing disproportionate pressures and some asylum systems are partially or fully dysfunctional;

Joint processing of asylum applications

35. Deems it essential to engage in further dialogue with regard to responsibility-sharing towards asylum seekers and beneficiaries of international protection, including on the use of tools such as the joint processing of asylum applications (hereinafter 'joint processing') and relocation schemes;
36. Considers that joint processing could constitute a valuable tool for solidarity and responsibility-sharing in various cases, in particular where Member States face significant or sudden influxes of asylum seekers or there is a substantial backlog of applications

which delays and undermines the asylum procedure at the expense of asylum applicants; joint processing could prevent or rectify capacity problems, reduce the burdens and costs related to asylum processing, expedite the processing time of claims and ensure a more equitable sharing of responsibility for the processing of asylum applications; emphasises that joint processing requires a clear allocation of responsibilities between the Member States involved in order to avoid responsibility-shifting, and that decision-making remains the responsibility of the Member State; notes that this would need to be complemented by a system to ensure a more equitable sharing of responsibility once applications are processed;

37. Welcomes the feasibility study launched by the Commission to investigate the legal and practical implications of joint processing on Union territory, since clarification is needed with respect to a series of issues;
38. Notes that joint processing does not necessarily entail a common decision, but could involve support and common processing with respect to other aspects of the asylum procedure, such as identification, preparation of first-instance procedures, interviews, or assessment of the political situation in the country of origin;
39. Emphasises that joint processing should offer added value with respect to the quality of the decision-making process, ensuring and facilitating fair, efficient and rapid procedures; underlines the fact that improving asylum procedures from the outset (frontloading) can reduce the length and cost of the procedure, therefore benefiting both asylum seekers and Member States;
40. Stresses that a joint processing scheme should fully respect the rights of applicants and contain strong guarantees to that end; insists that joint processing must in no circumstances be used to accelerate the asylum procedure at the expense of its quality; takes the view that joint processing could lead to more efficient asylum procedures, also benefiting individual asylum seekers since with increased administrative capacities their protection needs could be recognised faster;
41. Considers that EASO's role could be valuable in putting together, training and coordinating asylum support teams which would provide assistance, advice, and recommendations for first-instance procedures;
42. Recommends that the envisaged schemes with regard to joint processing should prioritise options involving the deployment and cooperation of the relevant authorities, rather than the transfer of asylum seekers;
43. Calls for EASO to encourage, facilitate and coordinate exchanges of information and other activities in connection with joint processing;

Relocation of beneficiaries of international protection and asylum seekers

44. Underlines that EU resettlement and intra-EU relocation schemes are complementary measures aimed at reinforcing the protection of asylum seekers and beneficiaries of

international protection while showing both intra- and extra-EU solidarity;

45. Stresses that, under certain conditions, the physical relocation of beneficiaries of international protection and asylum seekers is one of the most concrete forms of solidarity and can make a significant contribution to a more equitable CEAS; emphasises that while it also represents a solid expression of commitment to international protection and the promotion of human rights, so far few Member States have engaged in relocation initiatives;
46. Stresses the importance of projects such as the European Union's Relocation Project for Malta (EUREMA) and its extension, under which beneficiaries of international protection have been, and are being, relocated from Malta to other Member States, and advocates developing more initiatives of this kind; regrets that this project has not been as successful as expected because Member States were reluctant to participate; calls on Member States to participate more actively in the EUREMA project in a spirit of solidarity and responsibility-sharing; welcomes the Commission's commitment to undertake a thorough evaluation of the EUREMA project and submit a proposal for a permanent EU Relocation Mechanism;
47. Calls on the Commission to take into consideration, in its legislative proposal for a permanent and effective intra-EU Relocation Mechanism, the use of an EU Distribution Key for the relocation of beneficiaries of international protection, based on appropriate indicators relating to Member States' reception and integration capacities, such as Member States' GDP, population and surface area and beneficiaries' best interest and integration prospects; this EU Distribution Key could be taken into account for Member States which are facing specific and disproportionate pressures on their national asylum systems or during emergency situations; underlines that relocation will always depend on the consent of beneficiaries of international protection and that the introduction of an EU Distribution Key would be without prejudice to each Member State's obligation to implement and apply the existing EU asylum *acquis* in terms of qualification for protection, reception conditions and procedural guarantees, and to adhere to all international obligations in this field;
48. Calls on the Commission to include strong procedural safeguards and clear criteria in its proposal for a permanent EU relocation scheme, in order to guarantee potential beneficiaries' best interests and relieve migratory pressure in the Member States particularly exposed to migration flows; recommends involving the host community, civil society and local authorities from the outset in relocation initiatives;
49. Underlines that while relocation can both offer lasting solutions for beneficiaries of international protection and alleviate Member States' asylum systems, it must not result in responsibility-shifting; insists that relocation should include strong commitments from Member States benefiting from it to effectively address protection gaps in their asylum systems and to guarantee high levels of protection for those remaining in the sender Member States in terms of reception conditions, asylum procedures and integration;
50. Welcomes the funding possibilities provided under the AMF for relocating asylum seekers, and encourages Member States to engage in voluntary initiatives, while fully respecting asylum seekers' rights and the need for their consent; calls on the Commission

to investigate the feasibility of developing an EU system for relocating asylum seekers, examining, inter alia, the feasibility of basing it on an EU distribution key which would take into consideration objectively verifiable criteria such as Member States' GDP, population and surface area and asylum seekers' best interest and integration prospects; such a programme could be applied as a solidarity measure in situations where the number of asylum seekers is disproportionately high in relation to the capacity of a Member State's asylum system, or in emergencies;

51. Recalls EASO's mandate with regard to promoting the relocation of beneficiaries of international protection amongst Member States, and calls on the Agency to build its capacity in order to actively support relocation programmes and activities in close cooperation with the UNHCR, through exchange of information and best practice and coordination and cooperation activities;
52. Notes that the Commission has indicated that it will always consider activating the mechanism of the Temporary Protection Directive when the appropriate conditions are met, in particular in the event of a mass influx or imminent mass influx of displaced persons unable to return to their country of origin in safe and durable conditions; calls on the Commission to make it possible for this Directive to be activated even in cases where the relevant influx constitutes a mass influx for at least one Member State and not only when it constitutes such an influx for the EU as a whole;

Mutual trust at the heart of a renewed governance system

53. Insists that mutual trust is based on a shared understanding of responsibilities; stresses that compliance with EU law is an indispensable element for trust among Member States;
54. Stresses that if Member States fulfil their obligations regarding legal and fundamental rights, this will strengthen both trust and solidarity;
55. Stresses the importance of laying solid foundations for mutual trust among Member States, since this is quintessentially linked to the development of the CEAS and to genuine and practical solidarity;
56. Acknowledges that while compliance with international protection obligations enhances mutual trust, this does not necessarily result in a uniform application of rules, given that the interpretation and application of international and EU asylum law still varies widely among Member States, as is clear from the recent ECHR and CJEU case-law relating to the Dublin Regulation; emphasises that it is the responsibility of the Commission and the courts to monitor and evaluate the application of asylum rules in accordance with international and EU law;
57. Believes that early warning mechanisms introduced to detect and address emerging problems before they lead to crises can constitute a valuable tool; considers, nevertheless, that complementary solutions should also be envisaged, so as to avoid infringing fundamental rights and ensure the proper functioning of asylum systems;
58. Stresses that while infringement proceedings should be more readily used to draw attention to Member States' responsibilities and their failure to adhere to the existing

asylum acquis, they should be accompanied by preventive measures, operational plans and oversight mechanisms in order to yield results; underlines the importance of regular evaluations, constructive dialogue, and exchange of best practice, as crucial elements that are more likely to produce positive developments in asylum systems where deficiencies are identified; different forms of financial and practical assistance can thus be provided in order to achieve the full and correct implementation of European asylum legislation;

59. Notes that the Dublin system is based on mutual trust and that its implementation amounts to a mutual recognition of rejection decisions among Member States, given that an asylum claim can only be considered in the EU once; calls on the Commission to submit a communication on a framework for the transfer of protection of beneficiaries of international protection and mutual recognition of asylum decisions by 2014, in line with the Action Plan Implementing the Stockholm Programme;
60. Underlines that migration management can increase mutual trust and solidarity measures only if coupled with a protection-sensitive approach under which border measures are carried out without prejudice to the rights of refugees and persons requesting international protection;
61. Stresses that visa regimes govern a multitude of entry and exit authorisations and that those entry and exit rules do not place any restrictions on the legal obligation to provide access to asylum;
62. Recalls the Commission's commitment to facilitate the orderly arrival in the EU of persons in need of protection, and calls on it to explore new approaches to access to asylum procedures; welcomes, in this respect, the Commission's commitment to adopt a 'Communication on new approaches concerning access to asylum procedures targeting main transit countries' by 2013;
63. Instructs its President to forward this resolution to the Council, the Commission, the Parliaments of the Member States, and the Council of Europe.

EXPLANATORY STATEMENT

2012 is the year during which the European Union has committed to complete the establishment of a Common European Asylum System (CEAS), setting up a common area of protection and solidarity based on a common asylum procedure and uniform status for people who have been granted international protection. The CEAS is underpinned by three pillars: harmonisation of standards of protection, by further aligning the Member States' asylum legislation; effective and well-supported practical cooperation; as well as increased solidarity and a sense of responsibility, not only among EU Member States but also between the EU and non-EU countries.

Harmonisation of standards of protection is underway through the modification of Member States' legislation and practical cooperation is to be enhanced through the European Asylum Support Office (EASO); it is now important to tackle head on the third pillar of the CEAS by giving substance to the notion of solidarity and responsibility-sharing, enshrined in Article 80 TFEU, which constitutes an essential horizontal component of the CEAS.

The Rapporteur believes that establishing a solidarity framework will not absolve Member States from complying with their international as well as their EU obligations in terms of asylum, but that rather it will equip the CEAS with specific instruments and procedures aimed at supporting and assisting those Member States facing disproportionate pressures and costs in the field of asylum, mainly due to their geographical or demographical situation. In other words, a comprehensive solidarity framework wherein Member States would be assisted to improve the quality of their asylum systems in order to ensure the full respect of asylum seekers' rights would ensure by the same token the proper implementation of the asylum *acquis* and therefore the very functioning of the CEAS.

Ensuring the good functioning of the CEAS is particularly important in times when migration flows are most often mixed, including migrants, asylum seekers, refugees and vulnerable persons such as unaccompanied minors. The Rapporteur wants to stress that asylum and migration flows have respective specificities that can under no circumstances be neglected or amalgamated. He regretfully recalls the unprecedented number of people who drowned in the Mediterranean throughout 2011 in an attempt to reach the EU to find protection.

The Rapporteur emphasises that the allocation of responsibilities established by the Dublin Regulation places disproportionate expectations on those Member States constituting entry points into the EU thereby weakening the whole CEAS. In situations where a Member State cannot cope adequately with the asylum applications lodged on its territory, the Rapporteur suggests a number of courses of action in order to address challenges in the field of asylum in a holistic way throughout the EU. Following the Commission's Communication on intra-EU solidarity in the field of asylum - an EU Agenda for better responsibility-sharing and more mutual trust, the rapporteur organised his remarks, proposals and recommendations in 4 main parts, focusing on (a) practical cooperation and technical assistance; (b) financial solidarity; (c) allocation of responsibilities; and (d) mutual trust at the heart of a renewed governance system.

In the Rapporteur's view, in an efficient CEAS:

- Member States, local authorities and civil society should be informed about the different EU funds which can be used for asylum purposes, including information related to eligibility criteria and application formalities;
- Member States' asylum systems should be regularly and frequently evaluated to identify best practices as well as deficiencies and to facilitate the elaboration of targeted situation-specific solutions;
- Member States should demonstrate solidarity towards one another and share responsibility, including through measures such as joint processing of asylum applications and the relocation of beneficiaries of international protection.

In this context, the Rapporteur stresses the crucial role of the EASO in identifying shortcomings in Member States' asylum systems as well as in coordinating, monitoring and following-up the practical assistance which should be provided to Member States underlining the usefulness of the deployment of Asylum Expert Teams.

Making the best use of complementarities between the different EU funds available is another essential element in translating solidarity into concrete action. The introduction of financial incentives for relocating beneficiaries of international protection is particularly relevant in this respect.

Each proposal and recommendation enclosed herein aims at establishing a genuine area of protection wherein the rights of asylum seekers and beneficiaries of international protection are duly respected and promoted. This is why some suggestions are horizontal touching also upon other areas of EU policy, such as border or visa policies, since every EU policy must be applied in a protection-sensitive manner.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	10.7.2012
Result of final vote	+: 48 -: 4 0: 2
Members present for the final vote	Jan Philipp Albrecht, Edit Bauer, Mario Borghezio, Rita Borsellino, Emine Bozkurt, Arkadiusz Tomasz Bratkowski, Simon Busuttil, Philip Claey, Carlos Coelho, Ioan Enciu, Frank Engel, Cornelia Ernst, Monika Flašíková Beňová, Hélène Flautre, Kinga Gál, Nathalie Griesbeck, Sylvie Guillaume, Anna Hedh, Salvatore Iacolino, Sophia in 't Veld, Lívia Járóka, Teresa Jiménez-Becerril Barrio, Timothy Kirkhope, Baroness Sarah Ludford, Monica Luisa Macovei, Svetoslav Hristov Malinov, Véronique Mathieu, Anthea McIntyre, Claude Moraes, Antigoni Papadopoulou, Georgios Papanikolaou, Carmen Romero López, Renate Sommer, Nils Torvalds, Kyriacos Triantaphyllides, Wim van de Camp, Axel Voss, Josef Weidenholzer, Cecilia Wikström, Tatjana Ždanoka, Auke Zijlstra
Substitute(s) present for the final vote	Elena Oana Antonescu, Michael Cashman, Leonidas Donskis, Dimitrios Droutsas, Lorenzo Fontana, Monika Hohlmeier, Stanimir Ilchev, Hubert Pirker, Raül Romeva i Rueda, Salvador Sedó i Alabart, Bogusław Sonik, Michèle Striffler
Substitute(s) under Rule 187(2) present for the final vote	Nadja Hirsch