

E-2616/04EN

Answer given by Mr Frattini  
on behalf of the Commission  
(23.12.2004)

The Commission follows developments on asylum and immigration in Member States and in particular has followed the efforts of the Italian authorities to address the large numbers of migrants landing on the island of Lampedusa over recent weeks. The Commission has been informed by the Italian authorities that all of those who landed in Lampedusa who wanted to claim asylum were allowed to do so and 544 asylum applicants remain in Italy at various stages of the asylum procedure. The Italian authorities have also emphasised to the Commission that readmission to Libya of those returned was carried out in conformity with agreements between the Libyan and Italian Governments and with EU legislation and relevant international law.

Under Community law as it currently stands, infringement proceedings cannot be initiated by the Commission in respect of the conduct of asylum procedures by any Member State. The Council Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted<sup>1</sup> adopted on 29 April 2004, was published in the Official Journal on 30 September 2004 and Member States have until 30 September 2006 to transpose its provisions into national law. The political agreement of 29 April 2004 on the provisions in the amended proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status<sup>2</sup> (the draft Asylum Procedures Directive) still needs to be confirmed with a view to sending the text to the Parliament for consultation. Only after consultation can the Council formally adopt the draft Asylum Procedures Directive paving the way for its transposition by the Member States.

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<sup>1</sup> OJ L 304, 30.9.2004

<sup>2</sup> OJ C 291, 26.11.2002