In its communication 'Towards a reform of the Common European Asylum System (CEAS) and enhancing legal avenues to Europe' of 6 April 2016, the Commission acknowledged the inherent weaknesses of the EU asylum system in times of migratory crisis, and highlighted five priority areas where the CEAS should be structurally improved.

Achieving greater convergence in the EU asylum system is one of these five priorities. The objective pursued by the Commission is to strengthen and harmonise further the CEAS rules to ensure more equal treatment across the EU and to reduce undue pull factors to come to the EU.

On 13 July 2016, the Commission put forward a legislative proposal on the reform of the Asylum Procedures Directive. The Commission proposed to replace the Asylum Procedures Directive with a regulation establishing a fully harmonised common EU procedure for international protection to reduce differences in recognition rates from one Member State to the next, discourage secondary movements and ensure common effective procedural guarantees for asylum seekers. The proposal aims to:

- Simplify, clarify and shorten asylum procedures;
- Ensure common guarantees for asylum seekers;
- Ensure stricter rules to combat abuse;
- Harmonise rules on safe countries
- Discourage secondary movements.

In its resolution of 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration, the Parliament stressed that harmonisation of reception conditions and asylum procedures can avoid stress on countries offering better conditions and are key to responsibility sharing. The European Parliament also underlined that:

- inadmissible applications, subsequent applications, accelerated procedures and border procedures were all specific cases in which the recast of the Asylum Procedures Directive tried to strike a delicate balance between the efficiency of the system and the rights of the applicants, in particular those of vulnerable persons;
- such a balance could only be achieved if the legislation was fully and properly implemented;
• the Commission proposal to amend the Asylum Procedures Directive to establish a Union list of safe countries of origin would have the potential to facilitate the asylum process, including return.

The proposal was referred to the European Parliament Committee for Civil Liberties, Justice and Home Affairs (LIBE). Rapporteur Laura Ferrara (EFDD, IT) presented on 30 May 2017 a draft report, which received 1412 amendments. In the LIBE Committee of 25 April 2018, the report on the Asylum Procedure Regulation was adopted with 36 votes in favour, 12 votes against and 8 abstentions. On 25 April, the LIBE Committee voted to enter into inter-institutional negotiations.

In the Council, despite general support for the proposal, Member States had voiced substantive reservations, in particular regarding applicants with special needs (unaccompanied minors and guardianship, medical examination, applications made by unaccompanied minors). Some delegations expressed concern relating to certain provisions aiming at limiting secondary movements, which in their opinion failed to strike the right balance between fighting abuse and granting protection when needed. In the progress report of 6 October 2017, the Presidency noted that the June European Council gave a clear mandate to the Council to align the Commission’s proposal on the Asylum Procedures Regulation, regarding the safe third country concept, with the effective requirements of the Geneva Convention and the EU primary law. The biggest outstanding issues for most Member States was Article 41 regarding the border procedure and the definition of the term ‘final decision’ (Article 4 of the proposal) regarding granting refugee status or subsidiary protection status. Regardless of the compromise proposals of the successive Presidencies, a general approach could not be reached at the Council.

As a result, in the European Parliament the file remained as unfinished business to be carried over, as announced by the President of the EP at the 2019 October II plenary session.

The European Commission announced in its Work Programme 2020 its intention to launch a New Pact on Asylum and Migration, which was presented on 23 September 2020. The Pact aims to bring together migration, asylum, integration and border management policies, as well as external policy in relations with third countries. As part of the legislative package, the Commission presented a revised proposal for the Common Procedure Regulation. While keeping the overall objectives of the 2016 proposal, the Commission made targeted changes to help overcome the impasse on the most contested issues such as the border procedure and returns.

Work now resumes in the European Parliament and the Council on the basis of the previous progress made, while giving full attention to the changes introduced by the Commission.

In the European Parliament, Fabienne Keller (RenewEurope, France) has been appointed as a new rapporteur in the Civil Liberties, Justice and Home Affairs Committee.

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• European Council, Presidency progress report, 26 February 2019

Further reading:

• European Parliament, EPRS, Common procedure for asylum, Briefing EU Legislation in Progress, March 2021

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Visit the European Parliament homepage on Migration.
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