

Committee on Civil Liberties, Justice and Home Affairs

IPOL-COM-LIBE D(2018)39145

D 315962 10.10.2018

Mr Sebastian KURZ
Federal Chancellor of Austria
Federal Chancellery of Austria (Bundeskanzleramt Österreich)
Ballhausplatz 2
1010 Vienna
Austria

Dear Chancellor Kurz,

We, as Chair of the European Parliament LIBE Committee and Members following the legislative proposals aimed at reforming the Common European Asylum System (CEAS), would like to express our deep concern about the state of play of this reform.

In 2016, the Commission issued seven legislative proposals for the revision of the Common European Asylum System (CEAS) as part of a comprehensive approach to tackle the refugee and migration crisis detailed in the Commission's Agenda on Migration.

The packages included recasts of the Dublin III Regulation, the Eurodac Regulation, and the Reception Conditions Directive; proposals for Regulations replacing the Directives on Qualification and the Asylum Procedure; and two new instruments, for an EU Agency for Asylum, repealing the EASO Regulation, and a Union Resettlement Framework.

In addition, a proposal for a Common EU List of Safe Countries of Origin Regulation was put forward by the Commission in 2015, on which negotiations have been suspended on request of the Council awaiting inclusion in the future Asylum Procedure Regulation.

When taking stock after two and a half years since the publication of the proposals, it is of great disappointment that we have not succeeded in adopting any of the proposals, even though all institutions have given them a priority status.

Presently, there are two proposals for which the Council has not even been able to adopt a mandate for negotiations with the Parliament, namely the Asylum Procedure Regulation and the Dublin Recast Regulation. These are notably the cornerstones of the CEAS reform.

In addition to this, we have four pieces of legislation, for which provisional agreements were reached under the Bulgarian Presidency. Three of them (the Reception Conditions Directive Recast, the Qualification Regulation and the Union Resettlement Framework Regulation) have not been endorsed by the Council. Instead, Parliament has been asked to reopen negotiations on these proposals. For Eurodac, a provisional agreement was reached under the Bulgarian Presidency, but negotiations on parts of the square brackets still have to continue.

For the EU Asylum Agency Regulation a provisional agreement had been reached already in the summer of 2017, but it has now been reopened through a new Commission proposal including new tasks for the Agency under a reformed Dublin Regulation, which is still to be negotiated.

We seek clarity on how the Council sees the way forward for the reform of the CEAS, which is key to a holistic approach to migration and asylum, as set out not only in the Parliament's Resolution of 2016 but also in the UN Global Compacts on Refugees and Safe, Orderly and Regular Migration. While border control measures and agreements with third countries on migration management are being advanced as foreseen, the backbone of a functioning European asylum and migration management system remains missing because the Council does not seem to be able to find a common position on the elements of this important CEAS reform.

We would like to underline that the Parliament as co-legislator in this policy area and in co-decision on equal footing with the Council has fully done its job. The Parliament has a negotiation mandate for all eight proposals on the table. It has negotiated provisional agreements with the Council for the six legislative proposals for which the Council also has a mandate.

As already communicated to the Austrian Presidency, there is broad agreement among us Members from the different political groups that there will be no single file renegotiations of the provisional agreements reached under the Bulgarian Presidency. Negotiations between the two co-legislators entail that every party has to give up on certain issues, in the spirit of a compromise, to be able to retain other priority points in the final agreement. It would be impossible for the Parliament to negotiate only on points selected by the Council. Reopening the agreements would, in our views, create the premises to bring back to the negotiating table aspects that were already intensively negotiated and agreed upon. This could bring us even further away from the agreement that the Parliament, in good faith, thought to have already reached last June.

With regard to the European Asylum Agency, it is of regret that we have to restart working on this legislation, as we understand how important it is to adopt it as quickly as possible to support mainly Southern European Member States in the processing of applications and reception of the still high numbers of asylum seekers compared to the capacities of these Member States.

It is therefore very difficult to understand how the Council, even in the face of the current situation of refugees and Member States in Europe, has not yet succeeded in adopting a mandate in accordance with the Treaties. We fail to understand why the Council cannot apply the qualified majority rule, but insists in reaching a consensus which we hear is the reason for the stalemate in the Council.

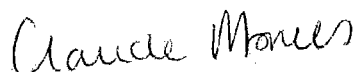
Our aim is to achieve a sustainable solution and we are therefore calling upon the Austrian Presidency to take the necessary steps to adopt a position on the Dublin Recast Regulation and the Asylum Procedure Regulation proposals at the latest by the end of their Presidency and to enter swiftly into negotiations on these files with the Parliament. Besides, the already reached provisional agreements on the Recast of the Reception Conditions Directive, the Qualification Regulation, the Union Resettlement Framework Regulation and the Eurodac

Regulation should be endorsed by the Council as they reflect the best possible result for both institutions following long and painful negotiations. At the same time, the Parliament is ready to accelerate its work on the review of the EU Asylum Agency proposal to complete the reform of the CEAS with a view to have improved procedures in place ensuring that no Member State is left behind and that the fundamental rights of refugees, notably of children, the most vulnerable applicants, are respected across the EU.

At the same time, we have sent this letter also to President Juncker. We are urging the Commission to support the two institutions in their endeavor to finalise the reform of the CEAS so that we can present a successful reform to the European citizens before the European elections next year.

Yours sincerely,

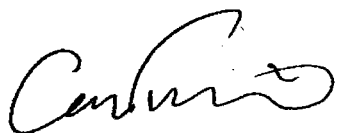
Claude Moraes, Chair of the LIBE committee



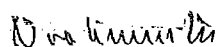
Roberta Metsola, Chair of the EP Asylum Contact Group



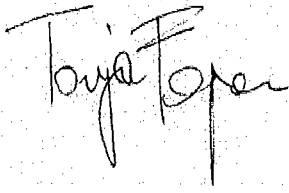
Cecilia Wikström, rapporteur for the Dublin Recast Regulation



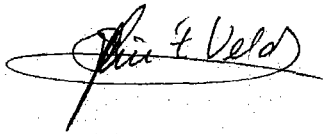
Peter Niedermüller, rapporteur for the EU Asylum Agency



Tanja Fajon, rapporteur for the Qualification Regulation



Sophie in 't Veld, rapporteur for the Reception Conditions Recast Directive



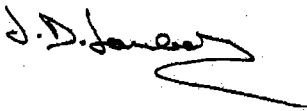
Malin Björk, rapporteur for the Union Resettlement Regulation



Sylvie Guillaume, rapporteur for the Safe Countries of Origin Regulation



Jean Lambert, Member of the Asylum Contact Group and shadow rapporteur



CC : European Parliament President Antonio Tajani

CC: Frans Timmermans, First Vice-President of the European Commission, and Dimitris Avramopoulos, European Commissioner for Migration, Home Affairs and Citizenship