



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 14 December 2000 (19.12)
(OR. fr)**

14531/00

**Interinstitutional File:
2000/0238 (CNS)**

LIMITE

ASILE 56

OUTCOME OF PROCEEDINGS

of: Asylum Working Party

on: 7 December 2000

No. Cion prop. : 8871/00 ASILE 26 (COM(2000) 303 final)

Subject : Proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status

At its meeting on 7 December 2000, the Asylum Working Party held an initial exchange of views on the above proposal.

The majority of delegations made general observations, indicating that their comments could only be of a preliminary nature as the proposal was still being studied in their capital cities.

1. Aims

The delegations made general remarks regarding the **degree of harmonisation** of the proposal. While certain delegations (**E/F**) pointed out that the proposal was too detailed and did not take sufficient account of the principle of subsidiarity, others (**NL/S**) considered that it was too unambitious and left the Member States too much room for manoeuvre.

The D delegation thought that the concept of "**minimum standards**" should be better defined.

2. Definition of applicant for asylum

The B delegation regarded the definition of "applicant for asylum" as too vague.

The E delegation stated that referring to applicants for asylum as "persons" and not as "aliens" (which is the term used in the Geneva Convention) risked causing serious problems.

3. Scope

The NL delegation regretted the exclusion of **subsidiary protection** from the scope of the Directive.

4. Procedures

Several delegations (B/D/GR/E/F/IRL/A/FIN and UK) underlined the difficulties posed by the provisions laid down regarding procedures.

- As regards the **appeal procedures** in particular, they pointed out that the adoption of such rules would entail fundamental amendments to their laws and judicial systems.

- As regards **time-limits**, they pointed to the impossibility of laying down the time-limits in which judicial bodies should give a ruling, which would undermine the independence of the judiciary.

Moreover, as regards the **accelerated procedure, the B and A delegations** considered the time-limits too generous and thought that they ought to be reduced.

- **The B delegation** stated that **the period for processing dossiers** should not have any effect on the procedure.
- With regard to the **suspensive effect**, **the B delegation** indicated that under its law, the first action had a suspensive effect. **The IRL delegation** was opposed to the suspensive effect of appeals provided for in Article 33.
- **The F delegation** stated that the asylum procedure seemed to be based too much on criminal procedure and that the **criteria for permitting residence** had not been defined.
- As regards the **admissibility of appeals**, **the F delegation** stated that in Article 34, the Commission proposal contemplates the question of time-limits for appeals but provides for no sanctions in the event of non-compliance with time-limits by the asylum applicant. It would like to see a provision expressly obliging the reviewing body to dismiss appeals entered outside the time-limit.
- **The B delegation** considered the criteria for determining **manifestly unfounded asylum applications** insufficiently clear.
- **The A delegation** thought that there was no longer any justification for mentioning **safe third countries** when all possibilities for appeal had been refused.
- **The IRL delegation** stated that it would have difficulties with the provisions on conditions of **detention** (Article 11), **grounds of appeal** (Article 34), and **inadmissible or manifestly unfounded asylum applications** (Article 36).

4. Other questions

- **The F delegation** pointed out that the question of the **confidentiality** of data presented problems as regards compatibility with the rules on public access.
- **The NL delegation** would like clarification of the role of the **Contact Committee** provided for in the financial statement attached to the proposal.
