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Subject:

- Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (First reading)
- Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast) (First reading)
- Proposal for a Regulation of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (First reading)
- Proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (First reading)

- Proposal for a Regulation of the European Parliament and of the Council establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council (First reading)
- = Progress report
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I. INTRODUCTION

1. On 13-14 October 2016, the JHA Council endorsed the three-track approach suggested by the Slovak Presidency for the examination of the CEAS Reform during its term¹.

On this basis, the Asylum Working Party has completed the first round examination of the Dublin Regulation, the Qualification Regulation and the Reception Conditions Directive and has initiated that of the Procedure Regulation.

II. DUBLIN REGULATION

2. The Asylum Working Party started the examination of the proposal at its meeting on 26 May 2016.
3. While most Member States have entered **general scrutiny reservations**, the majority of delegations agreed on the **need to reform the current Dublin rules and supported two of the main aims** of the Regulation: faster and more efficient determination of the Member State responsible for examination of asylum claims and prevention of secondary movements.
4. Main concerns raised by delegations during the first round of examination of the proposal included:
 - one single Member State responsible for the examination of asylum claims and the removal of the cessation of responsibility;

¹ On the three-track approach, see point 12 in doc. 12724/16.

- the obligation for Member States where the application was lodged to do certain checks before applying the criteria for determining the Member State responsible;
 - the definition of 'family members';
 - amended rules for remedies;
 - shorter deadlines for detention and transfers;
 - the corrective allocation mechanism and the financial solidarity contribution;
 - questions of practical, operational and financial nature in relation to the new automated system.
5. The examination of the proposal for the recast of the Dublin Regulation by the Council preparatory bodies, is expected to resume shortly, following guidance on the way forward at political level.

III. RECEPTION CONDITIONS DIRECTIVE

6. The Asylum Working Party carried out the first round of examination of the proposal at its meetings on 9 and 21 November 2016. While delegations **generally welcomed the objectives** of the proposal, **almost all delegations entered a general scrutiny reservation** on the whole proposal. **Substantive reservations** were also entered on certain articles, especially when linked to the Dublin Regulation and other proposals of the package.
7. Main concerns raised by delegations during the examination of the proposal included:
- certain definitions like 'family members', 'guardian', 'material reception conditions', 'risk of absconding';
 - the deadline for Member States to fully inform the applicant of any benefit or the obligations to comply with relating to reception conditions;

- the grounds for Member States to provide applicants with a travel document for serious humanitarian or other imperative reasons;
- the shortened deadline for Member States to ensure that applicants have effective access to the labour market;
- the equal treatment with nationals required when recognising of diplomas, certificates and other evidence of formal qualifications;
- the insufficient sanctions mechanism for applicants not cooperating;
- the obligation to systematically assess whether the applicant is an applicant with special reception needs;
- the deadline for appointing a guardian to represent and assist unaccompanied minors;
- the obligation for Member States to take into account operational standards on reception conditions and indicators developed by the new European Union Agency for Asylum;
- the obligation for Member States to draw up, and regularly update, contingency plans;
- the date for the transposition of the Directive.

IV. QUALIFICATION REGULATION

8. The Asylum Working Party started the examination of the proposal at its meeting on 27-28 October and continued on 8 November 2016. **Most delegations entered scrutiny reservations.**
9. Main issues raised by delegation include:
 - certain definitions like 'family members', 'withdrawal of international protection', 'social security', 'social assistance' and 'guardian';
 - the articulation between the national humanitarian and the international protection statuses;

- the obligation for Member States to base themselves on the common analysis and guidance of the EU Agency for Asylum on the situation in the country of origin;
 - the burden for Member States to demonstrate the internal protection availability;
 - the compulsory systematic and regular protection status reviews;
 - the grounds for revoking, ending or refusing to renew the refugee status or excluding a person from being eligible for subsidiary protection;
 - the 30 days deadline, after international protection is granted, for Member States to issue a residence permit; the period of validity of the residence permit as well as the distinction made between the two categories of international protection in this context;
 - the access to social security and social assistance;
 - the deadline for the appointment of a legal guardian for unaccompanied minors;
 - the deadline for the applicability of the Regulation;
 - the choice of legal instrument (Regulation instead of a Directive).
10. At its meeting on 19-20 December 2016, the Asylum Working Party will resume the examination of this proposal on the basis of Presidency compromise suggestions.

V. PROCEDURE REGULATION

11. The Asylum Working Party has so far examined Articles 1-18 of the proposal at its meetings on 8, 21 and 22 November 2016.
12. Most Member States entered **scrutiny reservations** and several of them also entered **parliamentary reservations**. There is however a **general support for the objective** of the Commission's proposal to increase the degree of harmonisation of the asylum procedures in the EU. Several **substantive reservations** were entered as well, especially in relation to elements linked with the Dublin Regulation, as well as to the other proposals of the CEAS reform.

13. Concerns raised so far by Member States include:

- the opportunity of transforming the current Directive into a Regulation in view of the new obligations it would entail;
- the differences between the definitions contained in the different CEAS reform proposals;
- the elements involving an articulation between this Regulation and the Dublin Regulation;
- the obligation of the determining authority to provide applicants with the service of an interpreter, including the stage of appeal;
- the extent of the assistance to be given to the determining authority by the authorities of another Member States and by EASO;
- the right to free legal assistance and representation for all stages of the procedure (administrative and judiciary);
- the obligation of recording the interviews and of storing the recording or the transcript of the interview.

VI. RESETTLEMENT REGULATION

14. The Asylum Working Party will start the detailed examination article by article of the proposal regarding the creation of an EU Framework for Resettlement during its meeting on 2 December 2016.

II. CONCLUSION

15. COREPER and Council are invited to take note of this progress report.