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Subject: **Reform of the Common European Asylum System and Resettlement**

- **Dublin:** 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)
 - **Reception conditions:** 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)
 - **Qualification:** 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)
 - **Procedure:** 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)
 - **Eurodac:** Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 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], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast)
 - **EASO:** Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (First reading)
 - **Resettlement Framework:** 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

On 4 May 2016 and 13 July 2016, the Commission submitted seven legislative proposals aimed at reforming the Common European Asylum System, namely the recast of the Dublin Regulation and of the EURODAC Regulation, a proposal for a Regulation on the establishment of the European Union Agency for Asylum (EUAA), a proposal for a Regulation establishing a common procedure in the EU, a proposal for a Qualification Regulation, the recast of the Reception Conditions Directive and a proposal for a Regulation establishing a Union Resettlement Framework.

The Maltese Presidency has pursued the examination of the above-mentioned proposals, initiated by the Netherlands and Slovak Presidencies. The current progress report builds on the previous report presented to the Council on 27 March, as set out in document 6851/17.

II. THEMATIC APPROACH

The Council preparatory bodies continued discussing some of the issues in a thematic approach, including the joint examination of certain articles across four proposals (Dublin Regulation, Regulation establishing a Common Procedure, Qualification Regulation, and the Reception Conditions Directive). This approach was used for the continued examination of the following specific horizontal themes:

- limiting abuse and secondary movements; and
- guarantees for those with special needs.

Cross-cutting definitions from the different proposals were also examined jointly. This has allowed the Asylum Working Party to address key points of concern across the board and to work towards a final compromise, which should be appropriately balanced. This thematic approach was welcomed by the Member States and has led to substantial progress on the proposals, with the discussions on these themes having been completed.

III. DUBLIN REGULATION

In addition to the continuation of the process aimed at finding a compromise on the effective application of the principles of responsibility and solidarity as outlined in point X of the current report, several articles of the Dublin Regulation relating to guardianship and limiting abuse and secondary movements have been examined in the framework of the thematic approach.

IV. RECEPTION CONDITIONS DIRECTIVE

The Asylum Working Party continued examining the recast of the Reception Conditions Directive in the framework of the above-mentioned thematic approach as well as on the basis of other revised compromise texts proposed by the Presidency.

At the Asylum Working Party meeting held on 10 May, progress was made on many aspects of the proposal. However, some sensitive issues still remain open, namely the provisions related to asylum applicants' access to the labour market, as well as measures aimed at preventing secondary movements, including assignment of residence, detention and the reduction and withdrawal of material reception conditions. Furthermore, progress on a number of outstanding issues is dependent on the progress achieved in the negotiation of other CEAS proposals, notably the Dublin Regulation and the Asylum Procedure Regulation.

The Presidency aims to issue a new revised compromise proposal shortly, to be discussed at the Asylum Working Party meeting on 14 June.

V. QUALIFICATION REGULATION

Draft compromise proposals on the text of the Qualification Regulation were discussed at five JHA Counsellors meetings (24 March, 10 April, 27 April, 16 May and 31 May 2017).

Some of the sensitive issues, which required more in-depth debate, were the definition of family members and the families formed outside the country of origin, the protection that could be obtained in certain parts of the country of origin (internal protection alternative) and the burden of proof in such cases, the retroactive effects of a decision withdrawing the international protection status, the role of the security-related aspects among the grounds allowing for the withdrawal of the refugee status, as well as the content and definition of social security and social assistance (the rights and benefits which may be granted to the beneficiaries).

On 16 May 2017, Coreper reached an agreement on one of the most difficult aspects of the proposal, namely the validity period of the residence permit.

The Presidency's aim is to submit a text to Coreper for an agreement on a partial general approach before the end of its term.

VI. PROCEDURES REGULATION

The examination of the proposal for an Asylum Procedures Regulation continued and draft compromise proposals were discussed for those articles included in the framework of the thematic approach. The provisions relating to applicants with special needs (unaccompanied minors and guardianship, medical examination, applications made by unaccompanied minors) proved to be particularly challenging in terms of content, coordination and coherence with similar provisions in other proposals of the package. In this respect, an effort was made to better streamline the procedures, the timeline, the roles and tasks provided for in the different proposals. 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.

VII. EURODAC REGULATION

The Council preparatory bodies, while waiting for the adoption of the European Parliament's position¹, have examined several issues which were not included in the partial general approach agreed in December 2016, with a view to extending the mandate for negotiations with the European Parliament. On the basis of two impact assessments by eu-LISA, the inclusion of colour copies of travel documents in the database and the possibility for law enforcement authorities to search EURODAC using alphanumeric data were thoroughly considered. In addition, the inclusion of data on persons registered for the purpose of conducting an admission procedure in the draft Regulation was also examined. On the basis of these discussions, the Presidency intends to submit a revised text with the relevant modifications for approval of Coreper before the end of its term.

VIII. EUAA REGULATION

Following the agreement on a partial general approach in Council on 20 December 2016, the Presidency started negotiations with the European Parliament in January 2017. To date, five informal trilogues have taken place on 7 February, 8 March, 21 March, 2 May (continued on 11 May) and 1 June. In preparation for these informal trilogues, numerous technical meetings with the European Parliament have been organised. In the Council framework, the Presidency has convened a number of meetings of JHA Counsellors to seek the views of Member States on the amendments of the European Parliament as well as on the possible compromise suggestions.

¹ The vote in the LIBE committee on the EP report took place on 30 May 2017.

On 7 February, during the first trilogue, the Presidency and the European Parliament's rapporteur presented their respective positions on the most important issues of the proposal, namely 'Monitoring', 'Organisation of the Agency', and 'Operational and Technical Assistance'. On 8 March, during the second trilogue, the negotiators held an in-depth discussion on 'Operational and Technical Assistance', which continued during the third trilogue on 21 March. On 2 and 11 May (fourth trilogue), co-legislators held an in-depth discussion on the monitoring mechanism as well as on the various amendments of the European Parliament related to the protection of fundamental rights. On 1 June (fifth trilogue), the co-legislators discussed the provisions on 'Country Information and Guidance', as well as the 'Organisation of the Agency'. At the beginning of each trilogue, a list of provisions agreed at the technical level in between trilogues was approved ad referendum. As a result of these negotiations, agreement ad referendum has been reached by the co-legislators on Chapters 2 ('Practical Cooperation and Information on Asylum'), 4 ('Operational Standards and Guidelines'), 6 ('Operational and Technical Assistance') and 10 ('Financial Provisions') of the proposal, with the exception of a few provisions which are still being examined. In addition, Chapters 7 ('Information Exchange and Data Protection'), 8 ('Cooperation by the Agency') as well as 5 ('Monitoring'), 11 ('General Provisions') and 12 ('Final Provisions') have been already extensively discussed at technical level.

On 31 May, Coreper was informed of the progress achieved on this file. In addition, Coreper discussed the issue of the deadlines for the deployment of national experts to the asylum support teams and to the asylum reserve pool as well as the minimum duration of deployments. Coreper supported the compromise suggestions put forward by the Presidency for both issues. In addition, the Presidency informed Coreper that the total number of 500 experts for the asylum reserve pool has still not been reached and invited Member States to show some additional flexibility and to increase their pledges. The Presidency welcomed the increase in pledges registered during the meeting as well as the intention of certain other Member States to increase their pledges shortly.

The Presidency and the European Parliament have planned several technical meetings and some more trilogues for the month of June with the aim of finalising the work started during the Maltese Presidency on the basis of the partial general approach.

IX. RESETTLEMENT REGULATION

The Asylum Working Party finalised the examination of the proposal regarding the establishment of a Union Resettlement Framework on 4 April 2017. This proposal was consequently taken for discussion to the JHA Counsellors on 3 and 19 May 2017 (8383/17). Even though delegations have generally welcomed the objectives of the proposal, there are still some outstanding scrutiny reservations.

The Strategic Committee on Immigration Frontiers and Asylum (SCIFA) examined some of these issues at its meeting on 30 May, namely the Commission prerogatives to adopt implementing acts (Union Resettlement and Humanitarian Admission Schemes), the flexibility in the humanitarian admission procedure and the possibility to grant temporary status under national law (9362/17).

Delegations broadly supported the proposal of the Presidency to delete the reference to the schemes (merging Articles 7 and 8 of the Regulation). As regards the flexibility in the humanitarian admission procedure, some delegations expressed concerns on broadening its scope to people not in need of international protection. Other delegations were in favour of this approach but acknowledged that further work is still needed at technical level (i.e. to better differentiate 'resettlement' and 'humanitarian admission' in the text). As regards the possibility to grant temporary status under national law, some delegations expressed reservations, while others seemed to be favourable, with some nuances.

The Presidency is currently working on new compromise proposals on the text to continue the discussions at JHA Counsellors level. The Presidency's aim is to try to reach a general approach on this proposal before the end of the current semester.

X. EFFECTIVE APPLICATION OF THE PRINCIPLES OF SOLIDARITY AND RESPONSIBILITY

In the context of the negotiations on the Commission's proposal to reform the Dublin Regulation, discussions with a view to reaching a compromise on the effective application of the principles of solidarity and responsibility have been taken forward. Some elements have emerged as generally stable points, which could attract an agreement, but at the same time, further progress remains necessary on a number of key specific issues to consolidate the required support. For many Member States each aspect is interlinked and agreement on one element is also dependent on the details of that element as well as on how other elements develop.

As a result of these discussions, a consensus has emerged to support a comprehensive approach of which the reform of the CEAS is just one aspect. This reform should be pursued in parallel with other policies including tackling migratory flows outside the EU, external border management, strengthening returns, and ensuring that internal border controls remain the exception. Furthermore, there is a general understanding that the reformed CEAS should ensure the right balance between responsibility and solidarity. This means that Member States need to fully implement the acquis, that the asylum system should be efficient, avoiding pull factors and discouraging secondary movements, and that it should deliver solidarity effectively and efficiently when needed, in particular when a Member State finds itself under disproportionate pressure or adversely affected by unforeseen events. However, further work is still necessary, in particular on some key specific issues.

XI. CONCLUSION

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