



*European Economic and Social Committee*

**SOC/442**  
**Solidarity in the field of**  
**asylum**

Brussels, 11 July 2012

**OPINION**

of the

European Economic and Social Committee

on the

**Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on enhanced intra-EU solidarity in the field of asylum – An EU agenda for better responsibility-sharing and more mutual trust**

COM(2011) 835 final

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On 2 December 2011, the European Commission decided to consult the European Economic and Social Committee, under Article 304 of the Treaty on the Functioning of the European Union, on the

*Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on enhanced intra-EU solidarity in the field of asylum – An EU agenda for better responsibility-sharing and more mutual trust*  
COM(2011) 835 final.

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 27 June 2012.

At its 482nd plenary session, held on 11 and 12 July 2012 (meeting of 11 July 2012), the European Economic and Social Committee adopted the following opinion by 116 votes to 3 with 2 abstentions.

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## 1. **Conclusions and recommendations**

- 1.1 The Committee welcomes the Commission's initiative and considers that European asylum policy needs to be debated and amended.
- 1.2 The Committee considers that the principle of solidarity should continue to be the cornerstone of this policy, despite the fact that the number and size of the Member States together with their varying degrees of exposure to refugee flows creates an uneven playing field which complicates asylum policy. Solidarity should not be seen only as a principle which boosts the policy's efficiency but also as a basic code of values which justifies and enhances the measures undertaken.
- 1.3 A major push should be made to ensure that public opinion, national, regional and local administrations and decision-makers support the basic values of asylum policy: respect for fundamental individual rights, helping people in critical situations, solidarity and trust between Member States.
- 1.4 The Committee considers that an incentive-based approach could get asylum policy running smoothly, provided that the most appropriate incentives are identified and properly supported, including financial support.

- 1.5 As regards practical cooperation, the Committee urges the European Asylum Support Office (EASO) to make swifter progress towards greater operational capacity. Boosting the EASO's capacity is both urgent and necessary and should be coordinated with the Migration and Asylum Fund's programme and implementation.
- 1.6 The Committee also calls for improvements to refugee integration measures. Despite its efficient procedures for swiftly and correctly granting refugee status, the European asylum system which we aim to build could fail in the area of integration.
- 1.7 Alongside the existing horizontal structure, asylum policy must be seen in the light of the overall cycle of asylum, placing people at risk at the core of its action. In this way, deadlocks and mismatches can be pinpointed.
- 1.8 It should be pointed out that the solidarity principle does not apply solely between States: it is a general principle for humane interaction between people and groups. The spirit of humane solidarity should be cultivated and fostered above and beyond the rationale and pressures of migration and asylum policy, as part of the EU's core values.
- 1.9 The experience of civil society organisations and the Committee in this field can contribute to a more comprehensive and detailed evaluation of asylum policy.

## 2. **Introduction**

- 2.1 The Commission communication states that *Solidarity is one of the fundamental values of the European Union and has been a guiding principle of the common European asylum policy [...]. It is now enshrined in Article 80 of the Treaty on the Functioning of the European Union.*
- 2.2 As pointed out in the Commission communication, flows of asylum seekers have varied from *a peak of 425 000 applications for EU-27 States in 2001 down to under 200 000 in 2006, with a large increase expected in 2011.*
- 2.3 The Commission proposes reinforcing intra-EU solidarity on asylum around four pillars: *practical cooperation and technical assistance, financial solidarity, allocation of responsibilities, and improving tools for governance of the asylum system.*
- 2.4 The communication also aims to *contribute to the finalisation of the "asylum package" given that the next few months will be crucial for reaching the 2012 objective for which the solidarity dimension must play its part.*

**3. General comments**

- 3.1 The Committee welcomes the Commission's initiative and considers that European asylum policy needs to be analysed in depth, so that substantial changes can be made in light of its goals.
- 3.2 Asylum policy is being questioned in the EU in the wake of the recent political events in North Africa, the Middle East and the Far East. Many people have had to protect themselves by fleeing to the EU Member States.
- 3.3 The Committee considers that the principle of solidarity should continue to be the cornerstone of this policy, despite the fact that the number and size of the Member States together with their exposure to refugee flows makes it difficult to put solidarity into practice and to coordinate.
- 3.4 The asylum system should be flexible so that it can cope with variations in refugee flows, but it also needs to be stable so that institutional procedures and further integration measures can deliver tangible results.
- 3.5 Similarly, it should be pointed out that the solidarity principle does not apply solely between States: it is a general principle for humane interaction between people and groups. The spirit of humane solidarity should be cultivated and fostered above and beyond the rationale and pressures of migration and asylum policy, as part of the EU's core values.
- 3.6 The Committee welcomes the Commission's emphasis on trust. The principle of solidarity is supplemented by the principle of trust, making the Member States more responsible. The policy's success is dependent on each Member State playing its part, taking responsibility for a share of the work and supporting the others' efforts. Each Member State's action is dependent on that of the other Member States, illustrating the need to be bold in pursuing coordination and harmonisation.
- 3.7 Nonetheless, the Committee points out that asylum policy is far from coherent and efficient. Disparities persist between Member States in terms of openness and preparedness to take in refugees as well as towards the development of an EU asylum policy. A major push should be made to ensure that public opinion, national, regional and local administrations and decision-makers support the basic values of asylum policy: respect for fundamental rights, helping people in critical situations, solidarity and trust between Member States. Furthermore, more attention should be paid to the policy's implementation. Specific situations have shown that asylum seekers are vulnerable, both in their countries of origin and in the host countries.
- 3.8 Organised civil society, often speaking via the Committee, has flagged up asylum policy's deficiencies in terms of strategy, structure and implementation and has issued many recommendations designed to improve it. The changes carried out to date in the areas of

harmonisation, funding specialised programmes or institutional reform have as yet been unable to reinforce the common asylum policy. The policy needs to be reformed, and the Committee reiterates its commitment to contribute to this process.

- 3.9 The Committee believes that the time has come to implement the principles of solidarity and trust much more forcefully. Specifically, it proposes two complementary lines of action. The first aims to alter opinions and attitudes to asylum in the medium and long term, especially among opinion formers, policy-makers and civil servants at local and national level.
- 3.10 The second is partly covered by the work already underway but needs to be better structured and formulated. It entails bolstering the principles of solidarity and trust with institutional mechanisms promoting the involvement of national, regional and local authorities. An incentive-based approach could get asylum policy running smoothly, provided that the most appropriate incentives are identified and properly supported, including financial support.
- 3.11 The Committee also calls for improvements to refugee integration measures. Organisations working in the field have provided plenty of evidence that asylum seekers are vulnerable to discrimination, have no access to basic public services and are faced with problems in securing accommodation and ensuring their personal safety. Despite its efficient procedures for swiftly and correctly granting refugee status, the European asylum system which we aim to build could fail in the area of integration.
- 3.12 On a similar point, the Committee recommends that alongside the existing horizontal structure, asylum policy should also be analysed in the light of the overall cycle of asylum, which follows the path of people at risk from when they actually enter the EU, through the application procedures, including integration measures, and the medium- to long-term prospects for integration or return to their native country, as appropriate. Developing the policy, by following the asylum cycle and placing people at risk at the core of its action, can make a strong contribution to pinpointing deadlocks and mismatches.
- 3.13 The experience gained by civil society organisations and the Committee in this field can contribute to a more comprehensive and detailed evaluation of asylum policy, which is quite rightly being questioned in the wake of the recent political events in countries located close to the EU. The Committee is of the view that much clearer consideration is needed on the role of civil society organisations in the content of the Commission communication.
- 3.14 The Committee also welcomes the involvement of the Committee of the Regions and local authorities in the development of asylum policy and considers that sub-national authorities are pivotal to the policy's success, particularly as regards integration measures. These authorities must be encouraged, including by means of active funding measures, to take on a more active role in the integration of refugees.

#### 4. **Specific comments**

- 4.1 The Committee applauds the Commission's emphasis on practical cooperation. Together with the (necessary) changes planned for the legislative package, practical cooperation will iron out problems in asylum procedures. Improved practical cooperation should aim to cut the red tape involved in granting asylum and to reduce the timeframe for these procedures.
- 4.1.1 The establishment of the European Asylum Support Office (EASO) is laudable, and, although still in the early stages, demonstrates that there is enormous potential for cooperation between the Member States. The EASO has begun by focusing on support and training. The Committee urges the EASO to make swifter progress towards greater operational capacity. Boosting the EASO's capacity is both urgent and necessary and should be coordinated with the Migration and Asylum Fund's programme and implementation. Deploying staff and carrying out emergency interventions could raise the office's profile and boost trust in it. The planned annual report could help obtain relevant data on asylum. The Committee recommends that the report should incorporate the evidence which can be supplied in quantity by civil society organisations active in this field.
- 4.1.2 The Committee urges the EASO to rapidly develop the system for collecting information from migrants' countries of origin. It would thus be in a position to provide Member States with credible, timely and comparable information and so help make the procedure quicker and potentially fairer. Information from independent sources should also be included in these evaluations.
- 4.1.3 Although reinforcing the EASO is a praiseworthy initiative, it should not prevent the Member States from developing their own institutions and capacity for managing asylum issues. In line with the strategy of incentives, reinforcing the EASO should go hand in hand with mechanisms to ensure that national authorities are more open to European cooperation and to managing asylum challenges efficiently.
- 4.1.4 Crisis situations test the viability of institutional solutions – with mixed results in the case of asylum policy. Generally speaking, the EU and the Member States are poorly equipped to cope with exceptional flows of refugees, although analysis shows that these can be predicted, at least as regards entry points. The Committee recommends focusing on boosting the capacity of those States most exposed to normal or extraordinary refugee flows.
- 4.1.5 Maintaining and developing cooperation between the EASO and other EU agencies such as Frontex is welcome. The Committee insists that the EASO should focus on the fundamental rights of people with whom it comes into direct and indirect contact. Cooperation with the Fundamental Rights Agency is crucial for ensuring a structural and operational balance between the tools of asylum policy.

- 4.1.6 The Committee endorses the use of the Civil Protection Mechanism in the event of exceptional migration flows. However, this option should not undermine national authorities' motivation to set up robust asylum systems able to cope with variations in refugee flows.
- 4.1.7 Priority must be given to using funds from the current financial year in order to implement the renewed legislative package efficiently. Nonetheless, the Committee signals the need to continue reinforcing the capacities of Member States faced with refugee flows. As the geopolitical situation of the regions in which these flows originate continues to be unstable, we cannot expect any major decrease in the number of refugees. It is therefore important to continue reinforcing the system in countries exposed to such flows in parallel with the efforts to harmonise and implement the legislation on asylum. Existing projects, many of them innovative, must be kept up and given appropriate backing. Should these projects fail to deliver results, it will undermine the Member States' trust in Community support and their motivation to become more involved in future.
- 4.1.8 From 2014, a new Asylum and Migration Fund will be available to the Member States. The Committee urges the Commission to enter into serious dialogue with the Member States in order to map national-level needs and priorities accurately. It is imperative that the European Economic and Social Committee, as the representative forum of organised civil society, and the Committee of the Regions and local authorities are involved in this dialogue. The Fund's programme must clearly indicate national needs and priorities as well as the resources and instruments available. The Committee also considers that annual reporting on the use of the funds will push the Member States to be more vigorous in pursuing the goals of asylum policy.
- 4.1.9 The Committee notes that civil society organisations have great difficulty in accessing the funds needed to carry out projects with a substantial local impact. The procedures should be simplified so as to facilitate the involvement of civil society and asylum seekers.
- 4.1.10 The Committee supports the Commission's intention to use available funds primarily for countries currently exposed to refugee flows. This will encourage them to become involved and boost their capacities; it will also put the key principle of asylum policy – solidarity – into practice.
- 4.1.11 On a similar note, the Committee unreservedly endorses the financial incentives to be granted to the Member States, along the lines of those currently used for the resettlement of specific categories of refugees (vulnerable groups and people coming from the regional protection programmes), to compensate Member States that agree to relocate beneficiaries of international protection from another Member State.
- 4.1.12 The funds available must also be used in such a way as to complement other sources of funding such as the European Social Fund and the European Regional Development Fund,

and the Committee recommends that organised civil society and local and regional authorities be more involved in the projects.

- 4.2 The Committee endorses the efforts underway to reform the Dublin Regulation. There is considerable evidence, much of it supplied by civil society organisations, that the system is unable to meet its objectives efficiently. The decisions and recommendations of the European Court of Human Rights are also fundamental in discussions on the reform of this regulation, needed in both the medium and long term. The Committee is always open to debate and will back all efforts to analyse, assess and identify the most suitable rules and tools. The reference to fundamental rights as a key criterion for evaluating the Dublin system is more than welcome.
- 4.3 As regards the relocation of applicants for international protection, the Committee considers this unnecessary insofar as they benefit from decent conditions in the countries where they apply and the application is processed swiftly. Member States' reception capacities need to be increased. If this is not done, a voluntary, incentive-based mechanism for relocating applicants could deliver results.
- 4.3.1 Although there is a broad consensus on the practical need to relocate beneficiaries of international protection, the Member States' cooperation has been half-hearted. The Commission's pilot project has not managed to set up an efficient relocation mechanism. The Committee urges the Commission, the EASO and the Member States to keep up their cooperation on this project and is in favour of converting it into a permanent, voluntary programme. It is imperative that incentives to step up the Member States' involvement in this permanent programme be identified and put into effect. The scale of the incentives and of the motivation should be a key factor in the planned Commission evaluation.
- 4.4 Establishing joint processing of asylum applications could be a useful tool for implementing asylum policy. The Committee is keen to study the results of the evaluation planned by the Commission on this issue, which is both legally and operationally complex. The Committee considers that joint processing could be an appropriate means of dealing with varying flows of asylum seekers, and could also constitute a standard procedure which the Member States could draw on. The Committee considers that, provided the findings of the impact assessment are taken on board, joint processing should be promoted in tandem with reinforcing national capacities. These capacities extend beyond merely processing applications and the Member States should be encouraged to keep up an active role in all areas of asylum policy.
- 4.5 The Committee endorses the activation of the mechanism of the Temporary Protection Directive when conditions are met. Although rare, exceptional refugee flows create periods of crisis and European and national institutions must be prepared to deal with them. The Committee also draws attention to the practices associated with rescue operations and reiterates that the principle of non-refoulement must be fully respected.

- 4.6 The Committee considers that asylum policy has displayed both maturity and a high level of development as regards Greece. The use of instruments to penalise any infringement of EU law should be coupled with support measures. The Committee urges the Commission and other EU agencies to take a proactive, preventive approach to Member States which need to improve the performance of their national asylum system. The support programme for Greece is a major step forward, but it must be kept up and provided with the necessary funding. The situation in Greece and Malta will be a test for asylum policy. If the Member States and the European institutions cannot display real solidarity towards countries faced with heavy refugee flows, the common asylum policy has failed, and this failure will have serious repercussions for the many people who are at risk. The support must be suitably diversified, reinforced and coordinated.
- 4.7 The Committee calls for the Dublin system to be reinforced, with better monitoring and the establishment of an early warning mechanism. These instruments can help the Member States prepare to better deal with refugee flows and the effective coordination of asylum policy. They must be clearly geared towards the Member States' needs, in light of the imperative to respect the fundamental rights of refugees.
- 4.8 Improved border management and a better policy on visas could help to strengthen asylum policy. The Committee welcomes the progress made here but considers that a safeguard clause opening up the option of suspending visa-free movement for citizens of a third country could be problematic, even when subject to the condition of data proving that the absence of visas has led to abuse of the asylum system.

Brussels, 11 July 2012.

The President  
of the  
European Economic and Social Committee

Staffan Nilsson

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