

Brussels, 6 November 2003

OPINION

of the

Committee of the Regions

of 9 October 2003

on the

Communication from the Commission to the Council and the European Parliament

Towards more accessible, equitable and managed asylum systems

COM(2003) 315 final

THE COMMITTEE OF THE REGIONS,

HAVING REGARD to the European Commission Communication on *Towards more accessible, equitable and managed asylum systems*(COM(2003) 315 final),

HAVING REGARD to the decision of the European Commission of 31st of July 2003 to consult it on this subject, under the first paragraph of Article 265 of the Treaty establishing the European Community,

HAVING REGARD to the decision of its Bureau of 1 July 2003 to instruct its Commission for External Relations to draw up an opinion on this subject,

HAVING REGARD to the policy framework on immigration and asylum established in the conclusions of the Tampere meeting of the European Council of October 1999, calling for a common EU policy to include partnership with countries of origin, a common European asylum system, fair treatment of third country nationals and management of migratory flows,

HAVING REGARD to the Commission's Communication on Asylum Policy of November 2000 which identified the need to explore measures which could contribute to providing legal and safe protection within the EU whilst simultaneously deterring human smugglers and traffickers and to the European Commission Communication *on the common asylum policy and the Agenda for protection* (COM(2003) 152 final),

HAVING REGARD to the Council Directive on the reception of asylum-seekers which was formally adopted on 27 January 2003,

HAVING REGARD to the Community Initiative EQUAL which seeks to combat exclusion and inequality in the labour market, including provision to improve the social and vocational integration of asylum seekers,

HAVING REGARD to the ARGO programme adopted by the Council on 13 June 2002 aimed at promoting administrative cooperation in the areas of external borders, visas, asylum and immigration,

HAVING REGARD to the Council Directive 2001/55/CE of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons, e.g. as the result of war,

HAVING REGARD to the approval by the HCR Executive Committee in autumn 2002 of an Agenda for Protection directed at managing hybrid migratory flows, sharing burdens and responsibilities more equitably and matching protection systems,

HAVING REGARD to the proposals of the High Commissioner for Refugees for the "Convention Plus" directed at extending the management of hybrid migratory flows by means of modernised instruments of policies,

HAVING REGARD to the Opinion of the Committee of the Regions on Immigration Policy and Asylum Policy (CdR 93/2002 fin) agreed on 16 May 2002¹,

HAVING REGARD to the Opinion of the Committee of the Regions on the Right to Family Reunification (CdR 243/2002 fin) agreed on 21 November 2002²,

HAVING REGARD to the proposals from the UK on "*better management of the asylum*

process” debated at the Spring 2003 European Council,

HAVING REGARD to its draft opinion (CdR 249/2003 rev. 1) adopted on 5 September 2003 by its Commission for External Relations (rapporteur: **Mrs Ruth Coleman**, Leader of North Wiltshire District Council (UK/ELDR)).

WHEREAS:

1) Member States are deeply concerned at the abuse of asylum procedures and at the rise in hybrid migratory flows, often supported by trafficking practices, and at the large number of negative decisions after examination of the need for international protection;

2) although there has been considerable progress in achieving a common asylum system across the EU, further progress towards harmonisation is at present limited by the difficulty met by Member States in moving beyond national agendas;

3) there is a manifest need to explore new avenues which respect the credibility of the institution of asylum and Europe’s humanitarian tradition.

adopted the following opinion at its 51st plenary session, held on 9 October 2003:

1. The Committee of the Regions’ views

The Committee of the Regions

1. **welcomes** the Agenda for Protection and the positive approach by the EU Member States and the Commission towards implementing the Agenda within the EU;
2. **welcomes** the ten basic premises set out on pages 11–13 of the Commission communication (COM(2003) 315);
3. **insists** on respecting the deadlines of the first phase of harmonisation of the Common Asylum System;

4. **believes** that the objective of sharing burdens and responsibilities more equitably should not be seen solely in terms of spreading the physical or financial burdens but should be directed at managing the asylum system better;
5. **believes** that in order to achieve fairer, faster and more efficient asylum procedures, member states should be willing to examine both the quality of the examination of applications and the speed of procedures;
6. **would welcome** further discussion and briefing on the Commission's study on External processing of asylum applications, which was delivered in December 2002 as soon as the further study on resettlement schemes is completed later this year;
7. **is concerned** that the discussion of a return policy must be fully informed as to the financial and other support required by the relevant countries of origin;
8. **hopes** that the programme for financial and technical assistance to third countries works to the advantage of return policy;
9. **believes** that the complex issues of integration of persons enjoying international protection into the host society needs urgent attention and would welcome early discussion with the Commission of its new proposals for an integration policy; against this background, looks forward to the opinion on the Communication on immigration, integration and employment (COM(2003) 336 final) currently under discussion by the Commission for Economic and Social Policy of the Committee of the Regions;
10. **believes** that in order to combat illegal immigration effectively, the EU needs to re-examine the possibility of controlled legal immigration and would therefore welcome further discussion with the Commission on its proposals for a Community immigration policy;
11. **encourages** the Commission to look for mechanisms for providing protection for applicants for asylum outside the EU;

12. **believes** that the current systems of asylum processing are complicated, expensive and inefficient;

13. **welcomes** the fact that the Convention included the concept of a common European asylum policy in its draft Constitutional Treaty, implying that the adoption of minimum rules has been abandoned in favour of the establishment of a uniform status and common procedures for all persons who need international protection and opening the way for the adoption of measures on partnership and cooperation with third countries; the Convention's proposal that the draft Constitutional Treaty enter into force in 2009 does not obviate the need for the European Union to rapidly introduce a common European asylum system in compliance with the goals and deadlines set by the Tampere, Seville and Thessaloniki Councils, in particular the adoption, by the end of 2003, of the outstanding basic legislation, that is the proposal for a Council Directive on minimum standards for the qualification and status of third-country nationals and stateless persons as refugees or as persons who otherwise need international protection and the proposal for a Council Directive on minimum standards in Member States for granting and withdrawing refugee status.

2. **The Committee of the Regions' recommendations**

1. **welcomes and supports** the campaign to raise public awareness of EU policies against discrimination, racism and xenophobia which is being led by **Commissioner Diamantopoulou**;
2. **calls for** a determined, concerted and high-profile fight by the EU against trafficking in human beings;
3. **calls for** harmonisation of the common asylum system, rather than a variety of Member States systems, to be directed in particular towards introducing a more orderly and better managed system;
4. **calls for** a radical overhaul of the system of asylum application processing with the objective of ensuring a simple, transparent and quick method of deciding asylum cases, integrating people who are accepted and removing those who do not meet the criteria;
5. **feels** that the schemes for improving the protection of refugees in their region of origin should be operated under the auspices of the European Union so as to ensure greater coherence in asylum policy outside the EU; the schemes must also be run in full cooperation with the countries concerned and in accordance with the recommendations of the UNHCR;
6. **endorses** the Commission's call for more resources to be provided in the next financial perspectives (2007-2013) for financing Community initiatives in the area of immigration and asylum and believes that the resources available under budget line "Cooperation with Third Countries in the area of migration" (B7-677) should be increased significantly by 2006.

Brussels, 9 October 2003

The President
of the
Committee of the Regions

The Acting Secretary-General

of the
Committee of the Regions

Albert Bore

Gerhard Stahl

¹ OJ C 278, 14.11.2002, p.44

² OJ C 73, 26.3.2003, p.16

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CdR 249/2003 fin EN-FR/ET/hm

CdR 249/2003 fin EN-FR/ET/hm