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International Protection Regulations in the European Union

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Abstract: The refugee crisis has called attention to the weaknesses of the Common European Asylum System. The EU needs a reformed asylum system that would be effective and provide protection, based on common rules, on solidarity and on fair sharing of responsibilities. The reforms proposed by the European Commission that we have analysed in this article will guarantee that people who are evidently in need of international protection will have quick access to it, but also that those who are not entitled to enjoy protection in the EU can be quickly returned. What is proposed at EU level is the final element of a global reform of the Common European Asylum System (CEAS). So as to better meet the new challenges of migration, action must be taken on several fronts: external borders must be managed more effectively, we should cooperate better with third parties and, above all, illegal crossing must be stopped, relocating migrants to first asylum countries on EU territory. The proposals for reforming the CEAS, initiated by the European Commission and which are currently being negotiated, are elements that help make important steps in the right direction so as to create at the European level the structures and tools needed for a comprehensive system, which would be able to deal with future challenges.

Keywords: Common European Asylum System; seeker of refugee status; subsidiary protection; directive; *acquis*

1. The Common European Asylum System

The European Union (EU) has been working towards the establishment of a Common European Asylum System (CEAS) since 1999, with several pieces of legislation being adopted between 1999 and 2013.

The Union's common policy on asylum, immigration, visa and external border controls is based on Title V (Area of freedom, security and Justice) of the Treaty on the functioning of the European Union (TFEU). Under Protocols 21 and 22 to the Treaties, the United Kingdom, Ireland and Denmark shall not take part in the adoption by the Council of proposed measures pursuant to Title V TFEU. The United Kingdom and Ireland may notify the Council, within three months after a proposal or initiative has been presented, or at any time after its adoption, that they wish to take part in the adoption and application of any such proposed measure. At any time Denmark may, in accordance with its

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constitutional requirements, notify the other Member States that it wishes to apply in full all relevant measures adopted on the basis of Title V TFEU.¹

A common policy on asylum, including a Common European Asylum System, is a constituent part of the European Union's objective of establishing progressively an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the Union. Such a policy should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States.²

In recent years, the European Union has adopted a series of important legislative measures in view of harmonising the different Member States' asylum systems. The Dublin Regulation determines which Member State is responsible for examining an individual asylum application. The Reception Conditions Directive sets out the minimum conditions for the reception of asylum seekers, including their accommodation, education and health. The Asylum Procedures Directive provides for the minimum standards for asylum procedures, thus making an important contribution to international law, as this aspect was not initially regulated by the 1951 Convention. The Qualification Directive introduces the concept of subsidiary protection, which complements the 1951 Convention on the Status of Refugees, a form of protection that should be granted to persons who face the risk of serious harm. The CEAS offers improved access to asylum procedures for people seeking protection, it leads to fairer, faster and better asylum decisions, it helps ensure that people who fear persecution will not be brought back to such danger and it provides dignified, decent conditions for both asylum seekers, and for those who enjoy international protection on the territory of the European Union.

The main existing legal instruments are:

- Regulation (EU) No. 603/2013 of the European Parliament and of the Council of 26 June 2013 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 and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No. 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (hereinafter referred to as the *Eurodac Regulation*);
- Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 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 – recast (hereinafter referred to as *Dublin III Regulation*);
- Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (hereinafter referred to as the *Reception Conditions Directive*);
- Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (hereinafter referred to as the *Common Procedures Directive*);

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A European agenda on migration – Brussels, 13.5.2015, COM(2015) 240 final.

² Recital 2 of the preamble to Directive 2013/32/EU.

- Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 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 (hereinafter referred to as the *Qualification Directive*);
- Regulation (EU) No. 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office (hereinafter referred to as the *EASO Regulation*);
- Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

2. Main Provisions of the Community *Acquis* in the Field Of Asylum¹

2.1. Qualification Directive 2011/95/EU²

The Directive lays down standards regarding the conditions that third-country nationals or stateless persons must fulfil in order to become beneficiaries of international protection, regarding a uniform status for refugees or for those persons that are eligible for subsidiary protection and regarding the content of the type of protection granted.³ Thus, Member States may adopt or maintain more favourable standards to decide which persons fulfil the conditions for being granted refugee status or which persons are eligible for subsidiary protection, as well as to determine the content of the international protection, insofar as those standards are compatible with the provisions of the Directive.⁴

The main objective of the Directive is, on the one hand, to ensure that all Member States apply common criteria to identify the persons in real need for international protection and, on the other hand, to ensure a minimum level of benefits to such people in all Member States⁵. It has been established that a common concept needs to be adopted for the need for protection occurring on the ground, for the origin of harm and protection, for domestic protection and persecution, including the reasons for the persecution.⁶

One of the essential conditions to be able to obtain refugee status within the meaning of Article 1 Section A of the Geneva Convention is the existence of a causal connection between the reasons for the persecution, namely those related to race, religion, nationality, political opinion or membership in a particular social group, and acts of persecution or lack of protection against such acts.⁷

Member States may consider it the duty of the applicant to submit as soon as possible all elements needed to substantiate the application for international protection. In cooperation with the applicant it is the duty of the Member State to assess the relevant elements of the application. To this end, the applicant must provide all the information and documentation at the applicant's disposal regarding the

¹ Only the European legal instruments undergoing amending at present will be discussed.

² It clarifies the reasons for the granting of international protection, thus contributing to the strengthening of asylum decisions. At the same time, it will improve access to rights and integration measures for people enjoying international protection.

³ Art.1 - Directive 2011/95/EU.

⁴ Art.3 - Directive 2011/95/EU.

⁵ Recital 12 of the preamble to Directive 2013/32/EU.

⁶ Recital 25 of the preamble to Directive 2013/32/EU.

⁷ Recital 29 of the preamble to Directive 2013/32/EU.

applicant's age, background, including that of relevant relatives, identity, nationality or nationalities, country or countries, and place or places of previous residence, previous asylum applications, travel routes, travel documents and the reasons for applying for international protection.¹

The objectives of the Directive, namely to establish standards for the granting of international protection to third-country nationals and stateless persons by Member States, for a uniform status for refugees or for persons eligible for subsidiary protection, as well as for the content of the protection granted, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of this Directive, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the TEU. In accordance with the principle of proportionality, as stipulated in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.²

2.2. Common Procedures Directive 2013/32/EU³

The purpose of this Directive is to establish common procedures for granting and withdrawing international protection pursuant to Directive 2011/95/EU.⁴ This applies to all applications for international protection lodged in the territory of the Member States, including the border, in the territorial waters or transit zones of the Member States, as well as to the withdrawal of international protection. In addition, Member States may establish or maintain more favourable standards on procedures for granting and withdrawing international protection, insofar as that those standards are compatible with this Directive.⁵

When a person makes an application for international protection to an authority competent under national law for registering such applications, the registration shall take place no later than three working days after the application is made.⁶ If the application for international protection is made to other authorities which are likely to receive such applications, but not competent for the registration under national law, Member States shall ensure that the registration shall take place no later than six working days after the application is made.

In order to ensure that applications for international protection are examined and decisions thereon are taken objectively and impartially, it is necessary that professionals acting in the framework of the procedures provided for in this Directive perform their activities with due respect for the applicable deontological principles. It is in the interests of both Member States and applicants for international protection that a decision is made as soon as possible on applications for international protection, without prejudice to an adequate and complete examination being carried out.⁷

In the interests of a correct recognition of those persons in need of protection as refugees within the meaning of Article 1 of the Geneva Convention or as persons eligible for subsidiary protection, every applicant should have an effective access to procedures, the opportunity to cooperate and properly communicate with the competent authorities so as to present the relevant facts of his or her case and

¹ Art. 4(2) - Directive 2011/95/EU.

² Recital 49 of the preamble to Directive 2011/95/EU.

³ Aims at achieving fairer, faster and better asylum decisions. Asylum seekers with special needs will enjoy the necessary support to be able to explain their application, and an increased level of protection will be ensured, particularly for unaccompanied minors and for victims of torture.

⁴ Art.1 - Directive 2013/32/EU.

⁵ Art.5 - Directive 2013/32/EU.

⁶ Art.6 - Directive 2013/32/EU.

⁷ Recitals 17, 18 - Directive 2013/32/EU.

sufficient procedural guarantees to pursue his or her case throughout all stages of the procedure. Moreover, the procedure in which an application for international protection is examined should normally provide an applicant at least with: the right to stay pending a decision by the determining authority; access to the services of an interpreter for submitting his or her case if interviewed by the authorities; the opportunity to communicate with a representative of the United Nations High Commissioner for Refugees (UNHCR) and with organisations providing advice or counselling to applicants for international protection; the right to appropriate notification of a decision and of the reasons for that decision in fact and in law; the opportunity to consult a legal adviser or other counsellor; the right to be informed of his or her legal position at decisive moments in the course of the procedure, in a language which he or she understands or is reasonably supposed to understand; and, in the case of a negative decision, the right to an effective remedy before a court of law.¹

With a view to ensuring effective access to the examination procedure, officials who first come into contact with persons seeking international protection should be able to provide third-country nationals or stateless persons who are present in the territory, including at the border, in the territorial waters or in the transit zones of the Member States, and who request international protection, with relevant information as to where and how applications for international protection may be lodged. Where those persons are present in the territorial waters of a Member State, they should be disembarked on land and have their applications examined in accordance with this Directive.²

On the other hand, with respect to the withdrawal of refugee or subsidiary protection status, Member States should ensure that persons benefiting from international protection are duly informed of a possible reconsideration of their status and have the opportunity to submit their point of view before the authorities can take a reasoned decision to withdraw their status.³

In accordance with a basic principle of Union law, the decisions taken on an application for international protection, the decisions concerning a refusal to reopen the examination of an application after its discontinuation, and the decisions on the withdrawal of refugee or subsidiary protection status are subject to an effective remedy before a court of law.⁴

2.3. Reception Conditions Directive 2013/33/EU⁵

In applying this Directive, Member States should make efforts to ensure full compliance with the principles of the best interests of the child and of family unity, in accordance with the Charter of Fundamental Rights of the European Union, the 1989 United Nations Convention on the Rights of the Child and the European Convention for the Protection of Human Rights and Fundamental Freedoms respectively.⁶

With respect to the treatment of persons falling within the scope of this Directive, Member States are bound by obligations under instruments of international law to which they are party. Standards for the reception of applicants that will suffice to ensure them a dignified standard of living and comparable living conditions in all Member States should be laid down. The harmonisation of conditions for the

¹ Recital 25 - Directive 2013/32/EU.

² Recital 26 - Directive 2013/32/EU.

³ Recital 49 - Directive 2013/32/EU.

⁴ Recital 50 - Directive 2013/32/EU.

⁵ Ensures that there are humane material reception conditions (for instance, accommodation) for asylum seekers throughout the European Union and that the fundamental rights of the individuals concerned are fully respected. Furthermore, it guarantees that detention is only applied as a measure of last resort.

⁶ Recital 9 of the preamble to Directive 2013/33.

reception of applicants should help to limit the secondary movements of applicants influenced by the variety of conditions for their reception.¹

With a view to ensuring equal treatment amongst all applicants for international protection and guaranteeing consistency with the current Union asylum *acquis*, in particular with Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 it is necessary to extend the scope of this Directive in order to include applicants for subsidiary protection.²

The reception of persons with special reception needs should be a primary concern for national authorities in order to ensure that such reception is specifically designed to meet their special reception needs.³

The detention of applicants should be applied in accordance with the underlying principle that a person should not be held in detention for the sole reason that he or she is seeking international protection, particularly in accordance with the international legal obligations of the Member States and with Article 31 of the Geneva Convention. Applicants may be detained only under very clearly defined exceptional circumstances laid down in this Directive and subject to the principle of necessity and proportionality with regard to both to the manner and the purpose of such detention. Where an applicant is held in detention he or she should have effective access to the necessary procedural guarantees, such as judicial remedy before a national judicial authority. With regard to administrative procedures relating to the grounds for detention, the notion of “due diligence” requires that Member States take concrete and meaningful steps, as a minimum condition, to ensure that the time needed to verify the grounds for detention is as short as possible, and that there is a real prospect that such verification can be carried out successfully in the shortest possible time. Detention shall not exceed the time reasonably needed to complete the relevant procedures. The grounds for detention set out in this Directive are without prejudice to other grounds for detention, including detention grounds within the framework of criminal proceedings, which are applicable under national law, unrelated to the application for international protection of the third-country national or the stateless person. Applicants who are in detention should be treated with full respect for human dignity and their reception should be specifically designed to meet their needs in that situation. In particular, Member States should ensure that Article 37 of the 1989 United Nations Convention on the Rights of the Child is applied.⁴

Since the objective of this Directive, namely to establish standards for the reception of applicants in Member States, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of this Directive, be better achieved at the Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.⁵

2.4. Regulation (EU) No. 603/2013 on the Eurodac System⁶

The purpose of the Regulation is to assist in determining which Member State is to be responsible, pursuant to Regulation (EU) No. 604/2013, for examining an application for international protection lodged in a Member State by a third-country national or a stateless person, and, on the other hand, to

¹ Recitals 10-12 of the preamble to Directive 33/2013.

² Recital 13 of the preamble to Directive 33/2013.

³ Recital 14 of the preamble to Directive 33/2013.

⁴ Recitals 15-18 of the preamble to Directive 33/2013.

⁵ Recital 31 of the preamble to Directive 33/2013.

⁶ Allows law enforcement authorities access to the EU database containing the fingerprints of asylum seekers, under very strict conditions, so as to prevent, detect or investigate the most serious crimes such as murder and acts of terrorism.

facilitate the application of Regulation (EU) No. 604/2013 under the conditions set out in this Regulation. In addition, it also lays down the conditions under which Member States' designated authorities and the European Police Office (Europol) may request the comparison of fingerprint data with those stored in the Central System for law enforcement purposes.¹

For the purposes of applying Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 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, it is necessary to establish the identity of applicants for international protection and of persons apprehended in connection with the unlawful crossing of the external borders of the Union. It is also desirable, in order effectively to apply Regulation (EU) No. 604/2013, and in particular Article 18(1)(b) and (d) thereof, to allow each Member State to check whether a third-country national or stateless person that is illegally staying on its territory has applied for international protection in another Member State. Fingerprints are an important element in establishing the exact identity of such persons. Thus, it was necessary to set up a system for the comparison of their fingerprint data, namely a system known as "Eurodac", consisting of a Central System, which would operate a computerised central database of fingerprint data, as well as of the electronic means of transmission between the Member States and the Central System, hereinafter the "Communication Infrastructure".²

It is essential, in the fight against terrorist offences and other serious criminal offences, for the law enforcement authorities to have the fullest and most up-to-date information so as to be able to perform their tasks. The information contained in Eurodac is necessary for the purposes of the prevention, detection or investigation of terrorist offences as referred to in Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism or of other serious criminal offences as referred to in Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States. Therefore, the data in Eurodac can be examined for comparison by the designated authorities of Member States and the European Police Office (Europol), subject to the conditions set out in this Regulation. The powers granted to law enforcement authorities to access Eurodac should be without prejudice to the right of an applicant for international protection to have his or her application processed in due course in accordance with the relevant law.³

Since Eurodac was originally established to facilitate the application of the Dublin Convention, access to Eurodac for the purposes of preventing, detecting or investigating terrorist offences or other serious criminal offences constitutes a change of the original purpose of Eurodac, which interferes with the fundamental right to respect for the private life of individuals whose personal data are processed in Eurodac. Any such interference must be in accordance with the law, which must be formulated with sufficient precision to allow individuals to adjust their conduct and which must protect individuals against arbitrariness and indicate with sufficient clarity the scope of discretion conferred on the competent authorities and the manner of its exercise. Even though the original purpose of the establishment of Eurodac did not require the facility of requesting comparisons of data with the database on the basis of a latent fingerprint, which is the dactyloscopic trace which may be found at a crime scene, such a facility is fundamental in the field of police cooperation. The possibility to compare a latent fingerprint with the fingerprint data which is stored in Eurodac in cases where there

¹ Article 1(1), (2).

² Recitals 4-6 of the preamble to Regulation No. 603/2013.

³ Recitals 8, 9 of the preamble to Regulation No. 603/2013.

are reasonable grounds for believing that the perpetrator or victim may fall under one of the categories covered by this Regulation will provide the designated authorities of the Member States with a very valuable tool in preventing, detecting or investigating terrorist offences or other serious criminal offences, when, for instance, the only evidence available at a crime scene are latent fingerprints.¹

2.5. Dublin III Regulation (EU) No. 604/2013²

Member States shall examine any application for international protection by a third-country national or a stateless person who applies on the territory of any one of them, including at the border or in the transit zones. The application shall be examined by a single Member State, namely the one which the criteria set out in this Regulation indicate is responsible.

Where no Member State responsible can be designated on the basis of the criteria listed in this Regulation, the first Member State in which the application for international protection was lodged shall be responsible for examining it.

The processing together of the applications for international protection of the members of one family by a single Member State makes it possible to ensure that the applications are examined thoroughly, the decisions taken in respect of them are consistent and the members of one family are not separated.³ In order to ensure full respect for the principle of family unity and for the best interests of the child, the existence of a relationship of dependency between an applicant and his or her child, sibling or parent on account of the applicant's pregnancy or maternity, state of health or old age, should become a binding responsibility criterion. When the applicant is an unaccompanied minor, the presence of a family member or relative on the territory of another Member State who can take care of him or her should also become a binding responsibility criterion.⁴ The best interests of the child shall be a primary consideration for Member States with respect to all procedures provided for in this Regulation.⁵

Any Member State should be able to derogate from the responsibility criteria, in particular on humanitarian and compassionate grounds, in order to bring together family members, relatives or any other family relations and examine an application for international protection lodged with it or with another Member State, even if such examination is not its responsibility under the binding criteria laid down in this Regulation. A personal interview with the applicant should be organised in order to facilitate the determination of the Member State responsible for examining an application for international protection. As soon as the application for international protection is lodged, the applicant should be informed of the application of this Regulation and of the possibility, during the interview, of providing information regarding the presence of family members, relatives or any other family relations in the Member States, in order to facilitate the procedure for determining the Member State responsible.⁶

In order to provide for supplementary rules, the power to adopt acts in accordance with Article 290 TFEU is delegated to the Commission in respect of the identification of family members, siblings or relatives of an unaccompanied minor; the criteria for establishing the existence of proven family links;

¹ Recitals 13, 14 of the preamble to Regulation No. 603/2013.

² It strengthens the protection granted to asylum seekers during the process of determining the State responsible for examining the application and clarifies the rules governing the relations between States. It helps establish a system for detecting, at an early stage, the problems faced by national asylum and reception systems, addressing their deep-rooted causes before these problems turn into real critical situations.

³ Recital 15 of the preamble to Regulation (EU) No. 604/2013.

⁴ Recital 16 of the preamble to Regulation (EU) No. 604/2013.

⁵ Art.6(1)-Regulation (EU) No. 604/2013.

⁶ Recitals 17-18 of the preamble to Regulation (EU) No. 604/2013.

the criteria for assessing the capacity of a relative to take care of an unaccompanied minor, including where family members, siblings or relatives of the unaccompanied minor stay in more than one Member State; the elements for assessing a dependency link; the criteria for assessing the capacity of a person to take care of a dependent person and the elements to be taken into account in order to assess the inability to travel for a significant period of time. In exercising its powers to adopt delegated acts, the Commission does not exceed the scope of the best interests of the child as provided for in this Regulation.

3. Reforming the Common European Asylum System

3.1. Options for Reforming the Common European Asylum System and Developing Safe and Legal Ways to Reach Europe

The migration crisis of 2015 highlighted the need to reform the Common European Asylum System (CEAS). Under the current framework presented above, asylum seekers are not treated uniformly and recognition rates differ, which may encourage secondary movements and submitting multiple asylum applications.

As presented in the previous chapter, the Common European Asylum System (CEAS) sets common minimum standards for the treatment of all asylum seekers and asylum applications. In practice, the treatment of asylum seekers, as well as recognition rates, vary between Member States, encouraging secondary movements and submitting multiple asylum applications. Following these findings, in May and June 2016, the Commission presented two sets of proposals with a view to further harmonising asylum procedures and standards. Legislative proposals are currently being discussed in the Council.¹

On 6 April 2016, the European Commission published a communication² launching the reforming process of the Common European Asylum System. The communication presented:

- options for creating a fair and sustainable system for the distribution of asylum seekers between Member States;
- greater harmonisation of asylum procedures and standards in order to create similar conditions across Europe and thus to limit measures that act as incentives for attraction factors, so as to reduce irregular secondary movements;
- strengthening the mandate of the European Asylum Support Office (EASO).

As part of the implementation of the European Agenda on Migration, this Communication, as indicated above, sets out a few options to move towards a more humane, fairer and more efficient European asylum policy, as well as towards better management of the legal migration policy. Based on the feedback received to this Communication, the Commission came forward with other appropriate proposals, and it was necessary to build a fair and sustainable common asylum policy.

The large-scale, uncontrolled arrival of migrants and asylum seekers has put a strain not only on many Member States' asylum systems, but also on the Common European Asylum System as a whole. The volume and concentration of arrivals has highlighted in particular the weaknesses of the Dublin System, which establishes the Member State responsible for examining an asylum application based

¹ The Council examines legislative proposals presented by the European Commission in view of reforming the CEAS.

² Communication from the Commission to the European Parliament and the Council Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe - Brussels, 6.4.2016.

primarily on the first point of irregular entry. The differing treatment of asylum seekers across Member States has further exacerbated the problem of irregular secondary movements.

The Commission has identified five priority areas where the Common European Asylum System should be structurally improved:

Establishing a sustainable and fair system for determining the Member State responsible for asylum seekers: in order to deal better with a high number of arrivals and ensure a fair sharing of responsibility, the Commission proposed to amend the Dublin Regulation – either by streamlining and supplementing it with a corrective fairness mechanism or by moving to a new system based on a distribution key.

Achieving greater convergence and reducing the submission of multiple asylum applications: the Commission proposed a further harmonisation of asylum procedures, so as to ensure a more humane and equal treatment across the EU and reduce pull factors that draw people to just a few Member States. Thus, the Commission proposed two new Regulations to replace the Asylum Procedures Directive and the Qualification Directive, respectively, as well as a few specific amendments to the Reception Conditions Directive.

Preventing secondary movements within the EU: to ensure that the Dublin System is not disrupted by abuses and asylum shopping, the Commission proposed measures to discourage and sanction irregular secondary movements. In particular, certain rights will be made conditional upon registration, fingerprinting and stay in the EU country assigned to the applicant.

A new mandate for the EU's asylum agency: the Commission proposed to amend the European Asylum Support Office's mandate so that it could play a new policy-implementing role as well as a strengthened operational role. For instance, EASO will manage the distribution mechanism under a reformed Dublin System, will monitor the compliance of Member States with EU asylum rules, will identify measures to remedy shortcomings, and will take operational measures in emergency situations.

Reinforcing the Eurodac system: to support the application of a reformed Dublin System, the Commission proposed to adapt the Eurodac system and to expand its purpose, facilitating the fight against irregular migration, better retention and sharing of fingerprints, as well as returns.

The communication also included aspects regarding the ensuring of safe and legal migration routes. The EU must allow people in need of international protection to arrive in the EU in an orderly, organised, safe and dignified manner. This is, in fact, a common responsibility of the international community. At the same time, conditions must be created to cover existing legislative gaps and to address demographic challenges through a proactive labour migration policy. Thus, the Commission has developed a series of measures addressing the legal migration routes to Europe and integration policies:

A structured resettlement system: building on existing initiatives, the Commission set out a proposal to frame the EU's policy on resettlement. This proposal put in place a horizontal mechanism with common EU rules for admission and distribution, the status to be granted to resettled persons, financial support, and measures to discourage secondary movements.

A reform of the EU Blue Card Directive: strengthening its role as a system valid throughout the EU by developing a harmonised approach providing for more flexible admission conditions, improved admission procedures and enhanced rights for highly-skilled third country nationals.

Measures to attract and support innovative entrepreneurs, who can boost economic growth and help create jobs.

A REFIT evaluation of the existing legal migration rules, with a view to streamlining and simplifying the current rules for different categories of third-country nationals to reside, work or study in the EU.

Pursuing close cooperation with third countries, as part of existing policy dialogues and operational cooperation under the Global Approach to Migration and Mobility (GAMM), in order to ensure a more effective management of migratory flows.

The Commission also presented an EU Action Plan on Integration.¹

3.2. The European Agenda on Migration²

On 13 May 2015, the European Commission proposed, through the European Agenda on Migration, a comprehensive strategy to address the immediate challenges of the current crisis and to provide the Union with tools to better manage migration in the medium and long term in areas such as irregular migration, border management, asylum and legal migration.

As a result of the recent tragedies in the Mediterranean, both in the European Parliament and in the European Council, there has been political consensus to mobilise all efforts and tools available so as to adopt immediate measures in order to prevent more people from dying at sea. Thus, the Commission has set out the concrete and immediate actions it will take, including:

- Tripling the capacities and assets for the Frontex joint operations Triton and Poseidon in 2015 and 2016. An **amending budget** for 2015 was adopted to secure the necessary funds – a total of €89 million, including €57 million in AMIF (Asylum, Migration and Integration Fund) and €5 million in ISF (Internal Security Fund) emergency funding to help frontline Member States – and the new Triton Operational Plan was presented in late May;
- Proposing the first ever activation of the emergency mechanism under Article 78(3) TFEU to help Member States facing a sudden influx of migrants. At the end of May, the Commission proposed a temporary distribution mechanism for persons in clear need of international protection within the EU. In late 2015, a proposal was presented for a permanent EU system for relocation of mass influxes in emergency situations;
- Proposing, by the end of May, an EU-wide resettlement scheme to offer 20,000 places to be distributed in all Member States to displaced persons in clear need of protection,³ with a dedicated extra funding of €50 million for 2015 and 2016;
- Carrying out various actions in view of a possible Common Security and Defence Policy (CSDP) operation in the Mediterranean to dismantle traffickers' networks and to fight smuggling of people, in accordance with international law.

The migration crisis in the Mediterranean was a signal regarding immediate needs. At the same time, it has revealed that the common EU migration policy has fallen short. In the future, the European

¹ Action Plan on the Integration of third-country nationals - Strasbourg, 07.06.2016, COM(2016) 377 final.

² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A European Agenda on Migration – Brussels, 13.5.2015, COM(2015) 240 final.

³ Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece and Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece.

Agenda on Migration aims to transpose all existing political guidelines into a set of mutually coherent and reinforcing initiatives, based around four pillars, so as to manage migration better in all its aspects.

The four pillars of the Agenda on Migration are:

- Reducing the incentives for irregular migration, notably by seconding European migration liaison officers to EU Delegations in key third countries; amending the Frontex legal basis to strengthen its role on return; a new action plan with measures that aim to transform people smuggling into high risk, low return criminal activity and to address the root causes through development cooperation and humanitarian assistance;
- Border management – saving lives and securing external borders, particularly by strengthening the role and capacity of Frontex; helping strengthen the capacity of third countries to manage their borders; pooling further, where necessary, certain coast guard functions at EU level;
- Europe's duty to protect: a strong common asylum policy: it is a priority to ensure a full and coherent implementation of the Common European Asylum System, notably by promoting systematic identification and fingerprinting, by making efforts to reduce its abuses, by strengthening the Safe Country of Origin provisions of the Asylum Procedure Directive; evaluating and possibly revising the Dublin Regulation in 2016;
- A new policy on legal migration: the focus will be on maintaining a Europe in demographic decline as an attractive destination for migrants, notably by modernising and overhauling the Blue Card scheme, by reprioritising our integration policies, and by maximising the benefits of migration policy to individuals and countries of origin, including by facilitating cheaper, faster and safer remittance transfers.

3.3. Proposals for Reforming the Common European Asylum System

The Commission's European Agenda on Migration of May 2015 sets out further steps towards a reform of the Common European Asylum System, which were presented in two packages of legislative proposals in May and July 2016. The main pending proposals were:

- 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 (COM(2016)0467);
- 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 (COM(2016) 0466);
- Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast) (COM(2016)0465);
- 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 (COM(2016)0468);
- 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) (COM(2016)0270);

- 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) (COM(2016)0272);

- 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 (COM(2016)0271);

- Proposal for a Regulation of the European Parliament and of the Council establishing a crisis relocation mechanism and amending Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 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 (COM(2015)0450);

- Proposal for a Regulation of the European Parliament and of the Council establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection, and amending Directive 2013/32/EU (COM(2015)0452).

3.4. The Legislative Package of May 2016

The European Commission, with the package launched in May 2016, presented proposals for the reform of the Common European Asylum System by creating a fairer, more efficient and sustainable system for the distribution of asylum applications between Member States. The basic principle will remain the same: asylum seekers must submit their application in the first country they enter, unless they have family in another country but, thanks to a new mechanism ensuring equity, no Member State will have to bear disproportionate pressures on its asylum system. Other elements of the proposals were the transformation of the current European Asylum Support Office (EASO) into a true European Union asylum agency in order to reflect its enhanced role within the new system and reinforcing Eurodac, the EU’s fingerprint database, with a view to better managing the asylum system and tackling irregular migration.

- **Reforming the Dublin System**

The EU’s rules for determining which Member State is responsible for dealing with each asylum application (known as the “Dublin System”) were not designed to ensure a sustainable sharing of responsibility across the European Union and guarantee timely processing of applications.

Thanks to the new proposal, the Dublin System will be more transparent and effective. A mechanism will also be set up, which will deal with situations of disproportionate pressure on Member States’ asylum systems. The new system is designed to be fairer and more robust, so as to better withstand pressure. The new system will ensure quick determination of Member States’ responsibility for examining an asylum application, which will protect those in need and discourage secondary movements (submitting asylum applications seeking the best conditions – “asylum shopping”).

The main new elements are:

- A fairer system based on solidarity: it will include a corrective allocation mechanism (the fairness mechanism). The new system will automatically establish when a country is handling a disproportionate number of asylum applications, by reference to a country's size and wealth. If one country is receiving disproportionate numbers above and beyond the reference value (over 150% of the reference number), all further new applications in that country will be relocated (regardless of nationality) across the EU, after a verification of their application's admissibility, until the number of applications is back below that level. A Member State will also have the option to temporarily not take part in the reallocation. In that case, it would have to make a solidarity contribution of €250,000 for each applicant for whom it would otherwise have been responsible under the fairness mechanism, to the Member State that received the person instead;
- A mechanism that also takes account of resettlement efforts: the fairness mechanism will also factor in the effort being made by a Member State to resettle straight from a third country those in need of international protection. This will acknowledge the importance of efforts to find legal and safe pathways to Europe;
- A more efficient system: it will provide for shorter time limits for sending transfer requests, receiving replies and carrying out transfers of asylum seekers between Member States, and it will remove shifts of responsibility;
- Discouraging abuses and secondary movements: clearer legal obligations for asylum applicants will be provided for, including a duty to remain in the Member State responsible for their claim, geographic limits to the provision of material reception benefits will be established and there will be proportionate consequences in case of non-compliance;
- Protecting asylum seekers' best interests: stronger guarantees for unaccompanied minors and a balanced extension of the definition of family members will be included. The United Kingdom and Ireland are not required to participate in these measures but instead determine themselves the extent to which they want to do so, in accordance with the relevant Protocols attached to the Treaties. If these two Member States do not opt in, the current rules as they operate today will continue to apply to them, in line with the Treaties.

- **Reinforcing the Eurodac system**

In order to support the practical implementation of the reformed Dublin System, the Commission is also proposing to adapt and reinforce the Eurodac system and to expand its purpose, facilitating returns and helping tackle irregular migration.

The main new elements are:

- Extending the scope of the Eurodac Regulation by including the possibility for Member States to store and verify data belonging to all third-country nationals or stateless persons found irregularly staying in the EU and who are not applicants for international protection, but they will have to be identified for return and readmission purposes;
- Ensuring the primordial nature of the Dublin procedure before the return procedure in all cases in which there is a HIT coincidence issued by the Eurodac system, following the verification of people found irregularly staying in the EU;
- Introducing the obligation to take fingerprints and the facial image of all categories of fingerprinted persons (asylum seekers, aliens illegally entering the EU's external borders and foreign nationals in

illegal situations on the territory of the Member States), including the possibility to impose sanctions on aliens who refuse fingerprinting;

- Introducing the obligation to store personal data of all fingerprinted aliens (surname, name, date of birth, citizenship, identity documents and facial image) for the purpose of easy identification, especially in the case of the return procedure;
- Providing for the Member States' obligation to introduce other biometric identifiers into the Eurodac system – the facial image – and in the future for the system to be upgraded with an automatic facial recognition system;
- Providing for the comparison and transmission of the fingerprints of all categories of fingerprinted persons (asylum seekers, aliens illegally entering the EU's external borders and aliens illegally present on the territory of the Member States);
- Reducing the age of the persons who can be fingerprinted to 6 years, from 14 years as in the current Regulation.

- **Establishing a European Union Agency for Asylum**

The proposal will transform the existing European Asylum Support Office (EASO) into a fully-fledged European Union Agency for Asylum, which will have an enhanced mandate and considerably expanded tasks to address any structural weaknesses that may arise in the application of the EU's asylum system.

The main new elements are:

- The proposal aims to transform the current European Asylum Support Office into an EU asylum agency with a broader mandate and considerably expanded tasks to address the structural weaknesses that may arise in the application of the EU's asylum system;
- The draft Regulation establishes an obligation for Member State authorities to cooperate with the Agency by providing and exchanging information with speed and accuracy;
- One of the main new tasks of the Agency will be to use the reference key to apply the equity mechanism under the new Dublin System. The Agency will also have the task of ensuring greater convergence in assessing applications for international protection across the EU, strengthening practical cooperation and exchange of information between Member States, and promoting Union law and operational standards as regards asylum procedures, reception conditions and protection needs;
- As regards the promotion of Union law and operational standards, EASO will develop operational standards for the implementation of the legal instruments of the Union, as well as indicators for verifying compliance with these standards. The Agency will also be able to develop guidelines and good practice on the implementation of the Union's legal instruments on asylum;
- Monitoring and evaluating the implementation of the CEAS – it provides for the Agency's role to monitor and evaluate all aspects of the CEAS, in particular asylum procedures, the Dublin System, recognition rates, the quality and nature of international protection granted, monitoring compliance with operational standards and guidelines, asylum and reception systems and the ability of Member States to manage these systems effectively, especially in times when they face disproportionate pressures.

3.5. The Legislative Package of July 2016

In July 2016, the European Commission presented proposals to complete the reform of the Common European Asylum System in order to move towards a fully efficient, fair and humane asylum policy – one that can function effectively in times of both normal and high migratory pressure. To this end, and based on the existing experience, a more efficient and coherent asylum system requires a set of common, harmonised rules at EU level. Therefore, the Commission proposed the creation of a common international protection procedure, uniform standards for protection and rights granted to beneficiaries of international protection and a better harmonisation of reception conditions in the EU. Overall, these proposals will streamline and shorten the duration of the asylum procedure and the decision-making, will discourage secondary movements of asylum seekers and will increase integration prospects of those that are entitled to international protection.

- **A fair and efficient common EU procedure**

The Commission is proposing to replace the Asylum Procedures Directive with a Regulation establishing a fully harmonised common EU international protection procedure to reduce differences in recognition rates from one Member State to the next, to discourage secondary movements and to enhance procedural guarantees for asylum seekers.

The main new elements are:

- Streamlining, clarifying and shortening the asylum procedures

The procedure is shortened and streamlined, with decisions normally to be taken within 6 months or less. Shorter time-limits (1-2 months) are established in particular cases where applications are inadmissible or manifestly unfounded, or in cases where the accelerated procedure applies. Time-limits are also introduced for lodging appeals (ranging from 1 week to 1 month) and for decisions at the first appeal stage (ranging from 2 to 6 months).

- Common guarantees for asylum seekers

Asylum seekers will be guaranteed the right to a personal interview and to free legal assistance and representation, as early as the beginning of the administrative procedure. Reinforced safeguards are provided for asylum seekers with special needs and for unaccompanied minors, for whom a guardian should be assigned 5 days at the latest after an application has been made.

- Stricter rules to combat abuse

New obligations to cooperate with the authorities will be introduced, as well as strict consequences if these obligations are not met. Sanctions for abuse of the process, lack of cooperation and secondary movements, which are currently optional, will become compulsory, and they will include the rejection of the application as implicitly withdrawn or manifestly unfounded, or the application of the accelerated procedure.

- Harmonised rules on safe countries

The Commission clarifies and makes mandatory the application of the safe country concepts. In addition, the Commission proposes to fully replace the national designations of safe countries of origin and safe third countries with European lists or designations at EU level within five years from the entry into force of the Regulation.

- **Harmonised Protection Standards and Rights**

Asylum seekers must be able to obtain the same form of protection regardless of the Member State in which they make their application and for as long as such protection is needed. In order to harmonise protection standards in the EU and to deter secondary movements and asylum shopping, the Commission proposes to replace the existing Qualification Directive with a new Regulation.

The main new elements are:

- The draft regulation provides for more obligations for the applicants and the Member States, respectively;
- Some of the mandatory provisions included in the draft regulation exist in the current Qualification Directive but are not mandatory;
- This draft regulation is linked to the proposed EASO Regulation, instituting obligations for Member States to take into account documents issued by EASO (guidelines, COI, etc.);
- The draft regulation provides for a reconsideration of the situation of beneficiaries of international protection upon renewal of the residence permit, as well, but such a situation is likely to cause additional burden on the competent authorities without having a particular utility;
- Periods of validity of residence permits from which Member States cannot derogate are provided for (the validity of residence permits issued for the first time to beneficiaries of subsidiary protection is 1 year, and national legislation provides a validity of 2 years);
- Greater convergence of recognition rates and forms of protection;
- The type of protection and the period of validity of residence permits granted to beneficiaries of international protection will be harmonised;
- Stricter rules for sanctioning secondary movements;
- The 5-year waiting period for beneficiaries of international protection to become eligible for long-term resident status will be re-launched each time that person is found in a Member State where he or she does not have the right to stay or reside;
- Protection will be granted only for the required period;
- The obligation to periodically review the status is introduced, in order to take into account, for instance, changes in the countries of origin that may have an impact on the need for protection;
- Incentives for better integration;
- The rights and obligations in terms of security and social assistance of persons enjoying international protection will be clarified, and access to certain types of social assistance may be conditional on participation in integration measures.

- **Dignified and harmonised reception conditions throughout the EU**

Last but not least, the Commission is proposing to reform the Reception Conditions Directive to ensure that asylum seekers can benefit from dignified and harmonised reception standards throughout the EU, which will help prevent secondary movements.

The main new elements are:

- harmonising the reception conditions in EU countries

This will ensure both equal treatment, in accordance with fundamental rights, for all applicants across the EU and in the states where there are problems, and will reduce secondary movements to countries having higher standards.

It will also contribute to a fair distribution of applicants between Member States.

- reducing incentives in case of secondary movement

In order to ensure migration management and to prevent secondary movements, it is essential that applicants remain in the responsible Member State.

The introduction of several measures restricting freedom of movement and the consequences imposed when the restrictions are not observed lead to the introduction of monitoring measures for applicants.

Moreover, the harmonisation of measures to assign a specific place of residence to applicants imposes reporting obligations and the provision of reception materials only in kind.

This applies in particular to 3 situations: the applicant does not apply for international protection in the Member State; the applicant evades on the first illegal entry or at the legal entry; and the situation in which the applicant is returned to the Member State where he or she is requested to be present after having had an illegal stay in another Member State.

- increasing the self-confidence of applicants and integration possibilities

With the exception of the applicants to be rejected, the other applicants should be allowed as soon as possible to work and earn their own income from the moment their application begins to be analysed.

This helps reduce dependence and allows for good integration prospects for those who obtain a form of protection.

The time-limit for access to the labour market should be reduced from no later than 9 months to no later than 6 months.

Member States are also encouraged to grant access to the labour market no later than 3 months to the applicant whose application is well founded.

- **EU resettlement framework**

Resettlement is a strategic instrument to manage migration flows. At the same time, resettlement is an important legal pathway to offer protection to those in real need. The purpose intended by the regulation is to establish a legal resettlement framework based on initiatives of resettlement and humanitarian admission within the EU, as well as on the experience acquired through national resettlement programs.

The main objectives of this draft regulation are:

- providing for legal and safe pathways to the EU, reducing in the long term the risk of large-scale irregular arrivals;
- providing common rules for resettlement and humanitarian admission;
- effectively contributing to resettlement and humanitarian admission initiatives at a global level;
- helping to alleviate the pressure in third-countries to which a large number of persons in need of international protection have been displaced.

Under the new framework, the Council will adopt a two-year EU resettlement and humanitarian admission plan, on the basis of a proposal from the Commission. This plan will include the maximum

total numbers of persons to be admitted, the contributions of Member States to this number and the overall geographical priorities. Member States contribute to the EU resettlement and humanitarian admission plan on a voluntary basis. Efforts by Member States under this plan are supported by funding from the EU's budget.

The draft regulation provides for two types of admission: resettlement and humanitarian admission. It defines a common procedure, eligibility criteria and grounds for refusing admission, as well as common principles regarding the status to be granted to persons who have been admitted. Given the expertise of UNHCR in this field, it is also given an important role in this process.

In addition, the regulation will reduce discrepancies between national resettlement practices and will enhance the Union's position in view of reaching its global policy goals, and it reiterates the importance of the early, effective integration process of relocated persons, highlighting that the success or failure of a resettlement operations depends directly on such measures.

3.6. The Expected Impact of the New European Legislative Proposals on Asylum at National Level

As a Member State of the European Union, Romania has established full rights and obligations as any other Member State, which entails interconnections with the Union's constituent bodies.

In the new international context generated by the massive influx of illegal migrants into the European Union, an influx that started in 2014 and reached its peak in 2015 and 2016, Romania has proven it has been an important actor in the forums of international bodies in their attempt to deal with the crisis that the massive influx of illegal migrants has caused at European level. At the same time, Romania took part in the process of implementing the Council Decisions (EU) 2015/1523 and 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece, which ensured the legal framework for the resettlement process. Through these decisions, EU Member States have undertaken to resettle people in need of international protection to Greece and Italy, thus ensuring the opportunity of the two Member States to cope with the high number of illegal migrants registered on their territory.

Thus, it can be pointed out that Romania is one of those Member States of the European Union that participate proactively in the concerted effort of the international bodies deployed in order to approach and solve exceptional situations (in this case in the field of migration); this has been highlighted a few times in the reports drawn up by the structures and bodies of the Union, our country being one of the reference pillars in observing and applying the principles of solidarity and responsibility, which safeguard the good functioning of the European Union.¹

A convincing and effective way to manage the migration phenomenon is modifying the legislative package of the European Union governing the asylum activities detailed above. Currently, this package is being negotiated, with some disagreements between the Member States of the European Union regarding the introduction of mandatory resettlement provisions and the automatic distribution of international protection applicants (on the basis of a pre-set calculation formula), but also with regard to the concept of the single responsible Member State (on the one hand, some Member States agree to the compulsory introduction of the allocation share based on a quota and to the principle of the single responsible Member State, and on the other hand, there are Visegrád Member States opposed to quotas and the principle of the single responsible Member State). In fact, negotiations have been taking place on the amendments to this package of legal acts since 2016, and preconditions for

¹ Please note the interim and final COM reports on the implementation of the two Decisions on resettlement and relocation.

the setting of a moment when they will be completed do not exist.

Romania will have to take into account the principle of cooperation, which is and will remain a principle governing relations between Member States, as well as between Member States and international bodies, and this principle will govern the entire activity carried out by our country in the coming period.

4. Conclusion

As mentioned before, the CEAS is increasingly pursuing a connection between responsibility and solidarity in the field of asylum, on a voluntary basis. This means, on the one hand, that Member States, including Romania, must fully observe the rules of the EU *acquis* and, on the other hand, that Member States should provide support to those Member States facing temporary high pressures on their asylum systems.

A decisive role for Romania in the period soon after the completion of the negotiation process of the new CEAS legislative package will be, first of all, the effort to transpose the instruments making up the new *acquis* in the matter. At the same time, the continuous development and strengthening of the mechanisms that ensure the maintenance of a unitary and quality practice on the processing of asylum applications at national level will be a solid guarantee of the existence of an efficient and functional national asylum system, and the responsible authorities¹ will have to concentrate all their resources to this end.

5. Bibliography

EU asylum *acquis*

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Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 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 – recast (hereinafter referred to as *Dublin III Regulation*).

Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (hereinafter referred to as the *Reception Conditions Directive*).

Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (hereinafter referred to as the *Common Procedures Directive*).

Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 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 (hereinafter referred to as the *Qualification Directive*).

¹ Decision no. 639 of 20 June 2007 regarding the structure and the attributions of the General Inspectorate for Immigration, as subsequently amended and supplemented.

Regulation (EU) No. 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office (hereinafter referred to as the *EASO Regulation*).

Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

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Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast) (COM(2016)0465).

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 (COM(2016)0468).

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) (COM(2016)0270).

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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 (COM(2016)0271).

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Proposal for a Regulation of the European Parliament and of the Council establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection, and amending Directive 2013/32/EU (COM(2015)0452).

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