



EUROPEAN COMMISSION

Brussels, 17 SEP. 2009
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Dear Ms President,

The Commission thanks the Austrian Nationalrat for its opinion on the Commission proposals amending respectively the Reception Conditions Directive, the Dublin Regulation and the EURODAC Regulation as well as the Commission proposal establishing a European Asylum Support Office {COM(2008)815, COM(2008)820, COM(2008)825, COM(2009)66}.

The proposals aim to ensure higher and more harmonised standards of protection for asylum applicants as well as to increase the efficiency of the asylum system. These objectives are fully in line with the Tampere Council Conclusions and The Hague Programme which called for the establishment of a Common European Asylum System (CEAS) that is both efficient and ensures a high degree of protection. More recently, the European Pact on Immigration and Asylum adopted by the European Council provided further political endorsement to these objectives, by calling for initiatives to complete the establishment of the CEAS with a view to offering a higher degree of protection.

The Austrian Nationalrat considers that certain proposed modifications of the Reception Conditions Directive and the Dublin Regulation do not appear to be in compliance with the principles of proportionality and subsidiarity as set out in the Treaty establishing the European Community. The Commission would draw attention to the contents of the Impact Assessments accompanying its proposals. These demonstrate that the various problems identified during the first stage of the CEAS could not be resolved by unilateral action of Member States but required common efforts at the EU level. The proposed measures do not go beyond what is necessary to achieve the given objectives.

Finally, the Austrian Nationalrat considers that the establishment of a genuine common EU asylum policy should be a pre-condition for putting in place EU solidarity measures. The Policy Plan on Asylum, adopted by the Commission on 17 June 2008, foresees measures aimed at enhancing solidarity, within and outside the Union which should form an integral part of the establishment of a comprehensive CEAS. The importance of enhancing EU solidarity measures has also been highlighted in the European Pact on Immigration and Asylum, agreed by all Member States, which calls for the promotion of "reallocation within the EU of beneficiaries of international protection" from those Member States facing specific pressure on their national asylum systems as well as resettlement within the EU of people placed under the protection of the Office of the

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United Nations High Commissioner for Refugees in third countries. The need for increased solidarity among Member States has also been underlined in the conclusions of the European Council of 18/19 June.

I hope that the clarifications provided above satisfactorily address the main concerns expressed in your submissions.

Yours sincerely

Margot WALLSTRÖM
Vice-President of the European Commission