



HELLENIC PARLIAMENT

### JOINT SITTING

- **STANDING COMMITTEE FOR PUBLIC ADMINISTRATION, PUBLIC ORDER AND JUSTICE**
  - **SPECIAL STANDING COMMITTEE ON EUROPEAN AFFAIRS**

On Wednesday, April 29 2009 at 13.30 the aforementioned Committees of the Hellenic Parliament convened at a joint sitting in order to adopt a:

### OPINION

On the Proposal for a

### **REGULATION OF THE EUROPEAN PARLIAMENT AND THE COUNCIL**

#### **Establishing a European Asylum Support Office**

[COM (2009) 66 final]

The members of the aforementioned Committees, having considered:

- The Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND THE COUNCIL **Establishing a European Asylum Support Office** [COM (2009) 66 final]
- The Commission staff working document accompanying the Proposal for a Regulation of the European Parliament and the Council **Establishing a European Asylum Support Office** [SEC(2009) 154]
- The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - **A Common Immigration Policy for Europe: Principles, actions and tools** [COM(2008) 359 final]
- The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – **Policy Plan on Asylum, an integrated approach to protection across the EU** [COM(2008) 360 final]

- The oral interventions made by the Alternate Minister for Interior, competent on Public Administration issues, by the representatives of the UN High Commissioner's Office in Greece and by the Greek Council on Refugees.

Have reached the following conclusions:

- the Proposal for a Regulation Establishing a European Asylum Support Office is an assisting tool towards **achieving convergence of essential differences** observed in the course of decision making process concerning petitions for international protection, due to poor legislative harmonization, deviating traditions and practices followed by the 27 member-states, as well as differences concerning information and data on the countries of origin of asylum (international protection)seekers
- the **selection criteria for the Office's seat** must top those described in the Council's Conclusions of June 2008 referring to the conclusions of the member-states' representatives, having convened at the level of heads of state and governments in Brussels, on December 13, 2003 and providing for priority ceding to the newly-accessed states. The non- homogeneity observed in the intensity of migration pressures at the level of member-states calls for the use of additional parameters-criteria for the seat selection. The seat selection criteria should indicatively include:
  - the number of petitions for granting asylum, as well as the relationship (ratio) of that number to the member-state's population,
  - the Office's functional cost which may vary from country to country,
  - the degree of readiness and experience of the receiving member-state,
  - the transport links, in order to achieve attraction of high quality human resources,
  - the geographical proximity to countries of origin, as well as coverage of the most extended possible geographical extent.
- Further to achieving convergence at member-states' decision-making process concerning asylum, the Office should be empowered with the subsequent **process upgrading and optimization**.
- In any case, the **establishment of one more costly bureaucratic structure** should be avoided, something that calls for systematic supervision and assessment of the European Asylum Support Office during all the stages of its institution and function. At the same time, parallel similar activities should be re-examined and possibly cease their financing.

- For the Office's regular function, **cooperation** should be extended both with Non-Governmental Organisations and with experts in the field of asylum. The exact cooperation frame, on the one hand with the UN High Commission for Refugees (non-voting member of the Management Board) and, on the other hand, with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX), the EU Fundamental Rights Agency (FRA), as well as with other community and international organisations, is described in the proposal for Regulation. A similar provision on the aforementioned agencies' enhanced contribution and participation should be included, considering the indicated extended use of their accumulated experience and data, especially at the national/regional/local levels.
- The process of **information** gathering, recording, organizing, analysis and dissemination should be governed by the principles of transparency, objectivity and impartiality. Access to data and information should be easy, and, mostly, equal access must be guaranteed for all interested parties. Moreover, the Office must be able to provide guidelines ensuring quality upgrading of the examination process concerning petitions for granting asylum.
- Member-states suffering the most pressure are mainly those comprising the EU's external borders. In some of them there are phenomena of sudden massive arrival of third countries' citizens who may be in need of international protection, whereas in others, such as Greece, **there are constant arrivals**. The proposal for Regulation should include clear provisions on the specific category.
- One of the greatest difficulties facing member-states is identified during the **process of receiving asylum seekers**. Broadening the scope of Asylum Support Teams is deemed opportune, for member-states can enjoy support in identifying persons in need of international protection or persons with special needs, further to technical support.
- The Proposal for Regulation **adds up to the subsidiarity principle**, given that, on the one hand it falls within the EU's scope of legislative action ( Articles 63&66 of the Treaty on the European Union) and, on the other hand, considering the interstate nature of issues concerning international protection, the strengthening of practical cooperation between member-states on asylum issues, as well as that optimal implementation of the common European asylum system may be better achieved at a community level.
- **In what concerns adherence to proportionality principle**, the members of the competent Committees of the Hellenic Parliament are able to realize the necessity for better harmonization of the asylum-granting processes within the EU, the exercise of best possible practices in that frame, as well as the enhanced cooperation of member-states in that field, given that our country is faced with a huge number of petitions for asylum, which are disproportionate to its capabilities and population. However, objectively speaking, the relevant phrasing included in the Commission's explanatory memorandum aiming at documenting adherence to

the proportionality principle and the relevant impact assessment, is deemed **inadequate**. More specifically, it must be clarified why the most expensive solution that is the institution of a regulatory organization is deemed as the most effective.

They call the Government:

- To proceed to the necessary actions for ensuring the seat of the Office.
- To support at the Council the Proposal for a Regulation Establishing a European Asylum Support Office, aiming at the direct commencement of its function.