

SENATE OF THE REPUBLIC
17TH PARLIAMENTARY TERM

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No 146

RESOLUTION OF THE 1st STANDING COMMITTEE
**(Constitutional affairs, affairs of the Prime Minister's Office and home affairs, general
legal system of the State and the civil service)**

(Rapporteur MAZZONI)

approved at the session of 3 August 2016

ON THE

**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) 271 FINAL)**
pursuant to Article 144(1) and (6) of the Rules of Procedure

Sent to the President's Office on 5 August 2016

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The Committee, having examined the Proposal for a Regulation,

whereas:

the aim of the proposal is to strengthen the role of the European Asylum Support Office (EASO) and transform it into a fully-fledged Agency, equipped with the means to reinforce the asylum and reception systems of Member States, which have been stretched to the limits by the large-scale and uncontrolled arrivals of migrants and asylum seekers in the European Union, particularly during the past year. The earlier Regulation - Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office - is accordingly repealed,

noting, in particular, that:

- one of the tasks entrusted to the Agency is to step up cooperation and information exchange among Member States on asylum-related matters;

- the Agency will gather and manage information on the countries of origin of persons applying for international protection, by establishing networks to exchange and update national reports;

- it will assist the Commission in regularly reviewing the situation in third countries which are included in the common EU list of safe countries of origin and will draw up operational standards, guidelines and best practices on the implementation of the instruments of Union law on asylum and indicators for monitoring compliance with those standards;

- the Agency will set up a mechanism to monitor the implementation and assess all aspects of the asylum and reception system and compliance with operational standards and guidelines and also the capacity of Member States to manage such systems efficiently, in particular in periods of disproportionate pressure;

- the proposal significantly expands the role and functions of the Agency as regards operational and technical assistance to Member States and cooperation, in particular with third countries,

whereas, moreover:

the proposal complies with the principle of subsidiarity as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can be better achieved by the European Union;

the proposal also complies with the principle of proportionality, since its provisions do not go beyond what is necessary to achieve its objective, issues a favourable opinion.

OPINION OF THE 14TH STANDING COMMITTEE

(EU POLICIES)
(Rapporteur: GINETTI)

27 July 2016

The Committee, having examined the document,

recalling that on 6 April 2016, the European Commission adopted a communication on the reform of the common European asylum system (COM(2016) 197), containing a comprehensive strategy to establish a fair system for determining the Member State responsible for asylum seekers, reinforcing the Eurodac system and strengthening the European Asylum Support Office (EASO). In this communication, the European Commission recognises the need to move away from a system that places a disproportionate responsibility on certain Member States and encourages uncontrolled and irregular migratory flows to other Member States;

whereas the aim of the proposal - which complements other asylum-related measures put forward on 4 May and 13 July - is to reinforce the EASO's role by turning it into a centre of expertise in its own right, capable of providing the necessary operational and technical assistance to Member States in emergency situations or where the necessary remedial action would not have been taken, and which increases exchanges of country of origin information and supports a fair distribution of applications for international protection. The earlier Regulation - Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office - is accordingly repealed.

whereas, in particular, the proposal broadens the mandate of the EASO and transforms it into a fully-fledged Agency with the means to:

- enhance practical cooperation and information exchange on asylum (Chapter 2). The Agency and the Member States will have a duty to cooperate and an obligation to exchange information;

- ensure greater convergence in the assessment of protection needs across the Union. It is proposed that a common analysis providing guidance on the situation in specific countries of origin should be developed (Chapter 3);

- promote the development and implementation of operational standards, guidelines and best practices to ensure a high degree of uniformity in the application of Union law on asylum (Chapter 4);

- monitor and assess the implementation of the Common European Asylum System (CEAS). The aim of the monitoring exercise is to ensure that any shortcomings in the functioning of the CEAS are addressed as early as

possible and that Member States have the necessary tools in place to address situations of disproportionate pressure (Chapter 5);

- provide increased operational and technical support to Member States for the management of their asylum and reception systems, in particular in cases of disproportionate pressure. This will be done by sending support teams made up of staff from the Member States and the Agency. The Agency must also set up an asylum intervention pool with a reserve of not less than 500 experts, who have undergone specialist training and been selected on the basis of specific legal expertise in the field of asylum, immigration and international law. Experts forming part of the asylum support teams should be allowed to consult European databases and authorised to consult national databases;

it should be noted that, as seen from the Fifth Report on Relocation and Resettlement (COM(2016) 480 of 13 July 2016), the EASO sent 32 of the 74 experts available to Italy: 9 experts in the hotspots, 4 experts in two mobile teams (based in Rome and Catania), 13 experts in relocation hubs, and 6 experts in the Dublin Unit in Rome. The EASO is also deploying up to 48 cultural mediators (for Arabic, Tigrinya and Kurdish) to support the relocation process (as of 11 July, 35 cultural mediators were deployed on the ground). The presence of 32 experts and 35 cultural mediators is none the less insufficient to manage the ever-increasing numbers of arrivals. In agreement with the Italian authorities, the EASO asylum support teams have drafted a contingency plan to manage the expected increase in arrivals. It provides for additional support measures to ensure that the relocation process can continue at a sustainable rate. According to this plan, a further 74 EASO experts would be needed (COM(2016) 416 of 15 June 2016). This is also in response to the development of new hotspots, in order to support operations to register applications for international protection and identify any vulnerable individuals, with particular focus on unaccompanied minors, as well as stepping up the provision of information and specific assistance to applicants or potential applicants that could be subject to relocation.

comments favourably on the proposal, within its area of responsibility, with the following remarks:

- the legal basis used is as required by the Treaties, namely Article 78(1)

and (2) TFEU, which calls on the Union to develop ‘a common policy on asylum’;

- compliance with the principle of subsidiarity is clear given that it is in the common interest of the Member States to guarantee correct application of the legal framework on asylum, with the full support of the EASO, which maximises the added value of EU involvement;

- the principle of proportionality has also been observed as the strengthening of the EASO's institutional role is essential for more effective pursuit of the European common policy on asylum. Accordingly, the overall financial resources allocated for the period 2017-2020 - some EUR 364 million - are adequate and the increase in the Agency's staff to 500 people by 2020 is entirely acceptable.

In this connection, the different modules of the European Agenda on Migration should continue to be implemented. In particular: the commitment to guarantee a strong common asylum policy and a greater willingness on the part of the Member States to ensure an adequate number of places for the relocation of asylum seekers; the further securing of external borders, guaranteeing the protection of human life and the rights enshrined in international agreements; the combating of irregular immigration by means of a renewed legal migration policy.

