



Brussels, 08.03.2017
C(2017) 1567 final

Laura BOLDRINI
President of the Camera
dei Deputati
Piazza Montecitorio
IT – 00100 ROMA

Dear President,

The Commission would like to thank the Camera dei Deputati for its Opinions on the proposal for the recast of the Dublin III Regulation {COM(2016) 270 final}, the proposal for a Regulation on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 {COM(2016) 271} and the proposal for the recast of the Eurodac Regulation {COM(2016) 272 final}.

Following the presentation of its European Agenda on Migration,¹ the Commission set out its priorities to reform the Common European Asylum System in its Communication of 6 April 2016 "Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe"². As a result, the Commission presented two sets of proposals for the reform of the Common European Asylum System in May and July 2016. The proposals referred to in the Opinions form part of first package of legislative measures³ and aim to create a more humane, fair and comprehensive European asylum policy as well as a more efficient management of migration.

The Commission takes seriously the negative opinion issued by the Camera dei Deputati regarding the proposal to revise the Dublin Regulation.

With regard to the Camera dei Deputati's comment related to the first entry criterion, the Commission considers it necessary to streamline the responsibility criteria and add the principle that responsibility should not shift to another Member State once it is established. However, the Commission agrees that, in return, there is a need for balance to relieve the Member States which, because of their geographical location, are and will always be under higher migratory pressure. The Commission is of the opinion that this balance should be achieved through the corrective allocation mechanism instead of shifting responsibility on a case-by-case basis. Such a mechanism will ensure solidarity and a fair sharing of responsibilities between Member States so that no Member State is left with a disproportionate pressure on its asylum system.

¹ COM(2015) 240 final.

² COM(2016) 197 final.

³ COM(2016) 270, 271 and 272 final.

The mechanism would automatically be triggered once a Member State reaches levels at 150% or more of its fair share, determined on the basis of each Member State's population size and total gross domestic product (GDP). Given that both the irregular entry criterion and the criterion of first lodging remain in the proposal, the Commission considers that the proposed threshold will ensure solidarity and a fair sharing of the responsibility across the EU. The Commission opted for a simple distribution key based on the size of the population and the GDP in order to ensure that the capacity of a Member State to absorb a certain number of refugees and the absolute wealth of a country are reflected. The GDP is also indicative of the capacity of an economy to absorb and integrate refugees.

The proposed "pre-Dublin check" regarding applicants who are coming from a safe third country or a first country of asylum serves to avoid transferring persons throughout the EU who are not in need of international protection and should therefore be returned. It should be noted that such applications will count for the share of the respective Member State.

As regards unaccompanied minors without family members present on the territory of the Member States, the Commission considers that they are a vulnerable group of applicants in need of special protection. The Commission proposal therefore seeks to ensure that the determination procedures will not be prolonged by clarifying that the Member State responsible should be the one where the minor lodged the first application for international protection, unless it is demonstrated that this is not in the best interest of the minor.

As regards the fine of EUR 250,000, the Commission takes good note of the opinion of the Camera dei Deputati that participation should be mandatory with a 75% threshold. The Commission points out that the aim of the proposal is the full participation of Member States in the fairness mechanism. The Commission deliberately chose the amount to create incentives for Member State participation, while also serving as a flexible option when a Member State is temporarily unable to participate in the corrective allocation mechanism.

The Commission welcomes the opinion of the Camera dei Deputati concerning the proposal on the European Union Agency for Asylum. The aim of this proposal is to strengthen the role of the European Asylum Support Office, transforming it into a fully-fledged Agency capable of providing the necessary operational and technical assistance to Member States. The Commission welcomes the Camera dei Deputati's views as regards the establishment of an asylum intervention pool, the Agency's assistance to the Commission in reviewing the situation in third countries and the Agency's task to develop operational standards for implementing Union law. The Commission takes note of the Camera dei Deputati's recommendation to adopt these operational standards as Commission implementing acts. In its proposal the Commission puts forward that operational standards, indicators, guidelines and best practices be developed by the Agency, in consultation with the Commission, and then adopted by the Management Board.

The Commission is pleased that the Camera dei Deputati welcomes the proposal to recast the Eurodac Regulation and the innovative scope of the measures proposed.

These proposals are now subject to the ordinary legislative procedure for adoption by the European Parliament and the Council. On 15 December 2016, the European Council came to the conclusion that "the effective application of the principles of responsibility and solidarity remains a shared objective. Sustained efforts over the past months to review the Common European Asylum System have shown some areas of convergence, while other areas require further work." In line with these conclusions, the European Council has requested the Maltese Presidency to initiate intensive bilateral discussions with Member States with the view to achieving convergence on the key elements of revision of the Dublin Regulation by the end of its term. The Commission supports this objective.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Camera dei Deputati and looks forward to continuing our political dialogue.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Dimitri Avramopoulos
Member of the Commission*