

PARLIAMENT OF ROMANIA

CHAMBER OF DEPUTIES

DECISION

approving the opinion 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)

Pursuant to Articles 67 and 148 of the Romanian Constitution, republished, Law No 373/2013 on cooperation between Parliament and the Government in the area of European affairs, and Articles 160 to 185 of the Rules of Procedure of the Chamber of Deputies, republished,

the Chamber of Deputies hereby adopts this Decision.

Sole Article. Having regard to Opinion No 4c-19/1018 adopted by the Committee for European Affairs at its meeting of 20 September 2016, the Chamber of Deputies:

1. supports the objective of providing increased operational and technical assistance to Member States in the management of their asylum and reception systems, in particular in cases of disproportionate pressure;
2. draws attention to the potential conflict inherent in the provision that empowers the Commission to adopt a decision by means of an implementing act where, in the event of disproportionate pressure on the asylum or reception systems, a Member State does not request operational and technical assistance from the Agency or does not accept an offer by the Agency of such assistance or does not take sufficient action to address that pressure, or does not comply with the Commission's recommendations thereby rendering the asylum or reception systems ineffective to the extent of jeopardising the functioning of the Common European Asylum System (CEAS); calls on the Commission to ensure that that risk does not materialise;
3. welcomes the intention to have experts with professional profiles relevant to the field of child protection on the support teams, given the increasing number of unaccompanied children among migrants and asylum seekers, and to include in training activities issues related to the handling of applications for international protection involving children; calls for the protection of the rights of the child to be reflected as much as possible in the Agency's tasks and responsibilities;
4. points out that the task of building the capacity for gathering and analysing information on the situation of asylum in the EU and third countries within the proposed Agency should cover only data and analyses that bring added value as compared to those obtained from other sources or available from other EU agencies, so as to avoid any unjustified increases in European public expenditure;
5. takes the view that an active involvement of the proposed Agency and of experts in activities relating to the examination of the asylum applications would create disproportionate risks in terms of data security and would interfere too much with the relevant national systems; suggests that such involvement should be restricted to duly justified cases and should be limited to what brings clear added value;
6. is concerned about the Agency's right to initiate a monitoring exercise to assess a Member State's asylum or reception systems on its own initiative whenever there are serious concerns regarding the functioning of any aspect of that Member State's asylum or reception systems, as such

exercise of monitoring rights could lead to a misuse of power; recommends that the Agency provide thorough justification for any monitoring action on its own initiative;

7. points out that indicators, guidelines and good practices in the area of asylum also depend on each socio-economic national framework and recommends that these be approached cautiously as regards their implementation at EU level;

8. calls on the Commission to explain what the operational standards on the implementation of the instruments of Union law on asylum to be developed by the new Agency consist of and what safeguards there will be to ensure that these are restricted to the minimum necessary so as not to affect any relevant rights falling under the competence of Member States;

9. is concerned about the provisions under which the Agency can assess the readiness of Member States to overcome the challenges arising from possible disproportionate pressure on their asylum and reception systems, as Member States' readiness in this area is not restricted to administrative matters, but has legitimate cultural and political connotations as well, which the Agency does not have the capacity to assess;

10. believes that the proposed model based on an obligation to cooperate should also allow Member States to opt out in certain circumstances in which they believe that fulfilling that obligation would create an excessive administrative burden or would be contrary to their national legislation;

11. welcomes the attention given to personal data and detailed management of such data;

This Decision was adopted by the Chamber of Deputies at its sitting of 27 September 2016, in compliance with Article 76(2) of the Romanian Constitution, republished.

President of the Chamber of Deputies

Florin Iordache

Bucharest, 27 September 2016

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