



COMMISSION DES COMMUNAUTÉS EUROPÉENNES

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AVIS DU COMITÉ DES ANALYSES D'IMPACT

**PROPOSITION DE REGLEMENT DU CONSEIL PORTANT CREATION D'UN BUREAU
EUROPEEN D'APPUI EN MATIERE D'ASILE**

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Opinion

Title **Impact Assessment on: Establishment of a European asylum support office**

(draft version of 14 November 2008)

Lead DG **DG JLS**

1) Impact Assessment Board Opinion

(A) Context

The European Council in 2004 invited the Commission to establish appropriate structures to facilitate practical cooperation between national asylum services. The Commission's 2005 Action Plan included the establishment of a European support office for all forms of cooperation between Member States relating to the Common European Asylum System. In June 2008 the Commission announced that it would put forward a legislative proposal for the creation of a European Asylum Support office. In September 2008, the European Council adopted the European Pact on Immigration and Asylum in which it agreed to "establish in 2009 a European support office with the task of facilitating the exchange of information, analyses and experience among Member States, and developing practical cooperation between the administrations in charge of examining asylum applications".

(B) Positive aspects

The report identifies a range of credible options for the institutional set-up of the asylum support office.

(C) Main recommendations for improvements

The recommendations below are listed in order of descending importance. Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.

General recommendation: The report requires significant further work on the following points: it needs to make the institutional options more comparable and assess the (cost-)effectiveness of each option, define the scope of the tasks to be executed and clarify how each of them adds value compared to the status quo,

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clarify whether these tasks need to be performed by a single institutional setting, and by examining in more detail the relative pros and cons of merging the asylum support structure with the Fundamental Rights Agency. It should also make some clarifications to the sections on problem definition and objectives. In its discussion with the Board, JLS committed to make changes on each of these points.

(1) Improve the comparability of options. The report should improve the comparability of the institutional options, by explicitly analysing the cost-effectiveness of each option in achieving the identified tasks. To this end, the report needs to (i) indicate the resource needs for each of the main tasks (possibly by differentiating the levels of ambition), (ii) specify which tasks will be fulfilled under each institutional option (or combination thereof - see below) (iii) clarify what happens to the tasks that are not (or not fully) covered in an institutional option, and (iv) assess the overall (cost-) effectiveness in achieving the set objectives on the basis of comparable task and ambition levels. The table comparing the options should be amended in this respect and should integrate the (quantified) cost data available in the annex.

(2) Clarify the value added of each task compared to the status-quo. The report should systematically describe for each of the envisaged tasks whether and by whom they are performed in the current situation, and in what ways the proposed options would change the way the task is carried out and what effect this would have on achieving the objectives. On this basis, the report should aim to provide a ranking of the tasks so that it becomes clear which have the largest value added compared to the status quo. To the extent that new tasks for the EU level are proposed, subsidiarity should be assessed. The report should furthermore clarify which tasks are mandated and which not.

(3) Enhance the analysis of synergies of combining tasks in a single organisation. The IA report should assess whether all tasks necessarily need to be carried out by the new support structure, or whether they could be more effectively or efficiently carried out on the basis of a mix of different institutional options. This should include a thorough analysis of (dis-) economies of scale and scope related to the various combinations of organisational settings. As part of this, the report should also analyse in more detail the relative pros and cons of merging the support structure into the Fundamental Rights Agency. This analysis should focus more on operational synergies, cost-efficiency, and the time and resources needed for implementation, and avoid giving undue weight to more subjective motivations (e.g. a wish for continuity, an imbalance of tasks) or political feasibility. All implementation assumptions (e.g. the time needed) should be realistic and justified.

(4) Clarify problem definition and objectives to be achieved by the new institutional structure. In particular the IA report should explain whether all differences in national asylum procedures are considered problematic. The sections on problem definition and objectives focus on the need to reduce differences in national asylum practices, but they should clarify whether all differences are considered problematic or only those differences where Member States fall below the standards agreed in EU legislation or international agreements.

(D) Procedure and presentation

The section on monitoring and evaluation should mention the indicators that will be used.

2) IAB scrutiny process

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Author DG	JLS.DDG1.B.2
External expertise used	No
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