

AMENDMENT FORM

Suggestion for amendment of Article : III-162

By Mr Hain

Status : Member

Article III-162 (ex Article 11)

1. *Okay*
2. For this purpose, a European law or framework law shall lay down measures for a common European asylum system comprising with the following objectives:
 - (a) fairly and rapidly identifying nationals of third countries in need of international protection and providing them with an appropriate status, on the basis of a shared understanding of who qualifies for refugee status or other forms of protection;
 - (b) managing efficiently mixed flows of persons in need of international protection and persons migrating for other reasons, reducing secondary movements within the European Union and ensuring that asylum procedures are not open to misuse.

Measures to facilitate these objectives shall include partnership and co-operation with third countries, and in particular the provision of protection in the region of origin where appropriate.

- ~~(a) a uniform status of asylum for nationals of third countries, valid throughout the Union;~~
- ~~(b) a uniform status of subsidiary protection for nationals of third countries who, without obtaining European asylum, are in need of international protection;~~
- ~~(c) a common system of temporary protection for displaced persons in the event of a massive inflow;~~
- ~~(d) common procedures for the granting and withdrawing of uniform asylum or subsidiary protection status;~~
- ~~(e) criteria and mechanisms for determining which Member State is responsible for considering an~~

~~application for asylum or subsidiary protection;~~

~~(f) standards concerning the conditions for the reception of applicants for asylum or subsidiary protection;~~

~~(g) partnership and cooperation with third countries with a view to managing inflows of people applying for asylum or subsidiary or temporary protection.~~

3. *Okay.*

4. A Member State may for exceptional reasons, where public policy or national security so require, introduce emergency measures [for a maximum of one year] derogating from the laws and framework laws referred to in paragraph 2. The Council may, by qualified majority after consulting the European Parliament, adopt regulations or decisions comprising provisional measures for the benefit of the Member State concerned or a decision that the emergency measures should no longer apply.

Explanation (if any) :

This is a fundamentally important amendment. Working group X rightly recommended the creation of a general legal base enabling the adoption of the measures needed to put in place a common European asylum system. The draft articles do not yet, in the UK's view, achieve this. The addition of provisions on the external dimension in the revised draft is strongly to be welcomed. The European Union will only succeed in creating a common policy on asylum if it is prepared to act in relation to countries and regions of origin and transit. But the Treaty also needs to focus more strongly on outcomes and on the purpose of European co-operation on asylum. The Treaty should therefore not contain a catalogue of measures to be taken, but should establish a more general legal base underpinned by a series of objectives or desired outcomes on the face of the Treaty to steer future action in this area. The UK has considerably simplified the amendment it put forward previously, and considers that the text on the table captures in clear and simple language the purpose of EU co-operation on asylum, while still highlighting the vital external dimension to our co-operation.

The UK would prefer to see an asylum article which set general objectives rather than catalogued competences. We appreciate that the approach of cataloguing competences is generally an appropriate way of addressing concerns about moving from unanimity to qualified majority voting. In this instance, however, we consider that this is better addressed by allowing individual Member States to adopt emergency measures if public policy or national security reasons arise. The Council would exercise a degree of oversight over these emergency measures. The emergency clause has been modelled on Article 2(2) of the Schengen agreement.