



Brussels, 12 April 2016  
(OR. en)

7861/16

LIMITE

JAI 284  
ASIM 54  
RELEX 262

**NOTE**

---

From:	Presidency
To:	Delegations
No. Cion doc.:	7665/16 JAI 258 ASIM 50 RELEX 239
Subject:	Discussion paper on Commission Communication "Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe"

---

**1. Introduction and background**

The Commission has tabled a comprehensive and coherent contribution on the wide-ranging aspects of the EU's migration and asylum policy. It merits careful and thorough analysis in its entirety.

The migration and refugee crisis has revealed the vulnerability of the current common European asylum system (CEAS) in various respects, and a clear need to make the system more sustainable in dealing with fluctuations in migration flows. The credibility of the CEAS is under pressure, whereas the high influx of persons in need of international protection demonstrates the need of added value and effective action at EU level. At the same time Europe globally competes for skills and talent. The Commission therefore submitted a Communication<sup>1</sup> on 6 April "Towards a reform on the common European asylum system and enhancing legal avenues to Europe", which not only deals with the reform of the CEAS, but also explores other possible solutions to address shortcomings in the current system.

---

<sup>1</sup> COM(2016) 197

The Presidency would like to hear a first view of delegations on the approach and options suggested by the Commission in its Communication.

## **2. Common European Asylum System**

In its Communication, the Commission outlines possible ways to reach a truly harmonised European asylum system where asylum applicants and beneficiaries of international protection do not have the right to choose in which Member State they want to settle, starting with a revision of the Dublin Regulation as well as adjusting and expanding the scope of the Eurodac Regulation. The Commission also proposes a comprehensive harmonisation of the procedures, setting uniform rules on the procedures and rights to be offered to beneficiaries of international protection by converting the Asylum Procedures Directive and the Qualification Directive into Regulations and modifying the Reception Conditions Directive as well as the Long Term Residents Directive. The Commission also addresses the need to prevent secondary movements within the EU, by incorporating different measures with a view to reaching that objective, in these forthcoming legislative proposals. In order to ensure a more harmonized assessment of international protection applications across the EU, the Commission suggests to extend the mandate of EASO, by setting up a reporting mechanism which would facilitate the assessment of whether the Agency's guidelines are taken into account by the Member States.

While the case for necessity of legislative reform is made, the Commission's proposals are far-reaching, asking for a thorough reflection and discussion on the approach to take and Member States' views in this regard.

In light of these considerations, the Presidency invites delegations to comment on the following questions:

- 1. To which aspects of the proposed revision of the CEAS should be given priority?*
- 2. Are there aspects that have not been mentioned in the Communication but to which should also be paid attention, considering that the overall aim is to better manage migration?*

3. *Are there any possible unintentional side effects or consequences of the measures suggested by the Commission, we should take into account and discuss before the Commission presents its proposal(s)?*

### 3. **Legal avenues**

The Commission proposes opening additional legal avenues for people in need of international protection by creating an EU policy on resettlement, as well as by increasing other legal entry options such as private sponsorship. In order to improve the overall framework on legal and labour migration, the Commission suggests to revise the Blue Card Directive and initiatives to attract innovative entrepreneurs, including start-ups, to the EU. Reinforced cooperation with key countries of origin on readmission and returns is considered by the Commission as a necessary complement to enhancing legal avenues.

The Presidency would like to request delegations to express their views on the following questions:

4. *To what extent should better management of migration flows include the creation of additional legal avenues?*
5. *To which of the initiatives on legal avenues mentioned in the Communication should be given priority?*