



Council of the  
European Union

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LIMITE

ASIM 41

**"I/A" ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Draft Council conclusions on convergence in asylum decision practices  
- Adoption

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1. On the basis of a Presidency's initiative *'Towards greater convergence in asylum decision practices'*<sup>1</sup>, discussed at the meetings of SCIFA on 15 January and Asylum Working Party on 21 January 2016, the Presidency tabled draft Council conclusions on the same subject. The JHA Counsellors examined the draft conclusions on convergence in asylum decision practices at their meetings on 4 and 14 March and agreed on several amendments to the text.
2. The Permanent Representatives Committee is invited to approve the draft conclusions as set out in the Annex and submit them to the Council for adoption at one of its next meetings.

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<sup>1</sup> 5032/16 ASIM 1

**Draft Council conclusions on convergence in asylum decision practices**

**THE COUNCIL OF THE EUROPEAN UNION,**

- *Recalling* the conclusions of the European Council of 26-27 June 2014, which outline the strategic guidelines for the area of freedom, security and justice, and call for a level playing field where asylum seekers are given the same procedural guarantees and protection throughout the Union, which are to be achieved by means of a uniform application of the *acquis* and by 'converging practices';
- *Noting* that the second phase of the Common European Asylum System (CEAS) has been completed with the revision of the Asylum Procedures Directive, the Reception Conditions Directive, the Qualifications Directive, the Dublin Regulation and the Eurodac Regulation;<sup>2</sup>
- *Noting* that considerable differences nonetheless persist between Member States in terms of the outcome of procedures, the recognition rates and the international protection status granted;
- *Noting* also that the need to reduce these divergences is ever greater in these times of high influx and secondary movements of migrants within the EU;
- *Recalling* the European Agenda on Migration of 13 May 2015, in which the Commission called upon EASO, with a view to encouraging more uniform decisions, to develop a role “as the clearing house of national Country of Origin Information – the factual information on which asylum decisions are based”;

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<sup>2</sup> Without prejudice to the specific situation of the United Kingdom, Ireland and Denmark pursuant to Protocols 21 and 22 to the Treaties.

- *Noting* that the reinforcement of coordinated EU-level Country of Origin Information (COI) production is one of the preconditions for more convergence in asylum decisions between Member States, and *recognising* the need to strengthen the actual use and common interpretation of the EU-level COI in Member States;
- *Recognising* that more work needs to be done to facilitate the joint development of COI-based policies at a more senior level;
- *Having regard* to the joint COI report on the security situation in Afghanistan, produced by EASO in January 2015 and updated in January 2016, as well as policy discussions based on case studies organised in the framework of an ad hoc Practical Cooperation meeting held in Brussels in March 2015, which focused on that joint report;
- *Reaffirming* its commitment to create a Common European Asylum System, so that, regardless of where an asylum applicant applies for international protection, the outcome of the asylum procedure will be similar.

#### **AGREES:**

- With the need to create a more structured and streamlined EASO COI production process that covers all main countries of origin and thematic issues by strengthening the resources available for EASO COI production, including national resources made available within the framework of EASO's COI Network Approach, and, if needed, additional budget for EASO through redeployment of financial resources, and by sharing national COI production plans, where available;
- To the creation of a senior-level policy network, involving all Member States and coordinated by EASO, tasked with carrying out a joint assessment and joint interpretation of the situation in main countries of origin, based on common COI and in the light of the relevant provisions of the asylum *acquis*, in particular the Qualification Directive and the Asylum Procedures Directive, taking into account the content of EASO training material and EASO practical guides where appropriate;

- That this senior-level policy network firstly has the aim of supporting EU-level policy development based on common COI reports, by jointly interpreting these reports and delivering guidance notes to Member States, endorsed by the EASO Management Board and sent to the Council for information. Member States may use these guidance notes for making case-by-case assessments of applications for international protection from third-country nationals of the countries of origin concerned;
- That this senior-level policy network secondly has the task of improving the policy relevance of EASO COI production by proposing modifications to the terms of reference for future COI reports on countries of origin and by setting priorities for EASO COI production at EU level;
- To select Afghanistan for a pilot exercise in common policy development based on an elaborated common COI report.

**INVITES EASO TO:**

- Improve joint planning of COI production at EU level, taking into consideration national COI production plans, where available;
- Increase the research capacity of the EASO COI team, where needed;
- Determine, in cooperation with the senior-level policy network, how standard Terms of Reference of COI products could reflect better the relevant requirements in the Qualification Directive and the Asylum Procedures Directive, for example with regard to vulnerable groups, actors of protection, serious harm and internal protection;
- While fully respecting the boundaries between COI research and production, on the one hand, and subsequent policy conclusions, on the other, assist with further elaboration and enhancement of the EU-level process of policy development on the basis of joint COI, by setting up a structure for a policy network, including the provision of assistance with organising meetings and drafting documents under the guidance of the EASO Management Board;

- Start a pilot exercise in common policy development based on an elaborated common COI report on Afghanistan.
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