



Council of the
European Union

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NOTE

From: General Secretariat of the Council

To: Working Party on Information

No. prev. doc.: 5961/17

Subject: Public access to documents
- Confirmatory application No 01/c/01/17

Delegations will find enclosed the draft of the partially accessible version of document 15253/16 as proposed in document 5962/17.



**Brussels, 5 December 2016
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15253/16

LIMITE

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FRONT 478
CO EUR-PREP 49**

NOTE

From: Presidency
To: Delegations

**Subject: Solidarity and responsibility in the Common European Asylum System
- Progress report by the Slovak Presidency**

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC

In view of the Justice and Home Affairs Council on 8-9 December 2016, delegations find attached a Presidency Progress report titled ‘Solidarity and responsibility in the Common European Asylum System’.

Solidarity and responsibility in the Common European Asylum System Progress report by the Slovak Presidency

According to Article 78 of the Lisbon Treaty, the Union *'shall develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of non-refoulement. This policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties'*. Article 80 indicates that *'the policies of the Union set out in this Chapter and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between Member States. Whenever necessary, the Union acts adopted pursuant to this Chapter shall contain appropriate measures to give effect to this principle'*. These principles, which apply to all Member States, are the reference for the Presidency's work.

The Bratislava roadmap proposed on 16 September 2016 by the President of the European Council, the Presidency of the Council and the Commission refers to the need to *'broaden EU consensus in terms of long term migration policy, including on how to apply the principles of responsibility and solidarity in the future'*. In its conclusions of 20-21 October 2016, more precisely, the European Council *'calls for work to be continued on the reform of the Common European Asylum System, including on how to apply the principles of responsibility and solidarity in the future'*.

Since the beginning of its term, the Presidency has conducted extensive work on the reform of the Common European Asylum System, scheduling a high number of working party meetings and devoting ample time in Coreper and in the Council to the examination of the seven proposals submitted by the Commission in May and July 2016. A progress report on this work, addressed to the Council (Justice and Home Affairs), will be presented at its meeting on 8-9 December.

For the recast of the Dublin Regulation, the Presidency has taken into account the sensitivity of the issue and, with the support of the European Commission, has sought to broaden consensus **DELETED** elaborating on the concept of effective solidarity and outlining possible ways forward. From the Presidency's perspective, the starting point of the concept is that all Member States will contribute to share the burden of the migration crisis, within a predictable framework. It has been suggested that discussions should take place on the extent to which this contribution could be expressed in various forms, from relocation to financial and operational support, support for protection of our external borders, sharing reception capacities or playing a stronger role in return operations. Two rounds of extensive consultations have taken place in recent weeks, involving each Member State individually or in small groups, with the future Presidency participating since mid-November to conduct these consultations. Written and oral comments were received from Member States, which have been very valuable to the Presidency in developing its approach.

On that basis, the Presidency believes that a certain degree of convergence can be identified on some issues, while others have to be further refined and developed to generate the required support.

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