

Setting up a "clearing house" for the exchange of information

Introduction

Setting up a "clearing house" for the exchange of information (Memorandum from the Dutch Presidency. SN 3432/91, WGI 881, dated 7 October 1991). The proposal which led to the creation of CIREA, the clearing house for the deposit and exchange of information to assist in member states' harmonisation of approach to asylum determination.

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Memorandum from the Dutch Presidency

Reference:

Ad Hoc Group Immigration, 7 October 1991, SN 3432/91 WGI 881, CONFIDENTIAL. Memorandum from the Dutch Presidency: Ad Hoc Group on Immigration/ Subgroup Asylum

Subject: Setting up a "clearing house" for the exchange of information

I. Introduction

This memorandum puts into effect the working programme (WGI 837) of the Dutch Presidency, as adopted by the Ad Hoc Group on Immigration at its meeting of 8 and 9 September last.

In the context of the commitment by the Twelve to achieve harmonisation of the material right of asylum, it is of crucial importance that the Member States have and obtain more, and structural, knowledge of the content of each others' policies with respect to asylum and right of asylum, as well as the developments which take place in that field. An important contribution in this respect is the setting up of a so-called clearing house; this joint body can function as a central signalling post, which disseminates information and data obtained from the Member States among the Twelve in a structured way. The remainder of this memorandum, will be devoted to the function and task of the information exchange organ to be set up, as well as the place in the organisation of the EC to be accorded to this future body.

II. Function and tasks

A clearing house must be seen as a central point where the Twelve deposit relevant information and data which may be of importance for the other Member States. This may be data and information concerning the number of asylum seekers, classification according to nationality, official reports or data on the situation in the countries of origin, flows of asylum seekers, jurisprudence, (adopted) policy developments, etc. In handing over data, it is important for the sake of a good understanding in the other Member States that they are presented against the background of the national

circumstances. This will enhance the comparability of the information.

The Presidency proposes that the EC Council Secretariat should take charge of the activities resulting from the setting up of a clearing house. With regard to the practical working method, the Presidency proposes that, on the expiry of the rotating Presidencies every six months, the Council Secretary should compile a report of the data received. In this way, a clearing house could help support the current discussions on the harmonisation of the policy with respect to asylum and the right of asylum. Important questions can then be discussed in the bodies set up for that purpose (the subgroup Asylum of the Ad hoc Group on Immigration and the Ad Hoc Group itself).

In addition to this exchange of information on policy, jurisprudence and statistical matters, the Presidency also proposes that regular meetings be organised under the auspices of the clearing house between officials active in the practical implementation of these aspects in the Twelve. On the basis of their specific knowledge, information could be exchanged there and new developments signalled, which may require further development at policy level (in order to arrive at a joint implementation practice). It is important in this respect that fixed contact persons are appointed, thus leading to the creation within the Twelve of a network of implementing officials who direct their attention to the signalling of significant national developments which necessitate further discussion among the Twelve. Such meetings should expressly not have a decision-making character, but should serve only to allow further cognisance of the prevailing implementation practice in the EC Member States. Consultation directed towards decision-making will continue to be reserved for the Ad Hoc Group on Immigration and its subgroup Asylum.

III. Anchoring?

Bearing in mind the fact that the clearing house has a purely administrative function geared to the exchange of information relevant to the policy on asylum and the right of asylum, it is the Presidency's view that the setting up of a clearing house should not be anchored in a formal/legal way within the EC organisation.