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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 23 September 2015

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: COM(2015) 490 final/2 - Annex 7

Subject: ANNEX to the COMMUNICATION FROM THE COMMISSION TO THE
EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE
COUNCIL Managing the refugees crisis: immediate operational, budgetary
and legal measures under the European Agenda on Migration

Delegations will find attached document COM(2015) 490 final/2 - Annex 7.

Encl.: COM(2015) 490 final/2 - Annex 7



Brussels, 29.9.2015
COM(2015) 490 final/2

ANNEX 7

CORRIGENDUM

This document corrects COM(2015) 490 final of 23 September 2015.

Concerns the English version only.

Update footnotes and minor amendments in the Communication and minor errors in annexes 2, 3, 4, 6, 7.

ANNEX

to the

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL

**Managing the refugees crisis: immediate operational, budgetary and legal measures
under the European Agenda on Migration**

ANNEX VII

Implementing the Common European Asylum System

Since 1999, the EU has been working to create a Common European Asylum System (CEAS) and to improve the legislative framework.

EU rules have gradually been improved and strengthened, with the aim of setting out common high standards and stronger cooperation to ensure that asylum seekers are treated equally in an open and fair system — wherever they apply. The main components of the system are the following:

- the **Asylum Procedures Directive** harmonises asylum procedures and aims at fairer, quicker and better quality asylum decisions;
- the **Reception Conditions Directive** ensures that there are humane material reception conditions (such as housing) for asylum seekers across the EU and that the fundamental rights of the persons concerned are fully respected;
- the **Qualification Directive** clarifies the grounds for granting international protection;
- the **Dublin Regulation** contains the rules establishing the state responsible for examining asylum applications ;
- the **Eurodac Regulation** establishes the Eurodac system in order to allow comparison of fingerprints with the aim of assisting the application of the Dublin Regulation.

These rules are complemented by legislation on legal and irregular migration:

- the **Return Directive** provides for common rules for the return and removal of the irregularly staying migrants;
- the **Long Term Residence Directive** which covers the conditions for awarding long-term resident status to non-EU nationals.

In line with the principles of solidarity and responsibility, Member States must guarantee the same level of protection to persons in need of international protection. They must also apply an effective return policy. Systematic deficiencies in one or more Member States have an impact on the whole Union.

The Commission has launched 37 infringement procedures against 19 Member States for failing to transpose into national law, by July 2015, the new EU Directives making up the Common European Asylum System. The Commission also decided to continue infringement proceedings against two Member States for non-transposition of the Qualifications Directive. This legislation forms a coherent whole, designed to guarantee fair and consistent implementation of the asylum rules across the Member States.

By the same token, the failure to implement this legislation has a corrosive effect on the overall efficiency of the system. The Commission therefore decided to continue infringement proceedings against one Member State for bad application of the asylum acquis.

Finally, the Commission has recently sent requests of information to Member States in eight cases and will continue pursuing swiftly and effectively infringement procedures, where necessary, in order to ensure full compliance with the asylum acquis, the fingerprinting Regulation and the return Directive.

| | Asylum Procedures Directive 2013/32/EU | Reception Conditions Directive 2013/33/EU | Qualifications Directive 2011/95/EU | EURODAC Regulation EU/603/2013 | Return Directive 2008/115/EC |
|-----------------------|--|--|---|---|---|
| | Stage of Process | Stage of Process | Stage of Process | Stage of Process | Stage of Process |
| Austria | | <i>LFN sent for non-communication of transposition</i> | | | |
| Belgium | <i>LFN sent for non-communication of transposition</i> | <i>LFN sent for non-communication of transposition</i> | | | |
| Bulgaria | <i>LFN sent for non-communication of transposition</i> | <i>LFN sent for non-communication of transposition</i> | <i>RO sent for non-communication of transposition</i> | | |
| Cyprus | <i>LFN sent for non-communication of transposition</i> | <i>LFN sent for non-communication of transposition</i> | | Administrative letter sent requesting clarifications on application | |
| Croatia | | | | | |
| Czech Republic | <i>LFN sent for non-communication of transposition</i> | <i>LFN sent for non-communication of transposition</i> | | | |
| Denmark | N/A | N/A | N/A | | |
| Estonia | <i>LFN sent for non-communication of transposition</i> | <i>LFN sent for non-communication of transposition</i> | | | |
| Finland | | | | | |
| France | <i>LFN sent for non-communication of transposition</i> | <i>LFN sent for non-communication of transposition</i> | | | |
| Germany | <i>LFN sent for non-communication of transposition</i> | <i>LFN sent for non-communication of transposition</i> | | Administrative letter sent requesting clarifications on application | Administrative letter sent requesting clarifications on application |
| Greece | <i>LFN sent for non-communication of transposition</i> | <i>LFN sent for non-communication of transposition</i> | | Administrative letter sent requesting clarifications on application | Administrative letter sent requesting clarifications on application |
| | <i>Second additional LFN sent for bad application</i> | | | | |
| Hungary | <i>LFN sent for non-communication of transposition</i> | <i>LFN sent for non-communication of transposition</i> | | Administrative letter sent requesting clarifications on application | |
| Ireland | N/A | N/A | N/A | | N/A |
| Italy | | | | Administrative letter sent requesting clarifications on application | Administrative letter sent requesting clarifications on application |
| Latvia | <i>LFN sent for non-communication of transposition</i> | <i>LFN sent for non-communication of transposition</i> | | | |
| Lithuania | <i>LFN sent for non-communication of transposition</i> | <i>LFN sent for non-communication of transposition</i> | | | |
| Luxembourg | <i>LFN sent for non-communication of transposition</i> | <i>LFN sent for non-communication of transposition</i> | | | |
| Malta | <i>LFN sent for non-communication of transposition</i> | <i>LFN sent for non-communication of transposition</i> | | | |
| Netherlands | | | | | |
| Poland | <i>LFN sent for non-communication of transposition</i> | <i>LFN sent for non-communication of transposition</i> | | | |
| Portugal | | | | | |
| Romania | <i>LFN sent for non-communication of transposition</i> | <i>LFN sent for non-communication of transposition</i> | | | |
| Slovakia | | | | | |
| Slovenia | <i>LFN sent for non-communication of transposition</i> | <i>LFN sent for non-communication of transposition</i> | | | |
| Spain | <i>LFN sent for non-communication of transposition</i> | <i>LFN sent for non-communication of transposition</i> | <i>RO sent for non-communication of transposition</i> | | |
| Sweden | <i>LFN sent for non-communication of transposition</i> | <i>LFN sent for non-communication of transposition</i> | | | |
| United Kingdom | N/A | N/A | N/A | | N/A |

40 new decisions

LFN = Letter of Formal Notice

RO = Reasoned Opinion