



Council of the
European Union

106007/EU XXVII.GP
Eingelangt am 23/06/22

Brussels, 23 June 2022
(OR. fr)

10634/22

JAI 952
ASILE 77
MIGR 204

NOTE

From:	Presidency
To:	Delegations
Subject:	For a roadmap for the convergence of asylum practices in the field of asylum

Delegations will find in Annex the courtesy translation of the final version of the abovementioned Roadmap.

Building on the reflections in recent months on the gradual approach approved by the Council on the European Pact on Migration and Asylum, the French Presidency proposed to work on the convergence of asylum practices. The objective remains to promote a Common European Asylum System (CEAS), characterised by greater convergence of practices and decisions, both of the determining authorities and of the judicial authorities of the Member States competent in asylum matters, so that the place where the application for international protection is lodged is not decisive in the outcome of the procedure.

This objective, which is inherent in the very concept of a CEAS, has been reaffirmed several times at the highest level. In its conclusions of 26 and 27 June 2014, the European Council thus called for uniform conditions ensuring that applicants for international protection enjoy the same procedural guarantees and protection throughout the Union, through the uniform application of the *acquis* and the "convergence of practices".

In the same sense, the EU Council Conclusions of 21 April 2016, on "Convergence of asylum decision-making practices", recognised the need to reduce divergent decision-making practices between Member States by enhancing the coordinated production of country of origin information, and invited the European asylum support office (EASO) to create a more structured and streamlined procedure, including a high-level strategic network with the task of carrying out a joint assessment and interpretation of the situation in the main countries of origin.

In this spirit, EASO has played a key role in harmonising the practices of national asylum authorities through the development of a European training programme and extensive documentation on the application of the Common European Asylum System (CEAS). These efforts are to be continued with the creation of the European Union Asylum Agency (EUAA) by EU Regulation 2021/2303 of 15 December 2021 to standardise procedures, while ensuring the highest standards of protection, and to promote convergence both in the examination of applications for international protection and in the type of protection granted, as the Agency aims to become a center of expertise on asylum.

However, differences in asylum practices persist, sometimes to a significant degree. This was recently highlighted by the EUAA in an analysis note on the convergence of asylum decision-making practices, presented to the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) on 16 February 2022. This note, which studied the protection rates of the top ten nationalities of applicants for international protection in the EU+ (in particular Afghanistan, Iraq and Somalia), recommends that strong and long term measures be implemented to reduce these divergences which undermine the CEAS.

In this context, Member States have agreed on a roadmap on the convergence of asylum practices, based on the following principles and recommendations:

1. Promote greater ownership by Member States of the operational standards, indicators, guidelines and good practices, as well as of the Country of Origin Information Reports and Guidance Notes, developed by the EUAA in order to enhance their quality and use, in particular by raising awareness of the Agency's documentation among the asylum courts, given their key role in unifying decision-making practices through their case law.

2. Facilitate the exchange of information between determining authorities by standardising requests for information and responses to requests, via the Dublinet messaging system, in order to enhance the consistency of decisions taken by determining authorities on applications for international protection made by the same person in several Member States.
3. Strengthen the EUAA Management Board as the competent body to discuss the state of convergence of asylum decision-making practices at EU level, including monitoring the approximation of protection doctrines relating to countries of origin requiring priority attention from the EU and Member States.

Member States are invited:

- from 2022, to increase the involvement of their national asylum authorities in the procedures for drafting and updating documents drawn up by the Agency's networks, in particular the Country of Origin Information (COI) and Country Guidance networks;
- to continue to take ownership of the methodologies developed by EUAA, together with the experts from the Member States, with regard to activities related to country of origin information (COI);

- to disseminate and promote the Agency's documentation to their authorities in charge of asylum, in particular the determining authorities, as well as to the national courts responsible for examining appeals against the decisions of the determining authorities, without prejudice to the individual nature of the examination of applications for international protection;
- to use a harmonised form for replying to requests for information, drawn up with the assistance of the EUAA, in order to facilitate these exchanges;
- to continue to take ownership of the European Asylum Training Programme proposed by the Agency, so that a common set of skills is shared among staff working in the field of asylum and reception;

The Commission is invited to:

- support the steps taken by the Agency to obtain the necessary and appropriate resources for the enforcement of the tasks in relation to convergence performed by the Agency in this purpose, bearing in mind the constraints of the EU budget.

The European Union Agency for Asylum is invited to:

- Launch a pilot study, in close cooperation with Member States, to analyse asylum decision-making practices and the origin of differences in protection rates between Member States, in particular with regard to countries of origin for which guidance notes have been developed by the Agency, and present an annual report to the Management Board and to the Council on this analysis and on the work towards a true convergence, starting from 2023;

- Expand, in cooperation with its networks and the Management Board and in line with resources made available, the list of countries of origin for which joint analysis and guidance notes are prepared, where appropriate, by identifying priority countries of origin; for this purpose, the Agency should submit, by the end of this year, a list of countries of origin that could be subject to assessment in priority;
 - Increase its activities for the benefit of national courts competent in asylum matters, in particular by strengthening professional tools and awareness-raising activities for members of these courts, while ensuring regular monitoring of the use of its documentation by national jurisprudence;
 - Continue and strengthen its work within the Dublin network, in order to facilitate and improve the quality of information exchanges between Member States on asylum seekers, including between determining authorities, in order to facilitate exchanges on the files of applicants presenting a threat to public order;
 - Engage in discussions within its Management Board once a year, at least, to monitor these different activities and, more generally, the convergence of decision-making practices and to identify the further steps to be taken.
-