

11th EASO Consultative Forum Annual Plenary Meeting

*Discussion Paper for high-level plenary debate on:
“What will the EUAA’s added-value be for international protection”?*

Background

Since the European Asylum Support Office became operational in 2011, it has been supporting the implementation of the CEAS by strengthening practical cooperation and providing operational and technical support to Member States subject to particular pressure on their asylum and reception systems.

In the wake of the 2015 migration situation, the Commission proposed, in 2016, to change EASO’s mandate with a Regulation for the establishment of the European Union Agency for Asylum. Although a first provisional agreement was reached on the proposal in June 2017, the conclusion of the process could not be finalised.

In June 2021, the co-legislators reached an agreement on the Draft Regulation transforming EASO into the European Union Agency for Asylum (EUAA). The formal adoption procedure is now underway after which the new mandate will enter into force (expected end 2021/early 2022).

EASO into the EUAA: what will change?

The EUAA Regulation transforms EASO into a fully-fledged Agency with an enhanced mandate and expanded tasks. The main changes that the EUAA will bring about, include, amongst others:

- **More flexibility on the composition of asylum support teams**, enabling faster deployment.
- **Asylum Reserve Pool of 500 experts** from the Member States to help ensure that experts are available for deployment by the Agency in case of disproportionate pressures.
- **Increased practical guides and tools for convergence:** Beyond producing common information on the situation in third countries, and its analysis, the EUAA would provide common **country guidance** which Member States are obliged to take into account. So far, Country Guidance has been produced by EASO on the basis of Council Conclusions to this effect, but the new mandate will provide a more definite legal basis. In addition, the EUAA will also develop **operational standards, indicators, guidelines and best practices** related to the implementation of the instruments of Union law on asylum and relevant indicators for monitoring compliance with those standards.
- **Establishing a monitoring mechanism, in the future:** The EUAA is foreseen to monitor Member States’ implementation of the CEAS, with the aim to prevent or identify possible shortcomings in the asylum and reception systems and to assess their capacity and preparedness to manage situations of disproportionate pressure. The monitoring mechanism on implementation of asylum rules will mostly apply from 31 December 2023 and fully once the Dublin rules are revised.

- **Broader European asylum curriculum and strengthened reception training**
- **A more robust and strengthened role of the agency in the external dimension of the CEAS** which would enable the Agency to better contribute to the overall EU external strategies.
- The possibility to deploy **Liaison officers** in Member States and in third countries.
- **Reinforced provisions on fundamental rights** to ensure respect for fundamental rights in all activities of the Agency, including by the independent position of a **Fundamental Rights Officer**, the establishment of a **complaints mechanism**, and a **reinforced and independent Consultative Forum**.
- The **Consultative Forum** will advise the Executive Director and the Management Board on matters related to asylum and will be consulted, amongst others, on the establishment and implementation of the Fundamental Rights Strategy, the code of conduct, the complaints mechanism and the European asylum curriculum.

What will the EUAA's added-value be for international protection?

The EUAA Regulation was proposed by the Commission in the wake of the 2015-2016 migration situation, as part of a set of measures to address certain weaknesses in the CEAS. These structural weaknesses in the CEAS had long been there, though were exacerbated and made more visible with the increased pressure on Member States' external borders and asylum and reception systems¹. For example, due to the increased number of asylum applications, some Member States were not able to apply asylum procedures and reception conditions as laid down in the CEAS, resulting in discrepancies and deficiencies in terms of implementation, leading in turn to backlogs, long waiting times, sub-optimal reception conditions, etc. Recognition rates of applicants with similar nationality have also continued to differ greatly between Member States².

The EUAA is seen as a key building block for creating a more coherent and well-functioning common European asylum system³. To that purpose, the Agency will be equipped with an enhanced mandate, more resources and more tools to support Member States in meeting their obligations under the CEAS.

How exactly will the EUAA contribute to the CEAS and the wider realm of international protection? What challenges in the field of international protection are considered a priority for the EUAA to address? What will its main added-value be, both for the internal dimension as well as external dimension, respectively? And with increased resources, tasks, and responsibility, what safeguards are required to ensure the Agency's accountability? These are some of the main questions that this panel debate seeks to address. Participants are encouraged to join panellists in such forward-looking discussions and reflect on how they think the EUAA can provide added-value to international protection, differentiating between the perspective and needs of Member States, the EU/CEAS as a whole, as well as applicants and beneficiaries of international protection.

¹ Communication from the Commission to the European Parliament and the Council, Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe, COM (2016), 197, final.

² Idem.

³ Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010.