

DUBLIN II REGULATION

State of play

Negotiations between the Council and the European Parliament on the recast of the Dublin II regulation from 2003 have been finalized. A formal approval is expected soon.

What's new?

- The new rules will introduce a mechanism for early warning, preparedness and crisis management. This mechanism is aimed at evaluating the practical functioning of national asylum systems, assisting member states in need and preventing asylum crises. The mechanism would concentrate on adopting measures to prevent asylum crises from developing rather than addressing the consequences of such crises once they had occurred.
- As a complement to the mechanism for early warning, preparedness and crisis management in the amended Dublin regulation, in March 2012 the Council adopted conclusions on a common framework for genuine and practical solidarity towards member states facing particular pressures on their asylum systems, including through mixed migration flows ([7485/12](#)). These conclusions are intended to constitute a toolbox for EU- wide solidarity towards those member states most affected by such pressures and/or encountering problems in their asylum systems.
- Improved procedures for the applicants regarding family unity, effective remedy, detention and better procedural guarantees.

Background information

Dublin Regulation of 18 February 2003

- **Official name:** [Council Regulation](#) 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.
- **Objective of the regulation:** To set out criteria for deciding which State is responsible for an asylum claim, with the broader aim to avoid asylum seekers being transferred from one EU State to another, with none accepting responsibility, as well as multiple or simultaneous applications by the same person in different EU States. A summary can be found [here](#).
- **Remark:** All EU States, as well as Norway, Iceland, Switzerland and Liechtenstein, are bound by the regulation.
- **Evaluation:** [Evaluation report](#) from 6 June 2007 of the European Commission on the Dublin system.
 - The report identified a number of deficiencies related mainly to the efficiency of the system put in place and the level of protection afforded to applicants for international protection which are subject to the Dublin procedure.

Improving regulation 343/2003: Ongoing negotiations on a recast proposal of the regulation

- **3 December 2008 - Commission proposal on recast**
 - [Proposal](#) for a regulation of the EP and the Council establishing the criteria and mechanisms for determining the Member State responsible for examining

an application for international protection lodged in one of the Member States by a third-country national or a stateless person (Recast).

- The proposal aims to enhance the system's efficiency and to ensure that the needs of applicants for international protection are comprehensively addressed. Moreover, the proposal is aimed at addressing situations of particular pressure on Member States' reception capacities and asylum systems, as well as situations where there is an inadequate level of protection for applicants for international protection (suspension mechanism). [More information](#) by the EC and [summary](#) of the EP.

- **Progress of negotiations:**

- *JHA Council 8 November 2010: state of play:*
 - On a number of occasions, **ministers voiced serious concerns** regarding **proposed suspension mechanisms for Dublin transfers** in case of particular pressure on the asylum system of a Member State.
 - Some Member States emphasised the need for the principle of **solidarity** to be adequately reflected in the development of the next phase of the CEAS, including in the context of discussions on the revision of the Dublin II mechanism (the current text of the Dublin II regulation states that the member states through which an asylum seeker first entered the territory of the EU are responsible for dealing with that person's request for asylum).
- *JHA Council 22 September 2011:*
 - Particular attention was given to possible ways to move forward in negotiations on the Dublin regulation based on the concept of an early warning and preparedness process.
- *JHA Council 26 April 2012:* negotiations between the Council and the EP are expected to start soon. The Council has introduced a mechanism for early warning, preparedness and crisis management. This mechanism is aimed at evaluating the practical functioning of national asylum systems, assisting Member States in need and preventing asylum crises. It will concentrate on enabling the adoption of measures to prevent asylum crises from developing rather than addressing the consequences of such crises once they had occurred.
- *LIBE Committee of the European Parliament, 19 September 2012,* approved the text negotiated with the Council. [More information](#).
- The Cyprus Presidency is negotiating within the Council the remaining pending issues. Member States will have to endorse the agreed text, which would then go back to Parliament. The final text is expected to be voted in plenary by the end of 2012.
- *JHA Council 25 October 2012:* Negotiations between the Council and the European Parliament on the substance of the Dublin regulation have been finalized. The only outstanding issue is related to the comitology procedure, i.e. whether to use delegated or implementing acts. A first technical meeting on this issue has been held with the European Parliament and the presidency intends to reach final agreement by the end of 2012.
- *JHA Council, 6 and 7 December 2012:* Negotiations between the Council and the European Parliament on the Dublin regulation have been finalized and the Council adopted without discussion this political agreement (as an A-item).

[More information:](#)

- Position papers from other stakeholders on the matter: [UNHCR](#), [ECRE](#), ...
- [Procedure file](#) of the Legislative Observatory of the European Parliament and [procedure file](#) on Pre-lex (European Commission).