

DIRECTIVE ON ASYLUM PROCEDURES

State of play

A revised proposal for the recast of the directive from 2012 was tabled by the Commission in June 2011. Negotiations between the Council and the European Parliament are ongoing and in their end phase. A few difficult issues are still on the table.

Background information:

Directive of 1 December 2005 (minimum standards)

- **Official name:** Council [directive 2005/85/EC](#) of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status
- **Objective of the directive.** To establish a minimum level playing field on procedures for granting or withdrawing refugee status throughout the EU and to reduce differences between national systems. More information on this [link](#).
- **Transposition deadline:** 1 December 2008
- **Transposition into Belgian law:** The Commission decided in June 2010 to refer Belgium to the Court of Justice for failure to communicate measures fully transposing the Asylum Procedures Directive further to infringement proceeding initiated in 2008. In September 2010, the Commission received notification of full transposition, so the infringement proceeding was closed ([source](#)).
- **Evaluation:** [Evaluation report](#) of 8 September 2010 of the European Commission on the application of the directive.
 - The report concluded that differences between asylum legislation and practices persist. Some minimum standards are vague, which leaves room for disparate implementation of agreed standards. Certain standards also seem insufficient to ensure coherence with the evolving case law of the European Court of Justice and the European Court of Human Rights.

Improving directive 2005/85/EC: Ongoing negotiations on a recast proposal of the directive

- **21 October 2009 - Commission proposal on recast**
 - [Proposal](#) for a directive of the European Parliament and of the Council on minimum standards on procedures in Member States for granting and withdrawing international protection (Recast).
 - The modifications to the proposal aimed at providing for a single procedure for refugee and subsidiary protection status determination, enhance the efficiency of the application examination process, facilitate access to examination procedures, improve the quality of asylum decisions and ensure that an asylum applicant can appeal a decision.
- **1 June 2011 – The Commission tabled a revised proposal on recast**
 - Amended proposal for a directive of the European Parliament and of the Council on common procedures for granting and withdrawing international protection status (recast). [Detailed explanation](#).
 - Changes aim to simplify and clarify rules, in order to make implementation easier for Member States; better address potential abuse; increase the quality of decision-making at first instance; guarantee access to protection; to deal with repeated applications; enhance coherence with other instruments of the EU asylum acquis.

- The modified proposal should be viewed together with the modified proposal on the Reception Conditions directive. More information: [EP](#) or [EC](#).
- **Progress of negotiations:**
 - *JHA Council 26 April 2012*: progress has been made, in particular regarding access to the procedure, applicants with special procedural needs and the applicability of accelerated procedures. Discussions in the Council preparatory bodies are continuing on other key elements such as guarantees for unaccompanied minors, subsequent applications and the right to an effective remedy.
 - *JHA Council 8 June 2012*: the Danish Presidency received a mandate to start negotiations with the EP as soon as possible.
 - *JHA Council, 25 October 2012*: further progress has been made in negotiations with the European Parliament.
 - *JHA Council, 6 and 7 December 2012*: A state of play is given. Further progress has been made in negotiations with the European Parliament. On 27 November the Committee of Permanent Representatives (Coreper) adopted a revised compromise package. Negotiations are now in their end phase.

More information:

- Positions taken by other stakeholders on the matter: [UNHCR](#), [ECRE](#), ...
- [Procedure file](#) of the Legislative Observatory (European Parliament)