Remarks by Minister of State for European Affairs Lucinda Creighton TD at Joint Debate on Common European Asylum System (CEAS)

Tuesday, 11 June

European Parliament, Strasbourg

President,

Honourable Members,

I am pleased to be here today, representing the Irish Presidency of the Council, to mark this important stage in the completion of the second phase of the Common European Asylum System.

This project has been an important goal of the Irish Presidency of the Council and I am pleased that the Irish Presidency has been able to play its part in reaching some of the final compromises necessary for agreement on the Procedures Directive and the Eurodac Regulation.

I wish to acknowledge the role played by previous Council Presidencies, most recently and notably, the Presidencies of Cyprus, Denmark and Poland, in the legislative process which is now at the final stage.

Indeed since the first half of 2009 the legislative package on asylum has absorbed the energies of no less than 9 Council Presidencies all of whom have worked with the co-legislator and the European Commission to forge the agreements, the final elements of which are now being put in place.

We are in the final stage of concluding a project initiated in June 2008 with the publication by the European Commission of its policy plan on asylum in which it announced its intention to build on the existing legal framework in the field of asylum.

This initiative of the Commission was quickly taken up by the European Council adopting in October 2008 the European Pact on Immigration and Asylum in which the European Council stated that the
time had come to take new initiatives to complete the establishment of the Common European Asylum system and thus to offer a higher degree of protection.

The entry into force of the Treaty of Lisbon in December 2009 modified the legal framework for asylum policy and provided for a uniform status of asylum, a uniform status of subsidiary protection and common procedures for granting and withdrawing the two forms of international protection.

It is to be welcomed that the legislative instruments for the second phase of the Common European Asylum System have been based on the new Treaty provisions ensuring compliance with the principle of non-refoulement and the 1951 Geneva Convention on the Status Refugees and its 1967 Protocol.

In adopting the Stockholm Programme in December 2009 the European Council renewed its commitment to the establishment of a common asylum procedure and a uniform status for those granted international protection.

The European Council also stated that while the Common European Asylum System should be based on high protection standards, due regard should also be given to fair and effective procedures capable of preventing abuse.

I think it is fair to say that the overall compromises developed during the legislative process have been informed by the strategic guidelines laid down by the European Council in the Stockholm Programme.

In this regard I wish to acknowledge the creative contributions of all those in the Council, the European Parliament and the Commission which have allowed the negotiations to be brought to this successful conclusion.

These new instruments provide for a number of important improvements:

- The new legislative framework further harmonises national asylum systems,

- The common standards are more protective and fully in line with the evolving case law of the Court of Justice and the European Court of Human Rights;

- The new rules will enable member states to operate efficient asylum systems capable of tackling abuse.

This second phase of the Common European Asylum System has seen the establishment of the European Asylum Support Office. The Office, which is now fully operational in Malta, is an important
element in the development and implementation of the Common European Asylum System and is contributing to the strengthening of all forms of practical cooperation between the Member States.

The Dublin System remains a cornerstone in building the Common European Asylum System as it clearly allocates responsibility for the examination of asylum applications.

I think that it is fair to say that the importance of the Dublin System was reflected in the intensive and creative negotiations which took place since the legislative proposal of the Commission was presented in December 2008.

One of the innovative elements arising from the negotiations was the inclusion in the Dublin Regulation of a mechanism for early warning, preparedness and crisis management.

This mechanism allows for an active and early response to situations where the asylum system of a Member State is subject to particular pressure or has problems in its functioning. It provides for structured and escalating actions in order to address any deficiencies and problems before the situation becomes a fully fledged crisis.

This provision is an important element in laying strong foundations for mutual trust, built upon Member States’ individual responsibility to adhere to their EU and international obligations in law and in practice.

Responsibility and mutual trust are the pillars on which the common framework on genuine and practical solidarity in the field of asylum should be built. In this regard it is important to note that solidarity and responsibility go hand in hand.

Each Member State should ensure that it has in place a well-functioning and robust asylum system to enable it to cope with migratory fluctuations and to allow it to receive solidarity measures.

An essential element to a credible and sustainable Common European asylum System is that Member States build and maintain sufficient capacity in the national asylum systems. Following the guidance of the European Council the Member States are urged to support each other in building this capacity. The European Asylum Support Office has an important role in coordinating this endeavour.
President,

Honourable Members

I would like to express my particular thanks to your rapporteurs who have worked so hard to make these agreements possible:

- Sylvie Guillaume for the Asylum Procedures Directive;
- Monica Macovei for the 'EURODAC' Regulation;
- Cecilia Wikström for the 'Dublin' Regulation;

We should, of course, not forget the contribution made by Jean Lambert who, as the Rapporteur for the Qualification Directive, contributed to our reaching an agreement in 2011, as well as more generally to Commissioner Cecilia Malmström for her assistance in helping broker some of the vital compromises which have made these agreements possible.

To conclude at this stage, as Presidency of the Council, I look forward to following the debate which represents an important milestone in the establishment of the Common European Asylum System.

Thank you.