



Implementing the Common European Asylum System: Commission escalates 8 infringement proceedings

Brussels, 10 December 2015

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The European Commission adopted today 8 infringement decisions for failing to fully transpose and implement the Common European Asylum System. The decisions concern **Greece, Croatia, Italy, Malta** and **Hungary** (see [IP/15/6228](#)). Today's measures follow the 40 decisions launched on 23 September 2015, in addition to the 34 already pending cases, on potential or actual infringements of EU asylum legislation. The Commission will continue to pursue infringement procedures swiftly and effectively to ensure full compliance with EU legislation in this area.

The Commission is today urging **Greece, Croatia** and **Italy** to correctly implement the Eurodac Regulation ([Regulation \(EU\) No 603/2013](#)), which provides for effective fingerprinting of asylum seekers and transmission of data to the Eurodac central system within 72 hours. Effective implementation of the Eurodac Regulation is essential for the functioning of the Dublin system and EU relocation schemes. The European Commission sent administrative letters to Greece, Croatia and Italy in October. Two months later, concerns have not been effectively addressed. The European Commission has therefore decided today to send Letters of Formal Notice to Greece, Croatia and Italy (the first step of an infringement procedure).

The Commission is also urging **Greece** and **Malta** to communicate the national measures taken to fully transpose the Asylum Procedures Directive ([Directive 2013/32/EU](#)), which sets out common procedures for granting and withdrawing international protection, and the Reception Conditions Directive ([Directive 2013/33/EU](#)), which deals with access to reception conditions for asylum seekers while they wait for examination of their applications. Greece and Malta have not communicated the necessary transposition measures. Letters of Formal Notice were sent on 23 September 2015 to Greece, Malta and 16 other Member States concerning the Asylum Procedures Directive. Letters of Formal Notice were also sent to Greece, Malta and 17 other Member States on the same date concerning the Reception Conditions Directive. Despite these letters, Greece and Malta have not yet notified the Commission of their transposition measures. Therefore the Commission has decided today to address 'Reasoned Opinions' to both Member States concerning both Directives.

Next Steps

Letters of formal notice are the first formal step of an infringement procedure. After receiving a letter of formal notice, Member States have two months to reply and in cases of non-communication have to notify their national transposition measures to the Commission. In the absence of satisfactory replies or of notification of national measures, the European Commission can decide to send reasoned opinions, the second step in an infringement proceeding.

After Member States receive reasoned opinions, they have two months to respond to the Commission, notifying the measures taken to ensure full transposition or bring national legislation in line with EU law. If they fail to do so, the Commission may decide to refer the Member States to the Court of Justice of the EU. In cases where there is no communication of the national transposition measures, the Commission may propose to the Court of Justice of the EU to impose financial sanctions.

Background

The **Eurodac database** was established in 2003 and is an EU asylum fingerprint database. When someone applies for asylum or is apprehended having crossed an external border irregularly from a third country their fingerprints are taken and transmitted to the Eurodac central system. The recast Eurodac Regulation entered into force on 20 July 2015 and introduced updates to the system, in particular to ensure data is transmitted within 72 hours to the Central System, to address data protection concerns and to help combat terrorism and serious crime.

The **Asylum Procedures Directive** ([Directive 2013/32/EU](#)) establishes rules on the process of claiming asylum, including on how to apply, how the application will be examined, what help the

asylum seeker will be given, how to appeal or how to deal with repeated applications. It applies to all applications for international protection made in the territory, including at the border, in the territorial waters or in the transit zones of the Member States. Member States were under an obligation to transpose this Directive and communicate their transposition measures by 20 July 2015 (with the exception of Article 31(3), (4) and (5) for which the transposition deadline is 20 July 2018).

The **Reception Conditions Directive** ([Directive 2013/33/EU](#)) deals with access to reception conditions for asylum seekers while they wait for the examination of their claim. It ensures that applicants have access to housing, food, healthcare and employment, as well as medical and psychological care. It ensures that detention of applicants is always in line with fundamental rights and restricts the detention of vulnerable persons, in particular minors. Member States had to transpose the Directive and communicate their transposition measures by 20 July 2015.

Since the early 2000s, the Commission has proposed a number of legislative acts aimed at building a **Common European Asylum System**. The European Union now has common standards for the way asylum seekers are received and their asylum applications are processed. The EU has also established common criteria which national authorities use to determine whether someone is entitled to international protection.

Five different pieces of legislation form the core of the Common European Asylum System (the Dublin Regulation, the Asylum Procedures Directive, the Qualification Directive, the Reception Conditions Directive and the EURODAC Regulation).

On 13 May 2015, the European Commission presented its [European Agenda on Migration](#), setting out a comprehensive approach for improving the management of migration in all its aspects. This included a commitment to prioritise implementation of the Common European Asylum System. Previously, on 23 September 2015, the Commission adopted 40 decisions on potential or actual infringements of EU asylum legislation, in addition to the 34 already pending cases.

For More Information

On the monitoring the EU law in the area of [Home Affairs](#).

On key decisions in the December 2015 infringement package, see [MEMO/15/6223](#).

On the general infringement procedure, see [MEMO/12/12](#).

On [infringement procedures](#).

IP/15/6276

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