

## The Republic of Austria

*Position paper*

*Concerning the 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.*

### **I. Introduction**

Over the past year the European Union has faced a mass influx of refugees calling for an urgent reform of the current Common European Asylum System (CEAS). The Republic of Austria has accepted over 88,000 refugees in 2015, making it the second most burdened country in the EU in relation to its population size. Other countries have faced similar experiences whereas some European countries have decided to back out on their fellow European partners. Therefore, a new system taking into account the actual situation and its probable development is needed.

The lack of technical and operational resources for the registration and reception of refugees entering the Republic of Austria has put immense pressure on its administration authorities and has caused discomposure amongst the refugees. The pressure on registration authorities in all of Europe has led to substantial secondary migration within the European Union, therefore having a toll on all of its Member States.

Bearing this in mind the Republic of Austria is requesting a fairer distribution of burdens amongst the Member States.

### **II. Austria's position to the proposal**

First of all, the Republic of Austria would like to point out, that it welcomes the development of EASO into a fully-fledged EU agency. With regard to the challenges in the asylum crisis, the Commission's proposal is adequate to meet these challenges, the Agency's assistance is necessary and most welcome. In the context of a general review and reform of the European Asylum System, it is reasonable to enhance what is now EASO and will become the European Union Agency for Asylum's (referred to as "the Agency").

The reinforcement of the Agency seems a good possibility to the Republic of Austria to avoid unique responsibility of either the Member States or the Commission in asylum matters, involving both sides equally. Awarding more power to the Agency, will help manage the refugee crisis in a coordinated way, without excluding the Member States completely.

The harmonisation of operational standards and reception criteria through the Agency is a step in the right direction. This will ensure that all Member States treat refugees equally, thereby avoiding a "pull effect" of some countries, to which refugees might be drawn expecting better standards and better chances to be granted international protection. A common core curriculum and specialist training for all parties involved in the asylum procedure are considered important features to avoid such a pull effect.

The Republic of Austria welcomes the Agency's mandate to monitor and assess the implementation of the Common European Asylum System (CEAS) and especially the possibility for the Commission to intervene in the case in which a Member State jeopardizes the functioning of the CEAS (cf. art. 22 of the proposal).

Monitoring of the implementation and the standards of the asylum registration procedures via annual reports submitted to the Agency and the Commission is supported by the Republic of Austria. Thus equal amounts of effort between the Member States and therefore a more secure and fair system for both the Member States and refugees will be ensured.

Nevertheless, it would like the Commission to clarify the arrangements made in Chapter 5 regarding Monitoring and Assessment by the Agency. As of the European Treaties, especially art. 17 I TEU, it is the role of the European Commission to oversee the application of Union law. Chapter 5 of the proposal however provides for the Agency to monitor the implementation of the Common European Asylum System. Since it is not to be expected of the Commission to outsource its competence regarding the Asylum System, The Republic of Austria would like to know how the relation between the Agency's and the Commission's competence is to be qualified.

The Republic of Austria has taken in a large number of refugees and is still faced with many applications, therefore it would like to underline the importance of the Agency's competence to assist Member States with relocation or transfer of beneficiaries of international protection within the Union.

The introduction of technical and operational assistance from the Agency to the Member States in form of an intervention pool, experts and support teams is heavily supported by the Republic of Austria. Not only has Austria itself submitted the most experts in the past months to support the Agency, showing its commitment and enthusiasm towards this reform, but it is also largely in need of operational support. Ensuring immediate registration with the assistance of support teams would also largely reduce secondary migration within the European Union, thereby minimising the risk of unidentified refugees travelling through Europe.

The even spread of financial pressure through the Agency making use of the EU budget, is welcomed by the Republic of Austria. Hopefully this will ensure at least a budgetary contribution from all Member States, evoking a reduction of the disproportionate pressure faced by some Member States. Furthermore, voluntary financial contributions from Member States which are not ready to take in as many refugees as a future distribution key might request them to, is a fair method of evening-out the general burden put on the European Union by the current asylum crisis.

### **III. Conclusion**

In conclusion, the Republic of Austria agrees with the main conditions and aims of the proposal. Especially mechanisms to ensure an equal distribution of burdens among all Member States are of great importance. Through the implementation of the proposal the Republic of Austria hopes to reduce the current pressure put on its system and citizens.