

WORKSHOP 2

Shared Responsibility and Solidarity in Europe

Theme of the workshop

After the number of asylum applications lodged in Europe had increased significantly in 2015, the “crisis” and “crisis management” narrative led to a situational analysis which in turn led to the opinion that there was an urgent need to reform the existing regulations of the Common European Asylum System (CEAS). On 6th April 2016, the European Commission published a communication entitled “Towards a Reform of the Common European Asylum System and Enhancing Legal Avenues to Europe”. The proposals for new ordinances and directives should “expose weaknesses in the design and implementation of the system, and of the 'Dublin' arrangements in particular”. That is why the European Commission presented new proposals on 4th May and on 13th July 2016 for all elements of the system. The proposals relating to shared responsibility and solidarity are, above all, the new suggestions concerning the system for determining responsibility (“Dublin”), a European asylum agency and an EU resettlement programme.

In the official justifications for the proposed reforms, the “Dublin system”, which governs the responsibility for considering asylum applications, was given prominent status. On a practical level, the main problems from the point of view of Member States, on which the prior evaluation was mainly based, were asylum seekers absconding, long court proceedings and poor coordination between Dublin States. In the light of this evaluation, the European Commission decided to submit a proposal for revision of the Dublin III Regulation (“Dublin IV”). This proposal is based on a more thorough evaluation of the implementation of the Dublin III Regulation, which in turn was largely based on information provided by Member States.

The representative of the European Commission, Stephen Ryan, is only attending the first session (2.20 to 3.40 p.m.) of the workshop, which is why some of the content will differ between the two workshop sessions. In the first session, the focus will be on the Commission’s proposed reforms and the political and legal discussions surrounding these proposed reforms, whereas in the second session (4.10-5.30 p.m.), the central issue is to be the practical difficulties which will be described by Valério Prato from the International Social Service - Switzerland (ISS). In both sessions, Francesco Maiani will offer a critical assessment and explanation of the proposals.

Aim of the workshop

The aim of this workshop is to provide information on what political (1st session) and practical (2nd session) issues and problems have to be solved, in order to enable greater responsibility sharing in Europe where asylum is concerned. Specifically, the workshop will start by explaining the most important proposed changes which are aimed at responsibility sharing. This will be followed by a discussion on the “corrective mechanism” proposed by the European Commission, which should help to ensure that responsibility is shared in a fairer way in future “in cases where Member States would have to deal with a disproportionate number of asylum seekers”. Then the Wikström report will be analysed. It was the most important basis for the report of the European Parliament published in November 2017. Among other things, the Parliament is proposing a different linear distribution process right from the beginning. Finally, an overall assessment is to be made and possible solutions will be discussed.

Central questions

- What options are available for greater responsibility sharing in Europe?
- What should a future European asylum system look like?
- Are the proposals submitted suitable for effectively addressing the existing issues and problems?
- What role does solidarity play from a legal and practical point of view in the success of a joint system?
- Are there alternatives to the current system and the proposals and what could they be?

Language

1st and 2nd session: English

Presentations

- Adriana Romer, Swiss Refugee Council (SRC): presentation, introduction (5 minutes)
- 1st session*
- Stephen Ryan, European Commission: the Commission's proposals on responsibility sharing and solidarity; current status (15 minutes)
 - Francesco Maiani, University of Lausanne: comments and additions (15 minutes)
- 2nd session*
- Francesco Maiani, University of Lausanne: Dublin IV proposal, report of the Parliament, introduction and assessment (15 minutes)
 - Valério Prato, ISS: practical experience from the work of ISS (15 minutes)