

THE ASYLUM ACQUIS HANDBOOK
P.J. van Krieken (editor)

TABLE OF CONTENTS

Summary of Contents	V
Preface	VII
Acknowledgements	XII
Table of Contents	XIII

INTRODUCTION 1

1. CONTRIBUTIONS 7

1.1 The EU Asylum Acquis: History and Context <i>Johannes van der Klaauw</i>	9
---	---

1.2 Harmonisation of Asylum and Immigration Policies: The Long and Winding Road from Amsterdam via Vienna to Tampere <i>Cornelis D. de Jong</i>	21
---	----

1.3 Decision-making in Justice and Home Affairs <i>Helen Staples</i>	37
---	----

1.4 Amsterdam and the Institutions <i>Georg Wirtz</i>	47
--	----

1.5 The Danish Exception Denmark's JHA Reservation and Amsterdam <i>Fabrice Liebaut</i>	57
---	----

1.6 The Enlargement Process and JHA Co-operation <i>Oliver Seiffarth</i>	61
---	----

1.7 Actors and Sources <i>Peter J. van Krieken</i>	73
---	----

2. LISTS 83

2.1 Original list	85
-------------------	----

2.2 Chronological list	95
------------------------	----

2.3 Topical list	99
------------------	----

2.4 TAIEX list	104
----------------	-----

2.5 What is the acquis (Brussels' Commentary)	115
---	-----

3. TEXTS 123
(26 relevant instruments)

3.1 Council Regulation (EC) No 2317/95 of 25 September 1995 determining the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States	127
--	-----

3.2 Joint Action of 4 March 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union on airport transit arrangements	130
---	-----

3.3 Council Resolution of 26 June 1997 on unaccompanied minors who	
--	--

	are nationals of third countries	132
3.4	Council Resolution of 1 June 1993 on harmonisation of family reunion	137
3.5	Council Resolution of 25 September 1995 on burden-sharing with regard to the admission and residence of displaced persons on a temporary basis	140
3.6	Council Decision of 4 March 1996 on an alert and emergency procedure for burden-sharing with regard to the admission and residence of displaced persons on a temporary basis	143
3.7	Council Recommendation of 22 December 1995 on harmonizing means of combating illegal immigration and illegal employment and improving the relevant means of control	144
3.8	Council Decision of 22 December 1995 on monitoring the implementation of instruments already adopted concerning admission of third-country nationals	147
3.9	Council Decision of 16 December 1996 on monitoring the implementation of instruments adopted by the Council concerning illegal immigration, readmission, the unlawful employment of third country nationals and cooperation in the implementation of expulsion orders	148
3.10	Joint Position of 4 March 1996 defined by the Council on the basis of Article K.3 of the Treaty on European Union on the harmonized application of the definition of the term 'refugee' in Article 1 of the Geneva Convention of 28 July 1951 relating to the status of refugees	149
3.11	Council Resolution of 20 June 1995 on minimum guarantees for asylum procedures	157
3.12a	Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities (Dublin Convention)	162
3.12b	Decision No 1/97 of 9 September 1997 of the Committee set up by Article 18 of the Dublin Convention of 15 June 1990, concerning provisions for the implementation of the Convention	171
3.12c	Decision No 1/98 of 30 June 1998 of the Committee set up by Article 18 of the Dublin Convention of 15 June 1990, concerning provisions for the implementation of the Convention	178
3.13	Resolution adopted 30 November 1992 on manifestly unfounded applications for asylum	179
3.14	Resolution adopted 30 November 1992 on a harmonised approach to questions concerning host third countries	183
3.15	Conclusions adopted 30 November 1992 concerning countries in which there is generally no serious risk of persecution	185
3.16	Decision of 11 June 1992 setting up a Centre for Information, Discussion and Exchange on Asylum (Cirea)	186
3.17	Guidelines for joint reports on third countries (text adopted by the Council on 20 June 1994)	188
3.18	Circulation and confidentiality of joint reports on the situation in certain third countries (text adopted by the Council on 20 June 1994)	191
3.19	Council Decision of 26 June 1997 on monitoring the implementation of instruments adopted concerning asylum	191
3.20	Council Decision of 26 May 1997 on the exchange of information concerning assistance for the voluntary repatriation of third-country nationals	193
3.21	Council Recommendation of 30 November 1994 concerning a specimen bilateral readmission agreement between a Member State and a third country	194
3.22	Council Recommendation of 24 July 1995 on the guiding principles to be followed in drawing up protocols on the implementation of readmission agreements	199

3.23	Council Recommendation of 22 December 1995 on concerted action and cooperation in carrying out expulsion measures	202
3.24	Council Recommendation of 30 November 1994 concerning the adoption of a standard travel document for the expulsion of third-country nationals	207
4.	COMMENTARIES Brussels' Commentaries on the most important instruments	209
4.1	Commission Working Document dd 3 March 1999: Towards Common Standards on Asylum Procedures	211
4.2	Joint Position, 4 March 1996 [JP]	224
4.3	Minimum Guarantees for Asylum Procedures [MG]	233
4.4	Host Third Countries [HTC]	245
4.5	('Safe') Countries ('of Origin') [CoO]	250
4.6	Manifestly Unfounded Applications [MUA]	253
4.7	Unaccompanied Minors [UM]	260
4.8	Readmission Agreements	267
4.9	Dublin and Eurodac	272
5.	ADDITIONAL TEXTS	282
5.1	Title IV of the Consolidated Version of the Treaty Establishing the European Community	283
5.2	Protocol on Asylum for National of Member States of the European Union	287
5.3	Convention relating to Extradition between the Member States of the European Union	288
5.4	Vienna Action Plan	293
5.5	Tampere Milestones	304
5.6.a	Draft Eurodac Convention	310
5.6.b	Draft Eurodac Protocol	320
5.6.c	Draft Eurodac Regulation	324
5.7	List ExCom Conclusions	344
5.8	UNHCR Handbook, Introduction and Conclusion	347
6.	CROSS REFERENCES	353