***Model European Union Conference***

***Simulation of the Council of the European Union SS 2016***

***Position of the Kingdom of Belgium***



**POSITION PAPER**

of the Kingdom of Belgium

on 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

**“A new mandate for the EU’s Asylum Agency?”**

**I. Introduction**

The Kingdom of Belgium strongly supports a European and solidary solution to fulfil Europe´s humanitarian responsibilities particularly under the Geneva Convention and the European Convention of Human Rights. Belgium believes that this migration crisis can only be solved if all the member states of the European Union work together and extend and adapt the Common European Asylum System (CEAS).

For this reason, Belgium welcomes the aims of the proposal from the European Commission.

**II**. **detailed positions**

**Ensuring the proper functioning of the Dublin System**

To ensure the proper functioning of the Dublin System the Agency will be responsible for a dedicated evaluation mechanism. This will include that the Agency will assess the reception conditions and the asylum procedures in each member state to identify measures that should be taken by each state to improve existing shortcomings. Belgium supports this improvement because it is very important that all Member States continuously improve their asylum systems so every country will be prepared for a sudden increase of migration.

If the Dublin System will be reformed (whichever option is chosen), the Agency will be the natural choice for supervising the distribution mechanism.

**Harmonisation**

The Kingdom of Belgium welcomes the proposal to establish a legal data base on union, national and international asylum law. A better convergence of the asylum practises, in particular a more unified approach to afghan asylum seekers is indispensable to minimise secondary migration within the EU. The incentive to migrate between member states will decrease if asylum seekers are assured that they are faced with the same chances of acceptance of their application. Since this will put pressure off the member states’ asylum system, Belgium beliefs that this data base is a tool to accelerate the processing of asylum applications, which should remain to be primarily the task of the first country of entry.

**Emergency situations**

If a member state is faced with particular pressure because a huge number of asylum seekers enter the country, the Agency will have the authority to intervene through enhanced support, also on its own initiative. That will mean in particular that the Agency will help with assistance by case-handling and reception related support using asylum support and intervention teams consisting of experts. As being a country that is not located at the southern border of Europe but more in the North, Belgium believes that it will not be directly affected by this measure. In general, it will of course fulfil its obligations to prepare the expert pool and send out experts to help and support other states in emergency situations. Like the harmonisation this will help to prevent secondary migration which would affect the Kingdom after all.

**National contact points**

As the European Commission proposed the seat of the Agency shall be Malta. Furthermore they suggest national contact points in all the Member Statesfor communication with the Agency on all matters relating to the operational and technical assistance. The Kingdom of Belgium appreciates this idea because it is very important for all the people in the Member States who work with asylum seekers to have an European institution that can help when there are serious problems. The effectiveness of the Agency will depend on the communication between the Agency and the Member States. The Agency must be present to show the Member States that they can rely on them. Problems can be solved easier and faster if there are contact persons who are available all the time and who know about the situation in the specific country.

**Designation of safe countries of origin and safe third countries**

Another point of the proposal is the designation of safe countries. The European Commision proposed a European list of safe countries. A common list of safe countries for the Member States are, as Belgium thinks, a good idea for the future. Without a common list of safe countries there is no good basis for a functioning plan for a European solution of the asylum problem. But for the moment it would be really difficult to introduce such a common European list of safe countries. Currently the systems are so different that this point should not be in the focus of the proposal. Belgium for example does not even have such a legal document. For the future it will be necessary for a good list of safe countries to have enough information about the situation in each third country. The Agency could assist the European Commission by reviewing the situations, because they have the required equipment. Belgium supports this idea of the European Commission and hopes that some time there will be such a list to strengthen the European asylum system.

**III. Conclusion**

Belgium emphasizes that only a common European solution can solve the migration crisis. For the Kingdom of Belgium the most important aspects of the proposal are the harmonisation of the different asylum procedures in the Member States and the proper functioning of the Dublin System and the CEAS.

Regarding the long-term development of the Agency Belgium will support an even stronger mandate for the Agency. Therefore, the Kingdom beliefs that this proposal is the first step towards further European integration.