

MODEL EUROPEAN CONFERENCE (MEUC)



DELGATION OF REPUBLIC OF CYPRUS

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Position Paper for

“A new mandate for the European Asylum Support Office”

Response of the Republic of Cyprus to the proposal for a regulation of the European Parliament (EP) and of the Council on the European Union Agency for Asylum (EAA) and repealing Regulation (EU) No 439/2010.

I. General Comments

The Republic of Cyprus welcomes the consultation procedure launched by the Commission and the opportunity to respond to its regulation proposal on the European Agency for Asylum and repealing regulation (EU) 439/2010.

This position paper represents a response by the Republic of Cyprus to the European Commission's proposal as we consider that at this stage more feedback is required to make a formal assessment and a proper evaluation of the issues posed therein.

- **Article 78 AEUV:**

The Republic of Cyprus argues that the present legal situation is not reflecting an efficient solution. A European Asylum Agency (EAA) with a comprehensive jurisdiction regarding the admission of refugees would be the more cost efficient and more just way to organise than the present system with its individual state model.

However, to make the EAA perform the role of an effective and encompassing agency with "comprehensive responsibility for organizing and administering the asylum process in all EU member states"¹ the Republic of Cyprus suggests, that the bounds of Article 78 AEUV should be expanded. Furthermore, Cyprus stresses the importance of a quick and flexible solution, which is able to adapt to emergency situations of massive influx of refugees, having in mind that the European Convention on Human Rights (ECHR) should be adhered at any cost.

¹ <http://ftp.zew.de/pub/zew-docs/policybrief/pb01-16.pdf>

**II. CYPRUS POSITION ON THE ARTICLES OF THE PROPOSAL FOR A REGULATION OF THE EP
AND OF THE COUNCIL ON THE EAA AND REPEALING REGULATION (EU) No 439/2010**

Our comments on the articles presented in the regulation to the extent they may be given without further and firmer information are set out herein below.

- **Article 18: Asylum intervention pool:**

- **18(1): Renaming the Asylum intervention pool**

The Republic of Cyprus does not see a common sense in using the term of an “Asylum intervention pool” regarding the close relation of this term to military actions. We assume renaming the term into “*Asylum Mediation Group*” (AMG) would be a more elegant solution, avoiding any associations to military practices.

- **18(2): Requirement of a new quorum**

The Management Board shall, on a proposal of the Executive Director, decide by a ***bare majority*** of members with a right to vote on the profiles of experts and on the share that each Member State shall contribute to constitute the asylum intervention pool instead of a three-fourth majority. Lowering the threshold would lead to accelerate the procedure of constituting the intervention pool (AMG).

- **Article 20(5): Procedure for deploying asylum support teams:**

The request of the Executive Director to make the Member States responsible for deploying experts within no more than seven days should not be depended on whether the operational plan has been agreed or not. To establish a fast and effective solution, model operational plans should be created to intervene in extreme cases of migrational pressure.

- **Article 21(1): Migration management support teams:**

The governance of the Executive Director regarding Agency activities should not lead to any

delays constituting an intervention pool (AMG). Cyprus stresses the importance of a quick and reliable creation of the intervention pool.

- **Article 22(5): Disproportionate pressure on the asylum and reception system:**

The deployment of the necessary experts should not depend on the day of establishment of the operational plan. To establish a fast and effective solution, model operational plans should be created to intervene in extreme cases of migrational pressure.

- **Article 26(1): Civil liability:**

To accomplish a collaboration based on a common level of trust, the risks which are caused by experts of an asylum support team or from the asylum intervention pool (AMG) should be shared, in order to release fears of the Member State according to the otherwise prevailing legal position. Cyprus believes that the collaboration would suffer under the disproportionate pressure resulting from the present legal position.

- **Article 35: Cooperation with third countries:**

- **35(2): Mandatory binding cooperation with third countries**

The cooperation with the authorities of third countries should be mandatory binding for the EAA to assure a more effective and higher common European asylum standard.

- **35(3): Inviting officials from third countries:**

Inviting officials from third countries should be mandatory for the EAA to assure a more effective and higher common European asylum standard.