



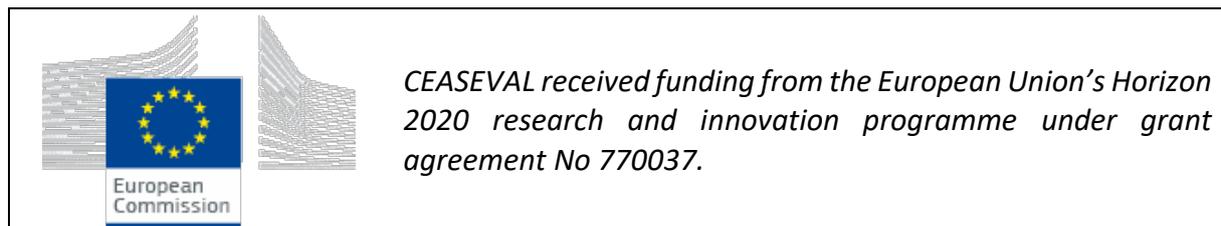
Mapping of CEAS Transposition in EU Member States using AIDA

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Abstract

This paper maps out the current state of transposition of the CEAS instruments in each Member State (MS). Drawing on ECRE's Asylum Information Database (AIDA here-on-in), the paper goes on to provide a simple quantitative measure of transposition to highlight areas of convergence and harmonisation as well as divergence indicating areas for improving harmonised in the transposition of CEAS. A total of six indicators (of 19 indicators) can be taken as baseline measures of transposition of CEAS. Overall, the transposition of requirements where explicitly set out as measured by our quantifiable indicators demonstrates that the selected MSs (who opt in) have successfully adopted such requirements. However, whilst transposition of CEAS into national legislation may have been achieved, the practices of these procedures often involve significant obstacles, barriers and caveats which may not be in practice achieve the various goals of CEAS stature. Moreover, in terms of harmonisation of CEAS more generally, our indicators suggest that there is wide variation and discrepancy on asylum procedures, reception conditions and Dublin appeals. As many commentators, researchers and academics have stressed, overall Member States seem to use harmonisation as an argument or legitimation to change higher national standards to lower EU wide standards.

Keywords: Common European Asylum System, Transposition, harmonisation, convergence

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1. Introduction

This paper maps out the current state of transposition of the CEAS instruments in each Member States (MS). Drawing on ECRE's Asylum Information Database (AIDA here-on-in), the paper goes on to provide a simple quantitative measure of transposition to highlight areas of convergence and harmonisation as well as divergence indicating areas for improving harmonised in the transposition of CEAS.

The paper begins with a brief history of the CEAS, before outlining the key terms and methodology used. The paper then summarises the transposition of CEAS in the 28 Member States including date of transposition and legal corresponding act of transposition to each CEAS instrument. The paper then provides a summary table with quantifiable indicators of transposition in CEASEVAL Member States and provides a summary of the result in terms of transposition of each CEAS instrument and harmonisation or policy convergence more generally.

2. The Common European Asylum System

The Common European Asylum System (CEAS) refers to the legislative framework established by the EU in the field of international protection. CEAS establishes common standards, concepts and criteria and aims to harmonize interpretation and application of instruments across the EU¹. The CEAS covers all main aspects of asylum in terms of both procedural and substantive matters, from entry into the EU until final decisions on asylum applications. The CEAS is binding on all Member States except Denmark (opt out not bound), Ireland (opt in to first generation of CEAS with the exception of the Reception Conditions Directive, however Ireland will opt in to recast Reception Directive) and the UK (opt-in to first generation of CEAS).

EU cooperation on asylum was first established between 1985 and 1990 on the basis of the Schengen Agreement, which later resulted in the establishment of a mechanism to determine which state was responsible for processing asylum applications. This was first laid down in the 1990 Schengen Implementation Convention, later replaced by the 1990 Dublin Convention that entered into force in 1997 and was signed by Belgium Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom². The 1997 Treaty of Amsterdam, which shifted asylum from the third pillar (inter-governmental) to the first pillar (Community) introduced a major change, this in turn instigated the development of the harmonisation process.

¹ https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/20160713/factsheet_the_common_european_asylum_system_en.pdf

² https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/examination-of-applicants_en

Since the 1999, under the Tampere conclusions by the European Council³, the CEAS was officially introduced based on the full and inclusive application of the Refugee Convention. Since 1999 the EU has been working to create a CEAS in order to improve and harmonise the current legal framework. The first stage of CEAS comprised of setting minimum standards, with the exception of the Dublin system, which was governed by an EU Regulation as these rules established a new procedure for determining the responsibility for asylum claims submitted within the EU. Between 1999 and 2004, four Directives and two Regulations were adopted including the Eurodac Regulation which established a database for recording fingerprint data of asylum applications to support the Dublin system, and a replacement to 1990 Dublin Convention in the form of 2003 Dublin II Regulation and the Temporary Protection Directive. Setting minimum standards through the 2003 Reception Conditions Directive, the 2004 Qualification Directive and the 2005 Asylum Procedures Directive further supported the Dublin mechanism. A key criticism of the first phase of CEAS was the lack of common standards across Member States, hence the second phase of CEAS concentrated on harmonisation.

The European Council explicitly laid down the objective of ensuring genuine common asylum policy in the 2004 Hague Programme⁴ and the 2009 Stockholm Programme.⁵ Concrete steps in the development of the CEAS were taken with the Treaty of Lisbon, which was signed in December 2007 and entered into force on 1 December 2009. The very notion of a Common European Asylum System was laid down in Article 78 TFEU. Consequently, establishing such a common system moved from being a general policy objective to being a specific legal duty binding upon all Member States and EU institutions (van Oort and Brouwer 2018, p.11). This meant that components of the CEAS have become primary law objectives and no longer set 'minimum' but 'common' standards. The second phase of harmonisation in CEAS led to the recast Qualification Directive, the Reception Conditions Directive, the Asylum Procedures Directive, the Dublin III Regulation and the recast Eurodac Regulation, the five instruments which comprise CEAS.

After the completion of the first phase a 2007 Green Paper⁶ allowed for a period of reflection and acted as the basis for a large public consultation. The first phase was always intended to be followed swiftly by a second 'phase of development, with a change of emphasis from minimum standards to a common asylum procedure on the basis of uniform protection status'⁷ (EASO 2016 p.15). The evaluation of the first phase found 'significant disparities between Member States in their reception of applicants, procedures, and assessment of qualification for international protection. This was considered to result in divergent outcomes for applicants, which went against the principle of providing equal access to protection across the EU' (EASO 2016, p.16)⁸. Furthermore, it was agreed that measures were needed to increase solidarity (Wagner, Kraler and Baumgartner 2018) and

³ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A52009AE0343>

⁴ The Hague Programme: strengthening freedom, security and justice in the European Union [2005] *OJEU* C 53/1.

⁵ Stockholm Programme: an open and secure Europe serving and protecting citizens [2010] *OJEU* C 115/1.

⁶ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0301:FIN:EN:HTML>

⁷ European Council, The Hague Programme: Strengthening Freedom, Security and Justice in the European Union, 13 December 2004, in [2005] *OJ* C 53/1, p. 3.

⁸ European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Region, Policy Plan on Asylum: An Integrated Approach to Protection Across the EU, 17 June 2008, COM(2008) 360 final, p. 3.

responsibility (Baumgartner and Wagner 2018) amongst Member States and Member States and non-Member States.

The responses to the Green Paper, alongside the results of an evaluation of existing policy instruments were the basis for the European Commission's Policy Plan on Asylum presented in June 2008. As emphasised in the 2009 Stockholm Programme, its objective was that of 'establishing a common area of protection and solidarity based on a common asylum procedure and a uniform status for those granted international protection' on the basis of 'high protection standards'⁹. The aim and content of the second phase were detailed in the 2007 Treaty on the Functioning of the European Union (TFEU) that entered into force on 1 December 2009.

As stated in the Policy Plan, three pillars underpin the development of the CEAS: bringing more harmonisation to standards of protection by further aligning the EU States' asylum legislation; effective and well-supported practical cooperation; increased solidarity and sense of responsibility among EU States, and between the EU and non-EU countries. The new 'EU rules have now been agreed, which set out common standards and stronger co-operation in order to ensure that asylum seekers are treated equally in an open and fair system'¹⁰:

- **The recast Asylum Procedures Directive** aims at fairer, quicker and better quality asylum decisions. Asylum seekers with special needs should receive the necessary support to explain their claim and in particular there will be greater protection of unaccompanied minors and victims of torture.
- **The recast Reception Conditions Directive** aims at ensuring that there are humane material reception conditions (such as housing) for asylum seekers across the EU and that the fundamental rights of the concerned persons are fully respected. It also ensures that detention is only applied as a measure of last resort.
- **The recast Qualification Directive** clarifies the grounds for granting international protection and therefore intends to make asylum decisions more harmonised. It will also improve the access to rights and integration measures for beneficiaries of international protection.
- **The Dublin III Regulation** aims to enhance the protection of asylum seekers during the process of establishing the State responsible for examining the application, and clarifies the rules governing the relations between states. It creates a system to detect early problems in national asylum or reception systems, and address their root causes before they develop into fully fledged crises.
- **The recast Eurodac Regulation** will allow law enforcement access to the EU database of the fingerprints of asylum seekers under strictly limited circumstances in order to prevent, detect or investigate the most serious crimes, such as murder, and terrorism

⁹ European Council, The Stockholm Programme: An Open and Secure Europe Serving and Protecting the Citizens, 2 December 2009, in: [2010] OJ C 115/1, Section 6.2.

¹⁰ https://ec.europa.eu/home-affairs/what-we-do/policies/asylum_en

By 2013 the second stage of the CEAS was complete with the enactment of amended secondary legislation¹¹. Whilst discussions have moved swiftly to the third stage of CEAS development and indeed negotiations have concluded in some areas, it should be stressed that, to the best of our knowledge, there has been no completed evaluation of the second CEAS generation, despite the known shortcoming and wide discrepancies amongst Member States highlighted by the first evaluation which have not necessarily been resolved. Whilst the CEAS has brought an increased level of harmonisation in applied standards, but there is no “common” or unified European Asylum System, rather 28 different asylum systems with common minimum standards¹². Moreover, it should be noted that in some aspects this has involved harmonisation to minimum and therefore often lowest standards and therefore the CEAS instruments have been subject to strong criticism, particularly the Dublin III Regulation and as Wagner et al (2016: 8) surmise:

The Asylum Procedures Directive and the Reception Conditions Directive have often been criticised as too complex leaving too much discretion to EU MS... The recast phase of the CEAS instruments unfortunately did not succeed in addressing those fundamental deficiencies. Thus, opportunities were lost to fundamentally re-consider the CEAS architecture and – in particular – the Dublin System¹³

Scipioni (2018: 1358)¹⁴ argues that the “Refugee Crisis” was instigated by such failures in harmonisation of CEAS, specifically a combination of:

...weak monitoring, lack of policy harmonization, low solidarity, and absence of central institutions. In this sense, EU-level agreements were ‘incomplete’ as described by the failing forward argument. The policy response to the crisis to date has tackled only some of these aspects. According to the framework, this amounts to sowing the seeds for future failures, and further integration, in the future.

3. Transposition, harmonisation and convergence

The CEAS was initiated on the assumption that a stable and equitable distribution of asylum burdens requires policy harmonisation at the European level. Thus ‘policy convergence in the field of asylum is seen as the key toward more equitable burden-sharing and less competition for the most effective deterrence measures’ (Thielemann 2004: 47)¹⁵. However, whilst CEAS aims for harmonisation and therefore policy convergence in asylum systems across Member States, CEAS stature itself only explicitly sets minimum standards and many elements of CEAS have discretionary margins. Therefore we can identify a critical difference between **transposition** of CEAS on the one hand where EU standards are explicitly set out and signatories must transpose those elements into national

¹¹ <https://www.easo.europa.eu/sites/default/files/public/BZ0216138ENN.PDF>

¹² [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556953/IPOL_STU\(2016\)556953_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556953/IPOL_STU(2016)556953_EN.pdf)

¹³ Wagner et al. (2016) ‘The Implementation of the Common European Asylum System’. [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556953/IPOL_STU\(2016\)556953_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556953/IPOL_STU(2016)556953_EN.pdf)

¹⁴ Marco Scipioni (2018) Failing forward in EU migration policy? EU integration after the 2015 asylum and migration crisis, *Journal of European Public Policy*, 25:9, 1357-1375

¹⁵ Eiko R. Thielemann, Why Asylum Policy Harmonization Undermines Refugee Burden-Sharing, 6 *Eur. J. Migration & L.* 47 (2004)¹¹_{SEP}

legislation, and *harmonisation or policy convergence* on the other hand, where elements of Member States asylum system may be similar and converging but nonetheless CEAS statute itself does not specify or leaves wide discretion to interpretation such as ‘reasonable time limits’. Therefore some elements of Member States (who are signatories to CEAS) are legally binding, whilst many other elements are left to national discretion and ultimately national sovereignty. In this paper drawing on ECRE AIDA, we want to test the degree to which Member States have successfully transposed CEAS on the one hand where we define indicators as transposition as EU statute has set down requirements for transposition, and the degree to which Member States have converged on policy and therefore harmonised on the other. The latter therefore are not strictly measuring aspects of CEAS, as legislation does not demand or bind states in some areas of asylum procedure, reception etc. but rather give a picture of the degree of overall policy convergence and therefore indication of harmonisation as intended in CEAS aims. For these latter indicators we use the term harmonisation but policy convergence could be equally applied.

4. Methodology

This paper draws on ECRE’s Asylum Information Database (AIDA) and specifically the comparator function that compares legal frameworks and practices relating to asylum procedures, reception conditions, detention of asylum seekers and the rights of beneficiaries of international protection in 20 EU Member States and 3 non-EU countries¹⁶. The information is available from ECRE’s website AIDA comparator here: <https://www.asylumineurope.org/comparator>. The University of Sussex team in coordination with ECRE selected comparator information that specifically seeks to establish the degree of transposition of CEAS in national legal frameworks where CEAS instruments specify minimum standards, as opposed to practices, in order to compare transposition across states. The information selected pertained only to legal frameworks where it was possible to quantitatively compare, as opposed to elements of CEAS that leave wide discretion in legal frameworks to interpret. Therefore, it is important to stress that the indicators presented are only a partial picture of CEAS, and that the indicators selected were informed by methodological decisions requiring strict quantitative comparisons. Whilst six indicators are able to measure transposition as these indicators assess quantifiably areas where CEAS instruments have explicitly set out requirements, the remaining 13 indicators measure a degree of harmonisation, as these pertain to processes where minimum standards have not been explicitly specified in CEAS instruments. Thus the summary of results and conclusions are divided by transposition on the one hand, and harmonisation more broadly on the other. Appendix 1 summaries the transposition of CEAS in each MS. The paper explains each indicator as to how it pertains to specific legislation in CEAS and the sources used.

¹⁶ For the non-AIDA countries ECRE have no available information (X implies that these countries have not transposed)

5. Meaning of headings: transposition & harmonisation of CEAS as measured by ECRE's AIDA

5.1 Procedures Directive

- **Indicator A refers to 'time limits for lodging applications in days'**. Article 6 of the recast Asylum Procedures Directive requires MSs to register an asylum application within three working days if the application is made to the authority competent under national law for such registration, or no later six working days if it is made to other authorities who are likely to receive asylum applications but are not competent to register them. The time limit can be extended to 10 working days in cases of large numbers of TCNs applying for asylum simultaneously. This measurement is derived from ECRE AIDA 'asylum procedure' comparator, 'access to procedure and registration' available here: <https://www.asylumineurope.org/comparator/asylum-procedure>
- **Indicator B refers to 'time limits for lodging an appeal in the regular procedure'**. Article 31 of the recast Asylum Procedures Directive sets down time limits for taking a decision on an asylum application at first instance. Article 31(2) requires MSs to conclude the procedure within six months of lodging the application. In the case of a Dublin procedure this time limit only starts when the responsible MS has been identified and the applicant has reached the territory of that MS. This measurement is derived from ECRE AIDA 'asylum procedure' comparator, 'regular procedure', available here: <https://www.asylumineurope.org/comparator/asylum-procedure>
- **Indicator C refers to 'time limit for lodging an appeal in the regular procedure'**. Article 46 of the recast Asylum Procedures Directive requires MSs to ensure that asylum seekers have the right to an effective remedy before a court or tribunal against any decision taken on their application for international protection, such as inadmissibility decisions and decisions taken at the borders. An effective remedy is defined as providing for a full examination of both facts and points of law at least in the appeals procedures before a court or tribunal at first instance. However, the Directive does not impose specific time limits for lodging applications but rather requires MSs to provide for reasonable time limits thus this indicator is not as such a measure of transposition of CEAS but may indicate harmonisation and given an indication of what time limits MSs deem as reasonable. This measurement is derived from ECRE AIDA 'asylum procedures' comparator, 'regular procedure', available here: <https://www.asylumineurope.org/comparator/asylum-procedure>
- **Indicator D refers to 'legal assistance in first instance * state funded legal assistance'**. Article 19 of the recast Asylum Procedures Directive provides a provision of legal and procedural information free of charge in procedures at first instance. Article 19 specifies: In the procedures at first instance provided for in Chapter III, Member States shall ensure that, on request, applicants are provided with legal and procedural information free of charge, including, at least, information on the procedure in the light of the applicant's particular circumstances. In the event of a negative decision on an application at first instance, Member States shall also, on request, provide applicants with information - in addition to that given in

accordance with Articles 11(2) and 12(1)(f) - in order to clarify the reasons for such decision and explain how it can be challenged¹⁷. However, Article 20 specifies that 'Member States may also provide free legal assistance and/or representation in the procedures at first instance provided for in Chapter III. In such cases, Article 19 shall not apply'¹⁸. Therefore this indicator is not as such a measure of transposition of CEAS but may indicate harmonisation. This measurement is derived from ECRE AIDA 'asylum procedure; comparator, 'regular procedure', available here: <https://www.asylumineurope.org/comparator/asylum-procedure>

- **Indicator E refers to 'legal assistance in appeal'**. Article 20 of recast Asylum Procedures Directive ensures free legal assistance and representation in appeals procedures. Article 20(3) specifies that a MS can opt not to offer free legal assistance and representation in appeal procedures where it considers that the appeal has no tangible prospect of success. Article 21 provides details on the conditions for the provision of legal and procedural information free of charge and free legal assistance and representation. Article 21 offers MSs the possibility to limit the provision of legal assistance only to those who lack sufficient resources. This measurement is derived from ECRE AIDA 'asylum procedure; comparator, 'regular procedure', available here: <https://www.asylumineurope.org/comparator/asylum-procedure>
- **Indicator F refers to 'time limits for appeal against inadmissibility decision (in days)**. Article 33 of the recast Asylum Procedures Directive allows MSs not to examine an asylum application on the merits when the MS is not responsible for that claim under the Dublin Regulation or when the claim is deemed inadmissible. Shorter time limits for appealing a negative decision are applicable in the admissibility procedure. According to ECRE (2016) 'contrary to the current EU rules, the proposal [Article 55(1) for an Asylum Procedures Regulation] foresees a maximum time limit of... one month for appeals against inadmissibility decisions' (ECRE 2016: 10)¹⁹. The Directive does not impose specific time limits for appeals against inadmissibility decision thus this indicator is not as such a measure of transposition of CEAS but may indicate harmonisation and given an indication of what time limits MSs deem as reasonable. This measurement is derived from ECRE AIDA 'asylum procedure; comparator, 'special procedure', available here: <https://www.asylumineurope.org/comparator/asylum-procedure>
- **Indicator G refers to 'border procedure applied in practice'**. Article 43 of the recast Asylum Procedures Directive allows for procedures relating to the admissibility and/or the substance of an asylum application where the grounds for applying the accelerated procedure apply to take place at the border for up to a period of four weeks. It is not a requirement to apply a border procedure under the recast Asylum Procedures Directive and therefore this indicator is not as such a measure of transposition of CEAS but may indicate harmonisation. This measurement is derived from ECRE AIDA 'asylum procedures' comparator, 'special procedures' available here: <https://www.asylumineurope.org/comparator/asylum-procedure>
- **Indicator H refers to 'time limits for lodging an appeal in the accelerated procedure (in days)'**. Article 31(7)-(8) of the recast Asylum Procedures Directive makes provision for the possibility of applying special procedures to deal with specific caseloads that may warrant

¹⁷ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52013AG0007>

¹⁸ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52013AG0007>

¹⁹ ECRE (2016) The length of asylum procedures in Europe. Available here: <https://www.ecre.org/wp-content/uploads/2016/10/AIDA-Brief-DurationProcedures.pdf>

swifter decisions. Accelerated procedures involve appeals subject to shorter time limits. Article 31(9) of the recast Asylum Procedures Directive grants discretion to MSs on time limits for deciding on applications under the accelerated procedure, but time limits must be 'reasonable'. MS that apply accelerated procedure have introduced their own time limits for examining these cases and for lodging an appeal. Therefore this indicator is not as such a measure of transposition of CEAS but may indicate harmonisation. This measurement is derived from ECRE AIDA 'asylum procedures' comparator, 'special procedures' available here: <https://www.asylumineurope.org/comparator/asylum-procedure>

- **Indicator I refers to 'practising safe country of origin list'**. Under Articles 36-37 of the recast Asylum Procedures Directive, MS may designate a country as a 'safe country of origin' where its nationals are 'generally and consistently' at no risk of persecution or serious harm on the basis of the law, political situation and general circumstances. Therefore this indicator is not as such a measure of transposition of CEAS but may indicate harmonisation. This measurement is derived from ECRE AIDA 'asylum procedure' comparator, 'safe country concept' available here: <https://www.asylumineurope.org/comparator/asylum-procedure>

5.2 Reception Conditions Directive

- **Indicator J refers to 'Working time restrictions'**. Article 15 of the recast Reception Conditions Directive lays down the obligations for MSs concerning access to employment for asylum seekers, and provides that access to the labour market should be granted no later nine months after the application for international protection was lodged. However, MSs are permitted to impose conditions for granting access to the labour market and may prioritise Union citizens and nationals of States parties to the Agreement of the European Economic Areas and legally resident TCNs. Therefore this indicator is not as such a measure of transposition of CEAS but may indicate harmonisation. This measurement is derived from ECRE AIDA 'reception conditions; comparator, 'employment, available here: <https://www.asylumineurope.org/comparator/reception>
- **Indicator K refers to 'formal access to labour markets'**. Article 15 of the recast Reception Conditions Directive lays down the obligations for MSs concerning access to employment for asylum seekers, and provides that access to the labour market should be granted no later nine months after the application for international protection was lodged. However, MSs are permitted to impose conditions for granting access to the labour market and may prioritise Union citizens and nationals of States parties to the Agreement of the European Economic Areas and legally resident TCNs. Therefore this indicator is not as such a measure of transposition of CEAS but may indicate harmonisation. This measurement is derived from ECRE AIDA 'reception conditions; comparator, 'employment, available here: <https://www.asylumineurope.org/comparator/reception>
- **Indicator L refers to 'Maximum time limit for access to labour market (months)**. Article 15 of the recast Reception Conditions Directive lays down the obligations for MSs concerning access to employment for asylum seekers, and provides that access to the labour market should be granted no later nine months after the application for international protection was

lodged. This measurement is derived from ECRE AIDA ‘reception conditions; comparator, ‘employment, available here: <https://www.asylumineurope.org/comparator/reception>

- **Indicator M refers to whether a labour market test is operated.** Article 15 of the recast Reception Conditions Directive lays down the obligations for MSs concerning access to employment for asylum seekers. However, MSs are permitted to impose conditions for granting access to the labour market and may prioritise Union citizens and nationals of States parties to the Agreement of the European Economic Areas and legally resident TCNs. Therefore this indicator is not as such a measure of transposition of CEAS but may indicate harmonisation. This measurement is derived from ECRE AIDA ‘reception conditions; comparator, ‘employment, available here: <https://www.asylumineurope.org/comparator/reception>
- **Indicator N refers to whether there are any sectoral limitations on the type of work asylum workers can be employed in.** Article 15 of the recast Reception Conditions Directive lays down the obligations for MSs concerning access to employment for asylum seekers. However, MSs are permitted to impose conditions for granting access to the labour market and may prioritise Union citizens and nationals of States parties to the Agreement of the European Economic Areas and legally resident TCNs. Therefore this indicator is not as such a measure of transposition of CEAS but may indicate harmonisation. This measurement is derived from ECRE AIDA ‘reception conditions; comparator, ‘employment, available here: <https://www.asylumineurope.org/comparator/reception>

5.4 Qualification Directive

- **Indicator O refers to duration of residence permits for refugees in years.** Under Article 24 of the recast Qualification Directive MSs are required to issue beneficiaries of international protection a residence permit with a minimum duration of three years for refugees and one year for subsidiary protection beneficiaries. This measurement is derived from ECRE AIDA ‘content of protection’ comparator, ‘residence permit’, available here: <https://www.asylumineurope.org/comparator/protection>
- **Indicator P refers to ‘Duration of residence permits for subsidiary protection (years).** Under Article 24 of the recast Qualification Directive MSs are required to issue beneficiaries of international protection a residence permit with a minimum duration of three years for refugees and one year for subsidiary protection beneficiaries. This measurement is derived from ECRE AIDA ‘content of protection’ comparator, ‘residence permit’, available here: <https://www.asylumineurope.org/comparator/protection>
- **Indicator Q refers to ‘Time allowed to stay in reception facilities in months.** Article 32 of the recast Qualification Directive requires MSs to ensure that beneficiaries of international protection have access to accommodation under equivalent conditions as other TCNs legally present in the territory. In practice, several MSs allow beneficiaries of international protection to stay in reception facilities for a certain period of time after recognition. Therefore this indicator is not as such a measure of transposition of CEAS but may indicate harmonisation. This measurement is derived from ECRE AIDA ‘content of protection’ comparator, ‘housing’, available here: <https://www.asylumineurope.org/comparator/protection>

5.5 Dublin Regulation

- **Indicator R refers to ‘whether the Dublin appeal is automatically suspensive or not’.** The Dublin II Regulation lays down the criteria and mechanisms for determining the MS responsible for examining an asylum application. It binds all MSs. Article 27 explicitly lays down the right to an effective remedy in the form of an appeal or review in fact and in law against a transfer decision before a court or tribunal. National legislation must provide for: automatic suspensive effect of the appeal; a system whereby transfer is automatically suspended for a reasonable period of time during which a court or tribunal must decide whether to grant suspensive effect to the appeal or review; *or* a system whereby the asylum seeker can request a court or tribunal within a reasonable time to suspend the implementation of the transfer decision. Suspensive effect is not then a requirement of Dublin II and thus this indicator is not as such a measure of transposition of CEAS but may indicate harmonisation. This measurement is derived from ECRE AIDA ‘asylum procedure’ comparator, ‘Dublin procedure’, available here: <https://www.asylumineurope.org/comparator/asylum-procedure>
- **Indicator S refers to ‘Time limits for appealing a Dublin decision in days’.** Article 27 of Dublin II Regulation requires that time limits for lodging an appeal against a Dublin decision to be ‘reasonable’. As time limits are not specified in Dublin II Regulation this indicator is not as such a measure of transposition of CEAS but may indicate harmonisation. This measurement is derived from ECRE AIDA ‘asylum procedure’ comparator, ‘Dublin procedure’, available here: <https://www.asylumineurope.org/comparator/asylum-procedure>

Table 1 Overview: All transposition & harmonisation Indicators derived from AIDA: <https://www.asylumineurope.org>

	Revised Asylum Procedures Directive Directive 2013/32/EU									Revised Reception Conditions Directive 2013/33/EU				Revised Qualification Directive 2011/95/EU			Revised Dublin Regulation Regulation (EU) No 604/2013		
<i>Indicators</i>	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
Austria	None	180	28	Y	Y	28	Y	150	Y	Y	Y	3	Y	Y	3	1	-	N	28
Belgium	30	180	30	Y	Y	5-10	Y	15	Y	N	Y	4	N	N	5	1	2	N	30
Bulgaria	None	180	14	N	Y	14	N	10	N	N	Y	3	N	N	5	3	6	N	7
Croatia	15	180	30	N	Y	8	N	60	Y	N	Y	9	Y	N	5	3	24	Y	8
Cyprus	6(w)	180	20/75	N	Y	20	N	30	N	N	Y	9	Y	Y	3	1	-	N	20*working days
France	21	180	30	N	Y	7-30	Y	15	Y	N	Y	9	N	Y	10	1	3	Y	7

Germany	None	-	1 4	N	Y	7	Y	7	Y	N	Y	3	N	Y	3	1	-	N	7
Greece	None	180	3 0	N	Y	15	Y	30 ²⁰	N	N	Y	0	N	N	3	3	-	Y	15
Hungary	None	60	8	Y	Y	3	Y	15	Y	N	Y	9	N	N	5	3	1	N	8
Ireland	20(w)	-	1 5	Y	Y	10	Y	-	Y ²¹	N	Y ²²	X	N	N	1	3	-	Y	10 *working days
Italy	None	33	3 0	N	Y	30	N	9	N	N	Y	2	N	N	5	5	6*SPRA R only	N	60
Malta	None	180	1 4	N	Y	3	N	6	Y	N	Y	9	N	N	3	3	12	Y	14
Netherlands	None	8	7/ 3 0	Y	Y	7	Y	8	Y	Y	Y	6	N	N	5	5	-	N	7
Poland	None	180	1 4	N	Y	14	Y	30	N	N	Y	6	N	N	3	2	2	Y	14
Portugal	None	180	1 5	N	Y	4-8	Y	30	N	N	Y	1 week – 1 month	N	N	5	3	-	Y	5

²⁰ Amended in 2018 by Law 4540/2018

²¹ New list introduced in 2018. Ireland also had lists under the Refugee Act prior to the International Protection Act adoption

²² Ireland allow it based on an interim scheme and will also allow it following RCD transposition

Romania	None	180	10	Y	Y	7	Y	3	N	N	Y	3	N	N	3	2	12	Y	7
Slovenia	None	180	15	Y	Y	8	N	14	Y	N	Y	9	N	N	10	1-5	0.5	Y	8
Spain	None		3060	Y	Y	60	Y	90	N	N	Y	6	N	N	5	5	6	N	60
Sweden	None		21	Y	Y	-	N	90	N	N	Y	0	N	Y	3	1	2	Y	21
United Kingdom	None	-	14	Y	Y	14	N		Y	N	Y	12	Y	Y	5	5	1	N	14

Table 2 Summary of Indicators derived from AIDA

Procedures Directive	Reception Directive	Qualification Directive	Dublin Regulation
A Time limits for lodging applications (in days)	J. Working time restrictions	O. Duration of residence permits for refugees (years)	R. Dublin appeal automatically suspensive (y/n)
B Time limits for examining the application in the regular procedure	K. Formal access to labour market (y/n)	P. Duration of residence permits for subsidiary protection (years)	S. Time limits for appealing a Dublin decision (days).
C Time limits for lodging an appeal in the regular procedure	L. Max time limit for access to labour market (months)	Q. Time allowed to stay in reception facilities (months)	
D Legal assistance in first instance (y/n) * state-funded legal assistance.	M. Labour market test (y/n)		
E Legal assistance in appeal (y/n)	N. Sector limitations (y/n)		
F Time limits for appeal against inadmissibility decision (in days)			
G Border procedure applied in practice (y/n)			
H Time limits for lodging an appeal in the accelerated procedure (in days)			
I Practicing safe country of origin list (y/n)			

Table 3 Revised Asylum Procedures Directive

	Revised Asylum Procedures Directive 2013/32/EU								
Indicators	Time limits for lodging applications (in days)	Time limits for examining the application in the regular procedure	Time limits for lodging an appeal in the regular procedure	Legal assistance in first instance (y/n)	Legal assistance in appeal (y/n)	Time limits for appeal against inadmissibility decision (in days)	Border procedure applied in practice (y/n)	Time limits for lodging an appeal in the accelerated procedure (in days)	Practicing safe country of origin list (y/n)
Austria	None	180	28	Y	Y	28	Y	150	Y
Belgium	30	180	30	Y	Y	5-10	Y	15	Y
Bulgaria	None	180	14	N	Y	14	N	10	N
Croatia	15	180	30	N	Y	8	N	60	Y
Cyprus	6(w)	180	20/75	N	Y	20	N	30	N
France	21	180	30	N	Y	7-30	Y	15	Y
Germany	None	-	14	N	Y	7	Y	7	Y
Greece	None	180	30	N	Y	15	Y	30 ²³	N
Hungary	None	60	8	Y	Y	3	Y	15	Y
Ireland	20(w)	-	15	Y	Y	10	Y	-	Y ²⁴
Italy	None	33	30	N	Y	30	N	9	N
Malta	None	180	14	N	Y	3	N	6	Y

²³ Amended in 2018 by Law 4540/2018

²⁴ New list introduced in 2018. Ireland also had lists under the Refugee Act prior to the International Protection Act adoption

Netherlands	None	8	7/30	Y	Y	7	Y	8	Y
Poland	None	180	14	N	Y	14	Y	30	N
Portugal	None	180	15	N	Y	4-8	Y	30	N
Romania	None	180	10	Y	Y	7	Y	3	N
Slovenia	None	180	15	Y	Y	8	N	14	Y
Spain	None		30/60	Y	Y	60	Y	90	N
Sweden	None		21	Y	Y	-	N	90	N
UK	None	-	14	Y	Y	14	N		Y

6. Summary of Procedures Directive indicator results

6.1 Transposition

As summarised above, whilst all indicators can provide an indication of the harmonisation of the asylum procedures processes in the selected MSs, only three indicators (A – time limits for lodging applications, B – time limits for examining the application in the regular procedure and E – legal assistance in appeals) can be taken as measures of transposition of CEAS, where legal requirements have been specified in the recast Asylum Procedures Directive (where such measurements can be both quantified and the relevant data derived). Out of the 20 countries only five have laid down time limits for lodging an asylum application (Belgium, Croatia, France and Ireland). Whilst the Directive requires MSs to register an asylum application within three working days, ‘recent practice has shown much longer delays before asylum seekers are able to register or formally lodge their applications’ (ECRE 2016: 3; see ECRE (2016) ‘The length of asylum procedures in Europe’ for details). Of the five MS who have set down time limits for lodging an asylum application, these time limits vary from a 15 days (Croatia) to 20 weeks (Ireland), thus there is wide discrepancy. There appears to be a lack of harmonisation on time limits for lodging an asylum application across MSs. Paradoxically there is policy convergence to the extent that the majority of MSs *do not* set time limits on lodging an asylum application according to the AIDA.

All MSs where information was available from ECRE’s AIDA comparator (and excluding UK as opt-out from recast Asylum Procedures Directive) have set a six month time limit for examining an asylum application under the regular procedure as is in line with Article 31. The majority of MSs included in this case selection (12/20) have imposed a 180 days time limit (which roughly equates to six months). A small number of MSs have set shorter time limits including Hungary (60 days), Italy (33 days), and the Netherlands (8 days). Therefore we can conclude that the transposition of Article 31 in terms of a maximum duration to complete a decision on first instance has been adopted, and there appears to be general harmonisation on this specific aspect of CEAS.

Article 20 of recast Asylum Procedures Directive ensures free legal assistance and representation in appeals procedures. All MSs included in the case selection where data was available provide state-funded access to legal advice and/or representation during the appeal stage. However, whilst access is fully guaranteed in some MSs (Austria, Belgium, Spain, France, Croatia, Ireland, Malta, the Netherlands, Portugal, Romania, Sweden and Slovenia) ‘access is possible but difficult in the remaining MS’²⁵. For example, in Poland this only covers legal advice and in Bulgaria this only covers representation. Overall then, the transposition of the recast Asylum Procedures Directive on quantifiable indicators we can derive from AIDA, has been partially adopted but discrepancies remain surrounding time limits for lodging an asylum application.

²⁵ <https://www.asylumineurope.org/comparator/asylum-procedure>

6.2 Harmonisation

There is some variation across MSs included in case selection on time limits for lodging an appeal in the regular procedure from eight days (Hungary) to 75 days (Cyprus – Administrative Court)²⁶. Taking the lower time limit of every MS, the average duration of time limit for lodging an appeal in the regular procedure of the 20 selected MS is 19.45 days, with the mode being 14 days.

In terms of providing legal assistance (state-funded) in the first instance, half the MS provide legal assistance in first instance and half do not. This suggests MSs are not harmonised in the area of providing state-funded legal assistance in the first instance. There is some variation in time limits to appeal against inadmissibility decisions across the selected MSs, from a minimum of three days (Hungary and Malta) to a maximum of 60 days (Spain) with three MSs (France, Belgium and Portugal) specifying a date range with the widest range being France (7-30 days). The average time limit for appeal against inadmissibility decisions (taking the maximum duration for the three MS who specify a range instead of a limit) is 16 days. The majority of MSs included in this case selection adopts a border procedure applied in practice (12/20). However, of these only nine examine the application on the merits at this stage. Eleven of the 20 selected MSs in this case selection practice a safe country of origin list. Overall, harmonisation of the recast Procedures Directive is fragmented. Whilst all MSs are unified in adopting a border procedure, there is fairly wide variations on time limits for lodging an appeal in the regular procedure and appeals against inadmissibility decisions and disjunctions between providing legal assistance in the first instance as well as the use of safe third country of origin lists.

²⁶ Note 20 days in the Refugee Reviewing Authority

Table 4 Revised Reception Conditions Directive (Directive 2013/33/EU)

Indicators	Working time restrictions (y/n)	Formal access to labour market (y/n)	Maximum time limit for access to labour market (months)	Labour market test (y/n)	Sector limitations (y/n)
Austria	Y	Y	3	Y	Y
Belgium	N	Y	4	N	N
Bulgaria	N	Y	3	N	N
Croatia	N	Y	9	Y	N
Cyprus	N	Y	9	Y	Y
France	N	Y	9	N	Y
Germany	N	Y	3	N	Y
Greece	N	Y	0	N	N
Hungary	N	Y	9	N	N
Ireland	N	Y ²⁷	X	N	N
Italy	N	Y	2	N	N
Malta	N	Y	9	N	N
Netherlands	Y	Y	6	N	N
Poland	N	Y	6	N	N
Portugal	N	Y	1 week – 1 month	N	N
Romania	N	Y	3	N	N

²⁷ Ireland allow it based on an interim scheme and will also allow it following RCD transposition

Slovenia	N	Y	9	N	N
Spain	N	Y	6	N	N
Sweden	N	Y	0	N	Y
United Kingdom	N	Y	12	Y	Y

7. Summary of Receptions Condition Directive indicator results

7.1 Transposition

Whilst all indicators can provide an indication of the harmonisation of reception conditions in the selected MSs, only one indicator (L – maximum time limit for access to labour market) can be taken as a measure of transposition of CEAS, as the only quantifiable legal requirement specified (within the indicators available on AIDA relevant for the recast Reception Directive) is Article 15 of the recast Reception Conditions Directive lays down the obligations for MSs concerning access to employment for asylum seekers, and provides that access to the labour market should be granted no later nine months after the application for international protection was lodged. Aside from Ireland and UK – which both originally opted out of the recast Directive²⁸ – all MSs have a time limit for accessing the labour market within the nine months limit specified by Article 15. There is however fairly wide variation between MSs in terms of the maximum time limit for access between 0 months (Greece) and nine months. Six out of the 20 MSs included in this case selection adopt the maximum time limit of nine months (Croatia, Cyprus, France, Hungary Malta, Slovenia). The average time limit for access to the labour market is five months (excluding Ireland and UK) and thus falls below the maximum time limit specified in Article 15. Overall, on the single quantifiable indicator on transposition of revised Reception Conditions Directive, we can conclude that transposition have been successfully adopted across the selected MSs. Having said this, in reality there are many practical obstacles for asylum seekers to be able to access the labour market within this specified period. For example, in Germany whilst asylum seekers are allowed to access the labour market after three months, when staying at a reception centre they are not permitted to work, therefore whilst asylum seekers are obliged to stay in an initial reception centre they cannot access the labour market despite the law decrying access to the labour market.

7.2 Harmonisation

The majority of MSs in this case selection do not place any working time restrictions on asylum seekers. The exceptions are Austria (only allowed to work 168 days per year) and the Netherlands (limited to seasonal work for a maximum period of six months). Overall, there appears to be strong harmonisation on not placing working time restrictions on asylum seekers. In all MSs included in this case selection asylum seekers have formal access to the labour market. The majority of MSs (16/20)

²⁸ However following measures to comply with its Supreme Court ruling of 30 May 2017 which condemned the prohibition on asylum seekers' access to employment, the Irish Minister for Justice and Equality announced that Ireland will be opting into the recast Reception Conditions Directive in November 2017. See: <https://www.ecre.org/ireland-planned-opt-in-to-recast-reception-conditions-directive/>

included in this case selection do not enforce a labour market test on asylum seekers before being permitted to work. The exceptions are Austria, Croatia, Cyprus and the UK.

The majority of MSs in this case selection (14/20) do not impose sector limitations on the type of work asylum seekers are permitted to do. The exceptions are Austria (restricted to tourism, agriculture and forestry), Cyprus (agriculture, fishery, forestry et al.), France (prefectures use regional list of shortages), Germany (no self employment), Sweden (unskilled) and the UK (shortage occupation list). Thus the degree of sector limitations is varied amongst those MSs who impose sector limitations, with Germany for example having a fairly minor limitation of no self-employment in contrast to the UK, which uses a stringent shortage occupation list (for example currently approximately 30 occupations the majority of which are high skilled). Asylum seekers can only apply for these selective jobs if they have been waiting for over 12 months for an initial decision on their asylum claim. Overall, the selected MSs in this case selection are reasonably harmonised on access to employment for asylum seekers with the majority having no working time restrictions, formal access to the labour market, limited use of labour market tests, or sector limitations. However, one must be mindful that in practice there are major impediments to access to employment in some countries such as the UK.

Table 5 Revised Qualification Directives (Directive 2011/95/EU)

Indicators	Duration of residence permits refugees (years)	Duration of residence permits subsidiary protection (years)	Time allowed to stay in reception facilities (months)
Austria	3	1	-
Belgium	5	1	2
Bulgaria	5	3	6
Croatia	5	3	24
Cyprus	3	1	-
France	10	1	3
Germany	3	1	-
Greece	3	3	-
Hungary	5	3	1
Ireland	1	3	-
Italy	5	5	6*SPRAR only
Malta	3	3	12
Netherlands	5	5	-
Poland	3	2	2
Portugal	5	3	-
Romania	3	2	12
Slovenia	10	1-5	0.5

Spain	5	5	6
Sweden	3	1	2
United Kingdom	5	5	1

8. Summary of Qualifications Directive indicator results

8.2 Transposition

Two of the three indicators (O – duration of residence permits for refugees in years; and P – duration of residence permits for subsidiary protection in years) can be taken as measures of transposition as CEAS as under Article 24 of the recast Qualification Directive MSs are required to issue beneficiaries of international protection a residence permit with a minimum duration of three years for refugees and one year for subsidiary protection beneficiaries. All MSs included in this case selection except Ireland (which alongside UK did not opt in to the recast Qualification Directive (Directive 2011/95/EU) have adopted at least three years duration residence permit for refugees and thus all MSs have successfully adopted this requirement. However, it should be stressed that this represents an example of harmonisation at the lowest standards. For example, Austria and Sweden previously granted permanent residence for refugees and then restricted the duration to three years, thus CEAS has been used as an tool to harmonize at lower standards. The duration of residence permits for refugees varies across MSs from the minimum of three years (8/20 MSs) to 10 years (France and Slovenia). The average duration of residence permits for refugees (excluding Ireland and UK) amongst the selected MSs in this case selection is seven years. All MSs included in this case selection have adopted at least one year duration residence permit for those granted subsidiary protection and thus all MSs have successfully adopted this requirement. The duration of residence permits for those granted subsidiary protection varies across MSs from the minimum of one year (6/20 MSs) to five years (Italy and the Netherlands, Slovenia [1-5 years], Spain and the UK). Excluding Ireland and the UK, the average duration²⁹ for a residence permit for those granted international protection amongst the selected MSs is 2.6 years. Overall, on the basis of the two quantifiable indicators on the Qualification Directive the selected MSs transposition has been successful. However, this demonstrates harmonisation to lower standards.

8.3 Harmonisation

Thirteen of the 20 selected MSs in this case selection allow time for asylum seekers to stay in reception facilities. However, of those MSs that permit this, the time permitted to stay in a reception facility varies across MSs. The minimum duration permitted is in Hungary and the UK (1 month), and the maximum is 24 months (Croatia). However, in practice the requirements of stays in reception facilities

²⁹ Taking Slovenia's upper limit as 5 years

vary. In Italy for example, the time limit of six months is only applicable to beneficiaries stay in SPRAR (Sistema di protezione per richiedenti asilo e rifugiati) facilities, with regional variations.

Table 6 Revised Dublin Regulation: Regulation (EU) No 604/2013

Indicators	Dublin appeal automatically suspensive (y/n)	Time limits for appealing a Dublin decision (days)
Austria	N	28
Belgium	N	30
Bulgaria	N	7
Croatia	Y	8
Cyprus	N	20*working days
France	Y	7
Germany	N	7
Greece	Y	15
Hungary	N	8
Ireland	Y	10 *working days
Italy	N	60
Malta	Y	14
Netherlands	N	7
Poland	Y	14
Portugal	Y	5
Romania	Y	7
Slovenia	Y	8
Spain	N	60
Sweden	Y	21
United Kingdom	N	14

9. Summary of Dublin Regulation indicators

Neither of the two indicators are measurements of transposition since Dublin II Regulation does not require MSs to implement automatic suspensive appeal, nor does it specify time limits for appealing a Dublin decision. Thus the two indicators are only a measurement of harmonisation. In nine out of the 20 selected MS appeal is automatically suspensive. In Belgium there is only suspensive effect if it concerns a case that satisfies the extreme urgency test, whereas in Malta when the Refugee Appeals Board hears Dublin appeals the law does not explicitly lay out if automatic suspensive effect is granted although this is the case in practice. Time limits for lodging an appeal against Dublin vary widely across the selected MSs in this case selection. The minimum time limit is seven days (in five countries – Bulgaria, France, Germany, the Netherlands and Slovenia) and the maximum duration is 60 days (Spain). The average time limit for lodging an appeal against a Dublin decision across the selected MSs is 18 days. On the basis of the two indicators we can conclude that there is little in the way of harmonisation on Dublin procedures.

10. Conclusions

Our indicators derived from ECRE's AIDA provide limited scope to assess transposition of CEAS in a quantifiable way. This is namely due to limited specified requirements in terms of quantifiable measurements contained within CEAS legislation, as well as wider data limitations in obtaining asylum procedures. A total of six indicators (our of 19 indicators) can be taken as baseline measures of transposition of CEAS. Overall, the transposition of requirements where explicitly set out as measured by our limited quantifiable indicators demonstrates that the selected MSs (who opt in) have successfully adopted such requirements, including maximum duration of examining the application, providing state-funded legal assistance in appeals, adhering to the maximum time limit for access to labour market, minimum duration of residence permits for refugees and those who are granted international protection. However, whilst transposition of CEAS into national legislation may have been achieved, the practices of these procedures often involve significant obstacles, barriers and caveats which may not be in practice achieve the various goals of CEAS stature. Moreover, in terms of harmonisation of CEAS more generally, our indicators suggest that there is wide variation and discrepancy on asylum procedures, reception conditions and Dublin appeals. Having said this, there appears to be relative harmonisation on access to the labour market, with the majority of MSs in this case selection not imposing working time or sector restrictions. However, as many commentators, researchers and academics have stressed, overall Member States seem to use harmonisation as an argument or legitimation to change higher national standards to lower EU wide standards.

Appendix 1: Member States applying CEAS and Transposition

	Recast Asylum Procedures Directive Directive 2013/32/EU		Recast Reception Conditions Directive Directive 2013/33/EU		Recast Qualification Directives Directive 2011/95/EU		Recast Dublin Regulation (EU) No 604/2013		EURODAC Regulation 2013 Regulation (EU) No 603/2013
	Date of transposition; Official title of corresponding act		Date of transposition; Official title of corresponding act		Date of transposition; Official title of corresponding act		Date of transposition; Official title of corresponding act		
Austria	X 20/07/15	Aliens Law Amendment Act (FrÄG 2015)	X 20/07/15	Aliens Law Amendment Act (FrÄG 2015)	X 01/01/14 Federal Act concerning the Granting of Asylum (AsylG)	Aliens Law Restructuring Law - Adjustment Law	X 20/07/15	Aliens Law Amendment Act (FrÄG 2015)	X
Belgium	X 21/11/17; 17/12/217	Law of 21 November 2017 amending the Aliens Act	X 21/11/17	Law of 21 November 2017 amending the Aliens Act	X 01/09/13; 3/09/15; 21/10/17	Law of 10 August 2015 amending the Aliens Act	X		X

		Law of 17 December 2017 amending the Aliens Act			Law of 8 May 2013 amending the Aliens Act	Law of 21 November 2017 amending the Aliens Act			
Bulgaria	X 27/12/17	Law on Asylum and Refugees	X 16/10/15	Law on Asylum and Refugees	X 16/10/15	Law on Asylum and Refugees	X 16/10/15	Law on Asylum and Refugees	X
Croatia	X 02/7/15	Law on International and Temporary Protection	X 02/7/15	Law on International and Temporary Protection	X 22/11/13	Amendment to the Law on Asylum	X 02/7/15	Law on International and Temporary Protection	X
Cyprus	X 14/10/16	The Refugees (Amendment) Law of 2016 N. 105(I)/2016	X 14/10/16	The Refugees (Amendment) Law of 2016 N. 105(I)/2016	X 15/04/14	The Refugees (Amendment) Law of 2014 N. 58(I)/2014	X 14/10/16	The Refugees (Amendment) Law of 2016	X

Czech Republic	X		X		X		X		X
Denmark									*separate agreement to apply initial EURODAC Regulation from 2000
Estonia	X		X		X		X		X
Finland	X		X		X		X		X
France	X 29/07/15	Law n. 2015-925 of 29 July 2015 on the reform of asylum law	X 29/07/15	Law n. 2015-925 of 29 July 2015 on the reform of asylum law	X 29/07/15	Law n. 2015-925 of 29 July 2015 on the reform of asylum law	X 29/07/15	Law n. 2015-925 of 29 July 2015 on the reform of asylum law	X
Germany	X 20/10/15 06/08/16	Asylum Procedures Acceleration Act Integration Act (provisions on	X 5/11/14	Act on classification of further states as safe countries of origin and on the facilitation	X 1/12/13	Act for the Transposition of the Directive 2011/95/EU	X 1/08/15	Act on the redefinition of the right to stay and on the termination of stay	X

		inadmissibility only)		of access to the labour market for asylum seekers and tolerated foreigners					
Greece	X 3/04/16	Law 4375/2016 "Organisation and functioning of the Asylum Service, Appeals Authority, Reception and Identification Service, establishment of General Secretariat for Reception, transposition	X 3/04/16 22/05/18	Partial transposition of Articles 8-11 Law 4375/2016 (Article 46) Law 4540/2018	X 21/10/13	Presidential Decree 141/2013 "on the transposition of Directive 2011/95/EU into Greek legislation"	X 3/04/16	Law 4375/2016	X

		of Directive 2013/32/EU of the European Parliament and of the Council 'on common procedures for granting and withdrawing international protection (recast)' (L 180/29.6.2013), provisions on employment of beneficiaries of international protection" and other provisions.							
Hungary	X 1/08/15	Act CVI of 2015; Act	X	Decree of the Minister	X	Act XCIII of 2013			

	15/09/15	CXXVII of 2015 Act CXL of 2015	15/06/13 1/07/13 1/08/15	of the Interior No. 29/2013 Act XCIII of 2013 Act CXXVII of 2015	15/06/13 1/07/13 15/03/14 1/07/14 1/08/15	Act CXXVII of 2015	X	X
Ireland					*2004 Directive still applies * Draft Statutory Instrument transposing the RCD not publicly available		X	X
Italy	X 15/09/15	Decreto legislativo 18 agosto 2015, n. 142 "Attuazione della direttiva 2013/33/UE recante norme relative all'accoglienza dei richiedenti protezione internazionale	X 15/09/15	Decreto legislativo 18 agosto 2015, n. 142 "Attuazione della direttiva 2013/33/UE recante norme relative all'accoglienza dei richiedenti protezione internaziona	X 21/02/14	Decreto Legislativo 21 febbraio 2014, n. 18 "Attuazione della direttiva 2011/95/UE recante norme sull'attribuzione, a cittadini di paesi terzi o apolidi, della qualifica di beneficiario di protezione internazionale, su uno status uniforme per i rifugiati o per le	X	X

		e, nonché della direttiva 2013/32/UE, recante procedure comuni ai fini del riconoscimento e della revoca dello status di protezione internazionale”		le, nonché della direttiva 2013/32/UE , recante procedure comuni ai fini del riconoscimento e della revoca dello status di protezione internazionale”		persone aventi titolo a beneficiare della protezione sussidiaria, nonché sul contenuto della protezione riconosciuta”			
Latvia	X		X		X		X	X	
Lithuania	X		X		X		X	X	
Luxembourg	X		X		X		X	X	
Malta	X 11/12/15	Procedural Standards for Granting and Withdrawing International Protection Regulations, Legal Notice 416 of 2015	X 11/12/15	Reception of Asylum Seekers Regulations, Legal Notice 417 of 2015	X 3/03/15 11/12/15	Refugees (Amendment) Act, No VI of 2015 Procedural Standards for Granting and Withdrawing International	X 11/12/15	Reception of Asylum Seekers Regulations, Legal Notice 417 of 2015	X

						Protection Regulations, Legal Notice 416 of 2015			
Netherlands	X 20/07/15	Wet van 8 juli 2015 wijziging van de Vreemdelingenwet 2000 ter implementatie van Richtlijn 2013/32/EU van het Europees parlement en de Raad van 26 juni 2013 betreffende gemeenschappelijke procedures voor de toekenning en intrekking van de	X 20/07/15	Wet van 8 juli 2015 wijziging van de Vreemdelingenwet 2000 ter implementatie van Richtlijn 2013/32/EU van het Europees parlement en de Raad van 26 juni 2013 betreffende gemeenschappelijke procedures voor de toekenning en	X 1/10/13	Wet van 29 oktober 2008 wijziging van de Vreemdelingenwet 2000 ter implementatie van richtlijn 2004/83/EG van de Raad van 29 april 2004 betreffende minimumnormen voor de erkenning en de status van onderdanen van derde landen en staatlozen als vluchteling of als persoon die anderszins internationale bescherming behoeft, en de inhoud van de verleende	X		X

		internationale bescherming (PbEU 2013, L 180) en Richtlijn 2013/33/EU van het Europees parlement en de Raad van 26 juni 2013 tot vaststelling van normen voor de opvang van verzoekers om internationale bescherming (PbEU 2013, L 180)		intrekking van de internationale bescherming (PbEU 2013, L 180) en Richtlijn 2013/33/EU van het Europees parlement en de Raad van 26 juni 2013 tot vaststelling van normen voor de opvang van verzoekers om internationale bescherming (PbEU 2013, L 180)		bescherming (PbEU L 304)			
Poland	X	Ustawa z dnia 10	X	Ustawa z dnia 10	X	Ustawa z dnia 26 czerwca 2014 r. o	X	Ustawa z dnia 10 września 2015 r. o	X

	13/09/15	wrzesnia 2015 r. o zmianie ustawy o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej oraz niektórych innych ustaw	13/09/15	wrzesnia 2015 r. o zmianie ustawy o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej oraz niektórych innych ustaw	30/08/14	zmianie ustawy o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej oraz niektórych innych ustaw (Dz.U. 2014, poz. 1004)	13/09/15	zmianie ustawy o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej oraz niektórych innych ustaw	
Portugal	X 5/05/14	Act n. 26/2014 of 5 May 2014 amending Act n. 27/2008, transposing Directives 2011/95, 2013/32/EU and 2013/33/EU	X 5/05/14	Act n. 26/2014 of 5 May 2014 amending Act n. 27/2008, transposing Directives 2011/95, 2013/32/EU and 2013/33/EU	X 5/05/14	Act n. 26/2014 of 5 May 2014 amending Act n. 27/2008, transposing Directives 2011/95, 2013/32/EU and 2013/33/EU	X 5/05/14	Act n. 26/2014 of 5 May 2014 amending Act n. 27/2008, transposing Directives 2011/95, 2013/32/EU and 2013/33/EU	X

Romania	X 24/12/15	Legea nr. 331/2015 pentru modificarea și completarea unor acte normative în domeniul străinilor	X 24/12/15	Legea nr. 331/2015 pentru modificarea și completarea unor acte normative în domeniul străinilor	X 27/01/14	Ordonanța nr. 1/2014 pentru modificarea și completarea Legii nr. 122/2006 privind azilul în România și a Ordonanței Guvernului nr. 44/2004 privind integrarea socială a străinilor care au dobândit o formă de protecție sau un drept de ședere în România, precum și a cetățenilor statelor membre ale Uniunii Europene și Spațiului Economic European	X 24/12 /15	Legea nr. 331/2015 pentru modificarea și completarea unor acte normative în domeniul străinilor	X	
Slovakia	X		X		X		X		X	
Slovenia	X		X		X		X		X	
Spain	* The Proyecto de Real Decreto aims to introduce the Implementing Regulation for the 2009 Act. Transposition of the recast <i>acquis</i> is not even at draft stage									X

Sweden	X 16/12/16	Law (2016:1243) amending the Aliens Act	X	No transpositio n, as the Swedish reception system is deemed in line with recast standards	X 26/11/14	Law (2013/14: SfU20) amending the Aliens Act	X 17/06/14	Law (2013/14: SfU20) amending the Aliens Act due to the entry into force revised Dublin Regulation	X
United Kingdom					*2004 Directive still applies		X		X

The research project CEASEVAL (“Evaluation of the Common European Asylum System under Pressure and Recommendations for Further Development”) is an interdisciplinary research project led by the Institute for European studies at Chemnitz University of Technology (TU Chemnitz), funded by the European Union’s Horizon 2020 research and innovation program under grant agreement No 770037.) It brings together 14 partners from European countries aiming to carry out a comprehensive evaluation of the CEAS in terms of its framework and practice and to elaborate new policies by constructing different alternatives of implementing a common European asylum system. On this basis, CEASEVAL will determine which kind of harmonisation (legislative, implementation, etc.) and solidarity is possible and necessary.