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3.1. From EASO to the EUAA

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icon for transition of easo to euaa

EASO was established in 2010 under Regulation (EU) No 439/2010 and became operational in 2011 as a centre of expertise on asylum, contributing to the implementation of CEAS. Since its establishment, EASO played a key role in:

- Managing the exchange of information and best practices;
- Ensuring quality and convergence in the assessment of protection needs;
- Monitoring developments in the area of asylum;
- Building capacity in countries and developing material to train experts; and
- Providing operational and technical assistance to Member States where asylum and reception systems are under particular pressure.

With quickly-changing migratory patterns and following the high influx of applicants for international protection in 2015-2016, the Agency was operating at the limits of its mandate to offer support to Member States. The European Commission presented a proposal on 6 April 2016 to transform EASO into the EUAA as part of the CEAS reform.271 Following political agreement between the Council Presidency and the European Parliament in June 2021, and the formal adoption in December 2021, the Regulation (EU) 2021/2303 on the Establishment of a European Union Agency for Asylum entered into force on 19 January 2022.272, 273

The EUAA Regulation extended the Agency's mandate to offer greater operational and technical support to foster efficiency in asylum systems; improve and accelerate the provision of assistance at the request of Member States; further develop operational standards, indicators and practical guidelines to inform uniform, high-quality decision-making in asylum cases; better monitor and report on the functioning of national asylum and reception systems; contribute to capacity-building in non-EU countries; and support EU+ countries with resettlement schemes. Key changes in the Agency's mandate include:

Reserve pool of national asylum experts

icon for euaa reserved pool of experts

The regulation foresees the establishment of a reserve pool of 500 national experts in asylum to be deployed in Member States which require assistance in the event of disproportionate

pressure on their asylum and reception systems. There is an obligation for all Member States to contribute to the pool, enabling the Agency to always have a certain number of experts ready for deployment in emergency situations. The regulation also introduces more flexibility in the composition of asylum support teams, so experts who are not employed by the Agency can be included. In addition, the EUAA is now mandated to participate in Migration Management Support Teams, which cater to Member States that need support from more than one agency at the same time.

Fundamental rights

icon for euaa fundamental rights officer

The regulation introduces provisions to ensure that the Agency's tasks fully adhere to fundamental rights. An independent Fundamental Rights Officer, who will answer to the Agency's Management Board, will be appointed and be responsible for the development of the Agency's Fundamental Rights Strategy. A complaints mechanism will be established to respond to claims of breaches of fundamental rights in the context of the Agency's operations. The regulation also reinforces the Agency's Consultative Forum, which will increasingly focus its work on fundamental rights related to asylum and work closely with the Fundamental Rights Officer.

Liaison officers

icon for liaison officers

The regulation introduces an obligation for the EUAA to deploy Liaison Officers in Member States, which will allow foster cooperation and coordination. A possibility is also foreseen for the deployment of Liaison Officers to third countries.

Monitoring mechanism

icon for monitoring mechanism

Under the new mandate, the EUAA will monitor the operational and technical implementation of CEAS in Member States in order to prevent shortcomings, identify existing limitations, assess national capacity to manage pressure and assist Member States to address such issues when identified. A much-discussed element of the new mandate, the monitoring mechanism will be rolled out gradually starting at the end of 2023. A key step will be the development of a methodology and agreement on a calendar by the Agency's Management Board.

At the end of 2023, the Agency will start the monitoring process as the first part of the monitoring mechanism will enter into force and begin sharing findings with Member States. Once the existing Dublin III Regulation is replaced by the proposal for an Asylum and Migration Management Regulation, the second part of the mechanism will enter into force through which the Agency can make recommendations for specific measures to be taken by Member States to address shortcomings. The regulation also foresees the possibility for the European Commission to make proposals for Council Implementing Acts, identifying specific measures and requiring Member States to cooperate with the Agency in their implementation.

Another important change was the inclusion of country guidance in the Agency’s mandate. While the Agency already produces this information in cooperation with Member States on the basis of Council Conclusions, it now has a legal basis, which also requires Member States to take country guidance into account when assessing a claim for protection.

The Agency will continue to coordinate the exchange of information and produce analyses and publications on key asylum-related themes. The regulation foresees the creation of databases and web portals with quantitative and qualitative information, part of which will be publicly accessible. In addition to reporting on the situation of asylum in the EU, information collection and analysis will also focus on developments in third countries which may have an impact on the EU. The Agency is to report on its analysis to the European Parliament twice a year.

Building on existing work in the area of training, the regulation covers additional themes with a clearer focus on reception, resilience and stress management for asylum and reception staff. The regulation also foresees that the Agency should verify and, where necessary, ensure that experts who are deployed as part of the asylum support teams, including experts not employed by it, or are part of the asylum reserve pool, have received training that is relevant for their duties and necessary for their participation in the Agency's operational activities.

Finally, the regulation introduces the role of a Deputy Executive Director who is appointed by the Management Board and assists the Executive Director in the management of the Agency.

- 271Proposal 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, COM/2016/0271 final, 2016/0131 (COD). https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52016PC0271
- 272Council of the European Union. (2021, June 29). EU asylum agency: Council presidency and European Parliament reach provisional agreement [Press release]. https://www.consilium.europa.eu/en/press/press-releases/2021/06/29/eu-asylum-agency-council-presidency-and-european-parliament-reach-provisional-agreement/
- 273European Union Agency for Asylum. (2022, January 19). New EU Agency for Asylum starts work with reinforced mandate [Press release]. https://www.euaa.europa.eu/news-events/new-eu-agency-asylum-starts-work-reinforced-mandate

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