

## Evidence in the CEAS – Innovative solutions for implementing legislation

### Mutual learning seminar

#### Evidence to guide the implementation of the Pact: focus on the recast Reception Conditions Directive and the Asylum Procedure Regulation

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12 September 2024, 09h00 to 13h30

Atelier29, Rue Jacques de Lalaing 29, Brussels

The Mutual Learning Seminar takes place within the INNOVATE project, supported by EU funding under the Horizon 2020 programme. The objective of INNOVATE is to identify innovative solutions to respond to the challenge of using evidence in policy making on asylum and migration. The Seminar will examine the evidence available to support implementation of the reforms of the EU's Common European Asylum System (CEAS) known as "the Pact". It will focus on two pieces of legislation: the recast Reception Conditions Directive (RCD) and the Asylum Procedure Regulation (APR), seeking to 1) collate and debate evidence relevant to implementation of the legislation and 2) identify opportunities to use the evidence to inform policy-making.

#### Agenda

**09h00: Registration and welcome coffee**

**09h30 – 11h15: Session I – Evidence to support implementation of the recast RCD**

***Facilitator: ECRE***

The legislation that forms part of the reforms of the CEAS entered into force in June 2024 and will be applicable in full, after a transition period, in two years' time. The reforms include a recast of the RCD which has been which will have to be transposed into national systems by July 2026. The recast was launched by the Commission in 2016 and largely agreed by the co-legislators by 2018, although it was not adopted until 2024 as part of the Pact.

In proposing a recast of the RCD, rather than its replacement by a regulation, the Commission noted that the lack of harmonisation stemmed primarily from Member States' poor implementation of their obligations under the law, and that preserving discretion to use different reception modalities was important. Since then, a large-scale study of implementation of the RCD, published in 2023, reached similar conclusions, setting out the evidence from across the EU on the major gaps in implementation of the RCD, including delays in provision of reception conditions, poor quality of reception conditions, unlawful denial of reception to certain categories of applicant, failure to provide for applicants with special reception needs, and regular "reception crises" relating to these points.

The first session, using the sounding board method, will collect input from practitioners, policy-makers and academics on the evidence available to inform implementation of the recast RCD and on the points in the implementation process where there are opportunities to use the available evidence. The session will consider both evidence relevant to changes that are brought about by the recast and

evidence relevant to tackling longstanding implementation gaps, where the related legal obligations remain part of the legal framework.

The participants will be invited to share evidence to inform their assessments, predictions, and recommendations, covering the following questions:

- According to the evidence, what are the most significant implementation gaps on reception conditions in your country or across the EU as a whole which should be tackled in implementation of the recast RCD?
- How can existing evidence from research and data analysis on reception conditions be best utilised to support effective implementation of the recast RCD?
- What challenges and opportunities do you foresee emerging during and after the transposition of the recast RCD into national legislation?
- What challenges and opportunities to use evidence to support implementation of the recast RCD arise from the implementation plans for the Pact?
- What strategies should be employed to ensure that adequate resources are allocated to address implementation challenges and existing gaps in national reception systems, based on the evidence available?

#### **11h15 – 11h30: Coffee Break**

#### **11h30 – 13h30: Session II: Evidence to support implementation of the APR**

##### ***Facilitator: ECRE***

The reform of the CEAS adopted in 2024 includes the APR, a lengthy and complex regulation which replaces the Asylum Procedures Directive (the APD). The APR sets out detailed rules on the examination of asylum applications, on the rights and obligations of applicants, on the use of special procedures, and on appeals in the asylum context. One of its central pillars is the expanded – and in some circumstances mandatory – use of special procedures including admissibility assessments, accelerated procedures, asylum border procedures, and implicit withdrawal procedures.

Evidence on the implementation of the APD and from related areas, such as on the use of detention and on remedies in the asylum context, could help to inform the implementation of the APR. Moreover, the applicability of good practices and lessons learned from the unprecedented triggering of the TPD to the implementation of the asylum reform should be explored, to ensure the evidence from the positive and efficient response to the displacement from Ukraine informs the implementation of procedural changes.

Following the same methodology, the second session will invite the participants to share their feedback on the following questions:

- What evidence is available to support implementation of the APR in line with EU primary law and the jurisprudence of the courts?
- Given the new concepts and new approaches and rules included in the APR, which areas of implementation can be informed by evidence?
- What evidence is available to influence outcomes where there is legal uncertainty in the APR?
- What strategies should be employed to ensure that evidence informs the implementation plans for the Pact, including the APR?