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OUTCOME OF PROCEEDINGS

from : Strategic Committee on Immigration, Frontiers and Asylum

on : 29 January 2003

No. prev. doc. : 5293/03 ASILE 3

No. Cion prop. : 13620/01 ASILE 52 - COM(2001) 510 final

Subject : Proposal for a Council Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection

I

At its meeting on 29 January 2003, the Strategic Committee on Immigration, Frontiers and Asylum examined Articles 21A and 24 of the above-mentioned proposal on the basis of a compromise text suggested by the Presidency.

Delegations will find in section II below the text of these Articles as modified by the Presidency following the discussions at the Strategic Committee. Delegations comments are set out in the footnotes.

Changes to 5293/03 ASILE 3 are in bold.

II

Article 21A

Maintaining family unity

1. Member States shall ensure that family members of the [...] beneficiary of refugee or subsidiary protection status, [...] who do not individually qualify for such status, are entitled to the benefits referred to in this Chapter, **unless such family members already enjoy more favourable benefits pursuant to other provisions of Community or national law.**¹
2. The rule laid down in paragraph 1 is not applicable where the family member is excluded from refugee or subsidiary protection status² pursuant to Chapters III and V.
3. Member States may decide that paragraph 1 also applies to other close relatives who lived together as part of the family at the time of leaving the country of origin, and who were wholly or mainly dependent on the beneficiary of refugee or subsidiary protection status at that time.³

¹ **DELETED**: scrutiny reservations.

DELETED: read "Member States shall ensure that members of the family of the beneficiary of refugee or subsidiary protection status who do not individually qualify for such status may claim the benefits referred to in this Chapter, in accordance with the procedure laid down by the Member States."

DELETED: read "Member States shall ensure that family members of the beneficiary of refugee status and to whom Article 2(c) does not apply are entitled to the benefits referred to in this Chapter. Member States may lay down that family members are entitled to the benefits only if they lodged an application for international protection before or at the same time as the beneficiary of refugee status or without any delay after entering the territory of the Member State."

DELETED: family members should be given the same status as beneficiaries of refugee or subsidiary protection status.

² **DELETED**: delete the words "or subsidiary protection status".

³ **DELETED**: add a paragraph 4 as follows :

"Member States may lay down that paragraphs 1 to 3 apply to family members of beneficiaries of subsidiary protection status. They shall ensure that family members receive at least the same benefits as asylum seekers according to the Council Directive laying down minimum standards for the reception of asylum seekers in the Member States."

Article 24

Access to employment

1. Member States shall authorise beneficiaries of refugee status to engage in employed or self-employed activities under equivalent conditions as nationals, immediately after the refugee status has been granted.
2. Member States shall ensure that activities such as employment-related education opportunities for adults, vocational training and practical workplace experience are offered to beneficiaries of refugee status, under equivalent conditions as nationals.
3. Member States shall authorise beneficiaries of subsidiary protection status to engage in employed or self-employed activities under equivalent conditions as nationals immediately after the subsidiary protection status has been granted.
4. **For reasons of labour market policies and not later than [one year] after the subsidiary protection status has been granted, Member States may give priority to EU citizens and citizens of States bound by the Agreement on the European Economic Area and also to legally resident third-country nationals who receive unemployment benefit.¹**
5. Member States shall ensure that beneficiaries of subsidiary protection status have access to activities such as employment-related education opportunities for adults, vocational training and practical workplace experience, under conditions to be decided by the Member States.
6. The general law in force in the Member States applicable to remuneration, access to social security systems relating to employed or self-employed activities and other conditions of employment shall apply.

¹ **DELETED** : beneficiaries of subsidiary protection status should enjoy similar conditions as beneficiaries of refugee status.

DELETED : if exceptions to access to employment are allowed, an exhaustive list should be established.

DELETED : add that Member States may establish different or supplementary modalities concerning access to employment of beneficiaries of subsidiary protection status.