



ΕΥΡΩΠΑΪΚΟ ΚΕΝΤΡΟ ΑΡΙΣΤΕΙΑΣ JEAN MONNET  
ΕΘΝΙΚΟ ΚΑΙ ΚΑΠΟΔΙΣΤΡΙΑΚΟ ΠΑΝΕΠΙΣΤΗΜΙΟ ΑΘΗΝΩΝ  
JEAN MONNET EUROPEAN CENTRE OF EXCELLENCE  
NATIONAL AND KAPODISTRIAN UNIVERSITY OF ATHENS



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Εθνικόν και Καποδιστριακόν  
Πανεπιστήμιον Αθηνών



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## PRESS RELEASE

### Online Seminar “*Asylum and Refugee Law: Recent European Developments*”

#### 2<sup>nd</sup> Meeting: “*The Common European Asylum System (CEAS): Establishment, Development, Law in effect*”

On **Thursday 4 May 2023** the Jean Monnet European Center of Excellence of the National and Kapodistrian University of Athens held the second meeting of the online seminar “*Asylum and Refugee Law: Recent European Developments*”. The specific subject treated in this session was “*The Common European Asylum System (CEAS): Establishment, Development, Law in effect*”.

The discussion was coordinated by Mr **Ioannis Stribis**, Assistant Professor at the University of the Aegean, and Scientific Director at the Jean Monnet European Center of Excellence of the University of Athens. Mr. Stribis first welcomed the speakers and attendees to the meeting, and then made a short introduction to the theme.

The first speaker, Mr **Manolis Perakis**, Associate Professor at the Law School of the University of Athens, and member of the Board of the Jean Monnet Center, treated the specific topic of the EU – Turkey Joint Statement of 18 March 2016. He began by expressing doubt as to whether the Statement is a legally binding instrument, while stressing the fact that it still applies to EU – Turkey relations insofar migration is concerned. He continued with an overview of the events that led to the Statement, thus shedding light on its rationale and underlying logic (civil war in Syria that only in 2015-2016 generated 5 million refugees, of which 1 million arrived in Greece via Turkey). Prof. Perakis explained the Statement’s content and analyzed its legal issues, with an emphasis on its legal nature. The Statement is not a legally binding international agreement binding the EU, a conclusion also reached by the European Parliament’s Legal Service, the General Court and the Court of Justice of the EU (ECJ). The speaker also elaborated on the issue of Turkey as a “safe third country” and in relation with Directive 2013/32/EU, by virtue of which the Geneva Convention was incorporated into EU law. More particularly, Prof. Perakis examined whether Turkey can qualify as a “safe third country” according to the minimum standards set by the above Directive. There are reasonable doubts as to Turkey’s characterization as a “safe third country”, despite the European Council and European Commission’s strong stance that Turkey is a “safe third country”. Next, the speaker highlighted the problems of practical nature in implementing the Statement, such as the technical deficiencies, the distribution of refugees among Member States under the “one for one” arrangement, and Turkey’s manipulations in order to extort benefits from the EU. Furthermore, Prof. Perakis gave examples of how the Statement is treated in Greek case-law, and in judgments of the Greek Council of State in particular. Lastly, after exemplifying the implementation of the EU – Turkey Joint Statement in numbers of (two-way) returned asylum seekers, the speaker asked the critical question if the Statement has been effective in deed, and if it brought about the intended change, notwithstanding its legal and real defects.



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The second speaker, Dr **Anastasios Brakatsoulas**, Ph.D. in European Law and postdoctoral researcher at the Law School of the University of Athens, presented the timeline of the development of the CEAS, and analyzed its legal principles. The first phase of the development of a common asylum system, that preceded the CEAS, covered the efforts to jointly regulate the asylum matters from 1990 with the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the -then- European Communities (“Dublin I”), and the Treaty of Maastricht in 1992, until the Amsterdam Treaty in 1997(1999). The second phase of the CEAS begins in 1999 with the Conclusions of the Tampere European Council, is continued with the EU Charter of Fundamental Rights in 2000, Dublin II and six Directives in 2003, and ends in 2005 with the Hague Programme for 2004-2009. The landmarks of the CEAS third phase, that extends up to the present, are the Lisbon Treaty in 2007, the Stockholm Programme in 2009, the Commission’s Proposals on the New Pact on Migration and Asylum in 2020, and the 2019-2024 EU Strategic Agenda. Dr Brakatsoulas presented the fundamental legal principles of the CEAS, as per Articles 77-85 of the TFEU: shared competence between the EU and the Member States; ordinary legislative procedure for adopting relevant legislation; full competence of the ECJ to render rulings on matters pertaining to the Area of Freedom, Security and Justice; and the principles of subsidiarity and proportionality. The speaker then gave an overview of the legal framework of the asylum system [Articles 3, 67(2), 78, 79(1) TEU, 80 TFEU, Protocol No 24 to the TEU], and an outline of Articles 18 and 19 of the EU Charter of Fundamental Rights. He closed his speech with a succinct presentation of some ‘meta-legal’ concepts, such as those of ‘population’ and ‘territory’, of the ‘rights-holder’ and of ‘freedom vs security’.

The third speaker, Ms **Koralia Kontou**, Project Manager in the European Commission DG of Migration and Home Affairs, Lawyer, discussed the state of affairs of the CEAS, and in particular three Directives and two Regulations. She first presented a flow chart of the stages of the asylum procedure, which begins with the collection of fingerprints for Eurodac, and ends with the interview in order for refugee or subsidiary protection status to be granted. Ms Kontou then presented Directive 2013/32/EU (recast) on common procedures for granting and withdrawing international protection, which clarifies and facilitates asylum application procedures compared to the previous Directive, and which foresees more favourable conditions for asylum seekers that belong to vulnerable groups, and especially for unaccompanied minors and victims of torture. Furthermore, Ms Kontou analyzed Directive 2013/33/EU (recast) laying down standards for the reception of applicants for international protection, according to which, while the asylum decision is pending, applicants should be offered accommodation, health and psychological care and employment. Ms Kontou also highlighted the important provision that applicants may be detained only under very clearly defined exceptional circumstances subject to the principles of necessity and proportionality. Additionally, the speaker analyzed the Directive 2011/95/EU (recast) on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection. This is considered as the most important revised Directive, because its main objective is to ensure that beneficiaries of subsidiary protection are granted the same rights and benefits as those enjoyed by refugees, and that the best interests of the child are taken into consideration during the asylum procedure. Ms Kontou also examined the Dublin III Regulation (2013/604) (recast) which establishes the criteria for the determination of the member state



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responsible for examining an asylum application. More specifically, Dublin III defines, among others, that the responsible member state shall be determined on the basis of any available evidence regarding the presence of family members of the applicant, on the territory of that member state. In concluding her speech, she presented the Eurodac Regulation (2014/603) which established a central database in which the fingerprint data of all asylum seekers in the EU are stored, and regulated the conditions under which the member states' competent authorities and the Europol may request the comparison of fingerprint data with those stored in Eurodac for law enforcement purposes.

The discussion that followed was coordinated by Professor Stribis.