

HOUSE OF LORDS

SESSION 2002–03
43rd REPORT

SELECT COMMITTEE ON
THE EUROPEAN UNION

EVIDENCE BY LORD FILKIN CBE ON
THE PROPOSED COUNCIL DIRECTIVE
DEFINING REFUGEE STATUS AND
THOSE IN NEED OF INTERNATIONAL
PROTECTION

WITH EVIDENCE

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FORTY-THIRD REPORT

28 OCTOBER 2003

By the Select Committee appointed to consider European Union documents and other matters relating to the European Union.

ORDERED TO REPORT

EVIDENCE BY LORD FILKIN ON THE PROPOSED COUNCIL DIRECTIVE DEFINING REFUGEE STATUS AND THOSE IN NEED OF INTERNATIONAL PROTECTION

6733/03 Asile 11 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

1. In this Report we make available, for the information of the House, the oral evidence given to Sub-Committee E (Law and Institutions)¹ by Lord Filkin on the proposed Council Directive².

2. The key topics in the evidence are:

Progress of negotiations (QQ 2, 24)

Subsidiary protection (QQ 2, 7)

Minimum standards (QQ 4, 21, 23)

Definition of “family members” (QQ 9–20)

Procedural elements (QQ 29–36)

Non State actors (QQ 43–45)

Protection other than by the State (QQ 46–54)

Relationship with Geneva Convention (Q 52)

Exclusion from protection (QQ 2, 57–60, 63)

Terrorist-proofing (Q 53)

Differences between the two statuses (QQ 2, 41, 65)

Timetable (Q 66)

3. The draft Directive remains the subject of negotiations. The Seville European Council (June 2002) called upon the Member States to finalise the negotiations by the end of 2003. When the Council of Ministers last discussed it (at the Justice and Home Affairs Council on 5/6 June) COREPER was instructed “to further examine [the Directive] with a view to reaching an agreement as soon as possible”.

¹ Members of the Sub-Committee are listed in the Appendix.

² The original Proposal was the subject of a detailed inquiry by the Committee: *Defining Refugee Status and those in need of international protection* (28th Report, Session 2001-02, HL Paper 156).

APPENDIX

Sub-Committee E (Law and Institutions)

The members of Sub-Committee E are:

Lord Brennan
Lord Fraser of Carmyllie
Lord Grabiner
Lord Henley
Lord Lester of Herne Hill
Lord Mayhew of Twysden
Lord Neill of Bladen
Lord Plant of Highfield
Lord Scott of Foscote (Chairman)
Baroness Thomas of Walliswood
Lord Thomson of Monifieth