

## Consolidated version of the Treaty on the Functioning of the European Union

### PART THREE

#### UNION POLICIES AND INTERNAL ACTIONS

#### TITLE V

#### AREA OF FREEDOM, SECURITY AND JUSTICE

#### CHAPTER 2

#### POLICIES ON BORDER CHECKS, ASYLUM AND IMMIGRATION

##### *Article 78*

##### **(ex Articles 63, points 1 and 2, and 64(2) TEC)**

1 The Union shall develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of *nonrefoulement*. This policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties.

2 For the purposes of paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures for a common European asylum system comprising:

- a a uniform status of asylum for nationals of third countries, valid throughout the Union;
- b a uniform status of subsidiary protection for nationals of third countries who, without obtaining European asylum, are in need of international protection;
- c a common system of temporary protection for displaced persons in the event of a massive inflow;
- d common procedures for the granting and withdrawing of uniform asylum or subsidiary protection status;
- e criteria and mechanisms for determining which Member State is responsible for considering an application for asylum or subsidiary protection;
- f standards concerning the conditions for the reception of applicants for asylum or subsidiary protection;
- g partnership and cooperation with third countries for the purpose of managing inflows of people applying for asylum or subsidiary or temporary protection.

3 In the event of one or more Member States being confronted by an emergency situation characterised by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt provisional measures for the benefit of the Member State(s) concerned. It shall act after consulting the European Parliament.