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*Plenary sitting*

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**A8-0171/2018**

22.5.2018

**\*\*\*I**  
**REPORT**

on the proposal for a regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU  
(COM(2016)0467 – C8-0321/2016 – 2016/0224(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Laura Ferrara

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▬ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (COM(2016)0467 – C8-0321/2016 – 2016/0224(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0467),
  - having regard to Article 294(2) and Articles 78(2)(d) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0321/2016),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Czech Senate, the Italian Senate and the Romanian Chamber of Deputies asserting that the draft legislative act does not comply with the principle of subsidiarity,
  - having regard to the opinion of the European Economic and Social Committee of 14 December 2016<sup>1</sup>,
  - having regard to the opinion of the Committee of the Regions of 8 February 2017<sup>2</sup>,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0171/2018),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

#### **Proposal for a regulation**

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<sup>1</sup> OJ C 75, 10.3.2017, p. 97.

<sup>2</sup> OJ C 207, 30.6.2017, p. 67.

### Recital 3

*Text proposed by the Commission*

(3) The Common European Asylum System is based on common standards for asylum procedures, recognition and protection offered at Union level, reception conditions and a system for determining the Member State responsible for asylum seekers. Notwithstanding progress achieved so far in the progressive development of the Common European Asylum System, there are still significant disparities between the Member States in the types of procedures used, the recognition rates, the type of protection granted, the level of material reception conditions and benefits given to applicants and beneficiaries of international protection. These divergences **are important drivers of secondary movements and** undermine the objective of ensuring that in a Common European Asylum System all applicants are **equally treated** wherever they apply in the Union.

*Amendment*

(3) The Common European Asylum System is based on common standards for asylum procedures, recognition and protection offered at Union level, reception conditions and a system for determining the Member State responsible for asylum seekers. Notwithstanding progress achieved so far in the progressive development of the Common European Asylum System, there are still significant disparities between the Member States in the types of procedures used, the recognition rates, the type of protection granted, the level of material reception conditions and benefits given to applicants and beneficiaries of international protection. These divergences undermine the objective of ensuring that in a Common European Asylum System **the highest standards apply, in full compliance with fundamental rights and the Geneva Convention, to** all applicants, wherever they apply in the Union.

### Amendment 2

#### Proposal for a regulation

#### Recital 6

*Text proposed by the Commission*

(6) A common procedure for granting and withdrawing international protection should **limit the secondary movements of applicants for international protection between Member States, where such movements would be caused by differences in legal frameworks**, by replacing the current discretionary provisions with harmonised rules and by clarifying the rights and obligations of applicants and the consequences of non-compliance with those obligations, and create equivalent conditions for the

*Amendment*

(6) A common procedure for granting and withdrawing international protection should **create incentives for applicants to remain and integrate in the territory of the Member State responsible for examining their asylum applications**, by replacing the current discretionary provisions with harmonised rules and by clarifying the rights and obligations of applicants and the consequences of non-compliance with those obligations, and create equivalent conditions for the application of Regulation (EU) No

application of Regulation (EU) No  
XXX/XXX (Qualification Regulation) in  
Member States.

XXX/XXX (Qualification Regulation) in  
Member States.

### Amendment 3

#### Proposal for a regulation

##### Recital 7

*Text proposed by the Commission*

(7) This Regulation should apply to **all** applications for international protection made in the territory of the Member States, including those made at the external border, on the territorial sea or in the transit zones of Member States, and the withdrawal of international protection. Persons seeking international protection who are present on the territorial sea of a Member State should be disembarked on land and have their applications examined in accordance with this Regulation.

*Amendment*

(7) This Regulation should **only** apply to applications for international protection made in the territory of the Member States, including those made at the external border, on the territorial sea or in the transit zones of Member States, and the withdrawal of international protection. Persons seeking international protection who are present on the territorial sea of a Member State should be disembarked on land and have their applications examined in accordance with this Regulation.

### Amendment 4

#### Proposal for a regulation

##### Recital 10

*Text proposed by the Commission*

(10) The resources of the Asylum, Migration and Integration Fund should be mobilised to provide adequate support to Member States' efforts in applying this Regulation, in particular to those Member States which are faced with specific and disproportionate pressures on their asylum and reception systems.

*Amendment*

(10) The resources of the Asylum, Migration and Integration Fund should be mobilised to provide adequate support to Member States' efforts in applying this Regulation, in particular to those Member States which are faced with specific and disproportionate pressures on their asylum and reception systems. ***Adequate funding should be made available to local and regional authorities and international and civil society organisations, including by providing local and regional authorities with the possibility to access directly the***

## Amendment 5

### Proposal for a regulation Recital 13

#### *Text proposed by the Commission*

(13) The applicant should be provided with an effective opportunity to present all relevant elements at his or her disposal **to the determining authority**. For this reason, the applicant should, subject to limited exceptions, enjoy the right to be heard through a personal interview on the admissibility or on merits of his or her application, as appropriate. For the right to a personal interview to be effective, the applicant should be assisted by an interpreter and be given the opportunity to provide his or her explanations concerning the grounds for his or her application in a comprehensive manner. The applicant should be given sufficient time to prepare and consult with his or her legal adviser **or counsellor**, and he or she may be assisted by the legal adviser **or counsellor** during the interview. The personal interview should be conducted under conditions which ensure appropriate confidentiality and by adequately trained and competent personnel, including where necessary, **personnel from authorities of other Member States or** experts deployed by the European Union Agency for Asylum. The personal interview may only be omitted when the determining authority is to take a positive decision on the application or is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstance beyond his or her control. Given that the personal interview is an essential part of the examination of the application, the interview should be recorded and the applicants and their legal advisers should be given access to the recording, as well as to the report **or**

#### *Amendment*

(13) **Before the determining authority takes a decision**, the applicant should be provided with an effective opportunity to present **it with** all relevant elements at his or her disposal. For this reason, the applicant should, subject to limited exceptions, enjoy the right to be heard through a personal interview on the admissibility or on merits of his or her application, as appropriate. For the right to a personal interview to be effective, the applicant should be assisted by an interpreter, **a legal representative and a cultural mediator, where necessary and appropriate**, and **should** be given the opportunity to provide his or **her** explanations concerning the grounds for his or her application in a comprehensive manner. The applicant should be given sufficient **and appropriate** time to prepare and consult with his or her legal adviser **in relation to the admissibility and substantive interviews**, and he or she may be assisted by the legal adviser during the interview. The personal interview should be conducted under conditions which ensure appropriate confidentiality and by adequately trained and competent personnel, including, where necessary, experts deployed by the European Union Agency for Asylum **or, where applicable, personnel from the authorities of other Member States**. The personal interview may only be omitted when the determining authority is to take a positive decision on the application or is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstance beyond his or her control.



*transcript* of the interview before the determining authority takes a decision, **or in the case of an accelerated examination procedure, at the same time as the decision is made.**

Given that the personal interview is an essential part of the examination of the application, the interview should be recorded and the applicants and their legal advisers should be given access to the recording, as well as to the report of the interview before the determining authority takes a decision. ***If the applicant is in need of specific procedural guarantees in accordance with this Regulation, that applicant should have the opportunity to provide the specifications within a reasonable time after the personal interview.***

*(The amendment regarding “specific procedural guarantees” applies throughout the text.)*

## **Amendment 6**

### **Proposal for a regulation Recital 14**

#### *Text proposed by the Commission*

(14) It is in the interests of both Member States and applicants to ensure a correct recognition of international protection needs already at the stage of the administrative procedure by providing good quality information and legal support which leads to more efficient and better quality decision-making. For that purpose, access to legal assistance and representation should be an integral part of the common procedure for international protection. In order to ensure the effective protection of the applicant's rights, particularly the right of defence and the principle of fairness, and to ensure the economy of the procedure, applicants should, upon their request and subject to conditions set out in this Regulation, be provided with free legal assistance and representation during the administrative procedure and in the appeal procedure. The free legal assistance and representation

#### *Amendment*

(14) It is in the interests of both Member States and applicants to ensure a correct recognition of international protection needs already at the stage of the administrative procedure by providing good quality information and legal support which leads to more efficient and better quality decision-making. For that purpose, access to legal assistance and representation should be an integral part of the common procedure for international protection ***at all stages of the procedure.*** In order to ensure the effective protection of the applicant's rights, particularly the right of defence and the principle of fairness, and to ensure the economy of the procedure, applicants should, upon their request and subject to conditions set out in this Regulation, be provided with free legal assistance and representation during the administrative procedure, ***including during personal interviews,*** and in the appeal

should be provided by persons competent to provide them under national law.

procedure. ***Applicants should have the right to an effective remedy before a court or tribunal against a decision not to grant free legal assistance and Member States should ensure that legal assistance and representation is not arbitrarily restricted and that the applicant's effective access to justice is not hindered.*** The free legal assistance and representation should be provided ***as soon as an application for international protection has been registered and*** by persons competent to provide them under national law.

## Amendment 7

### Proposal for a regulation Recital 15

#### *Text proposed by the Commission*

(15) Certain applicants may be in need of ***special*** procedural guarantees due, inter alia, to their age, gender, sexual orientation, gender identity, disability, serious illness, mental disorders or as a consequence of torture, rape or other serious forms of psychological, physical, sexual or gender-based violence. It is necessary to systematically assess whether an individual applicant is in need of ***special*** procedural guarantees and identify those applicants as early as possible from the moment an application is made and before a decision is taken.

#### *Amendment*

(15) Certain applicants may be in need of ***specific*** procedural guarantees due, inter alia, to their age, gender, sexual orientation, gender identity, disability, serious illness, mental disorders or as a consequence of torture, rape, ***trafficking, shipwreck*** or other serious forms of psychological, physical, sexual or gender-based violence. It is necessary to systematically assess whether an individual applicant is in need of ***specific*** procedural guarantees and identify those applicants as early as possible from the moment an application is made and before a decision is taken.

## Amendment 8

### Proposal for a regulation Recital 16

#### *Text proposed by the Commission*

(16) To ensure that the identification of applicants in need of ***special*** procedural

#### *Amendment*

(16) To ensure that the identification of applicants in need of ***specific*** procedural

guarantees takes place as early as possible, the personnel of the authorities responsible for receiving and registering applications should be adequately trained to detect signs of vulnerability *signs* and they should receive appropriate instructions for that purpose. Further measures dealing with identification and documentation of symptoms and signs of torture or other serious acts of physical or psychological violence, including acts of sexual violence, in procedures covered by this Regulation should, inter alia, be based on the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

guarantees takes place as early as possible, the personnel of the authorities responsible for receiving and registering applications should be adequately trained to detect signs of vulnerability and they should receive appropriate instructions for that purpose. Further measures dealing with identification and documentation of symptoms and signs of torture or other serious acts of physical or psychological violence, including acts of sexual violence, in procedures covered by this Regulation should, inter alia, be based on the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). ***A vulnerability assessment should be completed within 30 days.***

## Amendment 9

### Proposal for a regulation

#### Recital 17

##### *Text proposed by the Commission*

(17) Applicants who are identified as being in need of *special* procedural guarantees should be provided with adequate support, including sufficient time, in order to create the conditions necessary for their effective access to procedures and for presenting the elements needed to substantiate their application for international protection. Where it is not possible to provide adequate support in the framework of an accelerated examination procedure or a border procedure, an applicant in need of *special* procedural guarantees should be exempted from those procedures. ***The need for special procedural guarantees of a nature that could prevent the application of accelerated or border procedures should also mean that the applicant is provided with additional guarantees in cases where his or her appeal does not have automatic***

##### *Amendment*

(17) Applicants who are identified as being in need of *specific* procedural guarantees should be provided with adequate support, including sufficient time, in order to create the conditions necessary for their effective access to procedures and for presenting the elements needed to substantiate their application for international protection. Where it is not possible to provide adequate support in the framework of an accelerated examination procedure or a border procedure, an applicant in need of *specific* procedural guarantees should be exempted from those procedures. ***The responsible authorities should make the necessary arrangements in order to provide minors with alternatives to detention in border procedures. Unaccompanied minors should always be exempt from border***

*suspensive effect, with a view to making the remedy effective in his or her particular circumstances.*

*procedures.*

## **Amendment 10**

### **Proposal for a regulation Recital 18**

#### *Text proposed by the Commission*

(18) With a view to ensuring substantive equality between female and male applicants, examination procedures should be gender-sensitive. In particular, personal interviews should be organised in a way which makes it possible for both female and male applicants to speak about their past experiences in cases involving gender-based persecution. For this purpose, women should be given an effective opportunity to be interviewed separately from their spouse, partner or other family members. Where possible, women and girls should be provided with female interpreters and interviewers. Medical examinations on women and girls should be carried out by female medical practitioners, in particular having regard to the fact that the applicant may have been a victim of gender-based violence. The complexity of gender-related claims should be properly taken into account in procedures based on the concept of first country of asylum, the concept of safe third country, the concept of safe country of origin and in the notion of subsequent applications.

#### *Amendment*

(18) With a view to ensuring substantive equality between female and male applicants, examination procedures should be gender-sensitive. In particular, personal interviews should be organised in a way which makes it possible for both female and male applicants to speak about their past experiences in cases involving gender-based ***or sexual orientation*** persecution. For this purpose, women should be given an effective opportunity to be interviewed separately from their spouse, partner or other family members. Where possible, women and girls should be provided with female interpreters and interviewers. Medical examinations on women and girls should be carried out by female medical practitioners, in particular having regard to the fact that the applicant may have been a victim of gender-based violence. The complexity of gender-related claims, ***including claims related to sexual orientation, gender identity, gender expression, and sex characteristics***, should be properly taken into account in procedures based on the concept of first country of asylum, the concept of safe third country, the concept of safe country of origin and in the notion of subsequent applications.

## **Amendment 11**

### **Proposal for a regulation Recital 18 a (new)**

***(18a) Violence that is directed against a person because of that person's gender, gender identity or gender expression, or that affects persons of a particular gender disproportionately should be understood as gender-based violence. Such violence can result in physical, sexual, emotional or psychological harm, or economic loss, to the victim. Gender-based violence should be understood to be a form of discrimination and a violation of the fundamental freedoms of the victim and it includes violence in close relationships, sexual violence, including rape, sexual assault, and harassment, trafficking in human beings, slavery, and different forms of harmful practices, such as forced marriages, female genital mutilation and so-called 'honour-crimes'. Female victims of gender-based violence and their children often require specific support and protection because of the high risk of secondary and repeated victimisation, of intimidation and of retaliation connected with such violence.***

## **Amendment 12**

### **Proposal for a regulation Recital 20**

*Text proposed by the Commission*

(20) The best interests of the child should be a primary consideration of Member States when applying this Regulation, in accordance with Article 24 of the Charter and the 1989 United Nations Convention on the Rights of the Child. In assessing the best interests of the child, Member States should in particular take due account of the minor's well-being and social development, including his or her background. In view of Article 12 of the United Nations Convention on the Rights

*Amendment*

(20) The best interests of the child should be a primary consideration of Member States when applying this Regulation, in accordance with Article 24 of the Charter and the 1989 United Nations Convention on the Rights of the Child. In assessing the best interests of the child, Member States should in particular take due account of the minor's well-being and social development, including his or her background. In view of Article 12 of the United Nations Convention on the Rights

of the Child concerning the child's right to be heard, the determining authority *shall provide a minor the opportunity of* a personal interview unless this is manifestly not in the minor's best interests.

of the Child concerning the child's right to be heard, the determining authority *should ensure a minor's right to be heard by means of* a personal interview unless this is manifestly not in the minor's best interests. ***Border procedures should never be applied to unaccompanied minors. Member States should take the necessary measures to ensure that alternatives to detention are available. Minors should never be detained as part of border procedures, at transit zones, external borders or at any stage during the determination of their asylum application.***

### Amendment 13

#### Proposal for a regulation

##### Recital 21

###### *Text proposed by the Commission*

(21) The common procedure streamlines the time-limits for an individual to accede to the procedure, for the examination of the application by the determining authority as well as for the examination of first level appeals by judicial authorities. Whereas a disproportionate number of simultaneous applications may risk delaying access to the procedure and the examination of the applications, a measure of flexibility to exceptionally extend those time-lines may at times be needed. However, to ensure an effective process, extending those time-limits should be a measure of last resort considering that Member States should regularly review their needs to maintain an efficient asylum system, including by preparing contingency plans where necessary, and considering that the European Union Agency for Asylum should provide Member States with the necessary operational and technical assistance. Where Member States foresee that they would not be able to meet the set time-limits, they should request assistance from the European Union Agency for

###### *Amendment*

(21) The common procedure streamlines the time-limits for an individual to accede to the procedure, for the examination of the application by the determining authority as well as for the examination of first level appeals by judicial authorities. Whereas a disproportionate number of simultaneous applications may risk delaying access to the procedure and the examination of the applications, a measure of flexibility to exceptionally extend those time-lines may at times be needed. However, to ensure an effective process, extending those time-limits should be ***strictly limited and*** a measure of last resort considering that Member States should regularly review their needs to maintain an efficient asylum system, including by preparing contingency plans where necessary, and considering that the European Union Agency for Asylum should provide Member States with the necessary operational and technical assistance. Where Member States foresee that they would not be able to meet the set time-limits, they should request assistance from the

Asylum. Where no such request is made, and because of the disproportionate pressure the asylum system in a Member State becomes ineffective to the extent of jeopardising the functioning of Common European Asylum System, the Agency may, based on an implementing decision of the Commission, take measures in support of that Member State.

European Union Agency for Asylum. Where no such request is made, and because of the disproportionate pressure the asylum system in a Member State becomes ineffective to the extent of jeopardising the functioning of Common European Asylum System, the Agency may, based on an implementing decision of the Commission, take measures in support of that Member State.

## **Amendment 14**

### **Proposal for a regulation**

#### **Recital 22 a (new)**

*Text proposed by the Commission*

*Amendment*

***(22a) In order to increase applicants' understanding of the functioning of the Common European Asylum System it is necessary to improve significantly the provision of information. Investing in the early provision of accessible information to applicants will greatly increase the likelihood that they will understand, accept and follow the procedures set out in this Regulation to a greater extent than to date. In order to reduce administrative requirements and make effective use of common resources, the European Union Agency for Asylum should develop, in close cooperation with the national authorities, suitable information material. It should make full use of modern information technologies when developing that material. In order to assist asylum seekers properly, it should also develop audio-visual information material that can be used as a complement to written information material. The European Union Agency for Asylum should be responsible for maintaining a dedicated website with information on the functioning of the Common European Asylum System for applicants and potential applicants designed to counter the often incorrect information provided***

*to them by smugglers. The information material developed by the European Union Agency for Asylum should be translated and made available in all of the major languages spoken by asylum seekers arriving in Europe.*

#### *Justification*

*Improved provision of information, mirrors suggestions in the Dublin regulation*

### **Amendment 15**

#### **Proposal for a regulation**

#### **Recital 23**

##### *Text proposed by the Commission*

(23) An application should be registered as soon as it is made. At this stage, the authorities responsible for receiving and registering applications, including border guards, police, immigration authorities and authorities responsible for detention facilities should register the application together with the personal details of the individual applicant. Those authorities should inform the applicant of his or her rights and obligations, as well as the consequences for the applicant in case of non-compliance with those obligations. The applicant should be given a document certifying that an application has been made. The time limit for lodging an application starts to run from the moment an application is registered.

##### *Amendment*

(23) An application should be registered as soon as ***possible and, in any case, no later than three working days from when*** it is made. At this stage, the authorities responsible for receiving and registering applications, including border guards, police, immigration authorities, ***other authorities that have been entrusted by the Member States with those tasks*** and authorities responsible for detention facilities should register the application together with the personal details of the individual applicant. ***The applicant's lack of documentation should not prevent Member States from carrying out the registration procedure.*** Those authorities should inform the applicant of his or her rights and obligations, as well as the consequences for the applicant in case of non-compliance with those obligations. The applicant should be given a document certifying that an application has been made ***in accordance with this Regulation. This document should be valid for a period of six months and should be renewed automatically where no final decision has yet been taken on the application for international protection, ensuring that the validity of that document covers the period during which***



***the applicant has the right to remain on the territory of the Member State responsible.*** The time limit for lodging an application starts to run from the moment an application is registered.

## Amendment 16

### Proposal for a regulation Recital 24

*Text proposed by the Commission*

(24) The lodging of the application *is* the act ***that*** formalises the application for international protection. The applicant should be given the necessary information as to how and where to lodge his or her application and he or she should be given an effective opportunity to do so. At this stage he or she is required to submit all the elements at his or her disposal needed to substantiate ***and complete*** the application. The time-limit for the administrative procedure starts to run from the moment an application is lodged. ***At that time, the applicant should be given a document which certifies his or her status as an applicant, and which should be valid for the duration of the his or her right to remain on the territory of the Member State responsible for examining the application.***

*Amendment*

(24) The lodging of the application ***consists of*** the act ***of submitting all relevant elements at the applicant's disposal in accordance with [the Qualification Regulation].*** ***It*** formalises the application for international protection. The applicant should be given the necessary information as to how and where to lodge his or her application and he or she should be given an effective opportunity to do so. At this stage he or she is required to submit all the elements at his or her disposal needed to substantiate the application. The time-limit for the administrative procedure starts to run from the moment an application is lodged.

## Amendment 17

### Proposal for a regulation Recital 24 a (new)

*Text proposed by the Commission*

*Amendment*

***(24a) Different categories of applicants have differing information needs and information will therefore have to be provided in different ways and be adapted to these needs. It is particularly important to ensure that minors have access to***

*child-friendly information that is specific to their needs and situation. Providing accurate, high quality information to both accompanied and unaccompanied minors in a child-friendly environment can play an essential role both in providing a good environment for the minor and in identifying cases of suspected trafficking in human beings.*

#### *Justification*

*Improved provision of information, the provision mirrors a suggestion in the Dublin regulation*

### **Amendment 18**

#### **Proposal for a regulation**

##### **Recital 25**

###### *Text proposed by the Commission*

(25) The applicant should be informed properly of his or her rights and obligations *in a timely manner* and in a language that he or she understands *or is reasonably meant to understand. Having regard to the fact that where, for instance, the applicant refuses to cooperate with the national authorities by not providing the elements necessary for the examination of the application and by not providing his or her fingerprints or facial image, or fails to lodge his or her application within the set time limit, the application could be rejected as abandoned,* it is necessary that the applicant *be* informed of the consequences for not complying with *those* obligations.

###### *Amendment*

(25) The applicant should be informed properly of his or her rights and obligations *at the latest when the application for international protection is registered, both in written and oral form, where appropriate with the support of multimedia equipment* and in a language that he or she understands *in a concise and easily accessible form, using clear and plain language.* It is necessary that the applicant *is* informed of the consequences for not complying with *his or her* obligations *under this Regulation. Minors should be provided information in a child-friendly manner and in a language they understand by appropriately trained staff and with the involvement of their guardian.*

### **Amendment 19**

#### **Proposal for a regulation**

##### **Recital 26**

*Text proposed by the Commission*

(26) To be able to fulfil their obligations under this Regulation, the personnel of the authorities responsible for receiving and registering applications should **have appropriate** knowledge and should **receive** the necessary training in the field of international protection, including with the support of the European Union Agency for Asylum. They should also be given the appropriate means and instructions to effectively perform their tasks.

*Amendment*

(26) To be able to fulfil their obligations under this Regulation, the personnel of the authorities responsible for receiving and registering applications should **be recruited based on qualifications and experience through open procedures, should have adequate** knowledge and should **have received** the necessary training in the field of international protection, including, **where necessary**, with the support of the European Union Agency for Asylum. They should also be given the appropriate means and instructions to effectively perform their tasks **in a way that respects fundamental rights**.

**Amendment 20**

**Proposal for a regulation**

**Recital 27**

*Text proposed by the Commission*

(27) In order to facilitate access to the procedure at border crossing points and in detention facilities, information should be made available on the possibility to apply for international protection. Basic communication necessary to enable the competent authorities to understand if persons declare their wish to receive international protection should be ensured through interpretation arrangements.

*Amendment*

(27) In order to facilitate access to the procedure at border crossing points and in detention facilities, information should be made available on the possibility to apply for international protection. Basic communication necessary to enable the competent authorities to understand if persons declare their wish to receive international protection should be ensured through interpretation arrangements. **Legal representatives and civil society organisations providing legal services or counselling or psychological counselling should always be allowed to access detention facilities, border crossing points and transit zones. Staff who provide interpretation services should have appropriate knowledge and should have received the necessary training on international protection.**

## Amendment 21

### Proposal for a regulation

#### Recital 28

*Text proposed by the Commission*

(28) This Regulation should provide for the possibility that applicants lodge an application on behalf of ***their spouse, partner in a stable and durable relationship, dependant adults and minors***. This option allows for the joint examination of those applications. The right of each individual to seek international protection is guaranteed by the fact that if the applicant does not apply on behalf of the ***spouse, partner, dependant adult or minor*** within the set time-limit for lodging an application, ***the spouse or partner may still do in his or her own name, and the dependant adult or minor*** should be assisted by the determining authority. ***However, if a separate application is not justified, it should be considered as inadmissible.***

*Amendment*

(28) This Regulation should provide for the possibility that applicants lodge an application on behalf of ***minors and dependent adults without legal capacity***. This option allows for the joint examination of those applications. The right of each individual to seek international protection is guaranteed by the fact that if the applicant does not apply on behalf of the dependant adult or minor within the set time-limit for lodging an application, the dependant adult or minor should be assisted by the determining authority.

## Amendment 22

### Proposal for a regulation

#### Recital 29

*Text proposed by the Commission*

(29) To ensure that unaccompanied minors have effective access to the procedure, they should always be appointed a guardian. The guardian should be a person or a representative of an organisation appointed to assist and guide the minor through the procedure with a view to safeguard the best interests of the child as well his or her general well-being. Where necessary, the guardian should exercise legal capacity for the minor. In order to provide effective support to the unaccompanied minors, guardians should not be placed in charge of a

*Amendment*

(29) To ensure that unaccompanied minors have effective access to the procedure, they should always be appointed a guardian. ***The guardian should be appointed as soon as possible prior to the collection of biometric data and in any event no later than 24 hours after the making of the application.*** The guardian should be a person or a representative of an organisation appointed to assist and guide the minor through the procedure with a view to safeguard the best interests of the child as well his or her general well-being. Where necessary, the

disproportionate number of unaccompanied minors at the same time. Member States should appoint entities or persons responsible for the support, supervision and monitoring of the guardians in *the* performance *of* their tasks. An unaccompanied minor should lodge an application in his or her own name or through the guardian. In order to safeguard the rights and procedural guarantees of an unaccompanied minor, the time-limit for him or her to lodge an application should start to run from when his or her guardian is appointed and they meet. Where the guardian does not lodge the application within the set time limit, the unaccompanied minor should be given an opportunity to lodge the application on his or her name with the assistance of the determining authority. The fact that an unaccompanied minor chooses to lodge an application in his or her own name should not preclude him or her from being assigned a guardian.

guardian should exercise legal capacity for the minor. In order to provide effective support to the unaccompanied minors, guardians should not be placed in charge of a disproportionate number of unaccompanied minors at the same time. ***In any event, guardians should not be placed in charge of more than 20 unaccompanied minors.*** Member States should appoint entities or persons responsible for the support, supervision and monitoring *at regular intervals* of the guardians in *order to ensure that they perform* their tasks *in a satisfactory manner*. An unaccompanied minor should lodge an application in his or her own name or through the guardian. In order to safeguard the rights and procedural guarantees of an unaccompanied minor, the time-limit for him or her to lodge an application should start to run from when his or her guardian is appointed and they meet. Where the guardian does not lodge the application within the set time limit, the unaccompanied minor should be given an opportunity to lodge the application on his or her name with the assistance of the determining authority. The fact that an unaccompanied minor chooses to lodge an application in his or her own name should not preclude him or her from being assigned a guardian.

## Amendment 23

### Proposal for a regulation

#### Recital 30

##### *Text proposed by the Commission*

(30) In order to guarantee the rights of the applicants, decisions on all applications for international protection should be taken on the basis of the facts, objectively, impartially and on an individual basis after a thorough examination which takes into account all the elements provided by the applicant and the individual circumstances

##### *Amendment*

(30) In order to guarantee the rights of the applicants, decisions on all applications for international protection should be taken on the basis of the facts, objectively, impartially and on an individual basis after a thorough examination which takes into account all the elements provided by the applicant and the individual circumstances

of the applicant. To ensure a rigorous examination of an application, the determining authority should take into account relevant, accurate and up-to-date information relating to the situation in the country of origin of the applicant obtained from the European Union Agency for Asylum and other sources such as the United Nations High Commissioner for Refugees. The determining authority should also take into account any relevant common analysis of country of origin information developed by the European Union Agency for Asylum. Any postponement of concluding the procedure should fully comply with the obligations of the Member States under Regulation (EU) No XXX/XXX (Qualification Regulation) and with the right to good administration, without prejudice to the efficiency and fairness of the procedure under this Regulation.

of the applicant. To ensure a rigorous examination of an application, the determining authority should take into account relevant, accurate and up-to-date information relating to the situation in the country of origin of the applicant obtained from the European Union Agency for Asylum and other sources such as the United Nations High Commissioner for Refugees **and other governmental and non-governmental organisations**. The determining authority should also take into account any relevant common analysis of country of origin information developed by the European Union Agency for Asylum. Any postponement of concluding the procedure should fully comply with the obligations of the Member States under Regulation (EU) No XXX/XXX (Qualification Regulation) and with the right to good administration, without prejudice to the efficiency and fairness of the procedure under this Regulation.

## Amendment 24

### Proposal for a regulation Recital 33

#### *Text proposed by the Commission*

(33) Without prejudice to carrying out an adequate and complete examination of an application for international protection, it is in the interests of both Member States and applicants for a decision to be taken as soon as possible. Maximum time-limits for the duration of the administrative procedure as well as for the first level of appeal should be established to streamline the procedure for international protection. In this way, applicants should be able to receive a decision on their application within the least amount of time possible in all Member States thereby ensuring a speedy and efficient procedure.

#### *Amendment*

(33) Without prejudice to carrying out an adequate and complete examination of an application for international protection, it is in the interests of both Member States and applicants for a decision to be taken as soon as possible. Maximum time-limits for the duration of the administrative procedure as well as for the first level of appeal should be established to streamline the procedure for international protection. In this way, applicants should be able to receive a decision on their application within the least amount of time possible in all Member States thereby ensuring a speedy and efficient procedure. ***The streamlining of the procedure for international protection should in no way***

*have an adverse impact on the in-depth and individual examination of the merits of applications.*

## Amendment 25

### Proposal for a regulation Recital 35

*Text proposed by the Commission*

*Amendment*

(35) *Before determining the Member State responsible in accordance with Regulation (EU) No XXX/XXX of the European Parliament and of the Council (Dublin Regulation),<sup>29</sup> the first Member State in which an application has been lodged should examine the admissibility of that application when a country which is not a Member State is considered as a first country of asylum or safe third country for the applicant. In addition, an application should be considered to be inadmissible when it is a subsequent applicant without new relevant elements or findings and when a separate application by a spouse, partner, dependent adult or minor is not considered to be justified.*

*deleted*

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<sup>29</sup> OJ L [...], [...], p. [...].

## Amendment 26

### Proposal for a regulation Recital 36

*Text proposed by the Commission*

*Amendment*

(36) The concept of first country of asylum *should be applied* as a ground for inadmissibility where it can reasonably be assumed that another country would grant protection *in accordance with the substantive standards of* the Geneva Convention *or the applicant would be*

(36) *Member States should retain the possibility to apply* the concept of first country of asylum as a ground for inadmissibility where it can reasonably be assumed that another country would *continue to* grant protection *under* the Geneva Convention. Member States should

*provided sufficient protection in that country. In particular, the Member States should not examine the merits of an application* where a first country of asylum has granted the applicant refugee status *or otherwise sufficient protection*. Member States should proceed on that basis only where they are satisfied including, where necessary or appropriate, based on assurances obtained from the third country concerned, that the applicant has enjoyed and will continue to enjoy protection in that country in accordance with the Geneva Convention *or has otherwise enjoyed and will continue to enjoy sufficient protection, particularly as regards the right of legal residence, appropriate access to the labour market, reception facilities, healthcare and education, and the right to family reunification in accordance with international human rights standards*.

## Amendment 27

### Proposal for a regulation Recital 37

*Text proposed by the Commission*

(37) The concept of safe third country *should be applied as a ground for inadmissibility* where the applicant, due to a connection to the third country *including one through which he or she has transited*, can reasonably be expected to seek protection in that country, and there are grounds for considering that the applicant will be *admitted or* readmitted to that country. Member States should proceed on that basis only where they are satisfied including, where necessary or appropriate, based on assurances obtained from the third country concerned, that the applicant will *have the possibility to* receive protection in accordance with the *substantive standards of the* Geneva Convention or will enjoy *sufficient*

*be entitled to apply that concept* where a first country of asylum has granted the applicant refugee status. Member States should *be entitled to* proceed on that basis only where they are satisfied including, where necessary or appropriate, based on assurances obtained from the third country concerned, that the applicant has enjoyed and will continue to enjoy protection in that country in accordance with the Geneva Convention.

*Amendment*

(37) *Member States may apply* the concept of safe third country where the applicant, due to a *sufficient* connection to the third country, can reasonably be expected to seek protection in that country, and there are grounds for considering that the applicant will be readmitted to that country. Member States should proceed on that basis only where they are satisfied including, where necessary or appropriate, based on assurances obtained from the third country concerned, that the applicant will receive protection in accordance with the Geneva Convention or will enjoy *effective protection in that country equivalent to the protection granted to refugees*, particularly as regards the right of legal residence, appropriate access to the



protection, particularly as regards the right of legal residence, appropriate access to the labour market, reception facilities, healthcare and education, and the right to family reunification in accordance with international human rights standards.

labour market, reception facilities, healthcare and education, ***means of subsistence sufficient to maintain an adequate standard of living, privacy*** and the right to family reunification in accordance with international human rights standards.

## Amendment 28

### Proposal for a regulation Recital 38

*Text proposed by the Commission*

(38) An application for international protection should be examined on its merits to determine whether an applicant qualifies for international protection in accordance with Regulation (EU) No XXX/XXX (Qualification Regulation). There need not be an examination on the merits where an application ***should be*** declared ***as*** inadmissible in accordance with this Regulation. ***However, where from a prima facie assessment it is clear that an application may be rejected as manifestly unfounded, the application may be rejected on that ground without examining its admissibility.***

*Amendment*

(38) An application for international protection should be examined on its merits to determine whether an applicant qualifies for international protection in accordance with Regulation (EU) No XXX/XXX (Qualification Regulation). There need not be an examination on the merits where an application ***is*** declared inadmissible in accordance with this Regulation.

## Amendment 29

### Proposal for a regulation Recital 39

*Text proposed by the Commission*

(39) The examination of an application should be accelerated and completed within a maximum of two months in those instances ***where an application is manifestly unfounded because it is an abusive claim, including where an applicant comes from a safe country of origin or an applicant is making an***

*Amendment*

(39) The examination of an application should be accelerated and completed within a maximum of two months in those instances ***set out in this*** Regulation. Furthermore, an accelerated examination procedure may be applied to unaccompanied minors only within the limited circumstances set out in this

*application merely to delay or frustrate the enforcement of a removal decision, or where there are serious national security or public concerns, where the applicant does not apply for international protection in the first Member State of entry or in the Member State of legal residence or where an applicant whose application is under examination and who made an application in another Member State or who is on the territory of another Member State without a residence document is taken back under the Dublin Regulation. In the latter case, the examination of the application should not be accelerated if the applicant is able to provide substantiated justifications for having left to another Member State without authorisation, for having made an application in another Member State or for having otherwise been unavailable to the competent authorities, such as for instance that he or she was not informed adequately and in a timely manner of his or her obligations.* Furthermore, an accelerated examination procedure may be applied to unaccompanied minors only within the limited circumstances set out in this Regulation.

Regulation.

## **Amendment 30**

### **Proposal for a regulation Recital 40**

#### *Text proposed by the Commission*

(40) Many applications for international protection are made at the border or in a transit zone of a Member State prior to a decision on the entry of the applicant. Member States should be able to provide for an examination on admissibility or an examination on the merits which would make it possible for such applications to be decided upon at those locations in well-defined circumstances. The border procedure should not take longer than four

#### *Amendment*

(40) Many applications for international protection are made at the border or in a transit zone of a Member State prior to a decision on the entry of the applicant. Member States should be able to provide for an examination on admissibility or an examination on the merits which would make it possible for such applications to be decided upon at those locations in well-defined circumstances. The border procedure should not take longer than four

weeks and after that period applicants should be allowed entry to the territory of the Member State. It is only where a disproportionate number of applicants lodge their applications at the borders or in a transit zone, that the border procedure may be applied at locations in proximity to the border or transit zone. A border procedure *may* be applied to unaccompanied minors *only within the limited circumstances set out in this Regulation*.

weeks and after that period applicants should be allowed entry to the territory of the Member State. It is only where a disproportionate number of applicants lodge their applications at the borders or in a transit zone, that the border procedure may be applied at locations in proximity to the border or transit zone. *The border procedure should only be applied to minors, where there is an available alternative to the detention of the minor. A border procedure should not be applied to unaccompanied minors.*

## Amendment 31

### Proposal for a regulation

#### Recital 41

*Text proposed by the Commission*

(41) The notion of public order may, inter alia, cover a conviction of having committed a serious crime.

*Amendment*

(41) The notion of public order may, inter alia, cover a conviction of having committed a serious crime. *The notions of national security and public order also cover serious crimes, such as association with a criminal organisation, acts of terrorism, and trafficking in human beings.*

## Amendment 32

### Proposal for a regulation

#### Recital 42

*Text proposed by the Commission*

(42) *As long as an applicant can show good cause, the* lack of documents on entry or the use of forged documents should not *per se* entail an automatic recourse to an accelerated examination procedure or a border procedure.

*Amendment*

(42) A lack of documents on entry or the use of forged documents should not entail an automatic recourse to an accelerated examination procedure or a border procedure.

*Justification*

*An applicant's lack of documentation should not undermine his or her application for*

*international protection.*

### **Amendment 33**

#### **Proposal for a regulation**

##### **Recital 43**

*Text proposed by the Commission*

(43) Where an applicant *either* explicitly withdraws his or her application of his or her own motion, ***or does not comply with the obligations arising from this Regulation, Regulation (EU) No XXX/XXX (Dublin Regulation) or Directive XXX/XXX/EU (Reception Conditions Directive) thereby implicitly withdraws his or her application***, the application should not be further examined and it should be rejected as explicitly withdrawn ***or abandoned, and any application in the Member States by the same applicant further after that decision should be considered to be a subsequent application. However, the implicit withdrawal should not be automatic but the applicant should be allowed the opportunity to report to the determining authority and demonstrate that the failure to comply with those obligations was due to circumstances beyond his control.***

*Amendment*

(43) Where an applicant explicitly withdraws his or her application of his or her own motion, the application should not be further examined and it should be rejected as explicitly withdrawn.

### **Amendment 34**

#### **Proposal for a regulation**

##### **Recital 43 a (new)**

*Text proposed by the Commission*

*Amendment*

***(43a) In the specific cases provided for in this Regulation, where the applicant does not comply with his or her obligations, the determining authority should be able to temporarily discontinue the examination of his or her application for international protection. The applicant should be given the opportunity to comply***

*with his or her obligations within two months in order to have the examination of his or her application resumed. The examination of the application should only be resumed once, unless the applicant can demonstrate that his or her failure to comply with his or her obligations was due to circumstances beyond his or her control. Otherwise, the application should be rejected as implicitly withdrawn.*

## Amendment 35

### Proposal for a regulation

#### Recital 44

*Text proposed by the Commission*

(44) Where an applicant makes a subsequent application without presenting new evidence or findings which **significantly** increase his or her likelihood of qualifying as a beneficiary of international protection or which relate to the reasons for which the previous application was rejected as inadmissible, that subsequent application should not be subject to a new full examination procedure. In those cases, following a preliminary examination, applications should be dismissed as **inadmissible** or as manifestly unfounded where the application is **so clearly** without substance or abusive **that it** has no tangible prospect of success, in accordance with the res judicata principle. The preliminary examination shall be carried out on the basis of written submissions and a personal interview however the personal interview may be dispensed with in those instances where, from the written submissions, it is clear that the application does not give rise to relevant new elements or findings or that it is **clearly** without substance and has no tangible prospect of success. In case of subsequent applications, exceptions may be made to the individual's right to remain on

*Amendment*

(44) Where an applicant makes a subsequent application without presenting new evidence or findings which increase his or her likelihood of qualifying as a beneficiary of international protection or which relate to the reasons for which the previous application was rejected as inadmissible, that subsequent application should not be subject to a new full examination procedure. In those cases, following a preliminary examination, applications should be dismissed as **unfounded** or as manifestly unfounded where the application is without substance or abusive **and** has no tangible prospect of success, in accordance with the res judicata principle. The preliminary examination shall be carried out on the basis of written submissions and a personal interview. However the personal interview may be dispensed with in those instances where, from the written submissions, it is clear that the application does not give rise to relevant new elements or findings or that it is without substance and has no tangible prospect of success. In case of subsequent applications, exceptions may be made to the individual's right to remain on the territory of a Member State after a

the territory of a Member State after a subsequent application is rejected as ***inadmissible or*** unfounded, or in the case of a second or further subsequent applications, as soon as an application is made in any Member States following a final decision which had rejected a previous subsequent application as ***inadmissible***, unfounded or manifestly unfounded.

## **Amendment 36**

### **Proposal for a regulation**

#### **Recital 45**

*Text proposed by the Commission*

(45) A key consideration as to whether an application for international protection is well-founded is the safety of the applicant in his or her country of origin. Having regard to the fact that Regulation (EU) No XXX/XXX (Qualification Regulation) aims to achieve a high level of convergence on the qualification of third-country nationals and stateless persons as beneficiaries of international protection, this Regulation establishes common criteria for designating third countries as safe countries of origin and, ***in view of the need to strengthen the application of the safe country of origin concept as an essential tool to support the swift processing of applications that are likely to be unfounded, this Regulation*** sets out an EU common list of safe countries of origin.

## **Amendment 37**

### **Proposal for a regulation**

#### **Recital 46**

subsequent application is rejected as ***manifestly*** unfounded, or in the case of a second or further subsequent applications, as soon as an application is made in any Member States following a final decision which had rejected a previous subsequent application as unfounded or manifestly unfounded.

*Amendment*

(45) A key consideration as to whether an application for international protection is well-founded is the safety of the applicant in his or her country of origin. Having regard to the fact that Regulation (EU) No XXX/XXX (Qualification Regulation) aims to achieve a high level of convergence on the qualification of third-country nationals and stateless persons as beneficiaries of international protection, this Regulation establishes common criteria for designating third countries as safe countries of origin and sets out an EU common list of safe countries of origin.

*Text proposed by the Commission*

(46) The fact that a third country is on the EU common list of safe countries of origin cannot establish an absolute guarantee of safety for nationals of that country and therefore does not dispense with the need to conduct an appropriate individual examination of the application for international protection. By its very nature, the assessment underlying the designation can only take into account the general, civil, legal and political circumstances in that country and whether actors of persecution, torture or inhuman or degrading treatment or punishment are subject to sanction in practice when found liable in that country. For this reason, where an applicant shows that there are *serious* reasons to consider the country not to be safe in his or her particular circumstances, the designation of the country as safe can no longer be considered relevant for him or her.

*Amendment*

(46) The fact that a third country is on the EU common list of safe countries of origin cannot establish an absolute guarantee of safety for nationals of that country and therefore does not dispense with the need to conduct an appropriate individual examination of the application for international protection. By its very nature, the assessment underlying the designation can only take into account the general, civil, legal and political circumstances in that country and whether actors of persecution, torture or inhuman or degrading treatment or punishment are subject to sanction in practice when found liable in that country. For this reason, where an applicant shows that there are reasons to consider the country not to be safe in his or her particular circumstances, the designation of the country as safe can no longer be considered relevant for him or her.

**Amendment 38**

**Proposal for a regulation**  
**Recital 47**

*Text proposed by the Commission*

***(47) As regards the designation of safe third countries at Union level, this Regulation provides for having such a designation. Third countries should be designated as safe third countries at Union level by means of an amendment to this Regulation based on the conditions set out in this Regulation and after carrying out a detailed evidence-based assessment involving substantive research and broad consultation with Member States and relevant stakeholders.***

*Amendment*

*deleted*

## Amendment 39

### Proposal for a regulation

#### Recital 48

*Text proposed by the Commission*

(48) The establishment of an EU common list of safe countries of origin **and an EU common list for safe third countries** should address some of the existing divergences between Member States' national lists of safe countries. While Member States should retain the right to apply or introduce legislation that allows for the national designation of third countries **other than those designated as safe third countries at Union level or appearing on the EU common list** as safe countries of origin, the establishment of such common **designation or** list should ensure that the concept is applied by all Member States in a uniform manner in relation to applicants whose countries of origin are on the common list **or who have a connection with a safe third country**. This should facilitate convergence in the application of procedures and thereby also deter secondary movements of applicants for international protection. For that reason, the possibility of using national lists **or designations** should come to an end within a period of **five** years from entry into force of this Regulation.

## Amendment 40

### Proposal for a regulation

#### Recital 48 a (new)

*Text proposed by the Commission*

*Amendment*

(48) The establishment of an EU common list of safe countries of origin should address some of the existing divergences between Member States' national lists of safe countries **of origin**. While Member States should retain the right to apply or introduce legislation that allows for the national designation of third countries as safe countries of origin, the establishment of such **a** common list should ensure that the concept is applied by all Member States in a uniform manner in relation to applicants whose countries of origin are on the common list. This should facilitate convergence in the application of procedures and thereby also deter secondary movements of applicants for international protection. For that reason, the possibility of using national lists **of safe countries of origin** should come to an end within a period of **three** years from entry into force of this Regulation.

**(48a) During the transitional three-year period, Member States should ensure that the national lists of safe countries of origin and the EU common list are consistent. A country suspended or removed from the EU common list should**



*not be considered a safe country of origin at national level.*

## **Amendment 41**

### **Proposal for a regulation Recital 48 b (new)**

*Text proposed by the Commission*

*Amendment*

*(48b) In view of the harmonisation of national lists of safe countries of origin, during the transitional three-year period, it should be possible for the Member States to send the Commission proposals to add particular countries to the EU common list of safe countries of origin. The Commission should examine the proposals within six months of their submission, on the basis of a range of information sources at its disposal, in particular, reports from the European External Action Service (EEAS) and information provided by the Member States, the European Union Agency for Asylum, the United Nations High Commissioner for Refugees (UNHCR), the Council of Europe and other relevant international organisations, and national or international non-governmental organisations. Where a third country is to be added to the list, the Commission should submit a proposal in accordance with the ordinary legislative procedure to expand the EU common list of safe countries of origin. The Commission must ensure that, for every third country on the EU common list of safe countries of origin, there is an efficient Union return policy with readmission agreements that must be complied with fully for Union aid to be sent to those countries.*

## **Amendment 42**

**Proposal for a regulation**  
**Recital 48 c (new)**

*Text proposed by the Commission*

*Amendment*

***(48 c) The EU common list of safe countries of origin should not have the aim of reducing the number of asylum seekers from countries which combine a large number of applications with a low recognition rate. The designation of a third country as a safe country of origin should be based solely on an assessment of whether that country's situation conforms to the common criteria for designating third countries as safe countries of origin that are laid down in this Regulation.***

**Amendment 43**

**Proposal for a regulation**  
**Recital 49**

*Text proposed by the Commission*

*Amendment*

(49) The Commission, assisted by the European Union Agency for Asylum, should regularly review the situation in third countries ***designated as safe third countries at Union level or*** that are on the EU common list of safe countries of origin. In case of sudden change for the worse in the situation of such a third country, the Commission should be able to suspend ***the designation of that third country as safe third country at Union level or*** the presence of that third country from the EU common list of safe countries of origin for a limited period of time by means of a delegated act in accordance with Article 290 of the Treaty on the Functioning of the European Union. Moreover, in this case, the Commission should propose an amendment ***for the third country not to be designated as a safe third country at Union level any longer or*** to remove that third country from the EU common list of

(49) The Commission, assisted by the European Union Agency for Asylum, should regularly review the situation in third countries that are on the EU common list of safe countries of origin. In case of sudden change for the worse in the situation of such a third country, the Commission should be able to suspend the presence of that third country from the EU common list of safe countries of origin for a limited period of time by means of a delegated act in accordance with Article 290 of the Treaty on the Functioning of the European Union. Moreover, in this case, the Commission should propose an amendment ***in accordance with the ordinary legislative procedure*** to remove that third country from the EU common list of safe country of origin within ***six*** months of the adoption of delegated act suspending the third country.

safe country of origin within 3 months of the adoption of delegated act suspending the third country.

#### **Amendment 44**

##### **Proposal for a regulation Recital 51**

*Text proposed by the Commission*

(51) When the period of validity of the delegated act and its extensions expires, without a new delegated act being adopted, the designation of the third country ***as safe third country at Union level or*** from the EU common list of safe countries of origin should no longer be suspended. This shall be without prejudice to any proposed amendment for the removal of the third country from the lists.

*Amendment*

(51) When the period of validity of the delegated act and its extensions expires, without a new delegated act being adopted, the designation of the third country from the EU common list of safe countries of origin should no longer be suspended. This shall be without prejudice to any proposed amendment for the removal of the third country from the lists.

#### **Amendment 45**

##### **Proposal for a regulation Recital 52**

*Text proposed by the Commission*

(52) The Commission, with the assistance of the European Union Agency for Asylum, should regularly review the situation in third countries that have been removed from the EU common list of safe countries of origin ***or safe*** third countries, ***including where*** a Member State ***notifies*** the Commission ***that*** it considers, ***based on a substantiated assessment***, that, following changes in the situation of that third country, it fulfils ***again the conditions*** set out in this Regulation for being ***designated as safe***. ***In such a case, Member States could only designate that third country as a safe country of origin or a safe third country at the national level as long as*** the Commission ***does not raise objections to***

*Amendment*

(52) The Commission, with the assistance of the European Union Agency for Asylum, should regularly review the situation in third countries that have been removed from the EU common list of safe countries of origin. ***Where a third country has been removed from the EU common list of safe countries of origin, a Member State may notify*** the Commission ***where*** it considers that, following changes in the situation of that third country, it ***once again*** fulfils ***the criteria*** set out in this Regulation for being ***included in the EU common list of safe countries*** of origin. The Commission ***should examine any such notification by a Member State and, where appropriate, submit a proposal to***

*that designation. Where the Commission considers that these conditions are fulfilled, it may propose an amendment to the designation of safe third countries at Union level or to the EU common list of safe countries of origin so as to add the third country.*

*the European Parliament and to the Council to amend the EU common list of safe countries of origin accordingly. Where the Commission decides not to submit such a proposal, Member States should not designate that country as a safe country of origin at national level.*

## **Amendment 46**

### **Proposal for a regulation Recital 62**

*Text proposed by the Commission*

*Amendment*

*(62) As regards Turkey, the legal basis for protection against persecution and mistreatment is adequately provided by substantive and procedural human rights and anti-discrimination legislation, including membership of all major international human rights treaties. In 2014, the European Court of Human Rights found violations in 94 out of 2 899 applications. There are no indications of any incidents of expulsion, removal or extradition of own citizens to third countries where, inter alia, there is a serious risk that they would be subjected to the death penalty, torture, persecution or other inhuman or degrading treatment or punishment, or where their lives or freedom would be threatened on account of their race, religion, nationality, sexual orientation, membership of a particular social group or political opinion, or from which there is a serious risk of an expulsion, removal or extradition to another third country. In 2014, Member States considered that 23,1 % (310) of asylum applications of citizens of Turkey were well-founded. One Member State has designated Turkey as a safe country of origin. Turkey has been designated as a candidate country by the European Council and negotiations have been opened. At the time, the assessment was that Turkey sufficiently meets fulfilled the*

*deleted*

*political criteria established by the Copenhagen European Council of 21-22 June 1993 relating to stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, and Turkey will have to continue to fulfil those criteria, for becoming a member in line with the recommendations provided in the Annual Progress Report.*

#### **Amendment 47**

##### **Proposal for a regulation**

##### **Recital 63**

*Text proposed by the Commission*

(63) With respect to the withdrawal of refugee or subsidiary protection status, ***and in particular in view of the regular status review to be carried out on the basis of Regulation (EU) No XXX/XXX (Qualification Regulation)***, Member States should ensure that persons benefiting from international protection are duly informed of a possible reconsideration of their status and that they are given the opportunity to submit their point of view, within a reasonable time, by means of a written statement and in a personal interview, before the authorities can take a reasoned decision to withdraw their status.

*Amendment*

(63) With respect to the withdrawal of refugee or subsidiary protection status, Member States should ensure that persons benefiting from international protection are duly informed of a possible reconsideration of their status and that they are given the opportunity to submit their point of view, within a reasonable time, by means of a written statement and in a personal interview, before the authorities can take a reasoned decision to withdraw their status.

#### **Amendment 48**

##### **Proposal for a regulation**

##### **Recital 66**

*Text proposed by the Commission*

(66) ***Having regard to the need for equity in the management of applications and effectiveness in the common procedure for international protection, time-limits should not only be set for the administrative procedure but they should***

*Amendment*

*deleted*

*also be established for the appeal stage, at least insofar as the first level of appeal is concerned. This should be without prejudice to an adequate and complete examination of an appeal, and therefore a measure of flexibility should still be maintained in cases involving complex issues of fact or law.*

## **Amendment 49**

### **Proposal for a regulation**

#### **Recital 71**

##### *Text proposed by the Commission*

(71) In order to ensure uniform conditions for the implementation of this Regulation, in particular as regards the provision of information, documents to the applicants and measures concerning applicants in need of *special* procedural guarantees including minors, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>34</sup> of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.

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<sup>34</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

##### *Amendment*

(71) In order to ensure uniform conditions for the implementation of this Regulation, in particular as regards the provision of information, documents to the applicants and measures concerning applicants in need of *specific* procedural guarantees including minors, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>34</sup> of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.

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<sup>34</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

##### *Justification*

*Aligns the terminology with the EP position on other CEAS instruments, notably the Reception Conditions Directive*

## Amendment 50

### Proposal for a regulation Recital 72

*Text proposed by the Commission*

(72) In order to address sudden changes for the worse in a third country ***designated as a safe third country at Union level or*** included in the EU common list of safe countries of origin, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of suspending the designation ***of that third country as safe third country at Union level or the presence*** of that third country from the EU common list of safe countries of origin for a period of six months where the Commission considers, on the basis of a substantiated assessment, that the conditions set by this Regulation are no longer met. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

## Amendment 51

### Proposal for a regulation Recital 75

*Amendment*

(72) In order to address sudden changes for the worse in a third country included in the EU common list of safe countries of origin, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of suspending the designation of that third country from the EU common list of safe countries of origin for a period of six months where the Commission considers, on the basis of a substantiated assessment, that the conditions set by this Regulation are no longer met. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

*Text proposed by the Commission*

*Amendment*

(75) The application of this Regulation should be evaluated at regular intervals.

(75) The application of this Regulation should be evaluated at regular intervals, ***in particular in relation to the application of Section III.***

*Justification*

*This amendment is intended to ensure the full implementation, in practice, of the provisions of this Regulation relating to the provision of free legal assistance to asylum applicants at all stages of the procedure.*

**Amendment 52**

**Proposal for a regulation  
Article 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 3a***

***More favourable provisions***

***Member States may introduce or retain more favourable standards on procedures for granting and withdrawing international protection, insofar as those standards are compatible with this Regulation.***

**Amendment 53**

**Proposal for a regulation  
Article 4 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) 'applicant' means a third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been ***made***;

(b) 'applicant' means a third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been ***taken***;

**Amendment 54**



**Proposal for a regulation**  
**Article 4 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) 'applicant in need of *special* procedural guarantees' means an applicant whose ability to benefit from the rights and comply with the obligations provided for in this Regulation is limited due to individual circumstances;

*Amendment*

(c) 'applicant in need of *specific* procedural guarantees' means an applicant whose ability to benefit from the rights and comply with the obligations provided for in this Regulation is limited due to individual circumstances *or specific vulnerabilities*;

**Amendment 55**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) 'stateless person' means a person who is not considered as a national by any State under the operation of its law;*

**Amendment 56**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

(d) 'final decision' means a decision on whether or not a third-country national or stateless person is granted refugee status or subsidiary protection status by virtue of Regulation (EU) No XXX/XXX (Qualification Regulation), including a decision rejecting the application as inadmissible or a decision rejecting an application as explicitly withdrawn *or abandoned and* which can no longer be subject to an appeal procedure in the Member State concerned;

(d) 'final decision' means a decision on whether or not a third-country national or stateless person is granted refugee status or subsidiary protection status by virtue of Regulation (EU) No XXX/XXX (Qualification Regulation), including a decision rejecting the application as inadmissible or a decision rejecting an application as explicitly withdrawn which can no longer be subject to an appeal procedure in the Member State concerned;

**Amendment 57**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point e**

*Text proposed by the Commission*

(e) 'determining authority' means any **quasi-judicial** or administrative body in a Member State responsible for examining applications for international protection competent to take decisions at first instance;

*Amendment*

(e) 'determining authority' means any **judicial** or administrative body in a Member State responsible for examining applications for international protection competent to take decisions at first instance;

**Amendment 58**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point f**

*Text proposed by the Commission*

(f) 'guardian' means a person or an organisation appointed to assist and represent an unaccompanied minor with a view to safeguarding the best interests of the child and his or her **general** well-being **in procedures provided for in this Regulation** and exercising legal capacity for the minor where necessary;

*Amendment*

(f) 'guardian' means a person or an organisation appointed **by the competent bodies** to assist and represent an unaccompanied minor **in procedures provided for in this Regulation** with a view to safeguarding the best interests of the child and his or her well-being, and exercising legal capacity for the minor where necessary;

**Amendment 59**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point g**

*Text proposed by the Commission*

(g) 'withdrawal of international protection' means the decision by a determining authority to revoke, end or refuse to renew refugee status or subsidiary protection status of a person;

*Amendment*

(g) 'withdrawal of international protection' means the decision by a determining authority to revoke, end or refuse to renew refugee status or subsidiary protection status of a person **in accordance with [Qualification Regulation]**;

**Amendment 60**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point i**

*Text proposed by the Commission*

(i) 'subsequent application' means a further application for international protection made in any Member State after a final decision has been taken on a previous application including cases where the application has been rejected as explicitly withdrawn *or as abandoned following its implicit withdrawal*;

*Amendment*

(i) 'subsequent application' means a further application for international protection made in any Member State after a final decision has been taken on a previous application including cases where the application has been rejected as explicitly *or as implicitly* withdrawn;

**Amendment 61**

**Proposal for a regulation**  
**Article 5 – paragraph 3 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

The following authorities shall have the task of receiving and registering applications for international protection as well as informing applicants as to where and how to lodge an application for international protection:

*Amendment*

*Without prejudice to paragraph 1*, the following authorities shall have the task of receiving and registering applications for international protection as well as informing applicants as to where and how to lodge an application for international protection *but shall, under no circumstances, have the power to decide on the admissibility and the merits of an application for international protection*:

**Amendment 62**

**Proposal for a regulation**  
**Article 5 – paragraph 3 – subparagraph 1 – point c**

*Text proposed by the Commission*

(c) immigration authorities;

*Amendment*

(c) immigration authorities, *insofar as they are not the determining authority*;

**Amendment 63**

**Proposal for a regulation**  
**Article 5 – paragraph 3 – subparagraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

(d) authorities responsible for detention facilities.

(d) authorities responsible for detention **or reception** facilities.

**Amendment 64**

**Proposal for a regulation**  
**Article 5 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

Member States may entrust also other authorities with those tasks.

Member States may entrust also other authorities with those tasks. **Where the application is received by an authority without the power to register it, that authority shall inform the applicant where and how to apply for international protection.**

**Amendment 65**

**Proposal for a regulation**  
**Article 5 – paragraph 4 – point a**

*Text proposed by the Commission*

*Amendment*

(a) **the authorities of another Member State who have been entrusted by that Member State with the task of receiving, registering or examining applications for international protection;**

**deleted**

**Amendment 66**

**Proposal for a regulation**  
**Article 5 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Where the Member State responsible has requested the assistance**

*of the European Union Agency for Asylum and no experts were available for deployment, the Member State responsible may request the assistance of another Member State for the purpose of receiving, registering and examining applications for international protection. The competence to decide on individual applications for international protection remains with the Member State responsible.*

## **Amendment 67**

### **Proposal for a regulation Article 5 – paragraph 5**

*Text proposed by the Commission*

5. Member States shall ensure that the personnel of the *determining authority, or of any other authority responsible for receiving and registering applications for international protection* in accordance with *paragraph 3*, have the appropriate knowledge and *are provided with* the necessary training and instructions to fulfil their obligations when applying this Regulation.

*Amendment*

5. Member States shall ensure that the personnel of the *authorities* responsible in accordance with *paragraphs 1 to 4a of this Article* have the appropriate knowledge and *have received* the necessary training *under Article 7 of Regulation (EU) XXX/XXX (EU Asylum Agency Regulation)* and instructions to fulfil their obligations when applying this Regulation.

## **Amendment 68**

### **Proposal for a regulation Article 6 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) obtain any information from the alleged actors of persecution or serious harm *in a manner that would result in such actors being directly informed of the fact that an application has been made by the applicant in question, and would* jeopardise the physical integrity of the applicant or his or her dependants, or the liberty and security of his or her family

*Amendment*

(b) obtain any information from the alleged actors of persecution or serious harm *if it could in any way* jeopardise the physical integrity of the applicant or his or her dependants, or the liberty and security of his or her family members still living in the country of origin.

members still living in the country of origin.

## Amendment 69

### Proposal for a regulation Article 7 – paragraph 1

*Text proposed by the Commission*

1. The applicant shall make his or her application in the Member State of first entry or, where he or she is legally present in a Member State, he or she shall make the application in that Member State **as provided for in Article 4 of** Regulation (EU) No XXX/XXX (Dublin Regulation).

*Amendment*

1. The applicant shall make his or her application in the Member State of first entry or, where he or she is legally present in a Member State, he or she shall make the application in that Member State **in accordance with** Regulation (EU) No XXX/XXX (Dublin Regulation).

## Amendment 70

### Proposal for a regulation Article 7 – paragraph 2 – point a

*Text proposed by the Commission*

(a) providing the data referred to in points (a) and (b) of **the second paragraph of** Article 27(1);

*Amendment*

(a) providing the data referred to in points (a) and (b) of Article 27(1);

## Amendment 71

### Proposal for a regulation Article 7 – paragraph 2 – point b

*Text proposed by the Commission*

(b) providing **fingerprints and facial image** as referred to in Regulation (EU) No XXX/XXX (Eurodac Regulation).<sup>35</sup>

*Amendment*

(b) providing **biometric data** as referred to in Regulation (EU) No XXX/XXX (Eurodac Regulation).<sup>35</sup>

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<sup>35</sup> OJ L [...], [...], p. [...].

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<sup>35</sup> OJ L [...], [...], p. [...].

## Amendment 72

### Proposal for a regulation

#### Article 7 – paragraph 2 – point d

*Text proposed by the Commission*

(d) **hand over** documents in his or her possession relevant to the examination of the application.

*Amendment*

(d) **allowing the responsible authorities to examine and make copies of** documents in his or her possession relevant to the examination of the application.

## Amendment 73

### Proposal for a regulation

#### Article 7 – paragraph 3

*Text proposed by the Commission*

3. Where an applicant refuses to cooperate by not providing the details **necessary for the examination of the application and** by not providing his or her **fingerprints and facial image**, and the responsible authorities have properly informed that person of his or her obligations and has ensured that that person has had an effective opportunity to comply with those obligations, his or her application shall be rejected as **abandoned** in accordance with the procedure referred to in Article 39.

*Amendment*

3. Where an applicant refuses to cooperate by not providing the details **referred to in the points (a) and (b) of Article 27(1) or** by not providing his or her **biometric data**, and the responsible authorities have properly informed that person of his or her **obligations and the consequences deriving from those** obligations and has ensured that that person has had an effective opportunity to comply with those obligations, his or her application shall be rejected as **implicitly withdrawn** in accordance with the procedure referred to in Article 39.

## Amendment 74

### Proposal for a regulation

#### Article 7 – paragraph 4

*Text proposed by the Commission*

4. The applicant shall inform the determining authority of the Member State in which he or she is required to be present of his or her place of residence or address or a telephone number where he or she may be reached by the determining

*Amendment*

4. The applicant shall inform the determining authority of the Member State in which he or she is required to be present of his or her place of residence or address or a telephone number **or an email address** where he or she may be reached by the

authority or other responsible authorities. He or she shall notify that determining authority of any changes. The applicant shall accept any communication at the most recent place of residence or address which he or she indicated accordingly, in particular when he or she lodges an application in accordance with Article 28.

determining authority or other responsible authorities. He or she shall notify that determining authority of any changes. The applicant shall accept any communication at the most recent place of residence or address which he or she indicated accordingly, in particular when he or she lodges an application in accordance with Article 28.

## Amendment 75

### Proposal for a regulation Article 7 – paragraph 7

#### *Text proposed by the Commission*

7. Where it is necessary for the **examination** of an application, the applicant may be required by the responsible authorities to **be searched or** have his or her items searched. Without prejudice to any search carried out for security reasons, **a search of the applicant's person under this Regulation shall be carried out by a person of the same sex with full respect for the principles of human dignity and of physical and psychological integrity.**

#### *Amendment*

7. Where it is necessary for the **processing** of an application, the applicant may be required by the responsible authorities to have his or her items searched. **The determining authority shall provide the applicant with the reasons for the search in writing. This is** without prejudice to any search carried out for security reasons.

## Amendment 76

### Proposal for a regulation Article 8 – paragraph 2 – subparagraph 1 – introductory part

#### *Text proposed by the Commission*

The determining authority shall inform applicants, in a language which they understand **or are reasonably meant to understand**, of the following:

#### *Amendment*

The determining authority shall inform applicants, in a language which they understand **and in a concise and easily accessible form, using clear and plain language**, of the following:

## Amendment 77



**Proposal for a regulation**  
**Article 8 – paragraph 2 – subparagraph 1 – point c**

*Text proposed by the Commission*

(c) their rights and obligations during the procedure, including ***the obligation to remain in the territory of the Member State in which they are required to be present in accordance with*** Regulation (EU) No XXX/XXX (Dublin Regulation);

*Amendment*

(c) their rights and obligations during the procedure, including ***those under*** Regulation (EU) No XXX/XXX (Dublin Regulation);

**Amendment 78**

**Proposal for a regulation**  
**Article 8 – paragraph 2 – subparagraph 1 – point e**

*Text proposed by the Commission*

(e) the time-frame of the procedure;

*Amendment*

(e) the time-frame of the procedure, ***including any time limits which they are required to respect and the time limits which the responsible authorities are required to respect;***

**Amendment 79**

**Proposal for a regulation**  
**Article 8 – paragraph 2 – subparagraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) the right to enjoy free legal assistance for the lodging of the individual application and to legal representation at all stages of the procedure pursuant to Section III;***

**Amendment 80**

**Proposal for a regulation**  
**Article 8 – paragraph 2 – subparagraph 1 – point h**

*Text proposed by the Commission*

(h) the outcome of the decision of the determining authority, the reasons for that decision, as well as the consequence of a decision refusing to grant international protection and the manner in which to challenge such a decision.

*Amendment*

(h) the outcome of the decision of the determining authority, the reasons for that decision, ***and all the elements taken into consideration for the purposes of the decision*** as well as the consequence of a decision refusing to grant international protection and the manner in which to challenge such a decision ***and the deadlines to be respected for such a challenge***.

**Amendment 81**

**Proposal for a regulation**

**Article 8 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

The information referred to in the first ***paragraph*** shall be given in good time to enable the applicants to exercise the rights guaranteed in this Regulation and for them to adequately comply with the obligations set out in Article 7.

*Amendment*

***All*** the information referred to in the first ***subparagraph of this paragraph*** shall be given in good time to enable the applicants to exercise the rights guaranteed in this Regulation and for them to adequately comply with the obligations set out in Article 7. ***The information referred to in points (a) to (g) of the first subparagraph of this paragraph shall be provided to the applicant at the latest when the application for international protection is registered. That information shall be provided both in written and oral form, where appropriate with the support of multimedia equipment. Information shall be provided to minors in a child-friendly manner by appropriately trained staff and with the involvement of the guardian.***

**Amendment 82**

**Proposal for a regulation**

**Article 8 – paragraph 2 a (new)**

**2a.** *The European Union Agency for Asylum shall, in close cooperation with the responsible national agencies and complementary to information material provided under Regulation (EU) XXX/XXX (Dublin Regulation), draw up common information material containing at least the information referred to in paragraph 2 of this Article. The common information material shall be established in such a manner as to enable Member States to complete it with additional Member State-specific information. The European Union Agency for Asylum shall create specific information material intended particularly for the following target groups:*

- (a) adult applicants, with specific attention to female and vulnerable applicants;*
- (b) unaccompanied minors; and*
- (c) accompanied minors.*

#### **Amendment 83**

##### **Proposal for a regulation Article 8 – paragraph 2 b (new)**

**2b.** *Where necessary and appropriate, the determining authority shall make available to the applicant the assistance of a cultural mediator to assist him or her during the procedure and, in particular, during the personal interview.*

#### **Amendment 84**

##### **Proposal for a regulation Article 8 – paragraph 4**

*Text proposed by the Commission*

4. The determining authority shall provide applicants with the opportunity to communicate with United Nations High Commissioner for Refugees or with any other organisation providing legal advice or other counselling to applicants in accordance with national law.

*Amendment*

4. **Within 14 days of making the application**, the determining authority shall provide applicants with the opportunity to communicate with United Nations High Commissioner for Refugees or with any other organisation providing legal advice or other counselling to applicants in accordance with national law.

**Amendment 85**

**Proposal for a regulation  
Article 8 – paragraph 5**

*Text proposed by the Commission*

5. The determining authority shall ensure that applicants and, where applicable, their guardians, legal advisers **or other counsellors** have access to the information referred to in Article 33(2)(e) required for the examination of applications and to the information provided by the experts referred to in Article 33(3), where the determining authority has taken that information into consideration for the purpose of taking a decision on their application.

*Amendment*

5. The determining authority shall ensure that applicants and, where applicable, their guardians **or** legal advisers have access to the information referred to in **points (b) and (c) of Article 33(2)** required for the examination of applications and to the information provided by the experts referred to in Article 33(3), where the determining authority has taken that information into consideration for the purpose of taking a decision on their application.

**Amendment 86**

**Proposal for a regulation  
Article 8 – paragraph 6**

*Text proposed by the Commission*

6. The determining authority shall give applicants notice within **a reasonable time** of the decision taken on their application. Where a guardian, legal adviser **or other counsellor** is legally representing the applicant, the determining authority **may** give notice of the decision to

*Amendment*

6. The determining authority shall give applicants notice **in writing** within **five working days** of the decision taken on their application. Where a guardian **or** legal adviser is legally representing the applicant, the determining authority **shall** give notice of the decision to him or her **as**

him or her *instead of* to the applicant.

*well as* to the applicant.

## Amendment 87

### Proposal for a regulation Article 9 – paragraph 2

*Text proposed by the Commission*

2. The right to remain shall not constitute an entitlement to a residence permit and it shall not give the applicant the right to travel to the territory of other Member States without authorisation as referred to in Article 6 of Directive XXX/XXX/EU (Reception Conditions Directive).

*Amendment*

2. The right to remain ***on the territory of a Member State*** shall not constitute an entitlement to a residence permit and it shall not give the applicant the right to travel to the territory of other Member States without authorisation as referred to in Article 6 of Directive XXX/XXX/EU (Reception Conditions Directive).

## Amendment 88

### Proposal for a regulation Article 10 – paragraph 1

*Text proposed by the Commission*

1. Before a decision is taken by *the* determining authority on the admissibility of an application for international protection, the applicant shall be ***given the opportunity of an*** interview on the admissibility of his or her application.

*Amendment*

1. ***Where a determining authority applies the admissibility procedure in accordance with Article 36(1), and*** before a decision is taken by *that* determining authority on the admissibility of an application for international protection, the applicant shall be ***granted the right to be heard through a personal*** interview on the admissibility of his or her application.

## Amendment 89

### Proposal for a regulation Article 10 – paragraph 2

*Text proposed by the Commission*

2. In the admissibility interview, the applicant shall be given an opportunity to provide ***adequate*** reasons as to why the

*Amendment*

2. In the admissibility interview, the applicant shall be given an opportunity to provide reasons as to why the admissibility

admissibility grounds provided for in Article 36(1) would not be applicable to his or her particular circumstances.

grounds provided for in Article 36(1) would not be applicable to his or her particular circumstances.

## Amendment 90

### Proposal for a regulation Article 11 – paragraph 1

#### *Text proposed by the Commission*

1. Before a decision is taken by the determining authority on the merits of an application for international protection, the applicant shall be ***given the opportunity of*** a substantive interview on his or her application.

#### *Amendment*

1. Before a decision is taken by the determining authority on the merits of an application for international protection, the applicant shall be ***granted the right to be heard through*** a substantive interview on his or her application. ***The substantive interview may be conducted at the same time as the admissibility interview provided the applicant has been given sufficient and appropriate time to prepare and consult with his or her legal adviser.***

## Amendment 91

### Proposal for a regulation Article 11 – paragraph 2

#### *Text proposed by the Commission*

2. In the substantive interview, the applicant shall be given ***an adequate*** opportunity to present the elements needed to substantiate his or her application in accordance with Regulation (EU) No XXX/XXX (Qualification Regulation), and he or she shall provide all the elements at his or her disposal as completely as possible. The applicant shall be given the opportunity to provide an explanation regarding elements which may be missing or any inconsistencies or contradictions in the applicant's statements.

#### *Amendment*

2. In the substantive interview, the applicant shall be given ***the*** opportunity to present the elements needed to substantiate his or her application in accordance with Regulation (EU) No XXX/XXX (Qualification Regulation), and he or she shall provide all the elements at his or her disposal as completely as possible. The applicant shall be given the opportunity to provide an explanation regarding elements which may be missing or any inconsistencies or contradictions in the applicant's statements.

## Amendment 92

### Proposal for a regulation Article 11 – paragraph 3

*Text proposed by the Commission*

3. *A person who conducts the substantive interview of an application shall not wear a military or law enforcement uniform.*

*Amendment*

*deleted*

## Amendment 93

### Proposal for a regulation Article 12 – paragraph 1

*Text proposed by the Commission*

1. The applicant shall be *given an opportunity of* a personal interview on his or her application in accordance with the conditions established in this Regulation.

*Amendment*

1. The applicant shall be *granted the right to be heard through* a personal interview on his or her application in accordance with the conditions established in this Regulation.

## Amendment 94

### Proposal for a regulation Article 12 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

2a. *The presence of an interpreter as well as of the applicant's legal adviser, where the applicant has decided to avail of legal assistance or has requested free legal assistance in accordance with point (b) of Article 15(2), shall be ensured.*

## Amendment 95

### Proposal for a regulation Article 12 – paragraph 3

*Text proposed by the Commission*

3. Personal interviews shall be conducted by the personnel of the determining authority, which may be assisted by ***the personnel of authorities of other Member States referred to in Article 5(4)(a) or*** experts deployed by the European Union Agency for Asylum referred to in Article 5(4)(b).

*Amendment*

3. Personal interviews shall be conducted by the personnel of the determining authority, which may be assisted by experts deployed by the European Union Agency for Asylum referred to in Article 5(4) ***or by the personnel of authorities of other Member States in accordance with the condition set out in Article 5(4a).***

**Amendment 96**

**Proposal for a regulation  
Article 12 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. A person who conducts the admissibility interview or the substantive interview shall not wear a military or law enforcement uniform during those interviews.***

**Amendment 97**

**Proposal for a regulation  
Article 12 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Where simultaneous applications for international protection by a disproportionate number of third-country nationals or stateless persons make it difficult in practice for the determining authority to conduct timely personal interviews of each applicant, the determining authority may be assisted by ***the personnel of authorities of other Member States referred to in Article 5(4)(a) and*** experts deployed by the European Union Agency for Asylum referred to in Article 5(4)(b), to conduct

4. Where simultaneous applications for international protection by a disproportionate number of third-country nationals or stateless persons make it difficult in practice for the determining authority to conduct timely personal interviews of each applicant, the determining authority may be assisted by experts deployed by the European Union Agency for Asylum referred to in Article 5(4) ***or by the personnel of authorities of other Member States in accordance with the conditions set out in Article 5(4a),*** to



such interviews.

conduct such interviews.

## Amendment 98

### Proposal for a regulation

#### Article 12 – paragraph 5 – subparagraph 2

##### *Text proposed by the Commission*

The absence of a personal interview pursuant to point (b) shall not adversely affect the decision of the determining authority. That authority shall give the applicant an effective opportunity to submit further information. When in doubt as to the condition of the applicant, the determining authority shall consult a medical professional to establish whether the condition that makes the applicant unfit or unable to be interviewed is of a temporary or enduring nature.

##### *Amendment*

The absence of a personal interview pursuant to point (b) shall not adversely affect the decision of the determining authority. That authority shall give the applicant an effective opportunity to submit further information. When in doubt as to the condition of the applicant, the determining authority shall consult a medical professional to establish whether the condition that makes the applicant unfit or unable to be interviewed is of a temporary or enduring nature. ***Where, following consultation of that medical professional, it is clear that the condition making the applicant unfit or unable to be interviewed is of a temporary nature, the determining authority shall postpone the personal interview until such time as the applicant is fit to be interviewed.***

## Amendment 99

### Proposal for a regulation

#### Article 12 – paragraph 6

##### *Text proposed by the Commission*

6. The person conducting the interview shall be competent to take account of the personal and general circumstances surrounding the application, including the applicant's cultural origin, age, gender, sexual orientation, gender identity and vulnerability. Personnel interviewing applicants shall also have acquired general knowledge of problems which could adversely affect the applicant's

##### *Amendment*

6. The person conducting the interview shall be competent to take account of the personal and general circumstances surrounding the application, including ***the situation prevailing in the applicant's country of origin***, the applicant's cultural origin, age, gender, sexual orientation, gender identity and vulnerability. Personnel interviewing applicants shall also have acquired general

ability to be interviewed, such as indications that the person may have been tortured in the past.

knowledge of problems which could adversely affect the applicant's ability to be interviewed, such as indications that the person may have been tortured in the past *or a victim of trafficking*.

## Amendment 100

### Proposal for a regulation Article 12 – paragraph 7

#### *Text proposed by the Commission*

7. The personnel interviewing applicants, including experts deployed by the European Union Agency for Asylum, shall have received relevant training in advance which shall include the elements listed in Article 7(5) of Regulation (EU) No XXX/XXX (EU Asylum Agency Regulation), including as regards international human rights law, Union asylum law, and rules on access to the international protection procedure, including for persons who could require *special* procedural guarantees.

#### *Amendment*

7. The personnel interviewing applicants, including experts deployed by the European Union Agency for Asylum, shall have received relevant training in advance which shall include the elements listed in Article 7 of Regulation (EU) No XXX/XXX (EU Asylum Agency Regulation), including as regards international human rights law, Union asylum law, and rules on access to the international protection procedure, including for persons who could require *specific* procedural guarantees.

## Amendment 101

### Proposal for a regulation Article 12 – paragraph 8 – subparagraph 1

#### *Text proposed by the Commission*

An interpreter *who is* able to ensure appropriate communication between the applicant and the person conducting the interview shall be provided for the personal interview. The communication shall take place in the language preferred by the applicant unless there is another language which he or she understands and in which he or she is able to communicate clearly.

#### *Amendment*

An interpreter *and, if necessary and appropriate, a cultural mediator who are* able to ensure appropriate communication between the applicant and the person conducting the interview shall be provided for the personal interview. *Interpreters and mediators shall have received specific training as referred to in Article 7(5) of Regulation (EU) XXX/XXX (EU Asylum Agency Regulation), including the elements listed in paragraph 6 of this Article.* The communication shall take

place in the language preferred by the applicant unless there is another language which he or she understands and in which he or she is able to communicate clearly.

## Amendment 102

### Proposal for a regulation Article 12 – paragraph 8 – subparagraph 2

#### *Text proposed by the Commission*

Where requested by the applicant, the determining authority **shall ensure** that the interviewers **and** interpreters are of the same sex as the applicant provided that this is possible and the determining authority does not have reasons to believe that such a request is based on grounds which are not related to difficulties on the part of the applicant to present the grounds of his or her application in a comprehensive manner.

#### *Amendment*

Where requested by the applicant, the determining authority **may ensure** that the interviewers, interpreters **and mediators** are of the same sex as the applicant provided that this is possible and the determining authority does not have reasons to believe that such a request is based on grounds which are not related to difficulties on the part of the applicant to present the grounds of his or her application in a comprehensive manner. ***Interpreters shall have received specific training on international law regarding asylum, as well as on identifying victims of trafficking, torture, victims of violence due to sexual orientation and gender-based violence.***

## Amendment 103

### Proposal for a regulation Article 12 – paragraph 9

#### *Text proposed by the Commission*

9. The absence of a personal interview shall not prevent the determining authority from taking a decision on an application for international protection.

#### *Amendment*

9. ***Without prejudice to Articles 10(1) and 11(1) and provided that sufficient efforts have been made to ensure that the applicant has been afforded the opportunity of a personal interview, the absence of a personal interview, omitted in accordance with paragraph 5 of this Article, shall not prevent the determining authority from taking a decision on an***

application for international protection.

## Amendment 104

### Proposal for a regulation Article 13 – paragraph 1

*Text proposed by the Commission*

1. The determining authority or **any other authority or** experts assisting it or conducting the personal interview shall make a **thorough and factual** report containing all **substantive** elements **or a transcript** of every personal interview.

*Amendment*

1. The determining authority or experts **deployed by the European Union Agency for Asylum referred to in Article 5(4) or by the personnel of authorities of other Member States in accordance with the conditions set out in Article 5(4a)** assisting it or conducting the personal interview shall make a report containing all **the main** elements of every personal interview. **A copy of that report shall be given to the applicant.**

## Amendment 105

### Proposal for a regulation Article 13 – paragraph 2

*Text proposed by the Commission*

2. The personal interview shall be recorded using audio **or audio-visual** means of recording. The applicant shall be informed in advance of such recording.

*Amendment*

2. The personal interview shall be recorded using audio means of recording. The applicant shall be informed in advance of **the fact that** such **a** recording **is being made and the purpose thereof. Particular attention shall be paid to the requirements of applicants in need of specific procedural guarantees.**

## Amendment 106

### Proposal for a regulation Article 13 – paragraph 3

*Text proposed by the Commission*

3. The applicant shall be given the

*Amendment*

3. The applicant shall be given the

opportunity to make comments or provide clarification orally or in writing with regard to any incorrect translations or misunderstandings appearing in the report **or in the transcript**, at the end of the personal interview or within a specified time limit before the determining authority takes a decision. To that end, the applicant shall be informed of the entire content of the report **or of the substantive elements of the transcript**, with the assistance of an interpreter, where necessary. The applicant shall then be requested to confirm that the content of the report **or the transcript** correctly reflects the personal interview.

opportunity to make comments or provide clarification orally or in writing with regard to any incorrect translations or misunderstandings **or other factual mistakes** appearing in the report, at the end of the personal interview or within a specified time limit before the determining authority takes a decision. To that end, the applicant shall be informed of the entire content of the report, with the assistance of an interpreter, where necessary. The applicant shall then be requested to confirm that the content of the report correctly reflects the personal interview. **In case of doubt as to the statements made by the applicant during the personal interview, the audio recording shall prevail.**

## **Amendment 107**

### **Proposal for a regulation Article 13 – paragraph 4**

#### *Text proposed by the Commission*

4. Where an applicant refuses to confirm that the content of the report **or the transcript** correctly reflects the personal interview, the reasons for his or her refusal shall be entered in the applicant's file. That refusal shall not prevent the determining authority from taking a decision on the application.

#### *Amendment*

4. Where an applicant refuses to confirm that the content of the report correctly reflects the personal interview, the reasons for his or her refusal shall be entered in the applicant's file. That refusal shall not prevent the determining authority from taking a decision on the application.

## **Amendment 108**

### **Proposal for a regulation Article 13 – paragraph 5**

#### *Text proposed by the Commission*

5. Applicants and their legal advisers **or other counsellors** shall have access to the report **or the transcript** and the recording before the determining authority

#### *Amendment*

5. Applicants, **their guardians** and their legal advisers shall have access to the report and the recording **as soon as possible after the interview and in any**

takes a decision.

*case in due time* before the determining authority takes a decision, ***including where the application is examined in accordance with the accelerated examination procedure.***

#### Amendment 109

##### Proposal for a regulation Article 13 – paragraph 6

*Text proposed by the Commission*

*Amendment*

6. ***Where the application is examined in accordance with the accelerated examination procedure, the determining authority may grant access to the report or the transcript of the recording at the same time as the decision is made.***

***deleted***

#### Amendment 110

##### Proposal for a regulation Article 13 – paragraph 7

*Text proposed by the Commission*

*Amendment*

7. The responsible authorities shall store ***either*** the recording ***or the transcript for ten*** years from the date of a final decision. The recording shall be erased upon expiry of that period or where it is related to a person who has acquired citizenship of any Member State before expiry of that period as soon as the Member State becomes aware that the person concerned has acquired such citizenship.

7. The responsible authorities shall store the recording ***and the report for five*** years from the date of a final decision ***on the application.*** The recording shall be erased upon expiry of that period or where it is related to a person who has acquired citizenship of any Member State before expiry of that period as soon as the Member State becomes aware that the person concerned has acquired such citizenship.

#### Amendment 111

##### Proposal for a regulation Article 14 – paragraph 1

*Text proposed by the Commission*

1. **Applicants** shall have the right to consult, in an effective manner, a legal adviser **or other counsellor**, admitted or permitted as such under national law, on matters relating to their applications at all stages of the procedure.

*Amendment*

1. **As soon as an application for international protection has been registered by the responsible authorities in accordance with Article 27, the applicant** shall have the right to consult, in an effective manner, a legal adviser, admitted or permitted as such under national law, on matters relating to their applications at all stages of the procedure **until a final decision on the application has been taken.**

**Amendment 112**

**Proposal for a regulation  
Article 14 – paragraph 2**

*Text proposed by the Commission*

2. Without prejudice to the applicant's right to choose his or her own legal adviser **or other counsellor** at his or her own cost, an applicant may request free legal assistance and representation at all stages of the procedure in accordance with Articles 15 to 17. The applicant shall be informed of his or her right to request free legal assistance and representation at all stages of the procedure.

*Amendment*

2. Without prejudice to the applicant's right to choose his or her own legal adviser at his or her own cost, an applicant may request free legal assistance and representation at all stages of the procedure in accordance with Articles 15 to 17. The applicant shall be informed **as soon as possible and at the latest when registering the application in accordance with Articles 26 and 27** of his or her right to request free legal assistance and representation at all stages of the procedure.

**Amendment 113**

**Proposal for a regulation  
Article 15 – paragraph 2 – point a (new)**

*Text proposed by the Commission*

*Amendment*

**(aa) assistance in the preparation of the application, including when lodging an application in accordance with Article 28;**

## Amendment 114

### Proposal for a regulation Article 15 – paragraph 2 – point b

*Text proposed by the Commission*

(b) assistance in the preparation of the **application and** personal interview, **including** participation in the personal interview **as necessary**;

*Amendment*

(b) assistance in the preparation of the personal interview **and** participation in the personal interview;

## Amendment 115

### Proposal for a regulation Article 15 – paragraph 3 – point b

*Text proposed by the Commission*

(b) **the application is considered as not having any tangible prospect of success**;

*Amendment*

**deleted**

## Amendment 116

### Proposal for a regulation Article 15 – paragraph 3 – point c

*Text proposed by the Commission*

(c) the application is a subsequent application.

*Amendment*

(c) the application is a **second or further** subsequent application.

## Amendment 117

### Proposal for a regulation Article 15 – paragraph 5 – subparagraph 1 – point b

*Text proposed by the Commission*

(b) **the appeal is considered as not having any tangible prospect of success**;

*Amendment*

**deleted**



## Amendment 118

### Proposal for a regulation

#### Article 15 – paragraph 5 – subparagraph 1 – point c

##### *Text proposed by the Commission*

(c) the appeal or review is at a second level of appeal or higher as provided for under national law, including re-hearings or reviews of appeal.

##### *Amendment*

(c) the appeal or review is at a second level of appeal or higher as provided for under national law, including re-hearings or reviews of appeal, ***and that second level of appeal is considered to have no tangible prospect of success.***

## Amendment 119

### Proposal for a regulation

#### Article 15 – paragraph 5 – subparagraph 2

##### *Text proposed by the Commission*

Where a decision not to grant free legal assistance and representation is taken by an authority which is not a court or tribunal ***on ground that the appeal is considered as having no tangible prospect of success,*** the applicant shall have the right to an effective remedy before a court or tribunal against that decision, and for that purpose he or she shall be entitled to request free legal assistance and representation.

##### *Amendment*

Where a decision not to grant free legal assistance and representation is taken by an authority which is not a court or tribunal, the applicant shall have the right to an effective remedy before a court or tribunal against that decision, and for that purpose he or she shall be entitled to request free legal assistance and representation.

## Amendment 120

### Proposal for a regulation

#### Article 16 – paragraph 1

##### *Text proposed by the Commission*

1. A legal adviser ***or other counsellor*** admitted or permitted as such under national law, who assists or represents an applicant under the terms of national law, shall be granted access to the information in the applicant's file upon the basis of which a decision is or shall be made.

##### *Amendment*

1. A legal adviser admitted or permitted as such under national law, who assists or represents an applicant under the terms of national law, shall be granted access to the information in the applicant's file upon the basis of which a decision is or shall be made.

## Amendment 121

### Proposal for a regulation

#### Article 16 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

As regards point (b), the determining authority shall, in particular, grant access to information or sources to a legal adviser **or other counsellor** who has undergone a security check, insofar as the information is relevant for examining the application or for taking a decision to withdraw international protection.

*Amendment*

As regards point (b), the determining authority shall, in particular, grant access to information or sources to a legal adviser who has undergone a security check, insofar as the information is relevant for examining the application or for taking a decision to withdraw international protection.

## Amendment 122

### Proposal for a regulation

#### Article 16 – paragraph 3

*Text proposed by the Commission*

3. The legal adviser **or other counsellor** who assists or represents an applicant shall have access to closed areas, such as detention facilities and transit zones, for the purpose of consulting that applicant, in accordance with Directive XXX/XXX/EU (Reception Conditions Directive).

*Amendment*

3. The legal adviser who assists or represents an applicant shall have access to closed areas, such as detention facilities and transit zones, for the purpose of consulting that applicant, in accordance with Directive XXX/XXX/EU (Reception Conditions Directive).

## Amendment 123

### Proposal for a regulation

#### Article 16 – paragraph 4

*Text proposed by the Commission*

4. An applicant shall be allowed to bring to a personal interview a legal adviser **or other counsellor** admitted or permitted as such under national law. The legal adviser **or other counsellor** shall be authorised to intervene during the personal

*Amendment*

4. An applicant shall be allowed to bring to a personal interview a legal adviser admitted or permitted as such under national law. The legal adviser shall be authorised to intervene during the

interview.

personal interview.

## Amendment 124

### Proposal for a regulation Article 16 – paragraph 5

*Text proposed by the Commission*

5. The determining authority may require the presence of the applicant at the personal interview, even if he or she is represented under the terms of national law by a legal adviser *or counsellor*, and may require the applicant to respond in person to the questions asked.

*Amendment*

5. The determining authority may require the presence of the applicant at the personal interview, even if he or she is represented under the terms of national law by a legal adviser, and may require the applicant to respond in person to the questions asked.

## Amendment 125

### Proposal for a regulation Article 16 – paragraph 6

*Text proposed by the Commission*

6. Without prejudice to Article 22(5), the absence of a legal adviser *or other counsellor* shall not prevent the determining authority from conducting a personal interview with the applicant.

*Amendment*

6. Without prejudice to Article 22(5), the absence of a legal adviser shall not prevent the determining authority from conducting a personal interview with the applicant *provided that the applicant has been informed of his or her right to legal assistance and representation, including free legal assistance and representation, where appropriate, and has chosen not to exercise that right.*

## Amendment 126

### Proposal for a regulation Article 17 – paragraph 1

*Text proposed by the Commission*

1. Free legal assistance and representation shall be provided by legal advisers *or other counsellors* permitted

*Amendment*

1. Free legal assistance and representation shall be provided by legal advisers permitted under national law to

under national law to assist or represent the applicants or non-governmental organisations accredited under national law to provide advisory services or representation.

assist or represent the applicants or non-governmental organisations accredited under national law to provide advisory services or representation.

## Amendment 127

### Proposal for a regulation Article 17 – paragraph 2

#### *Text proposed by the Commission*

2. Member States shall lay down specific procedural rules concerning the modalities for filing and processing requests for the provision of free legal assistance and representation in relation to applications for international protection **or they shall apply** the existing rules **for domestic claims of a similar nature**, provided **that those rules do** not render access to free legal assistance and representation impossible or excessively difficult.

#### *Amendment*

2. Member States shall lay down specific procedural rules concerning the modalities for filing and processing requests for the provision of free legal assistance and representation in relation to applications for international protection. **Those rules shall not be more restrictive than** the existing rules provided **by national law and shall** not render access to free legal assistance and representation impossible or excessively difficult. **The authorities shall inform the applicant about those rules as soon as possible and in any event at the latest when the application is registered in accordance with Article 27.**

## Amendment 128

### Proposal for a regulation Article 17 – paragraph 3

#### *Text proposed by the Commission*

3. Member States may also impose monetary limits or time limits on the provision of free legal assistance and representation, provided that such limits do not **arbitrarily** restrict access to free legal assistance and representation. As regards fees and other costs, the treatment of applicants shall not be less favourable than the treatment generally given to their

#### *Amendment*

3. Member States may also impose monetary limits or time limits on the provision of free legal assistance and representation, provided that such limits **are not arbitrary and** do not **unduly** restrict access to free legal assistance and representation. As regards fees and other costs, the treatment of applicants shall not be less favourable than the treatment

nationals in matters pertaining to legal assistance.

generally given to their nationals in matters pertaining to legal assistance.

## Amendment 129

### Proposal for a regulation Article 17 – paragraph 4

*Text proposed by the Commission*

4. Member States may request total or partial reimbursement of **any** costs **made if and when** the applicant's financial situation considerably improves or where the decision to **make such costs** was taken on the basis of false information supplied by the applicant.

*Amendment*

4. Member States may request **from the applicant the** total or partial reimbursement of **the** costs **incurred in relation to the provision of legal assistance and representation where** the applicant's financial situation considerably improves **in the course of the procedure** or where the decision to **provide free legal assistance and representation** was taken on the basis of false information supplied by the applicant, **provided that it can be established that the applicant can afford the costs involved.**

## Amendment 130

### Proposal for a regulation Chapter 2 – section 4 – title

*Text proposed by the Commission*

**Special** Guarantees

*Amendment*

**Specific** Guarantees

*Justification*

*Aligns the terminology with the EP position on other CEAS instruments, notably the Reception Conditions Directive*

## Amendment 131

### Proposal for a regulation Article 19 – title

*Text proposed by the Commission*

Applicants in need of **special** procedural

*Amendment*

Applicants in need of **specific** procedural

guarantees

guarantees

## Amendment 132

### Proposal for a regulation

#### Article 19 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

The determining authority shall systematically assess whether an individual applicant is in need of *special* procedural guarantees. That assessment *may* be integrated into existing national procedures or into the assessment referred to in Article 21 of Directive XXX/XXX/EU (Reception Conditions Directive) and need not take the form of an administrative procedure.

*Amendment*

The determining authority shall systematically, *individually and as early as possible after the application has been made* assess whether an individual applicant is in need of *specific* procedural guarantees. *That assessment shall be carried out with the assistance of a qualified interpreter, where needed.* That assessment *shall* be integrated into existing national procedures or into the assessment referred to in Article 21 of Directive XXX/XXX/EU (Reception Conditions Directive) and need not take the form of an administrative procedure.

## Amendment 133

### Proposal for a regulation

#### Article 19 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

For the purpose of that assessment, the determining authority shall respect the general principles for the assessment of *special* procedural needs set out in Article 20.

*Amendment*

For the purpose of that assessment, the determining authority shall respect the general principles for the assessment of *specific* procedural needs set out in Article 20.

## Amendment 134

### Proposal for a regulation

#### Article 19 – paragraph 2

*Text proposed by the Commission*

2. Where applicants have been

*Amendment*

2. Where applicants have been

identified as applicants in need of *special* procedural guarantees, they shall be provided with adequate support allowing them to benefit from the rights and comply with the obligations under this Regulation throughout the duration of the procedure for international protection.

identified as applicants in need of *specific* procedural guarantees, they shall be provided with adequate support allowing them to benefit from the rights and comply with the obligations under this Regulation throughout the duration of the procedure for international protection, *including by making a cultural mediator available to them, where necessary and appropriate.*

## Amendment 135

### Proposal for a regulation Article 19 – paragraph 3

#### *Text proposed by the Commission*

3. Where that adequate support cannot be provided within the framework of the accelerated examination procedure referred to in Article 40 or the border procedure referred to in Article 41, *in particular* where the determining authority considers that the applicant is in need of *special* procedural guarantees *as a result* of torture, rape or other serious forms of psychological, physical, sexual violence or gender-based violence, the determining authority shall not apply, or shall cease to apply those procedures to the applicant.

#### *Amendment*

3. Where that adequate support cannot be provided within the framework of the accelerated examination procedure referred to in Article 40 or the border procedure referred to in Article 41, *or* where the determining authority considers that the applicant is in need of *specific* procedural guarantees *paying particular attention to victims* of torture, rape or other serious forms of psychological, physical, sexual violence or gender-based violence, the determining authority shall not apply, or shall cease to apply those procedures to the applicant.

## Amendment 136

### Proposal for a regulation Article 19 – paragraph 4

#### *Text proposed by the Commission*

4. The Commission may specify the details and specific measures for assessing and addressing the *special* procedural needs of applicants, including of unaccompanied minors, by means of *implementing* acts. *Those implementing acts shall be adopted* in accordance with

#### *Amendment*

4. The Commission may specify the details and specific measures for assessing and addressing the *specific* procedural needs of applicants, including of unaccompanied minors, by means of *delegated* acts in accordance with Article 59.

*the examination procedure referred to in Article 58.*

### **Amendment 137**

#### **Proposal for a regulation Article 20 – title**

*Text proposed by the Commission*

General principles for the assessment of *special* procedural needs

*Amendment*

General principles for the assessment of *specific* procedural needs

### **Amendment 138**

#### **Proposal for a regulation Article 20 – paragraph 1**

*Text proposed by the Commission*

1. The process of identifying applicants with *special* procedural needs shall be initiated by authorities responsible for receiving and registering applications as soon as an application is made and shall be *continued by the determining authority once the application is lodged*.

*Amendment*

1. The process of identifying applicants with *specific* procedural needs *in accordance with Article 19(1)* shall be initiated by authorities responsible for receiving and registering applications as soon as an application is made and shall be *completed within 30 days*.

### **Amendment 139**

#### **Proposal for a regulation Article 20 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

The personnel of the authorities responsible for receiving and registering applications shall, when registering the application, indicate whether or not an applicant presents first indications of vulnerability which may require *special* procedural guarantees and may be inferred from physical signs or from the applicant's statements or behaviour.

*Amendment*

The personnel of the authorities responsible for receiving and registering applications shall, when registering the application, indicate whether or not an applicant presents first indications of vulnerability which may require *specific* procedural guarantees and may be inferred from physical signs or from the applicant's statements or behaviour.



## Amendment 140

### Proposal for a regulation

#### Article 20 – paragraph 2 – subparagraph 2

##### *Text proposed by the Commission*

The information that an applicant presents first signs of vulnerability shall be included in the applicant's file together with the description of the signs of vulnerability presented by the applicant that could require *special* procedural guarantees.

##### *Amendment*

The information that an applicant presents first signs of vulnerability shall be included in the applicant's file together with the description of the signs of vulnerability presented by the applicant that could require *specific* procedural guarantees **and the applicant's observations on the need to benefit from specific procedural support**.

## Amendment 141

### Proposal for a regulation

#### Article 20 – paragraph 2 – subparagraph 3

##### *Text proposed by the Commission*

Member States shall ensure that the personnel of the authorities referred to in Article 5 *is* trained to detect first signs of vulnerability of applicants that could require *special* procedural guarantees and that it shall receive instructions for that purpose.

##### *Amendment*

Member States shall ensure that the personnel of the authorities referred to in Article 5 **are** trained to detect first signs of vulnerability of applicants that could require *specific* procedural guarantees and that it shall receive instructions for that purpose.

## Amendment 142

### Proposal for a regulation

#### Article 20 – paragraph 3 – subparagraph 1

##### *Text proposed by the Commission*

Where there are indications that applicants may have been victim of torture, rape or of another serious form of psychological, physical, sexual or gender-based violence and that this could adversely affect their ability to participate effectively in the procedure, the determining authority shall refer the applicants to a doctor or a

##### *Amendment*

Where there are indications that applicants may have been victim of torture, rape or of another serious form of psychological, physical, sexual or gender-based violence and that this could adversely affect their ability to participate effectively in the procedure, the determining authority shall refer the applicants to a doctor or a

psychologist for further assessment of their psychological and physical state.

psychologist for further assessment of their psychological and physical state. ***In such cases, the doctor or psychologist shall be trained in the carrying out of such assessments and be supported by a qualified interpreter.***

#### **Amendment 143**

##### **Proposal for a regulation**

##### **Article 20 – paragraph 3 – subparagraph 2**

###### *Text proposed by the Commission*

The result of that examination shall be taken into account by the determining authority for deciding on the type of ***special*** procedural support which may be provided to the applicant.

###### *Amendment*

The result of that examination shall be taken into account by the determining authority for deciding on the type of ***specific*** procedural support which may be provided to the applicant.

#### **Amendment 144**

##### **Proposal for a regulation**

##### **Article 20 – paragraph 4**

###### *Text proposed by the Commission*

4. The responsible authorities shall address the need for ***special*** procedural guarantees as set out in this Article even where that need becomes apparent at a later stage of the procedure, without having to restart the procedure for international protection.

###### *Amendment*

4. The responsible authorities shall address the need for ***specific*** procedural guarantees as set out in this Article even where that need becomes apparent at a later stage of the procedure, ***or if the applicant expresses a reasoned request to have his or her specific procedural needs reassessed,*** without having to restart the procedure for international protection.

#### **Amendment 145**

##### **Proposal for a regulation**

##### **Article 21 – paragraph 2 – subparagraph 1**

###### *Text proposed by the Commission*

The determining authority shall ***provide a***

###### *Amendment*

The determining authority shall ***ensure a***

***minor the opportunity of*** a personal interview, including where an application is made on his or her own behalf in accordance with Article 31(6) and Article 32(1), unless this is ***manifestly*** not in the best interests of the child. In that case, the determining authority shall give reasons for the decision not to provide a minor with ***the opportunity of*** a personal interview.

***minor's right to be heard through*** a personal interview, including where an application is made on his or her own behalf in accordance with Article 31(6) and Article 32(1), unless this is not in the best interests of the child. In that case, the determining authority shall give reasons for the decision not to provide a minor with a personal interview.

## Amendment 146

### Proposal for a regulation

#### Article 21 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

Any such personal interview shall be conducted ***by a person who has the necessary knowledge of the rights and special needs of minors and it shall be conducted*** in a child-sensitive and context-appropriate manner.

*Amendment*

Any such personal interview shall be conducted ***in language that the minor understands and*** in a child-sensitive and context-appropriate manner. ***The person conducting the personal interview shall have the necessary knowledge of the rights and specific needs of minors.***

## Amendment 147

### Proposal for a regulation

#### Article 21 – paragraph 3

*Text proposed by the Commission*

3. The decision on the application of a minor shall be ***prepared*** by personnel of the determining authority who have the necessary knowledge of the rights and ***special*** needs of minors.

*Amendment*

3. The decision on the application of a minor shall be ***taken*** by personnel of the determining authority who have the necessary knowledge of the rights and ***specific*** needs of minors.

## Amendment 148

### Proposal for a regulation

#### Article 21 – paragraph 3 a (new)

**3a. In assessing the best interests of the child, the determining authority shall guarantee the child's right to be heard and shall, in particular, take due account of the following factors:**

**(a) the possibility of family reunification;**

**(b) the minor's well-being and social development, taking into particular consideration his or her ethnic, religious, cultural and linguistic background and the need for stability and continuity in the minor's care and custodial arrangements and access to health and education services;**

**(c) safety and security considerations, in particular where there is a risk that the minor is a victim of any form of violence or exploitation, including trafficking in human beings;**

**(d) situations of vulnerability, including trauma, specific health needs and disability;**

**(e) the views of the minor, in accordance with his or her age and maturity;**

**(f) the information provided by the guardian in the Member State where the minor is present; and**

**(g) the need to give priority to decisions concerning minors.**

## **Amendment 149**

### **Proposal for a regulation Article 22 – title**

*Text proposed by the Commission*

***Special*** guarantees for unaccompanied minors

*Amendment*

***Specific*** guarantees for unaccompanied minors

## Amendment 150

### Proposal for a regulation

#### Article 22 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

The responsible authorities shall, as soon as possible ***and not later than five working days from the moment when an unaccompanied minor makes an application, appoint a person or an organisation as a guardian.***

*Amendment*

The responsible authorities shall ***appoint a guardian***, as soon as possible ***prior to the collection of biometric data pursuant to Article 10(1) or 13(1) of Regulation (EU) XXXX/XX (Eurodac Regulation) and in any event no later than 24 hours after the making of the application.***

## Amendment 151

### Proposal for a regulation

#### Article 22 – paragraph 1 – subparagraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***Procedural time limits shall not begin until a guardian has been appointed.***

## Amendment 152

### Proposal for a regulation

#### Article 22 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. The determining authority shall inform the guardian of all relevant facts, procedural steps and time-limits pertaining to the unaccompanied minor.

2. The determining authority shall inform the guardian of all relevant facts, procedural steps and time-limits pertaining to the unaccompanied minor. ***The guardian shall have access to the content of the relevant documents in the minor's file including the specific information material for unaccompanied minors.***

## Amendment 153

### Proposal for a regulation

#### Article 22 – paragraph 4 – subparagraph 1

*Text proposed by the Commission*

The guardian shall perform his or her duties in accordance with the principle of the best interests of the child, shall have the necessary expertise, and shall not have a *verified* record of child-related crimes or offences.

*Amendment*

The guardian shall perform his or her duties in accordance with the principle of the best interests of the child *and* shall have the necessary *qualifications, training, expertise and independence. Guardians shall receive regular training and support for the undertaking of their tasks* and shall not have a *criminal* record, *in particular as regards any* child-related crimes or offences. *The responsible authorities shall regularly review the criminal records of appointed guardians in order to identify potential incompatibilities with their role.*

**Amendment 154**

**Proposal for a regulation**

**Article 22 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

The responsible authorities shall not place a guardian in charge of a disproportionate number of unaccompanied minors at the same time, which would render him or her unable to perform his or her tasks effectively.

*Amendment*

The responsible authorities shall not place a guardian in charge of a disproportionate number of unaccompanied minors at the same time, which would render him or her unable to perform his or her tasks effectively. *In any event, the responsible authorities shall not place a guardian in charge of more than 20 unaccompanied minors*

**Amendment 155**

**Proposal for a regulation**

**Article 22 – paragraph 5 – subparagraph 2**

*Text proposed by the Commission*

Member States shall appoint entities or persons responsible for the performance of guardians' tasks and for supervising and monitoring at regular intervals that guardians perform their tasks in a

*Amendment*

Member States shall appoint entities or persons responsible for the performance of guardians' tasks and for supervising and monitoring at regular intervals that guardians perform their tasks in a

satisfactory manner. Those entities or persons shall review complaints lodged by unaccompanied minors against their guardian.

satisfactory manner. Those entities or persons shall review complaints lodged by unaccompanied minors against their guardian. ***To this end, unaccompanied minors shall be given information in a concise, transparent, intelligible and easily accessible form, using clear and plain language both orally and in a visual form, in a child-friendly manner and in a language they understand, about who those entities or persons are and how to file complaints against their guardians in confidence and safety.***

## Amendment 156

### Proposal for a regulation

#### Article 22 – paragraph 5 – subparagraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***The responsible entities or persons shall assess the performance of the guardian within one month of his or her appointment, and regularly thereafter.***

## Amendment 157

### Proposal for a regulation

#### Article 22 – paragraph 6

*Text proposed by the Commission*

*Amendment*

6. The guardian shall inform the unaccompanied minor about the meaning and possible consequences of the personal interview and, where appropriate, about how to prepare himself or herself for the personal interview. The guardian and, ***where applicable***, a legal adviser ***or other counsellor*** admitted or permitted as such under national law, shall be present at that interview and have an opportunity to ask questions or make comments, within the framework set by the person who conducts the interview. The determining authority

6. The guardian shall inform the unaccompanied minor about the meaning and possible consequences of the personal interview and, where appropriate, about how to prepare himself or herself for the personal interview. The guardian and a legal adviser admitted or permitted as such under national law, shall be present at that interview and have an opportunity to ask questions or make comments, within the framework set by the person who conducts the interview. The determining authority ***shall ensure the minor's right to be heard***

*may require the presence of the unaccompanied minor at the* personal interview, even if the guardian is present.

*through a* personal interview, even if the guardian is present.

## Amendment 158

### Proposal for a regulation Article 22 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

**6a.** *Where it is not possible to keep the same guardian appointed after the arrival of the unaccompanied minor on the territory of the Union, the competent authorities shall, as soon as possible after international protection is granted and in any case no later than five days thereafter, take the necessary measures to ensure that the unaccompanied minor is represented by a legal guardian or, where necessary, by an organisation responsible for the care and well-being of minors, or that the minor has any other appropriate representation, including representation based on national law or the order of a court.*

## Amendment 159

### Proposal for a regulation Article 23 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. The medical examination shall be carried out by qualified medical professionals. Member States may designate the medical professionals who may carry out such medical examinations. Those medical examinations shall be ***paid for from public funds.***

2. The medical examination shall be carried out by qualified medical professionals. Member States may designate the medical professionals who may carry out such medical examinations. Those medical examinations shall be ***free for applicants.***

*Justification*

*In some Member States this is not provided under the national law.*



## Amendment 160

### Proposal for a regulation Article 23 – paragraph 4

*Text proposed by the Commission*

4. The results of the medical examination shall be submitted to the determining authority as soon as possible and shall be assessed by the determining authority along with the other elements of the application.

*Amendment*

4. The results of the medical examination shall be submitted to the determining authority **and to the applicant** as soon as possible and shall be assessed by the determining authority along with the other elements of the application.

## Amendment 161

### Proposal for a regulation Article 24 – title

*Text proposed by the Commission*

**Medical examination** of unaccompanied minors

*Amendment*

**Assessment of the age of** unaccompanied minors

## Amendment 162

### Proposal for a regulation Article 24 – paragraph -1 (new)

*Text proposed by the Commission*

*Amendment*

**-1. Where, following statements by the applicant, with available documentary evidence or other relevant indications, there are doubts as to whether or not an unaccompanied minor is under the age of 18, the determining authorities may undertake a multi-disciplinary psychosocial development assessment, which shall be carried out by qualified professionals, to determine the applicant's age within the framework of the examination of an application. The assessment of the age shall not be based solely on the applicant's physical appearance or behaviour. Documents that are available shall be considered genuine**

*unless there is evidence to the contrary, and statements by minors shall be taken into consideration.*

## **Amendment 163**

### **Proposal for a regulation Article 24 – paragraph 1**

*Text proposed by the Commission*

1. Medical examinations may be used to determine *the age of unaccompanied minors* within the framework of the examination of an application *where, following statements by the applicant or other relevant indications including a psychosocial assessment, there are doubts as to whether or not the applicant is under the age of 18*. Where the result of the medical examination is not conclusive, or includes an age-range below 18 years, Member States shall assume that the applicant is a minor.

*Amendment*

1. *Where there are still doubts as to the age of an unaccompanied minor following the assessment referred to in paragraph -1*, medical examinations may be used *as a measure of last resort* to determine *his or her* age within the framework of the examination of an application. Where the result of the medical examination is not conclusive, or includes an age-range below 18 years, Member States shall assume that the applicant is a minor.

## **Amendment 164**

### **Proposal for a regulation Article 24 – paragraph 2**

*Text proposed by the Commission*

2. The medical examination to determine the age of unaccompanied minors shall not be carried out without their consent *or* the consent of their guardians.

*Amendment*

2. The medical examination to determine the age of unaccompanied minors shall not be carried out without their consent *and* the consent of their guardians.

## **Amendment 165**

### **Proposal for a regulation Article 24 – paragraph 3**

*Text proposed by the Commission*

3. Any medical examination shall be performed with full respect for the individual's dignity, shall be the least invasive examination and shall be carried out by qualified medical professionals allowing for the most reliable result possible.

*Amendment*

3. Any medical examination shall be performed with full respect for the individual's dignity, shall be the least invasive examination ***possible*** and shall be carried out by qualified medical professionals ***and in cooperation with a multi-disciplinary team with expertise in children's rights, psychology and development, thereby*** allowing for the most reliable result possible. ***Any medical examination pursuant to paragraph 1 shall be based on scientifically proven methods.***

**Amendment 166**

**Proposal for a regulation**

**Article 24 – paragraph 4**

*Text proposed by the Commission*

4. Where medical examinations are used to determine the age of unaccompanied minors, the determining authority shall ensure that unaccompanied minors are informed, prior to the examination of their application for international protection, ***and*** in a language that they understand ***or are reasonably meant to understand***, of the possibility that their age be determined by medical examination. This shall include information on the method of examination and possible consequences which the result of the medical examination may have for the examination of the application, as well as on the possibility and consequences of a refusal on the part of the unaccompanied minor, or of his or her guardian, to undergo the medical examination.

*Amendment*

4. Where medical examinations are used to determine the age of unaccompanied minors, the determining authority shall ensure that unaccompanied minors are informed, prior to the examination of their application for international protection, in a language that they understand ***and in a child-friendly and age appropriate manner***, of the possibility that their age ***might*** be determined by medical examination. This shall include information on the method of examination and possible consequences which the result of the medical examination may have for the examination of the application, ***including the right to appeal the decision on the medical examination***, as well as on the possibility and consequences of a refusal on the part of the unaccompanied minor, or of his or her guardian, to undergo the medical examination. ***All documents relating to the medical examination shall be included in***

*the applicant's file.*

## **Amendment 167**

### **Proposal for a regulation Article 24 – paragraph 5**

*Text proposed by the Commission*

5. The refusal by the unaccompanied minors or their guardians to carry out the medical examination may only be considered as a rebuttable presumption that the applicant is not a minor and it ***shall not prevent the determining authority from taking a decision on the*** application for international protection.

*Amendment*

5. The refusal by the unaccompanied minors or their guardians to carry out the medical examination may only be considered as a rebuttable presumption that the applicant is not a minor and it ***shall not be the sole reason for rejecting an*** application for international protection.

## **Amendment 168**

### **Proposal for a regulation Article 24 – paragraph 6**

*Text proposed by the Commission*

6. A Member State shall recognise age assessment decisions taken by other Member States ***on the basis of a medical examination carried out in accordance with this Article and based on methods which are recognised under its national law.***

*Amendment*

6. A Member State shall recognise age assessment decisions taken by other Member States ***where the assessments are carried out in compliance with international standards.***

## **Amendment 169**

### **Proposal for a regulation Article 25 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

An application for international protection shall be made when a third-country national or stateless person expresses a wish for international protection to officials of the determining authority or other

*Amendment*

An application for international protection shall be ***considered as*** made when a third-country national or stateless person expresses a wish for international protection to officials of the determining

authorities referred to in Article 5(3) *or* (4).

authority or other authorities referred to in Article 5.

## Amendment 170

### Proposal for a regulation

#### Article 26 – paragraph 1 – point a

*Text proposed by the Commission*

(a) inform the applicants of their rights and obligations set out, in particular, in Articles 27, 28 and 31 as regards the registration and lodging of applications, Article 7 as regards the obligations of applicants and consequences of non-compliance with such obligations, Article 9 as regards the right of applicants to remain on the territory of the Member State responsible, and Article 8 as regards the general guarantees for applicants;

*Amendment*

(a) inform the applicants ***in a language they can understand*** of their rights and obligations set out, in particular, in Articles 27, 28 and 31 as regards the registration and lodging of applications, Article 7 as regards the obligations of applicants and consequences of non-compliance with such obligations, Article 9 as regards the right of applicants to remain on the territory of the Member State responsible, and Article 8 as regards the general guarantees for applicants;

## Amendment 171

### Proposal for a regulation

#### Article 26 – paragraph 2

*Text proposed by the Commission*

2. The Commission ***may specify*** the content of the information to be provided to applicants when an application is made ***by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 58.***

*Amendment*

2. The Commission ***is empowered to adopt delegated acts in accordance with Article 59 specifying*** the content of the information to be provided to applicants when an application is made.

#### *Justification*

*The provision of information to applicants is a key procedural right for applicants. Given its importance, it is imperative that the co-legislators agree on any act further specifying the information to be provided to applicants. With that in mind, only a delegated act can be used in these circumstances.*

## Amendment 172

### Proposal for a regulation

#### Article 27 – paragraph 1 – subparagraph 1 – point a

*Text proposed by the Commission*

(a) the name, date of birth, gender, nationality **and other personal details** of the applicant;

*Amendment*

(a) the name, date of birth, gender, **and** nationality **or statelessness** of the applicant;

## Amendment 173

### Proposal for a regulation

#### Article 27 – paragraph 1 – subparagraph 1 – point b

*Text proposed by the Commission*

(b) the type and number of any identity or travel document of the applicant;

*Amendment*

(b) the type and number of any identity or travel document of the applicant, **where available**;

## Amendment 174

### Proposal for a regulation

#### Article 27 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. Where an individual claims not to have a nationality, that fact shall be clearly registered pending a full determination of whether the individual is stateless, either in parallel with or following the consideration of the application for international protection. That determination shall be conducted without prejudice to the primacy of international protection status and with full respect of the principle of confidentiality.***

## Amendment 175

**Proposal for a regulation**  
**Article 27 – paragraph 3**

*Text proposed by the Commission*

3. Where simultaneous applications for international protection by a disproportionate number of third-country nationals or stateless persons make it difficult in practice to register applications within three working days from when the application is made, the authorities of the Member State may extend that time-limit to **ten** working days.

**Amendment 176**

**Proposal for a regulation**  
**Article 27 – paragraph 4**

*Text proposed by the Commission*

4. The responsible authorities shall store each set of data referred to in paragraph 1 and any other relevant data collected under paragraph 2, for **ten** years from the date of a final decision. The data shall be erased upon expiry of that period or where it is related to a person who has acquired citizenship of any Member State before expiry of that period as soon as the Member State becomes aware that the person concerned has acquired such citizenship.

**Amendment 177**

**Proposal for a regulation**  
**Article 28 – paragraph 1**

*Text proposed by the Commission*

1. The applicant shall lodge the application within **ten** working days from the date when the application is registered

*Amendment*

3. Where simultaneous applications for international protection by a disproportionate number of third-country nationals or stateless persons make it difficult in practice to register applications within three working days from when the application is made, the authorities of the Member State may extend that time-limit to **seven** working days.

*Amendment*

4. The responsible authorities shall store each set of data referred to in paragraph 1 and any other relevant data collected under paragraph 2 for **five** years from the date of a final decision **on the application for international protection, including after all levels of appeal**. The data shall be erased upon expiry of that period or where it is related to a person who has acquired citizenship of any Member State before expiry of that period as soon as the Member State becomes aware that the person concerned has acquired such citizenship.

*Amendment*

1. The applicant shall lodge the application within **fifteen** working days from the date when the application is

provided that he or she is given an effective opportunity to do so within that time-limit.

registered *or at the latest on the date that the appointment referred to in paragraph 5 is given*, provided that he or she is given an effective opportunity to do so within that time-limit.

## Amendment 178

### Proposal for a regulation Article 28 – paragraph 2

#### *Text proposed by the Commission*

2. The authority responsible for receiving and registering applications for international protection shall give the applicant an effective opportunity to lodge an application within the time-limit established in paragraph 1.

#### *Amendment*

2. The authority responsible for receiving and registering applications for international protection shall give the applicant an effective opportunity to lodge an application within the time-limit established in paragraph 1. *In accordance with Article 14(1), the applicant shall have the right to legal assistance and representation to prepare the lodging of his or her application and shall be informed of that right, including the right to free legal assistance and representation, where appropriate. Where free legal assistance is requested, the time limit for lodging the application shall start to run upon the appointment of a legal adviser.*

## Amendment 179

### Proposal for a regulation Article 28 – paragraph 4 – subparagraph 1

#### *Text proposed by the Commission*

When lodging an application, applicants are required to submit all the elements referred to in Article 4(1) of Regulation (EU) No XXX/XXX (Qualification Regulation) needed for substantiating their application. Following the lodging of their application, applicants shall be authorised to submit any additional elements relevant

#### *Amendment*

When lodging an application, applicants are required to submit all the elements *in their possession* referred to in Article 4(2) of Regulation (EU) No XXX/XXX (Qualification Regulation) needed for substantiating their application. *Applicants shall cooperate with the determining authority and remain available*



for its examination until a decision under the administrative procedure is taken on the application.

***throughout the procedure.*** Following the lodging of their application, applicants shall be authorised to submit any additional elements relevant for its examination until a decision under the administrative procedure is taken on the application.

## **Amendment 180**

### **Proposal for a regulation**

#### **Article 28 – paragraph 4 – subparagraph 2**

##### *Text proposed by the Commission*

The authority responsible for receiving and registering applications for international protection shall inform the applicant that after the decision is taken on the application he or she may bring forward only new elements which are relevant for the examination of his or her application ***and which he or she could not have been aware of at an earlier stage*** or which relate to changes to his or her situation.

##### *Amendment*

The authority responsible for receiving and registering applications for international protection shall inform the applicant that after the decision is taken on the application he or she may bring forward only new elements which are relevant for the examination of his or her application or which relate to changes to his or her situation.

## **Amendment 181**

### **Proposal for a regulation**

#### **Article 28 – paragraph 5**

##### *Text proposed by the Commission*

5. The applications for international protection shall be lodged in person and at a designated place. For that purpose, when the application is registered, the applicant shall be given an appointment with the authorities competent for the lodging of the application.

##### *Amendment*

5. The applications for international protection shall be lodged in person and at a designated place. For that purpose, when the application is registered, the applicant shall be given an appointment with the authorities competent for the lodging of the application. ***The date of such an appointment shall be set not earlier than 15 working days from the date when the application is registered, unless the consent of the applicant is provided after receiving appropriate information on the obligation to lodge the application and the right to legal assistance and***

*representation.*

## **Amendment 182**

### **Proposal for a regulation Article 28 – paragraph 6**

*Text proposed by the Commission*

6. The responsible authorities shall store the data referred to in paragraph 4 for **ten** years from the date of a final decision. The data shall be erased upon expiry of that period or where it is related to a person who has acquired citizenship of any Member State before expiry of that period as soon as the Member State becomes aware that the person concerned has acquired such citizenship.

*Amendment*

6. The responsible authorities shall store the data referred to in paragraph 4 for **five** years from the date of a final decision **on the application for international protection, including on all levels of appeal.** The data shall be erased upon expiry of that period or where it is related to a person who has acquired citizenship of any Member State before expiry of that period as soon as the Member State becomes aware that the person concerned has acquired such citizenship.

## **Amendment 183**

### **Proposal for a regulation Article 29 – paragraph 1**

*Text proposed by the Commission*

1. The authorities of the Member State where an application for international protection is made shall, upon registration, provide the applicant with a document **certifying, in particular, that an application has been made and stating that the applicant may remain on the territory of that Member State for the purposes of lodging his or her application as provided for in this Regulation.**

*Amendment*

1. The authorities of the Member State where an application for international protection is made shall, upon registration, provide the applicant with a document **in his or her own name:**

## **Amendment 184**

### **Proposal for a regulation Article 29 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

**2.** *The authorities of the Member State where the application is lodged shall, within three working days of the lodging of the application, provide the applicant with a document in his or her own name:*

*deleted*

## **Amendment 185**

### **Proposal for a regulation**

#### **Article 29 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

(d) stating that the applicant has the right to remain on the territory of that Member State and indicating whether the applicant is free to move within all or part of the territory of that Member State;

(d) stating that the applicant has the right to remain on the territory of that Member State ***for the purposes of having his or her application lodged and examined as provided for in this Regulation*** and indicating whether the applicant is free to move within all or part of the territory of that Member State;

## **Amendment 186**

### **Proposal for a regulation**

#### **Article 29 – paragraph 2 – point f**

*Text proposed by the Commission*

*Amendment*

(f) *stating whether the applicant has permission to take up gainful employment.*

*deleted*

## **Amendment 187**

### **Proposal for a regulation**

#### **Article 29 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Where, following a procedure of

3. Where, following a procedure of

determination in accordance with Regulation (EU) No XXX/XXX (Dublin Regulation), another Member State is designated as responsible for the examination of the application, the authorities of that Member State shall provide the applicant with a document referred to in paragraph 2 within three working days from the transfer of the applicant to that Member State.

determination in accordance with Regulation (EU) No XXX/XXX (Dublin Regulation), another Member State is designated as responsible for the examination of the application, the authorities of that Member State shall provide the applicant with a document referred to in paragraph 1 within three working days from the transfer of the applicant to that Member State.

## Amendment 188

### Proposal for a regulation

#### Article 29 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a.** *The determining authority shall update the document referred to in paragraph 1 of this Article to certify that an application has been lodged in accordance with Article 28. The document shall state the date from which the applicant is permitted to take up gainful employment.*

## Amendment 189

### Proposal for a regulation

#### Article 29 – paragraph 4 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

The document referred to in paragraph 2 shall be valid for a period of six months **which** shall be renewed **accordingly to ensure** that the validity of that document covers the period during which the applicant has a right to remain on the territory of the Member State responsible.

The document referred to in paragraph 1 shall be valid for a period of six months **and** shall be renewed **automatically where no final decision has yet been taken on the application for international protection, ensuring** that the validity of that document covers the period during which the applicant has a right to remain on the territory of the Member State responsible.

## Amendment 190

### Proposal for a regulation Article 29 – paragraph 5

*Text proposed by the Commission*

5. The Commission *may* specify the form and content of the *documents* to be given to the applicants at registration *and lodging* by means of implementing *acts*. *Those* implementing *acts* shall be adopted in accordance with the examination procedure referred to in Article 58.

*Amendment*

5. The Commission *shall* specify the form and content of the *document* to be given to the applicants at registration by means of *an* implementing *act*. *That* implementing *act* shall be adopted in accordance with the examination procedure referred to in Article 58.

## Amendment 191

### Proposal for a regulation Article 30 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. *Where there are indications that* third-country nationals or stateless persons held in detention facilities or present at border crossing points, including transit zones, at external borders, *may need international protection, the responsible authorities shall inform them* of the possibility to apply for international protection, in particular, where:

*Amendment*

1. *The responsible authorities shall inform all* third-country nationals or stateless persons held in detention facilities or present at border crossing points, including transit zones, at external borders, of the possibility to apply for international protection, in particular, where:

## Amendment 192

### Proposal for a regulation Article 30 – paragraph 1 – point a

*Text proposed by the Commission*

(a) *it is likely that the person is an unaccompanied minor;*

*Amendment*

*deleted*

## Amendment 193

**Proposal for a regulation**  
**Article 30 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

*(aa) it is likely that the person is in need of specific procedural guarantees in accordance with Articles 19 and 20;*

**Amendment 194**

**Proposal for a regulation**  
**Article 30 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) there are obvious indications that the person suffers from mental or other disorders that render him or her unable to ascertain a need for international protection;*

*deleted*

**Amendment 195**

**Proposal for a regulation**  
**Article 30 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The responsible authorities shall make the necessary arrangements for interpretation services to be available to facilitate access to the procedure for international protection.

2. The responsible authorities shall make the necessary arrangements for interpretation services ***and, where necessary and appropriate, cultural mediation services*** to be available to facilitate access to the procedure for international protection. ***In addition, the responsible authorities shall make the necessary arrangements to provide minors with alternatives to detention.***

**Amendment 196**

**Proposal for a regulation**  
**Article 30 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

Member States may impose limits to such access where, by virtue of national law, they are necessary for the security, public order **or administrative management** of a border crossing point or of a detention facility, provided that access is not severely restricted or rendered impossible.

*Amendment*

Member States may impose limits to such access where, by virtue of national law, they are necessary for the security **or** public order of a border crossing point or of a detention facility, provided that access is not severely restricted or rendered impossible.

**Amendment 197**

**Proposal for a regulation**

**Article 31 – title**

*Text proposed by the Commission*

Applications on behalf of a **spouse, partner**, minor or dependent adult

*Amendment*

Applications on behalf of a minor or dependent adult

**Amendment 198**

**Proposal for a regulation**

**Article 31 – paragraph 1**

*Text proposed by the Commission*

1. An applicant may lodge an application on behalf of **his or her spouse or partner in a stable and durable relationship**, minors or dependent adults without legal capacity.

*Amendment*

1. An applicant may lodge an application on behalf of minors or dependent adults without legal capacity.

**Amendment 199**

**Proposal for a regulation**

**Article 31 – paragraph 2**

*Text proposed by the Commission*

2. **The spouse or partner referred to in paragraph 1 shall be informed in private of the relevant procedural consequences of having the application**

*Amendment*

**deleted**

*lodged on his or her behalf and of his or her right to make a separate application for international protection. Where the spouse or partner does not consent to the lodging of an application on his or her behalf, he or she shall be given an opportunity to lodge an application in his or her own name.*

## Amendment 200

### Proposal for a regulation Article 31 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. *Where an applicant does not lodge an application on behalf of his or her spouse or partner as referred to in paragraph 1 within the ten working days referred to in Article 28(1), the spouse or partner shall be given an opportunity to lodge his or her application in his or her own name within another ten working-day period starting from the expiry of the first ten working-day period. Where the spouse or partner still does not lodge his or her application within these further ten working days, the application shall be rejected as abandoned in accordance with the procedure laid down in Article 39.*

*deleted*

## Amendment 201

### Proposal for a regulation Article 31 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. Where an applicant does not lodge an application on behalf of his or her dependent adult as referred to in paragraph 1 within the *ten* working days referred to in Article 28(1), the determining authority shall lodge an application on behalf of that dependent adult if, on the basis of an

4. Where an applicant does not lodge an application on behalf of his or her dependent adult as referred to in paragraph 1 within the **15** working days referred to in Article 28(1), the determining authority shall lodge an application on behalf of that dependent adult if, on the basis of an



individual assessment of his or her personal situation, it is of the opinion that the dependent adult may need international protection.

individual assessment of his or her personal situation, it is of the opinion that the dependent adult may need international protection.

## Amendment 202

### Proposal for a regulation Article 31 – paragraph 5

#### *Text proposed by the Commission*

5. Where a person has lodged an application on behalf of ***his or her spouse or partner in a stable and durable relationship or dependent adults*** without legal capacity, ***each of those persons*** shall be given the opportunity of a personal interview.

#### *Amendment*

5. Where a person has lodged an application on behalf of ***a dependent adult*** without legal capacity, ***that person*** shall be given the opportunity of a personal interview.

## Amendment 203

### Proposal for a regulation Article 31 – paragraph 6

#### *Text proposed by the Commission*

6. A minor shall have the right to lodge an application in his or her own name if he or she has the legal capacity to act in procedures according to the national law of the Member State concerned, or through an adult ***responsible for him or her***, whether by law or by practice of the Member State concerned, including his or her parents or ***other legal or customary*** caregiver, or adult family members in the case of an accompanied minor, or through a guardian in the case of an unaccompanied minor.

#### *Amendment*

6. A minor shall have the right to lodge an application in his or her own name if he or she has the legal capacity to act in procedures according to the national law of the Member State concerned, or through an adult ***who is considered, responsible for him or her***, including his or her parents, ***child protection services or another*** legal caregiver, or adult family members in the case of an accompanied minor, or through a guardian in the case of an unaccompanied minor.

## Amendment 204

**Proposal for a regulation**  
**Article 31 – paragraph 8**

*Text proposed by the Commission*

8. Where the adult responsible for the accompanied minor does not make an application for himself or herself, the accompanied minor ***shall be clearly informed*** of the possibility and procedure for lodging an application in his or her own name at the time of the making of his or her application.

*Amendment*

8. Where the adult responsible for the accompanied minor does not make an application for himself or herself, the ***responsible authorities shall inform the accompanied minor in a child-friendly manner and in a language the child understands*** of the possibility and procedure for lodging an application in his or her own name at the time of the making of his or her application ***and shall give the accompanied minor an effective opportunity to do so if he or she has the legal capacity to act in procedures in accordance with the national law of the Member State concerned. Where the minor does not lodge the application within the 15 working days or does not have the legal capacity to act in procedures in accordance with the national law of the Member State concerned, the determining authority shall act on behalf of the minor, with due regard to his or her views and after requesting the relevant authorities to carry out an assessment of her or his best interests.***

**Amendment 205**

**Proposal for a regulation**  
**Article 31 – paragraph 9**

*Text proposed by the Commission*

9. Where the adult responsible for the accompanied minor does not lodge an application on behalf of the minor within the ***ten*** working days provided for in Article 28(1), the minor shall be informed of the possibility to lodge his or her application in his or her own name and given an opportunity to do so within a further ***ten*** working-day period starting

*Amendment*

9. Where the adult responsible for the accompanied minor does not lodge an application on behalf of the minor within the ***15*** working days provided for in Article 28(1), the minor shall be informed, ***in a child-friendly manner and in a language he or she understands, and the procedure*** to lodge his or her application in his or her own name and

from the expiry of the first ten working-day period if he or she has the legal capacity to act in procedures according to the national law of the Member State concerned. Where the minor does not lodge *his or her application in his or her own name within these further ten working days, the application shall be rejected as abandoned in accordance with the procedure referred to in Article 39.*

*shall be given an effective opportunity to do so within a further 15 working-day period starting from the expiry of the first ten 15 working-day period if he or she has the legal capacity to act in procedures according to the national law of the Member State concerned. Where the minor does not have the legal capacity to act in procedures in accordance with the national law of the Member State concerned, the determining authority shall act on behalf of the minor with support from child protection authorities. The determining authority shall lodge an application on behalf of the minor where, on the basis of an assessment of her or his best interest, it is of the opinion that the minor needs international protection.*

## Amendment 206

### Proposal for a regulation Article 31 – paragraph 9 a (new)

*Text proposed by the Commission*

*Amendment*

**9a.** *Where the responsible adult does not lodge an application on behalf of the minor, the accompanied minor does not lodge an application in his or her name or where the determining authority acts on behalf of the minor and, as a follow-up of the assessment of the best interests of the child, considers that this would not be in his or her best interests, the determining authority shall take the necessary measures in accordance with national law to ensure that the best interests of the child are guaranteed.*

## Amendment 207

### Proposal for a regulation Article 31 – paragraph 10

**10. For the purpose of taking a decision on the admissibility of an application in case of a separate application by a spouse, partner or minor pursuant to Article 36(1)(d), an application for international protection shall be subject to an initial examination as to whether there are facts relating to the situation of the spouse, partner or minor which justify a separate application.**

**deleted**

**Where there are facts relating to the situation of the spouse, partner or minor which justify a separate application, that separate application shall be further examined to take a decision on its merits. If not, that separate application shall be rejected as inadmissible, without prejudice to the proper examination of any application lodged on behalf of the spouse, partner or minor.**

## **Amendment 208**

### **Proposal for a regulation Article 32 – paragraph 1**

1. An unaccompanied minor shall lodge an application in his or her own name if he or she has the legal capacity to act in procedures according to the national law of the Member State concerned, or his or her guardian shall lodge it on his or her behalf. The guardian shall assist and properly inform the unaccompanied minor of how and where an application is to be lodged.

1. An unaccompanied minor shall lodge an application in his or her own name if he or she has the legal capacity to act in procedures according to the national law of the Member State concerned, or his or her guardian shall lodge it on his or her behalf. ***Without prejudice to unaccompanied minors' right to legal assistance and representation in accordance with Articles 14 and 15,*** the guardian shall assist and properly inform the unaccompanied minor of how and where an application is to be lodged.

## Amendment 209

### Proposal for a regulation Article 32 – paragraph 2

*Text proposed by the Commission*

2. In the case of an unaccompanied minor, the **ten** working-day period for **the** lodging the application provided for in Article 28(1) shall only start to run from the moment a guardian of the unaccompanied minor is appointed and has met with him or her. Where his or her guardian does not lodge an application on behalf of the unaccompanied minor within those **ten** working days, the determining authority shall **lodge an application on behalf of the unaccompanied minor if, on the basis of an individual assessment of his or her personal situation, it is of the opinion that the minor may need international protection.**

## Amendment 210

### Proposal for a regulation Article 33 – paragraph 2 – point b

*Text proposed by the Commission*

(b) all relevant, accurate and up-to-date information relating to the situation prevailing in the country of origin of the applicant at the time of taking a decision on the application, including laws and regulations of the country of origin and the manner in which they are applied, as well as any other relevant information obtained from the European Union Agency for Asylum, from the United Nations High Commissioner for Refugees and relevant international human rights organisations, or from other sources;

*Amendment*

2. In the case of an unaccompanied minor, the **15** working-day period for lodging the application provided for in Article 28(1) shall only start to run from the moment a guardian of the unaccompanied minor is appointed and has met with him or her. Where his or her guardian does not lodge an application on behalf of the unaccompanied minor within those **15** working days, the determining authority shall **act in accordance with the procedure set out in Article 31(9) and (9a).**

*Amendment*

(b) all relevant, accurate and up-to-date information relating to the situation prevailing in the country of origin of the applicant at the time of taking a decision on the application, including laws and regulations of the country of origin and the manner in which they are applied, as well as any other relevant information obtained from the European Union Agency for Asylum, from the United Nations High Commissioner for Refugees and relevant international human rights, **including children's rights** organisations, or from other sources;

## Amendment 211

### Proposal for a regulation

#### Article 33 – paragraph 2 – point e

*Text proposed by the Commission*

*Amendment*

*(e) whether the activities that the applicant was engaged in since leaving the country of origin were carried out by the applicant for the sole or main purpose of creating the necessary conditions for applying for international protection, so as to assess whether those activities would expose the applicant to persecution or serious harm if returned to that country;*

*deleted*

## Amendment 212

### Proposal for a regulation

#### Article 33 – paragraph 2 – point f

*Text proposed by the Commission*

*Amendment*

*(f) whether the applicant could reasonably be expected to avail himself or herself of the protection of another country where he or she could assert citizenship.*

*deleted*

## Amendment 213

### Proposal for a regulation

#### Article 33 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. The personnel examining applications and taking decisions shall have sufficient knowledge of the relevant standards applicable in the field of asylum and refugee law. They shall have the possibility to seek advice, whenever necessary, from experts on particular issues, such as medical, cultural, religious and child-related or gender issues. Where necessary, they may submit queries to the

3. The personnel examining applications and taking decisions shall have sufficient knowledge of the relevant standards applicable in the field of asylum and refugee law ***and shall have completed the necessary training in accordance with Article 7 of Regulation (EU) XXX/XXX (EU Asylum Agency Regulation)***. They shall have the possibility to seek advice, whenever necessary, from experts on

European Union Agency for Asylum in accordance with Article 9(2)(b) of Regulation (EU) No XXX/XXX (EU Asylum Agency Regulation).

particular issues, such as medical, cultural, religious, **mental health**, and child-related or gender issues. Where necessary, they may submit queries to the European Union Agency for Asylum in accordance with Article 9(2)(b) of Regulation (EU) No XXX/XXX (EU Asylum Agency Regulation).

## Amendment 214

### Proposal for a regulation Article 33 – paragraph 5 – point b

*Text proposed by the Commission*

(b) the applicant has **special** reception needs within the meaning of Article 20 of Directive XXX/XXX/EU (Reception Conditions Directive), or is in need of **special** procedural guarantees, in particular where he or she is an unaccompanied minor.

*Amendment*

(b) the applicant has **specific** reception needs within the meaning of Article 20 of Directive XXX/XXX/EU (Reception Conditions Directive), or is in need of **specific** procedural guarantees **as referred to in Articles 19 to 22 of this Regulation**, in particular where he or she is an unaccompanied minor.

## Amendment 215

### Proposal for a regulation Article 34 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

The examination to determine the admissibility of an application in accordance with Article 36(1) shall not take longer than one month from the lodging of an application.

*Amendment*

**Where applicable**, the examination to determine the admissibility of an application in accordance with Article 36(1) shall not take longer than one month from the lodging of an application. **Where the determining authority does not determine the admissibility of an application within one month from the lodging of the application, it shall continue the examination of the application in accordance with paragraphs 2 and 3 of this Article and with Article 37. The determining authority shall inform the applicant accordingly.**

## Amendment 216

### Proposal for a regulation

#### Article 34 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

The time-limit for such examination shall be ten working days where, *in accordance with Article 3(3)(a) of Regulation (EU) No XXX/XXX (Dublin Regulation)*, the Member State of first application applies the concept of first country of asylum or safe third country referred to in Article 36(1)(a) and (b).

*Amendment*

The time-limit for such examination shall be ten working days where the Member State of first application applies the concept of first country of asylum or safe third country referred to in Article 36(1)(a) and (b).

## Amendment 217

### Proposal for a regulation

#### Article 34 – paragraph 5

*Text proposed by the Commission*

**5.** *The determining authority may postpone concluding the examination procedure where it cannot reasonably be expected to decide within the time-limits laid down in paragraph 2 and in Article 40(4) as regards the accelerated examination procedure due to an uncertain situation in the country of origin which is expected to be temporary. In such cases, the determining authority shall:*

*(a) conduct reviews of the situation in that country of origin at least every two months;*

*(b) inform the applicants concerned within a reasonable time of the reasons for the postponement.*

*The Member State shall inform the Commission and the European Union Agency for Asylum within a reasonable time of the postponement of procedures for that country of origin. In any event,*

*Amendment*

*deleted*



*the determining authority shall conclude the examination procedure within 15 months from the lodging of an application.*

## **Amendment 218**

### **Proposal for a regulation Article 35 – paragraph 1**

*Text proposed by the Commission*

1. A decision on an application for international protection shall be given in writing and it shall be notified to the applicant without undue delay in a language he or she understands *or is reasonably meant to understand*.

*Amendment*

1. A decision on an application for international protection shall be given in writing and it shall be notified to the applicant *and his or her legal adviser* without undue delay *and in any case no later than seven days after the decision has been taken* in a language he or she understands.

## **Amendment 219**

### **Proposal for a regulation Article 35 – paragraph 2**

*Text proposed by the Commission*

2. Where an application is rejected as inadmissible, as unfounded with regard to refugee status or subsidiary protection status, as explicitly withdrawn or as *abandoned*, the reasons in fact and in law shall be stated in the decision. Information on how to challenge a decision refusing to grant international protection shall be given in writing, *unless otherwise already provided to the applicant*.

*Amendment*

2. Where an application is rejected as inadmissible, as unfounded with regard to refugee status or subsidiary protection status, as explicitly withdrawn or as *implicitly withdrawn*, the reasons in fact and in law shall be stated in the decision. Information on how to challenge a decision refusing to grant international protection, *including on the relevant time-limits*, shall be given in writing.

## **Amendment 220**

### **Proposal for a regulation Article 35 – paragraph 3**

*Text proposed by the Commission*

3. In cases of applications on behalf of **spouses, partners**, minors or dependent adults without legal capacity, and **whenever** the **application is** based on the same grounds, the determining authority may take a single decision, covering all applicants, unless to do so would lead to the disclosure of particular circumstances of an applicant which could jeopardise his or her interests, in particular in cases involving gender, sexual orientation, gender identity or age-based persecution. In such cases, a separate decision shall be issued to the person concerned.

*Amendment*

3. In cases of applications on behalf of minors or dependent adults without legal capacity, and **where** the **applications are all** based on the **exact** same grounds, the determining authority may take a single decision, covering all applicants, unless to do so would lead to the disclosure of particular circumstances of an applicant which could jeopardise his or her interests, in particular in cases involving gender, **gender-based violence, trafficking**, sexual orientation, gender identity or age-based persecution. In such cases, a separate decision shall be issued to the person concerned.

**Amendment 221**

**Proposal for a regulation**

**Article 36 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The determining authority **shall** assess the admissibility of an application, in accordance with the basic principles and guarantees provided for in Chapter II, and **shall** reject an application as inadmissible where any of the following grounds **applies**:

*Amendment*

1. The determining authority **may** assess the admissibility of an application, in accordance with the basic principles and guarantees provided for in Chapter II, and **may** reject an application as inadmissible where any of the following grounds **apply**:

**Amendment 222**

**Proposal for a regulation**

**Article 36 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) **the application is a subsequent application, where no new relevant elements or findings relating to the examination of whether the applicant qualifies as a beneficiary of international protection in accordance with Regulation**

*Amendment*

**deleted**

*(EU) No XXX/XXX (Qualification Regulation) or relating to the inadmissibility ground previously applied, have arisen or have been presented by the applicant;*

#### Amendment 223

##### Proposal for a regulation Article 36 – paragraph 1 – point d

*Text proposed by the Commission*

(d) *a spouse or partner or* accompanied minor lodges an application after he or she had consented to have an application lodged on his or her behalf, and there are no facts relating to the situation of the *spouse, partner or* minor which justify a separate application.

*Amendment*

(d) *an* accompanied minor lodges an application after he or she had consented to have an application lodged on his or her behalf *in accordance with Article 31(6)* and there are no facts relating to the situation of the minor which justify a separate application.

#### Amendment 224

##### Proposal for a regulation Article 36 – paragraph 3

*Text proposed by the Commission*

3. *Paragraph 1(a) and (b) shall not apply to a beneficiary of subsidiary protection who has been resettled under an expedited procedure in accordance with Regulation (EU) No XXX/XXX (Resettlement Regulation).*<sup>37</sup>

*Amendment*

*deleted*

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<sup>37</sup> *OJ L [...], [...], p. [...].*

#### Amendment 225

##### Proposal for a regulation Article 36 – paragraph 4

*Text proposed by the Commission*

*Amendment*

**4. Where after examining an application in accordance with Article 3(3)(a) of Regulation (EU) No XXX/XXX (Dublin Regulation), the first Member State in which the application is lodged considers it to be admissible, the provision of paragraph 1(a) and (b) need not be applied again by the Member State responsible.**

**deleted**

#### **Amendment 226**

##### **Proposal for a regulation Article 36 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. Where the determining authority *prima facie* considers that an application may be rejected as manifestly unfounded, it shall not be obliged to pronounce itself on the admissibility of the application.**

**deleted**

#### **Amendment 227**

##### **Proposal for a regulation Article 37 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. The determining authority *shall* declare an unfounded application to be manifestly unfounded in the cases referred to in Article 40(1)(a), (b), (c), (d) and (e).**

**3. The determining authority *may* declare an unfounded application to be manifestly unfounded in the cases referred to in Article 40(1)(a), (b), (c), (d) and (e).**

#### **Amendment 228**

##### **Proposal for a regulation Article 38 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**1. An applicant may, of his or her own**

**1. An applicant may, of his or her own**

motion and at any time during the procedure, withdraw his or her application.

motion and at any time during the procedure, withdraw his or her application.  
***The determining authority shall ensure that the applicant understands all procedural consequences of such a withdrawal.***

#### *Justification*

*It is crucial that the applicant understands the (significant) consequences of explicitly withdrawing their application.*

#### **Amendment 229**

##### **Proposal for a regulation**

##### **Article 39 – paragraph 1 – introductory part**

###### *Text proposed by the Commission*

1. The determining authority shall ***reject*** an application ***as abandoned*** where:

###### *Amendment*

1. The determining authority shall ***discontinue the examination of*** an application ***for international protection*** where:

#### **Amendment 230**

##### **Proposal for a regulation**

##### **Article 39 – paragraph 1 – point b**

###### *Text proposed by the Commission*

***(b) a spouse, partner or minor has not lodged his or her application after the applicant failed to lodge the application on his or her own behalf as referred to in Article 31(3) and (8);***

###### *Amendment*

***deleted***

#### **Amendment 231**

##### **Proposal for a regulation**

##### **Article 39 – paragraph 1 – point c**

###### *Text proposed by the Commission*

(c) the applicant refuses to cooperate by not providing the ***necessary details for***

###### *Amendment*

(c) the applicant refuses to cooperate by not providing the ***information referred***

*the application to be examined and* by not providing his or her *fingerprints and facial image* pursuant to Article 7(3);

*to in points (a) and (b) of Article 27(1), or* by not providing his or her *biometric data* pursuant to Article 7(3);

#### **Amendment 232**

##### **Proposal for a regulation Article 39 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) the applicant has not appeared for a personal interview although he was required to do so pursuant to Articles 10 *to* 12;

*Amendment*

(d) the applicant has, *on more than one occasion*, not appeared for a personal interview although he *or she* was required to do so pursuant to Articles 10, *11 and* 12 *unless he or she can demonstrate that his or her failure was due to circumstances beyond his or her control*;

#### **Amendment 233**

##### **Proposal for a regulation Article 39 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) *the applicant has abandoned his place of residence, without informing the competent authorities or without authorisation as provided for in Article 7(4)*;

*Amendment*

*deleted*

#### **Amendment 234**

##### **Proposal for a regulation Article 39 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) the applicant has repeatedly not complied with reporting duties imposed on him or her in accordance with Article 7(5).

*Amendment*

(f) the applicant has repeatedly not complied with reporting duties imposed on him or her in accordance with Article 7(5) *unless he or she can demonstrate that his or her failure was due to circumstances beyond his or her control*.

## Amendment 235

### Proposal for a regulation Article 39 – paragraph 2

*Text proposed by the Commission*

2. In the circumstances referred to in paragraph 1, the determining authority shall discontinue the examination of the application and send a written notice to the applicant at the place of residence *or* address referred to in Article 7(4), informing him or her that the examination of his or her application has been discontinued and that the application will be definitely rejected as *abandoned* unless the applicant *reports to the determining authority* within a period of *one month* from the date when the written notice is sent.

*Amendment*

2. In the circumstances referred to in paragraph 1, the determining authority shall discontinue the examination of the application and send a written notice to the applicant at the place of residence, *address or email* address referred to in Article 7(4), informing him or her that the examination of his or her application has been discontinued and that the application will be definitely rejected as *implicitly withdrawn* unless the applicant *complies with the obligations set out in paragraph 1* within a period of *two months* from the date when the written notice is sent. *If applicable, a copy shall be sent to the legal representative.*

## Amendment 236

### Proposal for a regulation Article 39 – paragraph 3

*Text proposed by the Commission*

3. Where the applicant *reports to the determining authority* within that *one-month* period *and demonstrates that his or her failure was due to circumstances beyond his or her control*, the determining authority shall resume the examination of the application.

*Amendment*

3. Where the applicant *complies with the obligations set out in paragraph 1* within that *two-month* period, the determining authority shall resume the examination of the application. *The determining authority shall not resume the examination of the application in accordance with paragraph 2 more than once, unless the applicant can demonstrate that his or her failure to respect an obligation was due to circumstances beyond his or her control. Otherwise, the application shall be rejected as implicitly withdrawn.*

## Amendment 237

### Proposal for a regulation Article 39 – paragraph 4

*Text proposed by the Commission*

4. Where the applicant does not report to the determining authority within this **one-month** period **and does not demonstrate that his or her failure was due to circumstances beyond his or her control**, the determining authority shall **consider that** the application **has been** implicitly withdrawn.

*Amendment*

4. Where the applicant does not report to the determining authority within this **two-month** period, the determining authority shall **reject** the application **as** implicitly withdrawn.

## Amendment 238

### Proposal for a regulation Article 39 – paragraph 5

*Text proposed by the Commission*

5. Where an application is implicitly withdrawn, the determining authority **shall** take a decision to reject the application **as abandoned or** as unfounded where the determining authority has, at the stage that the application is implicitly withdrawn, already found that the applicant does not qualify for international protection pursuant to Regulation (EU) No XXX/XXX (Qualification Regulation).

*Amendment*

5. Where an application is implicitly withdrawn, the determining authority **may** take a decision to reject the application as unfounded where the determining authority has, at the stage that the application is implicitly withdrawn, already found that the applicant does not qualify for international protection pursuant to Regulation (EU) No XXX/XXX (Qualification Regulation).

## Amendment 239

### Proposal for a regulation Article 40 – paragraph 1 – point b

*Text proposed by the Commission*

(b) the applicant has made clearly inconsistent and contradictory, clearly false **or obviously improbable** representations which contradict sufficiently verified

*Amendment*

(b) the applicant has made clearly inconsistent and contradictory **or** clearly false representations which contradict sufficiently verified country of origin



country of origin information, thus making his or her claim clearly unconvincing in relation to whether he or she qualifies as a beneficiary of international protection by virtue of Regulation (EU) No XXX/XXX (Qualification Regulation);

information, thus making his or her claim clearly unconvincing in relation to whether he or she qualifies as a beneficiary of international protection by virtue of Regulation (EU) No XXX/XXX (Qualification Regulation);

## **Amendment 240**

### **Proposal for a regulation**

#### **Article 40 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) the applicant is making an application *merely* to delay *or* frustrate the enforcement of an earlier or imminent decision resulting in his or her removal from the territory of a Member State;

*Amendment*

(d) the applicant is making an application *solely in order* to delay, frustrate *or prevent* the enforcement of an earlier or imminent decision resulting in his or her removal from the territory of a Member State;

## **Amendment 241**

### **Proposal for a regulation**

#### **Article 40 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) a third country may be considered as a safe country of origin for the applicant within the meaning of this Regulation;

*Amendment*

(e) a third country may be considered as a safe country of origin for the applicant within the meaning of this Regulation, *provided that adequate support for the purpose of Article 19 can be provided within the framework of such a procedure;*

## **Amendment 242**

### **Proposal for a regulation**

#### **Article 40 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) the applicant may, for serious reasons, be considered a danger to the

*Amendment*

(f) the applicant may, for serious reasons, be considered a danger to the

national security or public order of the Member States;

national security or public order of the Member States *following the procedure set out in Article XXX of Regulation (EU) XXX/XXX (Dublin Regulation)*;

#### **Amendment 243**

##### **Proposal for a regulation Article 40 – paragraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

**(g) *the applicant does not comply with the obligations set out in Article 4(1) and Article 20(3) of Regulation (EU) No XXX/XXX (Dublin Regulation), unless he or she demonstrates that his or her failure was due to circumstances beyond his or her control;***

*deleted*

#### **Amendment 244**

##### **Proposal for a regulation Article 40 – paragraph 1 – point h**

*Text proposed by the Commission*

*Amendment*

**(h) *the application is a subsequent application, where the application is so clearly without substance or abusive that it has no tangible prospect of success.***

*deleted*

#### **Amendment 245**

##### **Proposal for a regulation Article 40 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Where the determining authority considers that the examination of the application involves issues of fact or law that are complex to be examined under an accelerated examination procedure, *it may* continue the examination on the merits in

4. Where the determining authority considers that the examination of the application involves issues of fact or law that are *too* complex to be examined under an accelerated examination procedure *where a decision cannot be taken within*

accordance with Articles 34 and 37. In that case, ***or where otherwise a decision cannot be taken within the time-limits referred to in paragraph 2***, the applicant concerned shall be informed of the change in the procedure.

***the time limit referred to in paragraph 2 of this Article, it shall*** continue the examination on the merits in accordance with Articles 34 and 37. In that case, the applicant concerned shall be informed of the change in the procedure.

#### **Amendment 246**

##### **Proposal for a regulation Article 40 – paragraph 5 – point a**

*Text proposed by the Commission*

*Amendment*

(a) ***the applicant comes from a third country considered to be a safe country of origin in accordance with the conditions set out in Article 47;***

***deleted***

#### **Amendment 247**

##### **Proposal for a regulation Article 41 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. The determining authority may, ***in accordance with the basic principles and guarantees provided for in Chapter II***, take a decision on an application at the border or in transit zones of the Member State ***on***:

1. The determining authority may take a decision on an application at the border or in transit zones of the Member State, ***in accordance with the basic principles and guarantees provided for in Chapter II. That decision shall be limited to:***

#### **Amendment 248**

##### **Proposal for a regulation Article 41 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) the admissibility of an application made at such locations pursuant to Article ***36(I)***; or

(a) the admissibility of an application made at such locations pursuant to Article ***36***; or

## Amendment 249

### Proposal for a regulation Article 41 – paragraph 4

*Text proposed by the Commission*

4. In the event of arrivals involving a disproportionate number of third-country nationals or stateless persons lodging applications for international protection at the border or in a transit zone, making it difficult in practice to apply the provisions of paragraph 1 at such locations, the border procedure may also be applied at locations in proximity to the border or transit zone.

*Amendment*

4. In the event of arrivals involving a disproportionate number of third-country nationals or stateless persons lodging applications for international protection at the border or in a transit zone, making it difficult in practice to apply the provisions of paragraph 1 at such locations, the border procedure may also be applied at locations in proximity to the border or transit zone.  
***The time limits set out in paragraph 2 shall also apply in these circumstances.***

## Amendment 250

### Proposal for a regulation Article 41 – paragraph 5

*Text proposed by the Commission*

5. The border procedure may be applied to unaccompanied minors, in accordance with **Articles 8 to 11 of** Directive (EU) No XXX/XXX (Reception Conditions Directive) **only where:**

**(a) the applicant comes from a third country considered to be a safe country of origin in accordance with the conditions set out in Article 47;**

**(b) the applicant may for serious reasons be considered to be a danger to the national security or public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security or public order under national law;**

**(c) there are reasonable grounds to**

*Amendment*

5. The border procedure may **only be applied to minors where there is an available alternative to the detention of the minor. The border procedure shall not** be applied to unaccompanied minors, in accordance with Directive (EU) No XXX/XXX (Reception Conditions Directive).

*consider that a third country is a safe third country for the applicant in accordance with the conditions of Article 45;*

*(d) the applicant has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his or her identity or nationality that could have had a negative impact on the decision.*

*Point (d) shall only be applied where there are serious grounds for considering that the applicant is attempting to conceal relevant elements which would likely lead to a decision refusing to grant international protection and provided that the applicant has been given an effective opportunity to provide substantiated justifications for his actions.*

## **Amendment 251**

### **Proposal for a regulation Article 42 – paragraph 2**

#### *Text proposed by the Commission*

2. A subsequent application shall be subject to a preliminary examination in which the determining authority shall establish whether relevant new elements or findings have arisen or have been presented by the applicant which **significantly** increase the likelihood of the applicant qualifying as a beneficiary of international protection by virtue of Regulation (EU) No XXX/XXX (Qualification Regulation) or which relate to the reasons for which the previous application was rejected **as inadmissible**.

#### *Amendment*

2. A subsequent application shall be subject to a preliminary examination in which the determining authority shall establish whether relevant new elements or findings have arisen or have been presented by the applicant which increase the likelihood of the applicant qualifying as a beneficiary of international protection by virtue of Regulation (EU) No XXX/XXX (Qualification Regulation) or which relate to the reasons for which the previous application was rejected.

## **Amendment 252**

**Proposal for a regulation**  
**Article 42 – paragraph 3**

*Text proposed by the Commission*

3. The preliminary examination shall be carried out on the basis of written submissions and a personal interview in accordance with the basic principles and guarantees provided for in Chapter II. The personal interview may be dispensed with in those instances where, from the written submissions, it is clear that the application does not give rise to relevant new elements or findings or that it is **clearly** without substance and has no tangible prospect of success.

**Amendment 253**

**Proposal for a regulation**  
**Article 42 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) relevant new elements or findings as referred to in paragraph 2(a) have arisen or have been presented by the applicant;

**Amendment 254**

**Proposal for a regulation**  
**Article 42 – paragraph 5**

*Text proposed by the Commission*

5. Where the conditions for initiating a new procedure as set out in paragraph 4 are not met, the determining authority shall reject the application as **inadmissible**, or as manifestly unfounded where the application is **so clearly** without substance or abusive **that it** has no tangible prospect of success.

*Amendment*

3. The preliminary examination shall be carried out on the basis of written submissions and a personal interview in accordance with the basic principles and guarantees provided for in Chapter II. The personal interview may be dispensed with in those instances where, from the written submissions, it is clear that the application does not give rise to relevant new elements or findings or that it is without substance and has no tangible prospect of success.

*Amendment*

(a) relevant new elements or findings as referred to in paragraph 2 have arisen or have been presented by the applicant;

*Amendment*

5. Where the conditions for initiating a new procedure as set out in paragraph 4 are not met, the determining authority shall reject the application as **unfounded**, or as manifestly unfounded where the application is without substance or abusive **and** has no tangible prospect of success.

## **Amendment 255**

### **Proposal for a regulation**

#### **Article 43 – paragraph 1 – introductory part**

*Text proposed by the Commission*

Without prejudice to the principle of non-refoulement, Member States may provide an exception from the right to remain on their territory *and derogate from Article 54(1)*, where:

*Amendment*

Without prejudice to the principle of non-refoulement, Member States may provide an exception from the right to remain on their territory, where:

## **Amendment 256**

### **Proposal for a regulation**

#### **Article 43 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) a subsequent application has been rejected by the determining authority as *inadmissible or* manifestly unfounded;

*Amendment*

(a) a subsequent application has been rejected by the determining authority as manifestly unfounded;

## **Amendment 257**

### **Proposal for a regulation**

#### **Article 43 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) a second or further subsequent application is made in any Member State following a final decision rejecting a previous subsequent application as *inadmissible*, unfounded or manifestly unfounded.

*Amendment*

(b) a second or further subsequent application is made in any Member State following a final decision rejecting a previous subsequent application as unfounded or manifestly unfounded.

## **Amendment 258**

### **Proposal for a regulation**

#### **Article 44 – paragraph 1**

*Text proposed by the Commission*

1. A third country shall be considered to be a first country of asylum for a particular applicant provided that:

*(a) the applicant has enjoyed protection in accordance with the Geneva Convention in that country before travelling to the Union and he or she can still avail himself or herself of that protection; or*

*(b) the applicant otherwise has enjoyed sufficient protection in that country before travelling to the Union and he or she can still avail himself or herself of that protection.*

**Amendment 259**

**Proposal for a regulation  
Article 44 – paragraph 2**

*Text proposed by the Commission*

2. *The determining authority shall consider that an applicant enjoys sufficient protection within the meaning of paragraph 1(b) provided that it is satisfied that:*

*(a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;*

*(b) there is no risk of serious harm as defined in Regulation (EU) No XXX/XXX (Qualification Regulation);*

*Amendment*

1. ***Where a determining authority applies the admissibility procedure in accordance with point (a) of Article 36(1), a third country shall be considered to be a first country of asylum for a particular applicant provided that **the applicant has been recognised as a refugee and has enjoyed effective protection in accordance with the Geneva Convention in that country before travelling to the Union and he or she can still avail himself or herself of that protection.*****

*Amendment*

***deleted***



(c) *the principle of non-refoulement in accordance with the Geneva Convention is respected;*

(d) *the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law is respected;*

(e) *there is a right of legal residence;*

(f) *there is appropriate access to the labour market, reception facilities, healthcare and education; and*

(g) *there is a right to family reunification in accordance with international human rights standards.*

## Amendment 260

### Proposal for a regulation Article 44 – paragraph 3

*Text proposed by the Commission*

3. *Before his or her application can be rejected as inadmissible pursuant to Article 36(1)(a), the applicant shall be allowed to challenge the application of the first country of asylum concept in light of his or her particular circumstances **when lodging the application and during the admissibility interview.***

## Amendment 261

### Proposal for a regulation Article 44 – paragraph 4

*Text proposed by the Commission*

4. *As regards unaccompanied minors, the concept of first country of asylum **may only** be applied where the authorities of Member States have first received from the authorities of the third country in question the assurance that the*

*Amendment*

3. The applicant shall be allowed to challenge the application of the first country of asylum concept in light of his or her particular circumstances **at any stage of the procedure.**

*Amendment*

4. The concept of first country of asylum **shall not** be applied to **unaccompanied minors unless it is determined to be clearly in the best interests of the child and** where the authorities of Member States have first

unaccompanied minor will be taken in charge by those authorities and that he or she shall immediately benefit from one of the forms of protection referred to in paragraph 1.

received from the authorities of the third country in question the assurance that the unaccompanied minor will be taken in charge by those authorities and that he or she shall immediately benefit from one of the forms of protection referred to in paragraph 1.

## **Amendment 262**

### **Proposal for a regulation**

#### **Article 44 – paragraph 5 – point a**

*Text proposed by the Commission*

(a) inform the applicant accordingly;

*Amendment*

(a) inform the applicant accordingly *in writing*;

## **Amendment 263**

### **Proposal for a regulation**

#### **Article 44 – paragraph 6**

*Text proposed by the Commission*

6. Where the third country in question does not **admit or** readmit the applicant to its territory, the determining authority shall revoke the decision rejecting the application as inadmissible and shall give access to the procedure in accordance with the basic principles and guarantees provided for in Chapter II and Section I of Chapter III.

*Amendment*

6. Where the third country in question does not readmit the applicant to its territory, the determining authority shall revoke the decision rejecting the application as inadmissible and shall give access to the procedure in accordance with the basic principles and guarantees provided for in Chapter II and Section I of Chapter III.

## **Amendment 264**

### **Proposal for a regulation**

#### **Article 45 – paragraph 1 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

***A third country shall be designated as a safe third country provided that:***

*Amendment*

***Where a determining authority applies the admissibility procedure in accordance with point (b) of Article 36(1), that***

*determining authority my apply the safe third country concept only where it is satisfied that an applicant will be treated according to the following criteria:*

#### **Amendment 265**

##### **Proposal for a regulation**

##### **Article 45 – paragraph 1 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;

*Amendment*

(a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion ***and that there is no deprivation of liberty without due process;***

#### **Amendment 266**

##### **Proposal for a regulation**

##### **Article 45 – paragraph 1 – subparagraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) there is no real risk that the applicant would be transferred by the third state to another state in which he or she would not receive effective protection, or would be at risk of being transferred from there to any other state, where such protection would not be available;***

#### **Amendment 267**

##### **Proposal for a regulation**

##### **Article 45 – paragraph 1 – subparagraph 1 – point e**

*Text proposed by the Commission*

***(e) the possibility exists to receive protection in accordance with the substantive standards of the Geneva Convention or sufficient protection as referred to in Article 44(2), as***

*Amendment*

***deleted***

*appropriate.*

#### **Amendment 268**

##### **Proposal for a regulation**

##### **Article 45 – paragraph 1 – subparagraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

**(ea) *there is a right of legal residence;***

#### **Amendment 269**

##### **Proposal for a regulation**

##### **Article 45 – paragraph 1 – subparagraph 1 – point e b (new)**

*Text proposed by the Commission*

*Amendment*

**(eb) *there is appropriate access to the labour market, reception facilities, healthcare and education;***

#### **Amendment 270**

##### **Proposal for a regulation**

##### **Article 45 – paragraph 1 – subparagraph 1 – point e c (new)**

*Text proposed by the Commission*

*Amendment*

**(ec) *the third country takes account of any specific vulnerabilities of the applicant and maintains the privacy interests of the applicant;***

#### **Amendment 271**

##### **Proposal for a regulation**

##### **Article 45 – paragraph 1 – subparagraph 1 – point e d (new)**

*Text proposed by the Commission*

*Amendment*

**(ed) *effective protection remains available until a durable solution can be found;***

**Amendment 272**

**Proposal for a regulation**

**Article 45 – paragraph 1 – subparagraph 1 – point e e (new)**

*Text proposed by the Commission*

*Amendment*

*(ee) there is a right to family reunification in accordance with international human rights standards;*

**Amendment 273**

**Proposal for a regulation**

**Article 45 – paragraph 1 – subparagraph 1 – point e f (new)**

*Text proposed by the Commission*

*Amendment*

*(ef) the third country has acceded to international refugee instruments and basic human rights instruments and complies with their standards in practice;*

**Amendment 274**

**Proposal for a regulation**

**Article 45 – paragraph 1 – subparagraph 1 – point e g (new)**

*Text proposed by the Commission*

*Amendment*

*(eg) it is possible to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention, ratified and applied without any geographical limitations, or to request and receive effective protection within the meaning of points (a) to (g).*

**Amendment 275**

**Proposal for a regulation**

**Article 45 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

The assessment of whether a third country may be designated as a safe third country in accordance with this Regulation shall be based on a range of sources of information, including in particular information from Member States, the European Union Agency for Asylum, the European External Action Service, the United Nations High Commissioner for Refugees, the Council of Europe and other relevant organisations.

*Amendment*

The assessment of whether a third country may be designated as a safe third country in accordance with this Regulation shall be based on a range of sources of information, including in particular information from Member States, the European Union Agency for Asylum, the European External Action Service, the United Nations High Commissioner for Refugees, the Council of Europe and other relevant ***international organisations, and national or international non-governmental*** organisations.

**Amendment 276**

**Proposal for a regulation  
Article 45 – paragraph 2**

*Text proposed by the Commission*

**2. The concept of safe third country shall be applied:**

**(a) where a third country has been designated as safe third country in accordance with Article 50;**

**(b) where a third country is designated as a safe third country at Union level; or**

**(c) in individual cases in relation to a specific applicant.**

*Amendment*

***deleted***

**Amendment 277**

**Proposal for a regulation  
Article 45 – paragraph 3 – introductory part**

*Text proposed by the Commission*

**3. The determining authority shall consider a third country to be a safe third country for a particular applicant, after an individual examination of the application,**

*Amendment*

**3. The determining authority may consider a third country to be a safe third country for a particular applicant, after an individual examination of the application,**

only where it is satisfied of the safety of the third country for a particular applicant in accordance with the criteria established in paragraph 1 and it has established that:

only where it is satisfied of the safety of the third country for a particular applicant in accordance with the criteria established in paragraph 1 and it has established that:

#### **Amendment 278**

##### **Proposal for a regulation Article 45 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) there is a connection between the applicant and the third country *in question* on the basis of which it would be reasonable for that person to go to that country, *including because* the applicant *has transited through that third country which is geographically close to the country of origin of the applicant;*

*Amendment*

(a) there is a *sufficient* connection between the applicant and the third country on the basis of which it would be reasonable for that person to go to that country; *that means the existence of a previous residence or stay in that country, where, given the duration and nature of that residence or stay, an applicant may reasonably be expected to seek protection in that country, and there are grounds for considering that the applicant will be readmitted to that country; and*

#### **Amendment 279**

##### **Proposal for a regulation Article 45 – paragraph 4**

*Text proposed by the Commission*

4. *Before his or her application can be rejected as inadmissible pursuant to Article 36(1)(b), an applicant shall be allowed to challenge the application of the concept of safe third country in light of his or her particular circumstances when lodging the application and during the admissibility interview.*

*Amendment*

4. An applicant shall be allowed to challenge the application of the concept of safe third country in light of his or her particular circumstances *at any stage of the procedure.*

#### **Amendment 280**

##### **Proposal for a regulation Article 45 – paragraph 5**

*Text proposed by the Commission*

5. *As regards unaccompanied minors*, the concept of safe third country *may only* be applied where the authorities of the Member States have first received from the authorities of the third country in question confirmation that the unaccompanied minor shall be taken in charge by those authorities and that he or she shall immediately have access to one of the forms of protection *referred to in paragraph 1(e)*.

*Amendment*

5. The concept of safe third country *shall not* be applied *to unaccompanied minors unless it is determined to be clearly in their best interests and* where the authorities of the Member States have first received from the authorities of the third country in question confirmation that the unaccompanied minor shall be taken in charge by those authorities and that he or she shall immediately have access to one of the forms of protection *either under this Article or Article 44*.

**Amendment 281**

**Proposal for a regulation  
Article 45 – paragraph 6 – point a**

*Text proposed by the Commission*

(a) inform the applicant *accordingly*;  
and

*Amendment*

(a) inform the applicant *in writing*; and

**Amendment 282**

**Proposal for a regulation  
Article 45 – paragraph 6 – point b**

*Text proposed by the Commission*

(b) provide him or her with a document informing the authorities of the third country, in the language of that country, that the application has not been examined in substance *as a consequence of the application of the concept of the safe third country*.

*Amendment*

(b) provide him or her with a document informing the authorities of the third country, in the language of that country, that the application has not been examined in substance.

**Amendment 283**

**Proposal for a regulation  
Article 46**



*Text proposed by the Commission*

*Amendment*

**Article 46**

**deleted**

**Designation of safe third countries at Union level**

1. **Third countries shall be designated as safe third countries at Union level, in accordance with the conditions laid down in Article 45(1).**
2. **The Commission shall regularly review the situation in third countries that are designated as safe third countries at Union level, with the assistance of the European Union Agency for Asylum and based on the other sources of information referred to in the second paragraph of Article 45(1).**
3. **The Commission shall be empowered to adopt delegated acts to suspend the designation of a third country as a safe third country at Union level subject to the conditions as set out in Article 49.**

**Amendment 284**

**Proposal for a regulation  
Article 47 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. A third country may be designated as a safe country of origin in accordance with this Regulation where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is **generally** no persecution as defined in Article 9 of Regulation (EU) No XXX/XXX (Qualification Regulation), no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.

1. A third country may be designated as a safe country of origin in accordance with this Regulation where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is no **general or consistent** persecution as defined in Article 9 of Regulation (EU) No XXX/XXX (Qualification Regulation), no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.

## Amendment 285

### Proposal for a regulation Article 47 – paragraph 2

*Text proposed by the Commission*

2. The assessment of whether a third country may be designated as a safe country of origin in accordance with this Regulation shall be based on a range of sources of information, including in particular information from Member States, the European Union Agency for Asylum, the European External Action Service, the United Nations High Commissioner for Refugees, the Council of Europe *as well as other* relevant organisations, and shall take into account the common analysis of the country of origin information referred to in Article 10 of Regulation (EU) No XXX/XXX (EU Asylum Agency).

*Amendment*

2. The assessment of whether a third country may be designated as a safe country of origin in accordance with this Regulation shall be based on a range of sources of information, including in particular information from Member States, the European Union Agency for Asylum, the European External Action Service, the *Union delegations in those countries, the* United Nations High Commissioner for Refugees, the Council of Europe, relevant *international* organisations *and national or international non-governmental organisations* and shall take into account the common analysis of the country of origin information referred to in Article 10 of Regulation (EU) No XXX/XXX (EU Asylum Agency).

## Amendment 286

### Proposal for a regulation Article 47 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

*4a. Member States shall not apply the safe country of origin concept in the case of applicants that belong to a minority or group of persons that remains at risk in light of the situation in the country of origin concerned, based on the sources of information listed in paragraph 2.*

## Amendment 287

**Proposal for a regulation**  
**Article 48 – paragraph 2**

*Text proposed by the Commission*

2. The Commission shall **regularly** review the situation in third countries that are on the EU common list of safe countries of origin, with the assistance of the Union Agency for Asylum and based on the other sources of information referred to in Article 45(2).

*Amendment*

2. The Commission shall **continuously** review the situation in third countries that are on the EU common list of safe countries of origin **or have been suspended from that list in accordance with Article 49. It shall also continuously review those countries' compliance with the conditions for the designation of a country as a safe country of origin set out in Article 47**, with the assistance of the **European** Union Agency for Asylum and based on the other sources of information referred to in Article 47(2). **It shall keep the European Parliament informed in a timely manner.**

**Amendment 288**

**Proposal for a regulation**  
**Article 48 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The Commission shall consult the European Union Agency for Asylum when conducting its regular reviews of the situation in third countries which are included in the EU common list of safe countries of origin and countries that have been suspended from that list. The Commission may request that the European Union Agency for Asylum carry out a review of the situation in any such third country with a view to assessing whether the criteria set out in Article 47 still apply.**

**When reviewing the EU common list of safe countries of origin, the Commission shall consult international organisations, in particular the UNHCR, and relevant civil society organisations or individuals with proven country-specific and human**

*rights expertise.*

#### **Amendment 289**

##### **Proposal for a regulation Article 48 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4.** *The Commission shall be empowered to adopt delegated acts to suspend the presence of a third country from the EU common list of safe countries of origin subject to the conditions as set out in Article 49.*

*deleted*

#### **Amendment 290**

##### **Proposal for a regulation Article 49 – title**

*Text proposed by the Commission*

*Amendment*

Suspension *and removal* of the designation of a third country *as a safe third country at Union level or* from the EU common list of safe *country* of origin

Suspension of the designation of a third country from the EU common list of safe *countries* of origin

#### **Amendment 291**

##### **Proposal for a regulation Article 49 – paragraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

**-1.** *The Commission is empowered to adopt delegated acts to suspend the presence of a third country from the EU common list of safe countries of origin subject to the conditions as set out in this Article.*

## Amendment 292

### Proposal for a regulation Article 49 – paragraph 1

*Text proposed by the Commission*

1. ***In case of*** sudden changes in the situation of a third country which is ***designated as a safe third country at Union level or which is*** on the EU common list of safe countries of origin, the Commission shall conduct a substantiated assessment of the fulfilment by that country of the conditions set in ***Article 45 or Article 47*** and, if ***the Commission considers that those conditions*** are no longer met, it shall adopt a delegated act ***suspending the designation of a third country as a safe third country at Union level or*** suspending the presence of a third country from the EU common list of safe countries of origin for a period of six months.

*Amendment*

1. ***If*** sudden changes in the situation of a third country which is on the EU common list of safe countries of origin ***could lead to that country's non-compliance with the conditions for the designation of a country as a safe country of origin***, the Commission shall ***immediately and rapidly*** conduct a substantiated assessment of the fulfilment by that country of the conditions set ***out*** in Article 47 and, if ***they*** are no longer met, it shall adopt ***as soon as possible*** a delegated act ***in accordance with Article 290 TFEU***, suspending the presence of ***that*** third country from the EU common list of safe countries of origin for a period of six months. ***As soon as possible after it becomes aware of the change in the situation and in any event before adopting the delegated act suspending that third country from the EU common list of safe countries of origin, the Commission shall inform the Member States and recommend that they not apply the safe country of origin concept to that third country at national level.***

## Amendment 293

### Proposal for a regulation Article 49 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

2a. ***Where, during the period of suspension from the EU common list of safe countries of origin, it becomes clear from available information that the third country once again fulfils the conditions set out in Article 47, the Commission shall, no sooner than six months after the***

*adoption of the decision under paragraph 1 of this Article, adopt a decision to revoke the suspension of that country from the EU common list of safe countries of origin in accordance with Article 290 TFEU.*

#### **Amendment 294**

##### **Proposal for a regulation Article 49 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b.** *The UNHCR, non-governmental organisations and individual experts with proven and relevant country-specific and human rights expertise may request the Commission to suspend or remove a country from the EU common list of safe countries of origin. Such a request shall contain a detailed and up-to-date description of the human rights situation and the persistent human rights violations occurring in the country concerned. It shall also specify the non-compliance with the criteria laid down in Article 47 that justifies the suspension or withdrawal of that country from the EU common list of safe countries of origin. Except where it considers the request to be inadmissible, unsubstantiated or repetitive, the Commission shall assess the information submitted in such requests.*

#### **Amendment 295**

##### **Proposal for a regulation Article 49 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3.** *Where the Commission has adopted a delegated act in accordance with paragraph 1 suspending the designation of a third country as a safe*

*deleted*

*third country at Union level or suspending the presence of a third country from the EU common list of safe countries of origin, it shall within three months after the date of adoption of that delegated act submit a proposal, in accordance with the ordinary legislative procedure, for amending this Regulation to remove that third country from the designation of safe third countries at Union level or from the EU common list of safe countries of origin.*

**Amendment 296**

**Proposal for a regulation  
Article 49 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4.** *Where such a proposal is not submitted by the Commission within three months from the adoption of the delegated act as referred to in paragraph 2, the delegated act suspending the third country from its designation as a safe third country at Union level or suspending the presence of the third country from the EU common list of safe countries of origin shall cease to have effect. Where such a proposal is submitted by the Commission within three months, the Commission shall be empowered, on the basis of a substantial assessment, to extend the validity of that delegated act for a period of six months, with a possibility to renew this extension once.*

*deleted*

**Amendment 297**

**Proposal for a regulation  
Article 49 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 49a*

***Addition or removal of a third country  
from the EU common list of safe  
countries of origin***

***1. Where the Commission has adopted a delegated act in accordance with Article 49(1) suspending the designation of a third country as a safe country of origin, it shall, within six months of the date of adoption of that delegated act, submit a proposal, in accordance with the ordinary legislative procedure, to amend this Regulation in order to remove that third country from the EU common list of safe countries of origin.***

***2. Where a legislative proposal as referred to in paragraph 1 is submitted by the Commission within the six-month period referred to in that paragraph, the Commission is empowered, on the basis of a substantial assessment, to extend the validity of that delegated act for a period of six months, with a possibility to renew that extension once.***

***3. Any amendment of the EU common list of safe countries of origin shall be adopted in accordance with the ordinary legislative procedure. For that purpose:***

***(a) the Commission shall regularly examine the situation in third countries and the possibility of proposing the addition of those countries to the EU common list of safe countries of origin;***

***(b) if appropriate, the Commission shall draw up a proposal to enlarge the EU common list of safe countries of origin after a substantiated assessment of whether the countries to be added to the list fulfil the criteria set out in Article 47; and***

***(c) an assessment as to whether a country is a safe country of origin that is conducted in accordance with this Article shall be based on a range of sources of information, including, in particular, regular reporting from the EEAS and information from Member States, the***



*European Union Agency for Asylum, the UNHCR, the Council of Europe, and other relevant international organisations, and national or international non-governmental organisations.*

## Amendment 298

### Proposal for a regulation Article 50 – paragraph 1

#### *Text proposed by the Commission*

1. For a period of **five** years from entry into force of this Regulation, Member States may retain or introduce legislation that allows for the national designation of safe **third countries or safe** countries of origin other than those **designated at Union level or** which are on the EU common list in Annex 1 for the purposes of examining applications for international protection.

#### *Amendment*

1. For a period of **three** years from **the** entry into force of this Regulation, Member States may retain or introduce legislation that allows for the national designation of safe countries of origin other than those which are on the EU common list in Annex 1 for the purposes of examining applications for international protection. ***During that period, the Member States shall be responsible for making sure that the national lists of safe countries of origin and the EU common list of safe countries of origin are consistent with one another. This implies the following:***

***(a) Member States shall notify the Commission of any changes made to their national list;***

***(b) Member States may submit proposals for the addition of third countries to the EU common list of safe countries of origin, which shall be examined by the Commission within six months of their submission, based on the range of information sources at its disposal, in particular EEAS reports and information provided by Member States, the European Union Agency for Asylum, the UNHCR, the Council of Europe and other relevant international organisations and national or international non-governmental organisations. Where the Commission decides that a third country may be added to the list, it shall submit a legislative***

*proposal in order to enlarge the EU common list of safe countries of origin;*

*(c) where a third country has been suspended from the EU common list of safe countries of origin pursuant to Article 49(1), Member States shall not designate that country as a safe country of origin at the national level; and*

*(d) where a third country has been removed from the EU common list of safe countries of origin pursuant to Article 49a, a Member State may notify the Commission where it considers that, following changes in the situation of that third country, it once again fulfils the criteria set out in Article 47 for being included in the EU common list of safe countries of origin.*

*The Commission shall examine notifications as referred to in point (d) of the first subparagraph and, if appropriate, submit a legislative proposal to amend the EU common list of safe countries of origin accordingly. Where the Commission decides not to submit a legislative proposal, Member States shall not designate that country as a safe country of origin at national level*

## **Amendment 299**

### **Proposal for a regulation Article 50 – paragraph 2**

*Text proposed by the Commission*

*2. Where a third country is suspended from being designated as a safe third country at Union level or the presence of a third country has been suspended from the EU common list in Annex 1 to this Regulation pursuant to Article 49(1), Member States shall not designate that country as a safe third country or a safe third country of origin at national level nor shall they apply the*

*Amendment*

*deleted*

*safe third country concept on an ad hoc basis in relation to a specific applicant.*

#### **Amendment 300**

##### **Proposal for a regulation Article 50 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. *Where a third country is no longer designated as a safe third country at Union level or a third country has been removed from the EU common list in Annexe I to the Regulation in accordance with the ordinary legislative procedure, a Member State may notify the Commission that it considers that, following changes in the situation of that country, it again fulfils the conditions set out in Article 45(1) and Article 47.* **deleted**

*The notification shall include a substantiated assessment of the fulfilment by that country of the conditions set out in Article 45(1) and Article 47 including an explanation of the specific changes in the situation of the third country, which make the country fulfil those conditions again.*

*The notifying Member State may only designate that third country as a safe third country or as a safe country of origin at national level provided that the Commission does not object to that designation.*

#### **Amendment 301**

##### **Proposal for a regulation Article 50 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Member States shall notify the Commission and the European Union Agency for Asylum of the third countries that are designated as safe **third countries**

4. Member States shall notify the Commission and the European Union Agency for Asylum of the third countries that are designated as safe countries of

*or safe* countries of origin at national level immediately after such designation.

***Member States shall inform the Commission and the Agency once a year of the other safe third countries to which the concept is applied on an ad hoc basis in relation to specific applicants.***

origin at national level immediately after such designation.

## **Amendment 302**

### **Proposal for a regulation**

#### **Article 50 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4 a. By ... [insert date: three years after the entry into force of this Regulation], only a third country that is on the EU common list of safe countries of origin established by this Regulation shall be considered to be a safe country of origin.***

## **Amendment 303**

### **Proposal for a regulation**

#### **Article 51 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

The determining authority ***shall*** start the examination to withdraw international protection from a particular person ***when new elements or findings arise indicating that there are reasons to reconsider the validity of his or her international protection, and in particular*** in those instances referred to in Articles 15 and 21 of Regulation (EU) No XXX/XXX (Qualification Regulation).

The determining authority ***may*** start the examination to withdraw international protection from a particular person in those instances referred to in Articles 15 and 21 of Regulation (EU) No XXX/XXX (Qualification Regulation).

#### *Justification*

*The grounds for possible withdrawal of status are dealt with in the Qualifications Regulation and should remain there. The wording here has been aligned with the text adopted by the Parliament on the Qualifications Regulation.*

## Amendment 304

### Proposal for a regulation

#### Article 52 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. Where the competent authority is considering withdrawing international protection from a third-country national or stateless person, ***including in the context of a regular status review referred to in Articles 15 and 21 of Regulation (EU) No XXX/XXX (Qualification Regulation)***, the person concerned shall enjoy the following guarantees, in particular:

*Amendment*

1. Where the competent authority is considering withdrawing international protection from a third-country national or stateless person, the person concerned shall enjoy the following guarantees, in particular:

## Amendment 305

### Proposal for a regulation

#### Article 52 – paragraph 3

*Text proposed by the Commission*

3. The decision of the competent authority to withdraw international protection shall be given in writing. The reasons in fact and in law shall be stated in the decision ***and*** information on ***the manner in which*** to challenge the decision shall be given in writing.

*Amendment*

3. The decision of the competent authority to withdraw international protection shall be given in writing ***without undue delay and in any case no later than seven days after the decision has been taken***. The reasons in fact and in law shall be stated in the decision. Information on ***how*** to challenge the decision, ***including on the relevant time limits***, shall be given in writing.

#### *Justification*

*The wording is aligned with the wording of Article 35(2) on informing applicants of the decision on their application. The same wording should be used on decisions taken to withdraw international protection.*

## Amendment 306

### Proposal for a regulation

#### Article 53 – paragraph 1 – point a – point ii

*Text proposed by the Commission*

(ii) rejecting an application as unfounded or manifestly unfounded in relation to refugee status or subsidiary protection status referred to in Article 37(2) and (3) or Article **42(4)**;

*Amendment*

(ii) rejecting an application as unfounded or manifestly unfounded in relation to refugee status or subsidiary protection status referred to in Article 37(2) and (3) or Article **42(5)**;

**Amendment 307**

**Proposal for a regulation**

**Article 53 – paragraph 1 – point a – point iii**

*Text proposed by the Commission*

(iii) rejecting an application as explicitly withdrawn or as **abandoned** referred to in Articles 38 and 39;

*Amendment*

(iii) rejecting an application as explicitly withdrawn or as **implicitly withdrawn as** referred to in Articles 38 and 39;

**Amendment 308**

**Proposal for a regulation**

**Article 53 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

The applicant may **only** bring forward new elements which are relevant for the examination of his or her application **and which he or she could not have been aware of at an earlier stage or which relate to changes to his or her situation.**

*Amendment*

The applicant may bring forward **any** new elements which are relevant for the examination of his or her application.

**Amendment 309**

**Proposal for a regulation**

**Article 53 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The applicant shall have the right to an oral hearing before a first level appeal court or tribunal.**

## Amendment 310

### Proposal for a regulation

#### Article 53 – paragraph 6 – subparagraph 1 – point a

*Text proposed by the Commission*

(a) within ***one week*** in the case of a decision rejecting a subsequent application as ***inadmissible*** or manifestly unfounded;

*Amendment*

(a) within ***15 working days of receipt of the notification of such a decision*** in the case of a decision rejecting a subsequent application as ***unfounded*** or manifestly unfounded ***or in the case of a decision rejecting an application as inadmissible or as explicitly withdrawn, or in the case of a decision rejecting an application as unfounded or manifestly unfounded in relation to refugee or subsidiary protection status following an accelerated examination procedure or border procedure or while the applicant is held in detention;***

## Amendment 311

### Proposal for a regulation

#### Article 53 – paragraph 6 – subparagraph 1 – point b

*Text proposed by the Commission*

(b) ***within two weeks in the case of a decision rejecting an application as inadmissible or in the case of a decision rejecting an application as explicitly withdrawn or as abandoned, or in the case of a decision rejecting an application as unfounded or manifestly unfounded in relation to refugee or subsidiary protection status following an accelerated examination procedure or border procedure or while the applicant is held in detention;***

*Amendment*

***deleted***

## Amendment 312

## **Proposal for a regulation**

### **Article 53 – paragraph 6 – subparagraph 1 – point c**

*Text proposed by the Commission*

(c) within **one month** in the case of a decision rejecting an application as unfounded in relation to the refugee or subsidiary protection status if the examination is not accelerated or in the case of a decision withdrawing international protection.

*Amendment*

(c) within **20 working days** in the case of a decision rejecting an application as unfounded in relation to the refugee or subsidiary protection status if the examination is not accelerated or in the case of a decision withdrawing international protection.

## **Amendment 313**

### **Proposal for a regulation**

#### **Article 53 – paragraph 6 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The Member States may extend the time limits laid down in this paragraph if the specific circumstances of the application make it necessary.***

## **Amendment 314**

### **Proposal for a regulation**

#### **Article 53 – paragraph 6 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

***For the purposes of point (b)***, Member States may provide for an ex officio review of decisions taken pursuant to a border procedure.

Member States may provide for an ex officio review of decisions taken pursuant to a border procedure ***or of decisions issued while the applicant is held in detention.***

## **Amendment 315**

### **Proposal for a regulation**

#### **Article 53 – paragraph 6 – subparagraph 3**



*Text proposed by the Commission*

The ***time-limits*** provided for in this paragraph shall start to run from the date when the decision of the determining authority is notified to the applicant ***or from the moment the legal adviser or counsellor is appointed*** if the applicant has ***introduced a request for*** free legal assistance and representation.

*Amendment*

The ***time limit*** provided for in this paragraph shall start to run from the date when the decision of the determining authority is notified to the applicant. If the applicant has ***requested*** free legal assistance and representation ***in accordance with Articles 14(1) and 15(1), the time limit shall start to run from the date on which the legal adviser is appointed, where that date is later than the date of the notification of the decision.***

**Amendment 316**

**Proposal for a regulation  
Article 54 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) a decision which considers an application to be manifestly ***unfounded or rejects the application as*** unfounded in relation to refugee or subsidiary protection status in the cases subject to an accelerated examination procedure or border procedure;

*Amendment*

(a) a decision which considers an application to be manifestly unfounded in relation to refugee or subsidiary protection status in the cases subject to an accelerated examination procedure or border procedure;

**Amendment 317**

**Proposal for a regulation  
Article 54 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) a decision which rejects an application as inadmissible pursuant to Article 36(1)(a) ***and (c)***;

*Amendment*

(b) a decision which rejects an application as inadmissible pursuant to Article 36(1)(a);

**Amendment 318**

**Proposal for a regulation  
Article 54 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) a decision which rejects an application as explicitly withdrawn **or abandoned** in accordance with Article 38 **or Article 39, respectively**.

(c) a decision which rejects an application as explicitly withdrawn in accordance with Article 38.

**Amendment 319**

**Proposal for a regulation**  
**Article 55 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**1.** Without prejudice to an adequate and complete examination of an appeal, the courts or tribunals shall decide on the first level of appeal within ***the following time-limits*** from when the appeal is lodged:

Without prejudice to an adequate and complete examination of an appeal, the courts or tribunals shall decide on the first level of appeal within ***a reasonable time limit*** from when the appeal is lodged.

**(a)** ***within six months in the case of a decision rejecting the application as unfounded in relation to refugee or subsidiary protection status if the examination is not accelerated or in the case of a decision withdrawing international protection;***

**(b)** ***within two months in the case of a decision rejecting an application as inadmissible or in the case of a decision rejecting an application as explicitly withdrawn or as abandoned or as unfounded or manifestly unfounded in relation to refugee or subsidiary protection status following an accelerated examination procedure or a border procedure or while the applicant is held in detention;***

**(c)** ***within one month in the case of a decision rejecting a subsequent application as inadmissible or manifestly unfounded.***

**Amendment 320**

**Proposal for a regulation**  
**Article 55 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. *In cases involving complex issues of fact or law, the time-limits set out in paragraph 1 may be prolonged by an additional three month-period.*

*deleted*

**Amendment 321**

**Proposal for a regulation**  
**Article 57 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Member States shall, in liaison with the Commission, take all appropriate measures to establish direct cooperation and an exchange of information between the responsible authorities.

2. Member States shall, in liaison with the Commission, take all appropriate measures to establish direct cooperation and an exchange of information between the responsible authorities *as well as between the responsible authorities and the European Union Agency for Asylum.*

*Justification*

*Cooperation needs to be strengthened also with the EUAA*

**Amendment 322**

**Proposal for a regulation**  
**Article 59 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. Such a delegated act and its extensions shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of *one month* from notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object.

5. Such a delegated act and its extensions shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of *two months* from notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object.

### *Justification*

*It is imperative that the Parliament and Council have adequate time to consider the content of a delegated act before it enters into force. A period of one month does not permit the Parliament to go through all of its internal processes to object to a delegated act and is thus not appropriate. Two months is the minimum period which the co-legislators should be granted.*

### **Amendment 323**

#### **Proposal for a regulation**

#### **Article 60 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall regularly report to the Commission in relation to the implementation and application of Section III.***

### *Justification*

*This amendment is intended to ensure the full implementation, in practice, of the provisions of this Regulation relating to the provision of free legal assistance to asylum applicants at all stages of the procedure.*

### **Amendment 324**

#### **Proposal for a regulation**

#### **Article 60 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***As part of its report, the Commission shall report on the methodology it has used to assess the situation in third countries included in the EU common list of safe third countries of origin, or the potential inclusion of such countries on, or their suspension from, the list. It shall also report on the implementation of procedural safeguards for those seeking international protection originating from a country on the EU common list of safe countries of origin.***

**Amendment 325**

**Proposal for a regulation**  
**Annex I – paragraph 7**

*Text proposed by the Commission*

*Amendment*

*Turkey*

*deleted*

## MINORITY OPINION

pursuant to Rule 52a(4) of the Rules of Procedure  
Monika Hohlmeier

I am in favour of common standards for asylum procedures but did not support the report. Among other things, the following are not viable:

1; The provision of free legal aid starting from the administrative procedure is not feasible from the perspective of human or financial resources.

2; Funding to provide interpreters trained in international law, asylum law and gender issues is not practicable in terms of financial or human resources. Many Member States have problems finding interpreters to cover the large number of languages.

3; When determining the age of unaccompanied minors, the authorities must be able to arrange a medical/psychological examination whilst following the correct procedures for dealing with children or young people, particularly 14-18-year-olds. It is not sufficient to conduct an examination only as a last resort.

4; The obligation for asylum-seekers to cooperate must include the need for them to provide the authorities with full personal details when registering. This must include, among other things, a numbered identity document and registration of biometrical data to prevent double applications, social assistance abuses and identity fraud and facilitate the identification of persons who pose a threat.

5; Applications by applicants from safe countries of origin or non-EU countries must be investigated in accordance with common admissibility procedures and must be rejected if an application is inadmissible.

6; I am in favour of introducing an EU list of safe non-EU countries and countries of origin while at the same time enabling the Member States to make agreements going beyond this with non-EU countries.

## PROCEDURE – COMMITTEE RESPONSIBLE

<b>Title</b>	Common procedure for international protection in the Union		
<b>References</b>	COM(2016)0467 – C8-0321/2016 – 2016/0224(COD)		
<b>Date submitted to Parliament</b>	13.7.2016		
<b>Committee responsible</b> Date announced in plenary	LIBE 12.9.2016		
<b>Committees asked for opinions</b> Date announced in plenary	AFET 12.9.2016	EMPL 12.9.2016	
<b>Not delivering opinions</b> Date of decision	AFET 27.10.2016	EMPL 1.9.2016	
<b>Rapporteurs</b> Date appointed	Laura Ferrara 5.9.2016		
<b>Discussed in committee</b>	30.5.2017	11.7.2017	25.4.2018
<b>Date adopted</b>	25.4.2018		
<b>Result of final vote</b>	+: –: 0:	36 12 8	
<b>Members present for the final vote</b>	Asim Ademov, Jan Philipp Albrecht, Heinz K. Becker, Malin Björk, Michal Boni, Caterina Chinnici, Daniel Dalton, Rachida Dati, Cornelia Ernst, Tanja Fajon, Laura Ferrara, Kinga Gál, Ana Gomes, Nathalie Griesbeck, Sylvie Guillaume, Monika Hohlmeier, Sophia in 't Veld, Eva Joly, Barbara Kudrycka, Juan Fernando López Aguilar, Monica Macovei, Claude Moraes, Péter Niedermüller, Ivari Padar, Soraya Post, Judith Sargentini, Birgit Sippel, Branislav Škripek, Csaba Sógor, Helga Stevens, Traian Ungureanu, Marie-Christine Vergiat, Josef Weidenholzer, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský, Auke Zijlstra		
<b>Substitutes present for the final vote</b>	Carlos Coelho, Anna Maria Corazza Bildt, Ignazio Corrao, Gérard Deprez, Maria Grapini, Teresa Jiménez-Becerril Barrio, Jean Lambert, Jeroen Lenaers, Angelika Mlinar, Siôn Simon, Barbara Spinelli, Elissavet Vozemberg-Vrionidi		
<b>Substitutes under Rule 200(2) present for the final vote</b>	Michael Detjen, André Elissen, Arndt Kohn, Annie Schreijer-Pierik, Giancarlo Scotta', Marco Valli, Marco Zullo		
<b>Date tabled</b>	22.5.2018		

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

<b>36</b>	<b>+</b>
ALDE	Gérard Deprez, Nathalie Griesbeck, Sophia in 't Veld, Angelika Mlinar, Cecilia Wikström
ECR	Monica Macovei
EFDD	Ignazio Corrao, Laura Ferrara, Marco Valli, Marco Zullo
PPE	Asim Ademov, Michał Boni, Carlos Coelho, Anna Maria Corazza Bildt, Teresa Jiménez-Becerril Barrio, Barbara Kudrycka, Jeroen Lenaers, Annie Schreijer-Pierik, Elissavet Vozemberg-Vrionidi
S&D	Caterina Chinnici, Michael Detjen, Tanja Fajon, Ana Gomes, Maria Grapini, Arndt Kohn, Juan Fernando López Aguilar, Claude Moraes, Péter Niedermüller, Ivari Padar, Siôn Simon, Birgit Sippel, Josef Weidenholzer
VERTS/ALE	Jan Philipp Albrecht, Eva Joly, Jean Lambert, Judith Sargentini

<b>12</b>	<b>-</b>
ECR	Daniel Dalton, Branislav Škripek, Helga Stevens
EFDD	Kristina Winberg
ENF	André Elissen, Giancarlo Scotta', Auke Zijlstra
GUE/NGL	Malin Björk, Cornelia Ernst, Barbara Spinelli, Marie-Christine Vergiat
PPE	Kinga Gál

<b>8</b>	<b>0</b>
PPE	Heinz K. Becker, Rachida Dati, Monika Hohlmeier, Csaba Sógor, Traian Ungureanu, Tomáš Zdechovský
S&D	Sylvie Guillaume, Soraya Post

Key to symbols:

+ : in favour

- : against

0 : abstention