



2016/0133(COD)

28.3.2017

AMENDMENTS

5 - 168

Draft opinion
Ramona Nicole Mănescu
(PE599.593v01-00)

Establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)

Proposal for a regulation
(COM(2016)0270 – C8-0173/2016 – 2016/0133(COD))

Amendment 5

Marielle de Sarnez, Hilde Vautmans, Petras Auštrevičius, Marietje Schaake

Proposal for a regulation

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) In order to prevent applicants whose applications are inadmissible, or who are unlikely to require international protection, from undertaking a potentially dangerous journey from their country of origin to a Member State, the European Union Agency for Asylum, in cooperation with the Commission and the Member States, should ensure that potential migrants are informed about the legal entry routes into the Union and the risks of illegal migration.

Or. fr

Amendment 6

Raffaele Fitto

Proposal for a regulation

Recital 10

Text proposed by the Commission

Amendment

(10) In the light of the results of the evaluation undertaken of the implementation of Regulation (EU) **604/2013**, it is appropriate, at this stage, to confirm the principles underlying Regulation (EU) **No 604/2013**, while making the necessary improvements, in the light of experience, to the effectiveness of the Dublin system and the protection granted to applicants under that system. Based on this evaluation and on consultation with Member States, the European Parliament and other stakeholders, it is also considered

(10) In the light of the results of the evaluation undertaken of the implementation of Regulation (EU) **604/2013**, it is appropriate, at this stage, to confirm the principles underlying Regulation (EU) **No 604/2013**, while making the necessary improvements, in the light of experience, to the effectiveness of the Dublin system and the protection granted to applicants under that system. Based on this evaluation and on consultation with Member States, the European Parliament and other stakeholders, it is also considered

appropriate to establish in the Regulation measures required for a fair share of responsibility between Member States for applications for international protection, in particular to ensure that a disproportionate burden is not placed upon *some* Member States.

appropriate to establish in the Regulation measures required for a fair share of responsibility between Member States for applications for international protection, in particular to ensure that a disproportionate burden is not placed upon Member States *of first arrival, such as Italy, that are clearly struggling to cope with the migrant flow.*

Or. it

Amendment 7
Anders Primdahl Vistisen

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) In the light of the results of the evaluation undertaken of the implementation of Regulation (EU) 604/2013, it is appropriate, at this stage, to confirm the principles underlying Regulation (EU) No 604/2013, while *making the necessary improvements, in the light of experience, to the effectiveness of the Dublin system and the protection granted to applicants under that* system. Based on this evaluation and on consultation with Member States, the European Parliament and other stakeholders, it is also considered appropriate to establish in the Regulation measures required for a fair share of responsibility between Member States for applications for international protection, in particular to ensure that a disproportionate burden is not placed upon some Member States.

Amendment

(10) In the light of the results of the evaluation undertaken of the implementation of Regulation (EU) 604/2013, it is appropriate, at this stage, to confirm the principles underlying Regulation (EU) No 604/2013, while *reinforcing the conventions for crisis management and migrant flow set out under* the Dublin system. Based on this evaluation and on consultation with Member States, the European Parliament and other stakeholders, it is also considered appropriate to establish in the Regulation measures required for a fair share of responsibility between Member States for applications for international protection, in particular to ensure that a disproportionate burden is not placed upon some Member States.

Or. en

Amendment 8
Raffaele Fitto

Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) The migration flow management difficulties encountered at reception and sorting centres ('hotspots') in the Member States of first arrival demonstrate the need for a more cooperative and concrete approach.

Or. it

Amendment 9
Georgios Epitideios

Proposal for a regulation
Recital 12

Text proposed by the Commission

Amendment

(12) In order to ensure that beneficiaries of international protection who entered the territory of another Member State than the Member State responsible without fulfilling the conditions of stay in that other Member State are taken back by the Member State responsible, it is necessary to encompass beneficiaries of international protection in the scope of this Regulation.

deleted

Or. el

Amendment 10
Marie-Christine Vergiat, Bodil Valero, Sofia Sakorafa

Proposal for a regulation
Recital 17

Text proposed by the Commission

Amendment

(17) In order to prevent that applicants with inadmissible claims or who are likely not to be in need of international protection, or who represent a security risk are transferred among the Member States, it is necessary to ensure that the Member where an application is first lodged verifies the admissibility of the claim in relation to the first country of asylum and safe third country, examines in accelerated procedures applications made by applicants coming from a safe country of origin designated on the EU list, as well as applicants presenting security concerns.

deleted

Or. fr

**Amendment 11
Pier Antonio Panzeri**

**Proposal for a regulation
Recital 17**

Text proposed by the Commission

Amendment

(17) In order to prevent that applicants with inadmissible claims or who are likely not to be in need of international protection, or who represent a security risk are transferred among the Member States, it is necessary to ensure that the Member where an application is first lodged verifies the admissibility of the claim in relation to the first country of asylum and safe third country, examines in accelerated procedures applications made by applicants coming from a safe country of origin designated on the EU list, as well as applicants presenting security concerns.

deleted

Or. en

Amendment 12
Javi López

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) In order to prevent that applicants with inadmissible claims or who are likely **not** to be in need of international protection, or who represent a security risk are transferred among the Member States, it is necessary **to ensure** that the Member where **an** application is first lodged verifies the admissibility of the claim in relation to the first country of asylum **and safe third country**, examines in accelerated procedures applications made by applicants coming from a safe country of origin designated on the EU list, as well as applicants presenting security concerns.

Amendment

(17) In order to prevent that applicants with inadmissible claims or who are **not** likely to be in need of international protection, or who represent a security risk are transferred among the Member States, it is necessary that the Member where **the** application is first lodged **individually** verifies the admissibility of the claim in relation to the first country of asylum, examines in accelerated procedures applications made by applicants coming from a safe country of origin designated on the EU list, as well as applicants presenting security concerns.

Or. en

Amendment 13
Marie-Christine Vergiat, Sofia Sakorafa

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) The concepts of safe countries and safe countries of origin should not prevent the identification of those seeking international protection, the individual examination of asylum applications and appropriate safeguards in respect of non-refoulement.

Or. fr

Amendment 14
Georgios Epitideios

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) The definition of a family member in this Regulation should include the sibling or siblings of the applicant. Reuniting siblings is of particular importance for improving the chances of integration of applicants and hence reducing secondary movements. ***The scope of the definition of family member should also reflect the reality of current migratory trends, according to which applicants often arrive to the territory of the Member States after a prolonged period of time in transit. The definition should therefore include families formed outside the country of origin, but before their arrival on the territory of the Member State. This limited and targeted enlargement of the scope of the definition is expected to reduce the incentive for some secondary movements of asylum seekers within the EU.***

Amendment

(19) The definition of a family member in this Regulation should include the ***minor*** sibling or siblings of the applicant. Reuniting siblings is of particular importance for improving the chances of integration of applicants and hence reducing secondary movements.

Or. el

Amendment 15
Pier Antonio Panzeri

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) The definition of a family member in this Regulation should include the sibling or siblings of the applicant. Reuniting siblings is of particular importance for improving the chances of integration of applicants and hence

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(19) The definition of a family member in this Regulation should include the sibling or siblings of the applicant. Reuniting siblings is of particular importance for improving the chances of integration of applicants and hence

reducing secondary movements. The scope of the definition of family member should also reflect the reality of current migratory trends, according to which applicants often arrive to the territory of the Member States after a prolonged period of time in transit. The definition should therefore include families formed outside the country of origin, but before their arrival on the territory of the Member State. This limited and targeted enlargement of the scope of the definition is expected to reduce the incentive for some secondary movements of asylum seekers within the EU.

reducing secondary movements. The scope of the definition of family member should also reflect the reality of current migratory trends, according to which applicants often arrive to the territory of the Member States after a prolonged period of time in transit. The definition should therefore include families formed outside the country of origin, but before their arrival on the territory of the Member State, ***allowing for reunification with a married or unmarried partner and considering the specificities of de facto families and relationships.*** This limited and targeted enlargement of the scope of the definition is expected to reduce the incentive for some secondary movements of asylum seekers within the EU.

Or. en

Amendment 16

Anders Primdahl Vistisen

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) The definition of a family member in this Regulation should include the sibling or siblings of the applicant. ***Reuniting siblings is of particular importance for improving the chances of integration of applicants and hence reducing secondary movements. The scope of the definition of family member should also reflect the reality of current migratory trends, according to which applicants often arrive to the territory of the Member States after a prolonged period of time in transit.*** The definition should therefore include families formed outside the country of origin, but before their arrival on the territory of the Member State. This limited and targeted

Amendment

(19) The definition of a family member in this Regulation should include the sibling or siblings of the applicant ***where the sibling or siblings is or are proven to be under the legal age of maturity.*** ***Reuniting siblings is of particular importance in order to increase the chances of integration of applicants and hence reduce secondary movements.*** The definition should therefore include families formed outside the country of origin, but before their arrival on the territory of the Member State. This limited and targeted enlargement of the scope of the definition is expected to reduce the incentive for some secondary movements of asylum seekers within the EU.

enlargement of the scope of the definition is expected to reduce the incentive for some secondary movements of asylum seekers within the EU.

Or. en

Amendment 17
Georgios Epitideios

Proposal for a regulation
Recital 20

Text proposed by the Commission

Amendment

(20) In order to ensure full respect for the principle of family unity and for the best interests of the child, the existence of a relationship of dependency between an applicant and his or her child, sibling or parent on account of the applicant's pregnancy or maternity, state of health or old age, should become a binding responsibility criterion. When the applicant is an unaccompanied minor, the presence of a family member or relative on the territory of another Member State who can take care of him or her should also become a binding responsibility criterion. In order to discourage secondary movements of unaccompanied minors, which are not in their best interests, in the absence of a family member or a relative, the Member State responsible should be that where the unaccompanied minor first has lodged his or her application for international protection, unless it is demonstrated that this would not be in the best interests of the child. Before transferring an unaccompanied minor to another Member State, the transferring Member State should make sure that that Member State will take all necessary and appropriate measures to ensure the adequate protection of the child, and in

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particular the prompt appointment of a representative or representatives tasked with safeguarding respect for all the rights to which they are entitled. Any decision to transfer an unaccompanied minor should be preceded by an assessment of his/her best interests by staff with the necessary qualifications and expertise.

Or. el

Amendment 18
Pier Antonio Panzeri

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) In order to ensure full respect for the principle of family unity and for the best interests of the child, the existence of a relationship of dependency between an applicant and his or her child, sibling or parent on account of the applicant's pregnancy or maternity, state of health or old age, should become a binding responsibility criterion. When the applicant is an unaccompanied minor, the presence of a family member or relative on the territory of another Member State who can take care of him or her should also become a binding responsibility criterion. In order to discourage secondary movements of unaccompanied minors, which are not in their best interests, in the absence of a family member or a relative, the Member State responsible should be that where the unaccompanied minor ***first has lodged*** his or her application for international protection, unless it is demonstrated that this would not be in the best interests of the child. Before transferring an unaccompanied minor to another Member State, the transferring Member State should

Amendment

(20) In order to ensure full respect for the principle of family unity and for the best interests of the child, the existence of a relationship of dependency between an applicant and his or her child, sibling or parent on account of the applicant's pregnancy or maternity, state of health or old age, should become a binding responsibility criterion. When the applicant is an unaccompanied minor, the presence of a family member or relative on the territory of another Member State who can take care of him or her should also become a binding responsibility criterion. ***Separated children, which are also legally considered as unaccompanied minors, is a distinct category that should require specific attention.*** In order to discourage secondary movements of unaccompanied minors, which are not in their best interests, in the absence of a family member or a relative, the Member State responsible should be that where the unaccompanied minor ***is present*** his or her application for international protection, unless it is demonstrated that this would

make sure that that Member State will take all necessary and appropriate measures to ensure the adequate protection of the child, and in particular the prompt appointment of a representative or representatives tasked with safeguarding respect for all the rights to which they are entitled. Any decision to transfer an unaccompanied minor should be preceded by an assessment of his/her best interests by staff with the necessary qualifications and expertise.

not be in the best interests of the child. Before transferring an unaccompanied minor to another Member State, the transferring Member State should make sure that that Member State will take all necessary and appropriate measures to ensure the adequate protection of the child, and in particular the prompt appointment of a representative or representatives tasked with safeguarding respect for all the rights to which they are entitled. ***In order to avoid excessive pressure on the social system of single Member States and ensure a fair sharing of responsibility, the corrective allocation mechanism should include specific provisions for unaccompanied minors.*** Any decision to transfer an unaccompanied minor should be preceded by an assessment of his/her best interests by staff with the necessary qualifications and expertise.

Or. en

Amendment 19
Ramona Nicole Mănescu

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) In order to ensure full respect for the principle of family unity and for the best interests of the child, the existence of a relationship of dependency between an applicant and his or her child, sibling or parent on account of the applicant's pregnancy or maternity, state of health or old age, should become a binding responsibility criterion. When the applicant is an unaccompanied minor, the presence of a family member or relative on the territory of another Member State who can take care of him or her should also become a binding responsibility criterion. In order

Amendment

(20) In order to ensure full respect for the principle of family unity and for the best interests of the child, the existence of a relationship of dependency between an applicant and his or her child, sibling or parent on account of the applicant's pregnancy or maternity, state of health or old age, should become a binding responsibility criterion. When the applicant is an unaccompanied minor, the presence of a family member or relative on the territory of another Member State who can take care of him or her should also become a binding responsibility criterion.

to discourage secondary movements of unaccompanied minors, which are not in their best interests, in the absence of a family member or a relative, the Member State responsible should be that where the unaccompanied minor ***first has lodged his or her application for international protection***, unless it is demonstrated that this would not be in the best interests of the child. Before transferring an unaccompanied minor to another Member State, the transferring Member State should make sure that that Member State will take all necessary and appropriate measures to ensure the adequate protection of the child, and in particular the prompt appointment of a representative or representatives tasked with safeguarding respect for all the rights to which they are entitled. Any decision to transfer an unaccompanied minor should be preceded by an assessment of his/her best interests by staff with the necessary qualifications and expertise.

Separated children, which are also legally considered as unaccompanied minors, is a distinct category that should require specific attention. In order to discourage secondary movements of unaccompanied minors, which are not in their best interests, in the absence of a family member or a relative, the Member State responsible should be that where the unaccompanied minor ***is present***, unless it is demonstrated that this would not be in the best interests of the child. Before transferring an unaccompanied minor to another Member State, the transferring Member State should make sure that that Member State will take all necessary and appropriate measures to ensure the adequate protection of the child, and in particular the prompt appointment of a representative or representatives tasked with safeguarding respect for all the rights to which they are entitled. ***In order to avoid an excessive pressure on the social system of single Member States and ensure a fair sharing of responsibility, the corrective allocation mechanism should include specific provisions for unaccompanied minors.*** Any decision to transfer an unaccompanied minor should be preceded by an assessment of his/her best interests by staff with the necessary qualifications and expertise.

Or. en

Amendment 20

Javi López

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) In order to ensure full respect for the principle of family unity and for the

Amendment

(20) In order to ensure full respect for the principle of family unity and for the

best interests of the child, the existence of a relationship of dependency between an applicant and his or her child, sibling or parent on account of the applicant's pregnancy or maternity, state of health or old age, should become a binding responsibility criterion. When the applicant is an unaccompanied minor, the presence of a family member or relative on the territory of another Member State who can take care of him or her should also become a binding responsibility criterion. In order to discourage secondary movements of unaccompanied minors, which are not in their best interests, in the absence of a family member or a relative, the Member State responsible should be *that where* the unaccompanied minor *first* has lodged *his or her* application *for international protection, unless it is demonstrated* that this *would not be* in the best interests of the *child. Before transferring an unaccompanied minor to another Member State, the transferring Member State should make sure that that* Member State will take all necessary and appropriate measures to ensure the adequate protection of the child, and in particular the prompt appointment of a representative or representatives tasked with safeguarding respect for all the rights to which they are entitled. Any decision to transfer an unaccompanied minor should be preceded by an assessment of his/her best interests by staff with the necessary qualifications and expertise.

best interests of the child, the existence of a relationship of dependency between an applicant and his or her child, sibling or parent on account of the applicant's pregnancy or maternity, state of health or old age, should become a binding responsibility criterion. When the applicant is an unaccompanied minor, the presence of a family member or relative on the territory of another Member State who can take care of him or her should also become a binding responsibility criterion, *if this is in their best interests*. In order to discourage secondary movements *and unnecessary transfers* of unaccompanied minors, which are not in their best interests, in the absence of a family member or a relative *legally present in the territory of a Member State*, the Member State responsible should be *the one in which* the unaccompanied minor *is present and* has lodged *an asylum* application, *provided* that this *is* in the best interests of the *minor. Where a transfer is in the best interests of an unaccompanied minor the receiving* Member State will take all necessary and appropriate measures to ensure the adequate protection of the child, and in particular the prompt appointment of a representative or representatives tasked with safeguarding respect for all the rights to which they are entitled. *In case of non-compliance, proportional procedural consequences should follow*. Any decision to transfer an unaccompanied minor should be preceded by an assessment of his/her best interests by staff with the necessary qualifications and expertise.

Or. en

Amendment 21
Hilde Vautmans, Marielle de Sarnez

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) In order to ensure full respect for the principle of family unity and for the best interests of the child, the existence of a relationship of dependency between an applicant and his or her child, sibling or parent on account of the applicant's pregnancy or maternity, state of health or old age, should become a binding responsibility criterion. When the applicant is an unaccompanied minor, the presence of a family member or relative on the territory of another Member State who can take care of him or her should also become a binding responsibility criterion. In order to discourage secondary movements of unaccompanied minors, which are not in their best interests, in the absence of a family member or a relative, the Member State responsible should be that where the unaccompanied minor *first* has lodged his or her application for international protection, unless it is demonstrated that this would not be in the best interests of the child. Before transferring an unaccompanied minor to another Member State, the transferring Member State should make sure that that Member State will take all necessary and appropriate measures to ensure the adequate protection of the child, and in particular the prompt appointment of a representative or representatives tasked with safeguarding respect for all the rights to which they are entitled. Any decision to transfer an unaccompanied minor should be preceded by an assessment of his/her best interests by staff with the necessary qualifications and expertise.

Amendment

(20) In order to ensure full respect for the principle of family unity and for the best interests of the child, the existence of a relationship of dependency between an applicant and his or her child, sibling or parent on account of the applicant's pregnancy or maternity, state of health or old age, should become a binding responsibility criterion. When the applicant is an unaccompanied minor, the presence of a family member or relative on the territory of another Member State who can take care of him or her should also become a binding responsibility criterion. In order to discourage secondary movements of unaccompanied minors, which are not in their best interests, in the absence of a family member or a relative, the Member State responsible should be that where the unaccompanied minor *is present and* has lodged his or her application for international protection, unless it is demonstrated that this would not be in the best interests of the child. Before transferring an unaccompanied minor to another Member State, the transferring Member State should make sure that that Member State will take all necessary and appropriate measures to ensure the adequate protection of the child, and in particular the prompt appointment of a representative or representatives tasked with safeguarding respect for all the rights to which they are entitled. Any decision to transfer an unaccompanied minor should be preceded by an assessment of his/her best interests by staff with the necessary qualifications and expertise.

Or. en

Amendment 22

Georgios Epitideios

**Proposal for a regulation
Recital 21**

Text proposed by the Commission

Amendment

(21) Assuming responsibility by a Member State for examining an application lodged with it in cases when such examination is not its responsibility under the criteria laid down in this Regulation may undermine the effectiveness and sustainability of the system and should be exceptional. Therefore, a Member State should be able to derogate from the responsibility criteria only on humanitarian grounds, in particular for family reasons, before a Member State responsible has been determined and examine an application for international protection lodged with it or with another Member State, even if such examination is not its responsibility under the binding criteria laid down in this Regulation.

deleted

Or. el

**Amendment 23
Javi López**

**Proposal for a regulation
Recital 21**

Text proposed by the Commission

Amendment

(21) Assuming responsibility by a Member State for examining an application lodged with it in cases when such examination is not its responsibility under the criteria laid down in this Regulation may undermine the effectiveness and sustainability of the system and should be exceptional. Therefore, a Member State should be able to derogate from the

(21) Assuming responsibility by a Member State for examining an application lodged with it in cases when such examination is not its responsibility under the criteria laid down in this Regulation may undermine the effectiveness and sustainability of the system and should be exceptional. Therefore, a Member State should be able to derogate from the

responsibility criteria only on humanitarian grounds, in particular for family reasons, ***before a Member State responsible has been determined*** and examine an application for international protection lodged with it or with another Member State, even if such examination is not its responsibility under the binding criteria laid down in this Regulation.

responsibility criteria only on humanitarian grounds, in particular for family reasons, and examine an application for international protection lodged with it or with another Member State, even if such examination is not its responsibility under the binding criteria laid down in this Regulation.

Or. en

Amendment 24 **Paulo Rangel**

Proposal for a regulation **Recital 22**

Text proposed by the Commission

(22) In order to ensure that the aims of this Regulation are achieved and obstacles to its application are prevented, in particular in order to avoid absconding and secondary movements between Member States, it is necessary to establish clear obligations to be complied with by the applicant in the context of the procedure, of which he or she should be duly informed in a timely manner. ***Violation of those legal obligations should lead to appropriate and proportionate procedural consequences for the applicant and to appropriate and proportionate*** consequences in terms of his or her reception conditions. In line with the Charter of Fundamental Rights of the European Union, the Member State where such an applicant is present should in any case ensure that the immediate ***material*** needs of that person are covered.

Amendment

(22) In order to ensure that the aims of this Regulation are achieved and obstacles to its application are prevented, in particular in order to avoid absconding and secondary movements between Member States, it is necessary to establish clear obligations to be complied with by the applicant in the context of the procedure, of which he or she should be duly informed in a timely manner. ***Failure to comply with those obligations must not prejudice the right of the applicant to a fair and equitable process or entail unnecessary, inappropriate and disproportionate*** consequences in terms of his or her reception conditions. In line with the Charter of Fundamental Rights of the European Union ***and the European Convention for the Protection of Human Rights and Fundamental Freedoms***, the Member State where such an applicant is present should in any case ensure that the immediate ***basic*** needs of that person are covered.

Or. pt

Amendment 25

Javi López

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) A personal interview with the applicant should be organised in order to facilitate the determination of the Member State responsible for examining an application for international protection ***unless the applicant has absconded or the information provided by the applicant is sufficient for determining the Member State responsible***. As soon as the application for international protection is lodged, the applicant should be informed in particular of the application of this Regulation, of the lack of choice as to which Member State will examine his or her asylum application; of his or her obligations under this Regulation and of the consequences of not complying with them

Amendment

(23) A personal interview with the applicant should be organised in order to facilitate the determination of the Member State responsible for examining an application for international protection. As soon as the application for international protection is lodged, the applicant should be informed in particular of the application of this Regulation, of the lack of choice as to which Member State will examine his or her asylum application; of his or her obligations under this Regulation and of the consequences of not complying with them ***and of the possibility, during the interview, of providing information regarding the presence of family members, relatives or any other family relations in the Member States, in order to facilitate the procedure for determining the Member State responsible.***

Or. en

Amendment 26

Georgios Epitideios

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) In order to guarantee effective protection of the rights of the persons concerned, legal safeguards and the right to

Amendment

(24) In order to guarantee effective protection of the rights of the persons concerned, legal safeguards and the right to

an effective remedy in respect of decisions regarding transfers to the Member State responsible should be established, in accordance, in particular, with Article 47 of the Charter of Fundamental Rights of the European Union. *An effective remedy should also be provided in situations when no transfer decision is taken but the applicant claims that another Member State is responsible on the basis that he has a family member or, for unaccompanied minors, a relative in another Member State. In order to ensure that international law is respected, an effective remedy against such decisions should cover both the examination of the application of this Regulation and of the legal and factual situation in the Member State to which the applicant is transferred. The scope of the effective remedy should be limited to an assessment of whether applicants' fundamental rights to respect of family life, the rights of the child, or the prohibition of inhuman and degrading treatment risk to be infringed upon.*

an effective remedy in respect of decisions regarding transfers to the Member State responsible should be established, in accordance, in particular, with Article 47 of the Charter of Fundamental Rights of the European Union.

Or. el

Amendment 27
Ramona Nicole Mănescu

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) In order to guarantee effective protection of the rights of the persons concerned, legal safeguards and the right to an effective remedy in respect of decisions regarding transfers to the Member State responsible should be established, in accordance, in particular, with Article 47 of the Charter of Fundamental Rights of the European Union. An effective remedy should also be provided in situations when

Amendment

(24) ***Any person subject to this regulation should have the rights to an effective remedy, in the form of an appeal or review, pursuant to the applicable legislation.*** In order to guarantee effective protection of the rights of the persons concerned, legal safeguards and the right to an effective remedy in respect of decisions regarding transfers to the Member State responsible should be established, in

no transfer decision is taken but the applicant claims that another Member State is responsible on the basis that he has a family member or, for unaccompanied minors, a relative in another Member State. In order to ensure that international law *is* respected, an effective remedy against such decisions should cover both the examination of the application of this Regulation and of the legal and factual situation in the Member State to which the applicant is transferred. **The** scope of the effective remedy should be **limited to** an assessment of whether applicants' fundamental rights to respect of family life, the rights of the child, or the prohibition of inhuman and degrading treatment risk to be infringed upon.

accordance, in particular, with Article 47 of the Charter of Fundamental Rights of the European Union. An effective remedy should also be provided in situations when no transfer decision is taken but the applicant claims that another Member State is responsible on the basis that he has a family member or, for unaccompanied minors, a relative in another Member State. In order to ensure that international law **and the relevant case-law are** respected, an effective remedy against such decisions should cover both the examination of the application of this Regulation and of the legal and factual situation in the Member State to which the applicant is transferred **or returned. The main** scope of the effective remedy should be an assessment of whether applicants' fundamental rights to respect of family life, the rights of the child, or the prohibition of inhuman and degrading treatment risk to be infringed upon.

Or. en

Amendment 28

Pier Antonio Panzeri

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) In order to guarantee effective protection of the rights of the persons concerned, legal safeguards and the right to an effective remedy in respect of decisions regarding transfers to the Member State responsible should be established, in accordance, in particular, with Article 47 of the Charter of Fundamental Rights of the European Union. An effective remedy should also be provided in situations when no transfer decision is taken but the applicant claims that another Member State

Amendment

(24) **All persons subject to this regulation should have the right to an effective remedy, in the form of an appeal or review, in fact and in law.** In order to guarantee effective protection of the rights of the persons concerned, legal safeguards and the right to an effective remedy in respect of decisions regarding transfers to the Member State responsible should be established, in accordance, in particular, with Article 47 of the Charter of Fundamental Rights of the European

is responsible on the basis that he has a family member or, for unaccompanied minors, a relative in another Member State. In order to ensure that international law is respected, an effective remedy against such decisions should cover both the examination of the application of this Regulation and of the legal and factual situation in the Member State to which the applicant is transferred. The scope of the effective remedy should *be limited to* an assessment of whether applicants' fundamental rights to respect of family life, the rights of the child, or the prohibition of inhuman and degrading treatment risk to be infringed upon.

Union. An effective remedy should also be provided in situations when no transfer decision is taken but the applicant claims that another Member State is responsible on the basis that he has a family member or, for unaccompanied minors, a relative in another Member State. In order to ensure that international law *and the relevant case-law of the Court of Justice of the European Union as well as of the European Court of Human Rights* is respected, an effective remedy against such decisions should cover both the examination of the application of this Regulation and of the legal and factual situation in the Member State to which the applicant is transferred *or returned*. The scope of the effective remedy should, *in particular, concern* an assessment of whether applicants' fundamental rights to respect of family life, the rights of the child, or the prohibition of inhuman and degrading treatment risk to be infringed upon.

Or. en

Amendment 29
Marielle de Sarnez, Petras Auštrevičius

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) In order to guarantee effective protection of the rights of the persons concerned, legal safeguards and the right to an effective remedy in respect of decisions regarding transfers to the Member State responsible should be established, in accordance, in particular, with Article 47 of the Charter of Fundamental Rights of the European Union. An effective remedy should also be provided in situations when no transfer decision is taken but the

Amendment

(24) In order to guarantee effective protection of the rights of the persons concerned, legal safeguards and the right to an effective remedy in respect of decisions regarding transfers to the Member State responsible should be established, in accordance, in particular, with Article 47 of the Charter of Fundamental Rights of the European Union. An effective remedy should also be provided in situations when no transfer decision is taken but the

applicant claims that another Member State is responsible on the basis that he has a family member or, for unaccompanied minors, a relative in another Member State. In order to ensure that international law is respected, an effective remedy against such decisions should cover both the examination of the application of this Regulation and of the legal and factual situation in the Member State to which the applicant is transferred. The scope of the effective remedy should be limited to an assessment of whether applicants' fundamental rights to respect of family life, the rights of the child, or the prohibition of inhuman and degrading treatment risk to be infringed upon.

applicant claims that another Member State is responsible on the basis that he has a family member or, for unaccompanied minors, a relative in another Member State, ***provided that such a transfer is in the interests of the child***. In order to ensure that international law is respected, an effective remedy against such decisions should cover both the examination of the application of this Regulation and of the legal and factual situation in the Member State to which the applicant is transferred. The scope of the effective remedy should be limited to an assessment of whether applicants' fundamental rights to respect of family life, the rights of the child, or the prohibition of inhuman and degrading treatment risk to be infringed upon.

Or. fr

Amendment 30 **Sofia Sakorafa**

Proposal for a regulation **Recital 25**

Text proposed by the Commission

(25) The Member State which is determined as responsible under this Regulation ***should remain*** responsible for examination of each and every application of that applicant, including any subsequent application, in accordance with Article 40, 41 and 42 of Directive 2013/32/EU, irrespective of whether the applicant has left or was removed from the territories of the Member States. Provisions in Regulation (EU) 604/2013 which had provided for the cessation of responsibility in certain circumstances, including when deadlines for the carrying out of transfers had elapsed for a certain period of time, ***had*** created an incentive for absconding, and ***should therefore*** be removed.

Amendment

(25) The Member State which is determined as responsible under this Regulation ***could be held*** responsible for examination of each and every application of that applicant, including any subsequent application, in accordance with Article 40, 41 and 42 of Directive 2013/32/EU, irrespective of whether the applicant has left or was removed from the territories of the Member States. Provisions in Regulation (EU) 604/2013 which had provided for the cessation of responsibility in certain circumstances, including when deadlines for the carrying out of transfers had elapsed for a certain period of time, ***may have*** created an incentive for absconding, and ***some of them could be***

removed.

Or. en

Amendment 31
Marie-Christine Vergiat, Sofia Sakorafa

Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) In order to ensure the speedy determination of responsibility and allocation of applicants for international protection between Member States, the deadlines for making and replying to requests to take charge, for making take back notifications, and for carrying out transfers, as well as for making and deciding on appeals, should be streamlined and shortened to the greatest extent possible.

Amendment

(26) In order to ensure the speedy determination of responsibility and allocation of applicants for international protection between Member States, the deadlines for making and replying to requests to take charge, for making take back notifications, and for carrying out transfers, as well as for making and deciding on appeals, should be streamlined and shortened to the greatest extent possible, ***while respecting the rights of vulnerable persons, in particular the rights of the child and the fundamental principle of the best interests of the child and the principle of family reunification.***

Or. fr

Amendment 32
Paulo Rangel

Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) In order to ensure the speedy determination of responsibility and allocation of applicants for international protection between Member States, the deadlines for making and replying to requests to take charge, for making take

Amendment

(26) In order to ensure the speedy determination of responsibility and allocation of applicants for international protection between Member States, the deadlines for making and replying to requests to take charge, for making take

back notifications, and for carrying out transfers, as well as for making and deciding on appeals, should be *streamlined and* shortened to the greatest extent possible.

back notifications, and for carrying out transfers, as well as for making and deciding on appeals, should be shortened to the greatest extent possible *while respecting the fundamental rights of applicants*.

Or. pt

Amendment 33
Raffaele Fitto

Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) Deficiencies in, or the collapse of, asylum systems, often aggravated or contributed to by particular pressures on them, can jeopardise the smooth functioning of the system put in place under this Regulation, *which could lead* to a risk of a violation of the rights of applicants as set out in the Union asylum acquis and the Charter of Fundamental Rights of the European Union, other international human rights and refugee rights.

Amendment

(28) Deficiencies in, or the collapse of, asylum systems, *especially in the Member States of first arrival*; often aggravated or contributed to by particular pressures on them, can jeopardise the smooth functioning of the system put in place under this Regulation, *leading* to a risk of a violation of the rights of applicants as set out in the Union asylum acquis and the Charter of Fundamental Rights of the European Union, other international human rights and refugee rights.

Or. it

Amendment 34
Ramona Nicole Mănescu

Proposal for a regulation
Recital 32

Text proposed by the Commission

(32) A key based on the size of the population and of the economy of the Member States should be applied as a point

Amendment

(32) A key based on the size of the population and of the economy of the Member States should be applied as a point

of reference in the operation of the corrective allocation mechanism in conjunction with a threshold, so as to enable the mechanism to function as a means of assisting Member States under disproportionate pressure. The application of the corrective allocation for the benefit of a Member State should be triggered automatically where the number of applications for international protection for which a Member State is responsible exceeds 150% of the figure identified in the reference key. In order to comprehensively reflect the efforts of each Member State, the number of persons effectively resettled to that Member State should be added to the number of applications for international protection for the purposes of this calculation.

of reference in the operation of the corrective allocation mechanism in conjunction with a threshold, so as to enable the mechanism to function as a means of assisting Member States under disproportionate pressure. The application of the corrective allocation for the benefit of a Member State should be triggered automatically where the number of applications for international protection for which a Member State is responsible exceeds 150% of the figure identified in the reference key, ***but taking in consideration the applicant preference motivated by familiar reunification***. In order to comprehensively reflect the efforts of each Member State, the number of persons effectively resettled to that Member State should be added to the number of applications for international protection for the purposes of this calculation. ***The unaccompanied minors represent a distinct category, and should therefore require specific attention and a distinct key to be applied.***

Or. en

Amendment 35
Pier Antonio Panzeri

Proposal for a regulation
Recital 32

Text proposed by the Commission

(32) A key based on the size of the population and of the economy of the Member States should be applied as a point of reference in the operation of the corrective allocation mechanism in conjunction with a threshold, so as to enable the mechanism to function as a means of assisting Member States under disproportionate pressure. The application of the corrective allocation for the benefit

Amendment

(32) A key based on the size of the population and of the economy of the Member States should be applied as a point of reference in the operation of the corrective allocation mechanism in conjunction with a threshold, so as to enable the mechanism to function as a means of assisting Member States under disproportionate pressure. The application of the corrective allocation for the benefit

of a Member State should be triggered automatically where the number of applications for international protection for which a Member State is responsible exceeds 150% of the figure identified in the reference key. In order to comprehensively reflect the efforts of each Member State, the number of persons effectively resettled to that Member State should be added to the number of applications for international protection for the purposes of this calculation.

of a Member State should be triggered automatically, ***but also taking into account a wish of preference of the applicant especially if motivated by familiar reunification*** where the number of applications for international protection for which a Member State is responsible exceeds 150% of the figure identified in the reference key. In order to comprehensively reflect the efforts of each Member State, the number of persons effectively resettled to that Member State should be added to the number of applications for international protection for the purposes of this calculation. ***The category of unaccompanied minors should require particular attention and a distinct key should be determined for them with the same calculation formula.***

Or. en

Amendment 36 **Nikos Androulakis**

Proposal for a regulation **Recital 32**

Text proposed by the Commission

(32) A key based on the size of the population and ***of the economy*** of the Member States should be applied as a point of reference in the operation of the corrective allocation mechanism in conjunction with a threshold, so as to enable the mechanism to function as a means of assisting Member States under disproportionate pressure. The application of the corrective allocation for the benefit of a Member State should be triggered automatically where the number of applications for international protection for which a Member State is responsible exceeds ***150%*** of the figure identified in the reference key. In order to

Amendment

(32) A key based on the size of the population, ***the economy*** and ***the unemployment*** of the Member States should be applied as a point of reference in the operation of the corrective allocation mechanism in conjunction with a threshold, so as to enable the mechanism to function as a means of assisting Member States under disproportionate pressure. The application of the corrective allocation for the benefit of a Member State should be triggered automatically where the number of applications for international protection for which a Member State is responsible exceeds ***75%*** of the figure identified in the reference key. In order to comprehensively

comprehensively reflect the efforts of each Member State, the number of persons effectively resettled to that Member State should be added to the number of applications for international protection for the purposes of this calculation.

reflect the efforts of each Member State, the number of persons effectively resettled to that Member State should be added to the number of applications for international protection for the purposes of this calculation. ***As soon as this mechanism has been activated, all take back requests should be suspended.***

Or. en

Amendment 37
Sofia Sakorafa

Proposal for a regulation
Recital 32

Text proposed by the Commission

(32) A key based on the size of the population ***and of*** the economy of the Member States should be applied as a point of reference in the operation of the corrective allocation mechanism in conjunction with a threshold, so as to enable the mechanism to function as a means of assisting Member States under disproportionate pressure. The application of the corrective allocation for the benefit of a Member State should be triggered automatically where the number of applications for international protection for which a Member State is responsible exceeds ***150%*** of the figure identified in the reference key. In order to comprehensively reflect the efforts of each Member State, the number of persons effectively resettled to that Member State should be added to the number of applications for international protection for the purposes of this calculation.

Amendment

(32) A key based on the size of the population, the economy ***and unemployment*** of the Member States should be applied as a point of reference in the operation of the corrective allocation mechanism in conjunction with a threshold, so as to enable the mechanism to function as a means of assisting Member States under disproportionate pressure. The application of the corrective allocation for the benefit of a Member State should be triggered automatically where the number of applications for international protection for which a Member State is responsible exceeds ***75%*** of the figure identified in the reference key. In order to comprehensively reflect the efforts of each Member State, the number of persons effectively resettled to that Member State should be added to the number of applications for international protection for the purposes of this calculation. ***As soon as this mechanism is triggered, take back requests should be suspended.***

Or. en

Amendment 38
Tonino Picula

Proposal for a regulation
Recital 32

Text proposed by the Commission

(32) A key based on the size of the population and of the economy of the Member States should be applied as a point of reference in the operation of the corrective allocation mechanism in conjunction with a threshold, so as to enable the mechanism to function as a means of assisting Member States under disproportionate pressure. The application of the corrective allocation for the benefit of a Member State should be triggered automatically where the number of applications for international protection for which a Member State is responsible exceeds 150% of the figure identified in the reference key. In order to comprehensively reflect the efforts of each Member State, the number of persons effectively resettled to that Member State should be added to the number of applications for international protection for the purposes of this calculation.

Amendment

(32) A key based on the size of the population and of the economy of the Member States, **and on the unemployment rate and the degree of stability in neighbouring third countries**, should be applied as a point of reference in the operation of the corrective allocation mechanism in conjunction with a threshold, so as to enable the mechanism to function as a means of assisting Member States under disproportionate pressure. The application of the corrective allocation for the benefit of a Member State should be triggered automatically where the number of applications for international protection for which a Member State is responsible exceeds 150% of the figure identified in the reference key. In order to comprehensively reflect the efforts of each Member State, the number of persons effectively resettled to that Member State should be added to the number of applications for international protection for the purposes of this calculation.

Or. hr

Amendment 39
Georgios Epitideios

Proposal for a regulation
Recital 32

Text proposed by the Commission

(32) A key based on the size of the

Amendment

(32) A key based on the size of the

population and of the economy of the Member States should be applied as a point of reference in the operation of the corrective allocation mechanism in conjunction with a threshold, so as to enable the mechanism to function as a means of assisting Member States under disproportionate pressure. The application of the corrective allocation for the benefit of a Member State should be triggered automatically where the number of applications for international protection for which a Member State is responsible exceeds **150%** of the figure identified in the reference key. In order to comprehensively reflect the efforts of each Member State, the number of persons effectively resettled to that Member State should be added to the number of applications for international protection for the purposes of this calculation.

population and of the economy of the Member States should be applied as a point of reference in the operation of the corrective allocation mechanism in conjunction with a threshold, so as to enable the mechanism to function as a means of assisting Member States under disproportionate pressure. The application of the corrective allocation for the benefit of a Member State should be triggered automatically where the number of applications for international protection for which a Member State is responsible exceeds **100 %** of the figure identified in the reference key. In order to comprehensively reflect the efforts of each Member State, the number of persons effectively resettled to that Member State should be added to the number of applications for international protection for the purposes of this calculation.

Or. el

Amendment 40 **Georgios Epitideios**

Proposal for a regulation **Recital 33**

Text proposed by the Commission

(33) When the allocation mechanism applies, the applicants who lodged their applications in the ***benefitting*** Member State should be allocated to Member States which are below their share of applications on the basis of the reference key as applied to those Member States. Appropriate rules should be provided for in cases where an applicant may for serious reasons be considered a danger to national security or public order, especially rules as regards the exchange of information between competent asylum authorities of Member States. ***After the transfer, the Member***

Amendment

(33) When the allocation mechanism applies, the applicants who lodged their applications in the Member State ***of entry*** should be allocated to Member States which are below their share of applications on the basis of the reference key as applied to those Member States. Appropriate rules should be provided for in cases where an applicant may for serious reasons be considered a danger to national security or public order, especially rules as regards the exchange of information between competent asylum authorities of Member States. ***In the above case, the***

State of allocation should determine the Member State responsible, and should become responsible for examining the application, unless the overriding responsible criteria, related in particular to the presence of family members, determine that a different Member State should be responsible.

applicant should not be granted asylum and should be sent back so as not to transfer the problem to another Member State.

Or. el

Amendment 41
Anders Primdahl Vistisen

Proposal for a regulation
Recital 34

Text proposed by the Commission

Amendment

(34) Under the allocation mechanism, the costs of transfer of an applicant to the Member State of allocation should be reimbursed from the EU budget.

deleted

Or. en

Amendment 42
Laurențiu Rebegea

Proposal for a regulation
Recital 35

Text proposed by the Commission

Amendment

(35) A Member State of allocation may decide not to accept the allocated applicants during a twelve months-period, in which case it should enter this information in the automated system and notify the other Member States, the Commission and the European Union Agency for Asylum. Thereafter the applicants that would have been allocated to that Member State should be allocated

deleted

to the other Member States instead. The Member State which temporarily does not take part in the corrective allocation should make a solidarity contribution of EUR 250,000 per applicant not accepted to the Member State that was determined as responsible for examining those applications. The Commission should lay down the practical modalities for the implementation of the solidarity contribution mechanism in an implementing act. The European Union Agency for Asylum will monitor and report to the Commission on a yearly basis on the application of the financial solidarity mechanism.

Or. ro

Amendment 43
Sofia Sakorafa

Proposal for a regulation
Recital 35

Text proposed by the Commission

Amendment

(35) A Member State of allocation may decide not to accept the allocated applicants during a twelve months-period, in which case it should enter this information in the automated system and notify the other Member States, the Commission and the European Union Agency for Asylum. Thereafter the applicants that would have been allocated to that Member State should be allocated to the other Member States instead. The Member State which temporarily does not take part in the corrective allocation should make a solidarity contribution of EUR 250,000 per applicant not accepted to the Member State that was determined as responsible for examining those applications. The Commission should lay down the practical modalities for the

deleted

implementation of the solidarity contribution mechanism in an implementing act. The European Union Agency for Asylum will monitor and report to the Commission on a yearly basis on the application of the financial solidarity mechanism.

Or. en

Amendment 44
Ramona Nicole Mănescu

Proposal for a regulation
Recital 35

Text proposed by the Commission

Amendment

(35) A Member State of allocation may decide not to accept the allocated applicants during a twelve months-period, in which case it should enter this information in the automated system and notify the other Member States, the Commission and the European Union Agency for Asylum. Thereafter the applicants that would have been allocated to that Member State should be allocated to the other Member States instead. The Member State which temporarily does not take part in the corrective allocation should make a solidarity contribution of EUR 250,000 per applicant not accepted to the Member State that was determined as responsible for examining those applications. The Commission should lay down the practical modalities for the implementation of the solidarity contribution mechanism in an implementing act. The European Union Agency for Asylum will monitor and report to the Commission on a yearly basis on the application of the financial solidarity mechanism.

deleted

Or. en

Amendment 45
Pier Antonio Panzeri

Proposal for a regulation
Recital 35

Text proposed by the Commission

Amendment

(35) A Member State of allocation may decide not to accept the allocated applicants during a twelve months-period, in which case it should enter this information in the automated system and notify the other Member States, the Commission and the European Union Agency for Asylum. Thereafter the applicants that would have been allocated to that Member State should be allocated to the other Member States instead. The Member State which temporarily does not take part in the corrective allocation should make a solidarity contribution of EUR 250,000 per applicant not accepted to the Member State that was determined as responsible for examining those applications. The Commission should lay down the practical modalities for the implementation of the solidarity contribution mechanism in an implementing act. The European Union Agency for Asylum will monitor and report to the Commission on a yearly basis on the application of the financial solidarity mechanism.

deleted

Or. en

Amendment 46
Anders Primdahl Vistisen

Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) A Member State of allocation may decide not to accept the allocated applicants during a twelve months-period, in which case it should enter this information in the automated system and notify the other Member States, the Commission and the European Union Agency for Asylum. Thereafter the applicants that would have been allocated to that Member State should be allocated to the other Member States instead. ***The Member State which temporarily does not take part in the corrective allocation should make a solidarity contribution of EUR 250,000 per applicant not accepted to the Member State that was determined as responsible for examining those applications. The Commission should lay down the practical modalities for the implementation of the solidarity contribution mechanism in an implementing act. The European Union Agency for Asylum will monitor and report to the Commission on a yearly basis on the application of the financial solidarity mechanism.***

Amendment

(35) A Member State of allocation may decide not to accept the allocated applicants during a twelve months-period, in which case it should enter this information in the automated system and notify the other Member States, the Commission and the European Union Agency for Asylum. Thereafter the applicants that would have been allocated to that Member State should be allocated to the other Member States instead.

Or. en

Amendment 47
Sofia Sakorafa

Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) A Member State of allocation ***may decide*** not to accept the allocated applicants during a twelve months-period, ***in which case*** it should enter this information in the automated system and notify the other Member States, the Commission and the European Union

Amendment

(35) ***Full compliance of Member States with their obligations for the application of the corrective allocation mechanism should be mandatory. Where*** a Member State of allocation ***decides*** not to accept the allocated applicants during a twelve months-period, it should enter this

Agency for Asylum. *Thereafter the applicants that would have been allocated to that Member State should be allocated to the other Member States instead. The Member State which temporarily does not take part in the corrective allocation should make a solidarity contribution of EUR 250,000 per applicant not accepted to the Member State that was determined as responsible for examining those applications. The Commission should lay down the practical modalities for the implementation of the solidarity contribution mechanism in an implementing act. The European Union Agency for Asylum will monitor and report to the Commission on a yearly basis on the application of the financial solidarity mechanism.*

information in the automated system and notify the other Member States, the Commission and the European Union Agency for Asylum. *Such mechanism should be monitored by the European Commission and, in cases of non compliance, corrective measures should be taken immediately.*

Or. en

Amendment 48 **Georgios Epitideios**

Proposal for a regulation **Recital 35**

Text proposed by the Commission

(35) A Member State of allocation may decide not to accept the allocated applicants during a twelve *months-period*, in which case it should enter this information in the automated system and notify the other Member States, the Commission and the European Union Agency for Asylum. Thereafter the applicants that would have been allocated to that Member State should be allocated to the other Member States instead. The Member State which temporarily does not take part in the corrective allocation should make a solidarity contribution of EUR 250,000 per applicant not accepted to the Member State that was determined as

Amendment

(35) A Member State of allocation may decide not to accept the allocated applicants during a twelve *month period*, in which case it should enter this information in the automated system, *fully justified*, and notify the other Member States, the Commission and the European Union Agency for Asylum. Thereafter the applicants that would have been allocated to that Member State should be allocated to the other Member States instead. The Member State which temporarily does not take part in the corrective allocation should make a solidarity contribution of EUR 250,000 per applicant not accepted to the Member State that was determined as

responsible for examining those applications. The Commission should lay down the practical modalities for the implementation of the solidarity contribution mechanism in an implementing act. The European Union Agency for Asylum will monitor and report to the Commission on a yearly basis on the application of the financial solidarity mechanism.

responsible for examining those applications. ***After the elapse of the above period, the Member State of allocation is obliged to accept the asylum seekers on its territory.*** The Commission should lay down the practical modalities for the implementation of the solidarity contribution mechanism in an implementing act. The European Union Agency for Asylum will monitor and report to the Commission on a yearly basis on the application of the financial solidarity mechanism.

Or. el

Amendment 49

Marielle de Sarnez, Hilde Vautmans, Petras Auštrevičius, Marietje Schaake

Proposal for a regulation

Recital 42

Text proposed by the Commission

(42) A network of competent Member State authorities should be set up and facilitated by the European Union Agency for Asylum to enhance practical cooperation and information sharing on all matters related to the application of this Regulation, including the development of practical tools and guidance.

Amendment

(42) A network of competent Member State authorities should be set up and facilitated by the European Union Agency for Asylum to enhance practical cooperation and information sharing on all matters related to the application of this Regulation, including the development of practical tools and guidance. ***This network should be able to collaborate with the authorities of transit countries and countries of origin as well as with international organisations, in particular the United Nations Agencies and non-governmental organisations.***

Or. fr

Amendment 50

Marielle de Sarnez, Hilde Vautmans, Petras Auštrevičius, Marietje Schaake

Proposal for a regulation
Recital 52

Text proposed by the Commission

(52) In order to assess whether the corrective allocation mechanism in this Regulation is meeting the objective of ensuring a fair sharing of responsibility between Member States and of relieving disproportionate pressure on certain Member States, the Commission should review the functioning of the corrective allocation mechanism and in particular verify that the threshold for the triggering and cessation of the corrective allocation effectively ensures a fair sharing of responsibility between the Member States and a swift access of applicants to procedures for granting international protection in situations when a Member State is confronted with a disproportionate number of applications for international protection for which it is responsible under this Regulation.

Amendment

(52) In order to assess whether the corrective allocation mechanism in this Regulation is meeting the objective of ensuring a fair sharing of responsibility between Member States and of relieving disproportionate pressure on certain Member States, the Commission should review the functioning of the corrective allocation mechanism and in particular verify that the threshold for the triggering and cessation of the corrective allocation effectively ensures a fair sharing of responsibility between the Member States and a swift access of applicants to procedures for granting international protection in situations when a Member State is confronted with a disproportionate number of applications for international protection for which it is responsible under this Regulation. ***In this regard, the Commission should publish at regular intervals the number of applications for international protection received in each Member State, including the positive response rate, the origin of the applicants and the processing time for each application.***

Or. fr

Amendment 51
Georgios Epitideios

Proposal for a regulation
Recital 52

Text proposed by the Commission

(52) In order to assess whether the corrective allocation mechanism in this Regulation is meeting the objective of

Amendment

(52) In order to assess whether the corrective allocation mechanism in this Regulation is meeting the objective of

ensuring a fair sharing of responsibility between Member States and of relieving disproportionate pressure on certain Member States, the Commission should review the functioning of the corrective allocation mechanism and in particular verify that the threshold for the triggering and cessation of the corrective allocation effectively ensures a fair sharing of responsibility between the Member States and a swift access of applicants to procedures for granting international protection in situations when a Member State is confronted with a disproportionate number of applications for international protection for which it is responsible under this Regulation.

ensuring a fair sharing of responsibility between Member States and of relieving disproportionate pressure on certain Member States, the Commission should, ***at the request of a Member State***, review the functioning of the corrective allocation mechanism and in particular verify that the threshold for the triggering and cessation of the corrective allocation effectively ensures a fair sharing of responsibility between the Member States and a swift access of applicants to procedures for granting international protection in situations when a Member State is confronted with a disproportionate number of applications for international protection for which it is responsible under this Regulation.

Or. el

Amendment 52
Javi López

Proposal for a regulation
Article 2 – paragraph 1 – point g – introductory part

Text proposed by the Commission

(g) ‘family members’ means, ***insofar as the family already existed before the applicant arrived on the territory of the Member States***, the following members of the applicant’s family who are present on the territory of the Member States:

Amendment

(g) ‘family members’ means the following members of the applicant’s family who are present on the territory of the Member States:

Or. en

Amendment 53
Georgios Epitideios

Proposal for a regulation
Article 2 – paragraph 1 – point ζ – introductory part

Text proposed by the Commission

(g) ‘family members’ means, insofar as the family already existed before the applicant arrived on the territory of the Member States, the following members of the applicant’s family who are present on the territory of the Member States:

Amendment

(g) ‘family members’ means, insofar as the family already existed before the applicant arrived on the territory of the Member States - ***which must have been established previously*** - the following members of the applicant’s family who are present on the territory of the Member States:

Or. el

Amendment 54

Javi López

Proposal for a regulation

Article 2 – paragraph 1 – point g – indent 1

Text proposed by the Commission

– the spouse of the applicant or his or her unmarried partner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its law ***relating to third-country nationals***,

Amendment

– the spouse of the applicant or ***beneficiary of international protection or*** his or her unmarried partner in a stable relationship, where the law or practice of the ***country of origin or of the*** Member State concerned treats unmarried couples in a way comparable to married couples under its law,

Or. en

Amendment 55

Javi López

Proposal for a regulation

Article 2 – paragraph 1 – point g – indent 2

Text proposed by the Commission

– the minor children of couples referred to in the first indent or of the applicant, ***on condition that they are unmarried and*** regardless of whether they

Amendment

– the minor children of couples referred to in the first indent or of the applicant ***or beneficiary***, regardless of whether they were born in or out of

were born in or out of wedlock or adopted as defined under national law,

wedlock or adopted as defined under national law, *and the children for whom they bear legal or customary primary responsibility, on condition that they are unmarried or, when they are married, that it is in their best interests, taking due account of their views, to form a family with their parents or legal or customary primary caregiver,*

Or. en

Amendment 56
Javi López

Proposal for a regulation
Article 2 – paragraph 1 – point g – indent 3

Text proposed by the Commission

– *when the applicant is a minor and unmarried*, the father, mother or another adult responsible for the applicant, whether by law or *by the practice* of the Member State where the adult is present,

Amendment

– the father, mother, or another adult responsible for the applicant whether by law or *practice of the country of origin* or of the Member State where the adult is present, *on condition that the applicant is a minor and unmarried or, when he or she is a married minor, that it is in his or her best interests, taking due account of his or her views, to form a family with his or her parent or parents or legal or customary primary caregiver. Minor siblings accompanying the father, mother or legal or customary primary caregiver are also considered as family members on condition that they are unmarried or, when they are married, that it is in their best interest, taking due account of their views, to form a family with their parent or parents or legal or customary primary caregiver,*

Or. en

Amendment 57

Javi López

Proposal for a regulation

Article 2 – paragraph 1 – point g – indent 4

Text proposed by the Commission

– *when the beneficiary of international protection is a minor and unmarried, the father, mother or another adult responsible for him or her whether by law or by the practice of the Member State where the beneficiary is present,*

Amendment

– *the father, mother, or another adult responsible for the applicant whether by law or practice of the country of origin or of the Member State where the beneficiary is present, on condition that the applicant is a minor and unmarried or, when he or she is a married minor, that it is in his or her best interests, taking due account of his or her views, to form a family with his or her parent or parents or legal or customary primary caregiver. Minor siblings accompanying the father, mother or legal or customary primary caregiver are also considered as family members on condition that they are unmarried or, when they are married, that it is in their best interest, taking due account of their views, to form a family with their parent or parents or legal or customary primary caregiver;*

Or. en

Amendment 58

Javi López

Proposal for a regulation

Article 2 – paragraph 1 – point g – indent 5

Text proposed by the Commission

– the sibling or siblings of the applicant;

Amendment

– the sibling or siblings of the applicant *or beneficiary of international protection;*

Or. en

Amendment 59
Anders Primdahl Vistisen

Proposal for a regulation
Article 2 – paragraph 1 – point g – indent 5

Text proposed by the Commission

– the sibling or siblings of the applicant;

Amendment

– the sibling or siblings of the applicant ***under the legal age of majority***;

Or. en

Amendment 60
Georgios Epitideios

Proposal for a regulation
Article 2 – paragraph 1 – point ζ – indent 5

Text proposed by the Commission

– the sibling or siblings of the applicant;

Amendment

– the ***minor*** sibling or siblings of the applicant;

Or. el

Amendment 61
Pier Antonio Panzeri

Proposal for a regulation
Article 2 – paragraph 1 – point j

Text proposed by the Commission

(j) ‘unaccompanied minor’ means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her, whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such an adult; it includes a minor who is left unaccompanied after he or she has entered the territory of Member States;

Amendment

(j) ‘unaccompanied minor’ means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her, whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such an adult; it includes a minor who is left unaccompanied after he or she has entered the territory of Member States, ***as well as minors who have been separated from***

both parents or from their previous legal or customary primary care-giver;

Or. en

Amendment 62

Ramona Nicole Mănescu

Proposal for a regulation

Article 2 – paragraph 1 – point j

Text proposed by the Commission

(j) ‘unaccompanied minor’ means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her, whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such an adult; it includes a minor who is left unaccompanied after he or she has entered the territory of Member States;

Amendment

(j) ‘unaccompanied minor’ means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her, whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such an adult; it includes a minor who is left unaccompanied after he or she has entered the territory of Member States, *as well as minors who have been separated from both parents or from their previous legal or customary primary care-giver;*

Or. en

Amendment 63

Pier Antonio Panzeri, Bodil Valero, Brando Benifei, Nikos Androulakis

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall examine any application for international protection by a third-country national or a stateless person who applies on the territory of any one of them, including at the border or in the transit zones. The application shall be examined by a single Member State, which

Amendment

1. Member States shall examine any application for international protection by a third-country national or a stateless person who applies on the territory of any one of them, including at the border or in the transit zones. *Member States shall instruct their diplomatic representations in third*

shall be the one which the criteria set out in Chapter III indicate is responsible.

countries to consider applications for international protection in order to avoid excessive pressure on the asylum systems of frontline Member States. The application shall be examined by a single Member State, which shall be the one which the criteria set out in Chapter III indicate is responsible.

Or. en

Amendment 64
Pier Antonio Panzeri

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

Text proposed by the Commission

Where it is impossible to transfer an applicant to the Member State primarily designated as responsible because there are substantial grounds for believing that there are systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State, resulting in a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union, the determining Member State shall continue to examine the criteria set out in Chapter III in order to establish whether another Member State can be designated as responsible.

Amendment

Where it is impossible to transfer an applicant to the Member State primarily designated as responsible because *it carries already a disproportioned share of responsibility or because* there are substantial grounds for believing that there are systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State, resulting in a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union, the determining Member State shall continue to examine the criteria set out in Chapter III in order to establish whether another Member State can be designated as responsible.

Or. en

Amendment 65
Laurențiu Rebegea

Proposal for a regulation
Article 3 – paragraph 3

3. Before applying the criteria for determining a Member State responsible in accordance with Chapters III and IV, the first Member State in which the application for international protection was lodged shall: *deleted*

(a) examine whether the application for international protection is inadmissible pursuant to Article 33(2) letters b) and c) of Directive 2013/32/EU when a country which is not a Member State is considered as a first country of asylum or as a safe third country for the applicant; and

(b) examine the application in accelerated procedure pursuant to Article 31(8) of Directive 2013/32/EU when the following grounds apply:

(i) the applicant has the nationality of a third country, or he or she is a stateless person and was formerly habitually resident in that country, designated as a safe country of origin in the EU common list of safe countries of origin established under Regulation [Proposal COM (2015) 452 of 9 September 2015]; or

(ii) the applicant may, for serious reasons, be considered 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.

Or. ro

Amendment 66
Marie-Christine Vergiat, Bodil Valero

Proposal for a regulation
Article 3 – paragraph 3

3. Before applying the criteria for determining a Member State responsible in accordance with Chapters III and IV, the first Member State in which the application for international protection was lodged shall: *deleted*

(a) examine whether the application for international protection is inadmissible pursuant to Article 33(2) letters b) and c) of Directive 2013/32/EU when a country which is not a Member State is considered as a first country of asylum or as a safe third country for the applicant; and

(b) examine the application in accelerated procedure pursuant to Article 31(8) of Directive 2013/32/EU when the following grounds apply:

(i) the applicant has the nationality of a third country, or he or she is a stateless person and was formerly habitually resident in that country, designated as a safe country of origin in the EU common list of safe countries of origin established under Regulation [Proposal COM (2015) 452 of 9 September 2015]; or

(ii) the applicant may, for serious reasons, be considered 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.

Or. fr

Amendment 67
Sofia Sakorafa

Proposal for a regulation
Article 3 – paragraph 3

3. Before applying the criteria for determining a Member State responsible in accordance with Chapters III and IV, the first Member State in which the application for international protection was lodged shall: *deleted*

(a) examine whether the application for international protection is inadmissible pursuant to Article 33(2) letters b) and c) of Directive 2013/32/EU when a country which is not a Member State is considered as a first country of asylum or as a safe third country for the applicant; and

(b) examine the application in accelerated procedure pursuant to Article 31(8) of Directive 2013/32/EU when the following grounds apply:

(i) the applicant has the nationality of a third country, or he or she is a stateless person and was formerly habitually resident in that country, designated as a safe country of origin in the EU common list of safe countries of origin established under Regulation [Proposal COM (2015) 452 of 9 September 2015]; or

(ii) the applicant may, for serious reasons, be considered 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.

Or. en

Amendment 68
Pier Antonio Panzeri, Brando Benifei

Proposal for a regulation
Article 3 – paragraph 3

3. Before applying the criteria for determining a Member State responsible in accordance with Chapters III and IV, the first Member State in which the application for international protection was lodged shall: *deleted*

(a) examine whether the application for international protection is inadmissible pursuant to Article 33(2) letters b) and c) of Directive 2013/32/EU when a country which is not a Member State is considered as a first country of asylum or as a safe third country for the applicant; and

(b) examine the application in accelerated procedure pursuant to Article 31(8) of Directive 2013/32/EU when the following grounds apply:

(i) the applicant has the nationality of a third country, or he or she is a stateless person and was formerly habitually resident in that country, designated as a safe country of origin in the EU common list of safe countries of origin established under Regulation [Proposal COM (2015) 452 of 9 September 2015]; or

(ii) the applicant may, for serious reasons, be considered 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.

Or. en

Amendment 69
Javi López

Proposal for a regulation
Article 3 – paragraph 3 – introductory part

Text proposed by the Commission

3. Before applying the criteria for determining a Member State responsible in accordance with Chapters III and IV, the first Member State in which the application for international protection was lodged shall:

Amendment

3. Before applying the criteria for determining a Member State responsible in accordance with Chapters III and IV, the first Member State in which the application for international protection was lodged, *or in the case of an unaccompanied minor the Member State in which the minor is present after having lodged an asylum application if he or she has lodged asylum applications in more than one Member State*, shall:

Or. en

Amendment 70

Sofia Sakorafa

Proposal for a regulation

Article 3 – paragraph 3 – introductory part

Text proposed by the Commission

3. *Before applying the criteria for determining a Member State responsible in accordance with Chapters III and IV, the first Member State in which the application for international protection was lodged shall:*

Amendment

3. *Any Member State shall retain the right to send an applicant to a safe third country, subject to the rules and safeguards laid down in Directive 2013/32/EU.*

Or. en

Amendment 71

Ramona Nicole Mănescu

Proposal for a regulation

Article 3 – paragraph 3 – point a

Text proposed by the Commission

(a) *examine whether the application for international protection is inadmissible pursuant to Article 33(2)*

Amendment

deleted

letters b) and c) of Directive 2013/32/EU when a country which is not a Member State is considered as a first country of asylum or as a safe third country for the applicant; and

Or. en

Amendment 72

Javi López

Proposal for a regulation

Article 3 – paragraph 3 – point a

Text proposed by the Commission

(a) examine whether the application for international protection is inadmissible pursuant to Article 33(2) letters b) *and c)* of Directive 2013/32/EU when a country which is not a Member State is considered as a first country of asylum *or as a safe third country* for the applicant; and

Amendment

(a) examine whether the application for international protection is inadmissible pursuant to Article 33(2) letters b) of Directive 2013/32/EU when a country which is not a Member State is considered as a first country of asylum for the applicant; and

Or. en

Amendment 73

Ramona Nicole Mănescu

Proposal for a regulation

Article 3 – paragraph 3 – point b – point i

Text proposed by the Commission

(i) *the applicant has the nationality of a third country, or he or she is a stateless person and was formerly habitually resident in that country, designated as a safe country of origin in the EU common list of safe countries of origin established under Regulation [Proposal COM (2015) 452 of 9 September 2015]; or*

Amendment

deleted

Or. en

Amendment 74
Pier Antonio Panzeri, Brando Benifei

Proposal for a regulation
Article 3 – paragraph 4

Text proposed by the Commission

Amendment

4. Where the Member State considers an application inadmissible or examines an application in accelerated procedure pursuant to paragraph 3, that Member State shall be considered the Member State responsible. *deleted*

Or. en

Amendment 75
Laurențiu Rebegea

Proposal for a regulation
Article 3 – paragraph 4

Text proposed by the Commission

Amendment

4. Where the Member State considers an application inadmissible or examines an application in accelerated procedure pursuant to paragraph 3, that Member State shall be considered the Member State responsible. *deleted*

Or. ro

Amendment 76
Pier Antonio Panzeri, Brando Benifei

Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

Amendment

5. *The Member State which has examined an application for international protection, including in the cases referred to in paragraph 3, shall be responsible for examining any further representations or a subsequent application of that applicant in accordance with Article 40, 41 and 42 of Directive 2013/32/EU, irrespective of whether the applicant has left or was removed from the territories of the Member States.*

deleted

Or. en

Amendment 77
Ramona Nicole Mănescu

Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

5. The Member State which has examined an application for international protection, including in the cases referred to in paragraph 3, shall be responsible for examining any further representations or a subsequent application of that applicant in accordance with Article 40, 41 and 42 of Directive 2013/32/EU, *irrespective of whether the applicant has left or was removed from the territories of the Member States.*

Amendment

5. The Member State which has examined an application for international protection, including in the cases referred to in paragraph 3, shall be responsible for examining any further representations or a subsequent application of that applicant in accordance with Article 40, 41 and 42 of Directive 2013/32/EU.

Or. en

Amendment 78
Nikos Androulakis

Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

Amendment

5. The Member State which has examined an application for international protection, including in the cases referred to in paragraph 3, shall be responsible for examining any further representations or a subsequent application of that applicant in accordance with Article 40, 41 and 42 of Directive 2013/32/EU, ***irrespective of whether*** the applicant has left or was removed from the territories of the Member States.

5. The Member State which has examined an application for international protection, including in the cases referred to in paragraph 3, shall be responsible for examining any further representations or a subsequent application of that applicant in accordance with Article 40, 41 and 42 of Directive 2013/32/EU, ***unless*** the applicant has left or was removed from the territories of the Member States ***for one year or more***.

Or. en

Amendment 79
Ramona Nicole Mănescu

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. Where a person who intends to make an application for international protection has entered irregularly into the territory of the Member States, the application shall be made in the Member State ***of that first entry***. Where a person who intends to make an application for international protection is legally present in a Member State, the application shall be made in that Member State.

Amendment

1. Where a person who intends to make an application for international protection has entered irregularly into the territory of the Member States, the application shall be made in the Member State ***where he or she is present***. Where a person who intends to make an application for international protection is legally present in a Member State, the application shall be made in that Member State.

Or. en

Amendment 80
Pier Antonio Panzeri

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. Where a person who intends to

Amendment

1. Where a person who intends to

make an application for international protection has entered irregularly into the territory of the Member States, the application shall be made in the Member State *of that first entry*. Where a person who intends to make an application for international protection is legally present in a Member State, the application shall be made in that Member State.

make an application for international protection has entered irregularly into the territory of the Member States, the application shall be made in the Member State *where he or she is present*. Where a person who intends to make an application for international protection is legally present in a Member State, the application shall be made in that Member State.

Or. en

Amendment 81 **Brando Benifei**

Proposal for a regulation **Article 4 – paragraph 3 – point b**

Text proposed by the Commission

(b) *be present and* available to the competent authorities in the Member State of application, respectively in the Member State to which he or she is transferred.

Amendment

(b) *remain* available to the competent authorities in the Member State of application, respectively in the Member State to which he or she is transferred.

Or. en

Amendment 82 **Pier Antonio Panzeri, Brando Benifei**

Proposal for a regulation **Article 5 – paragraph 1**

Text proposed by the Commission

1. If an applicant does not comply with the obligation set out in Article 4(1), the Member State responsible in accordance with this Regulation shall examine the application in an accelerated procedure, in accordance with Article 31(8) of Directive 2013/32/EU.

Amendment

deleted

Or. en

Amendment 83
Laurențiu Rebegea

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. The Member State in which the applicant is obliged to be present shall continue the procedures for determining the Member State responsible even when the applicant leaves the territory of that Member State without authorisation or is otherwise not available for the competent authorities of that Member State.

deleted

Or. ro

Amendment 84
Georgios Epitideios

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. The Member State in which the applicant is obliged to be present shall continue the procedures for determining the Member State responsible even when the applicant leaves the territory of that Member State without authorisation or is otherwise not available for the competent authorities of that Member State.

deleted

Or. el

Amendment 85
Pier Antonio Panzeri

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

2. The Member State in which the applicant *is obliged to be present* shall *continue the procedures for determining the Member State responsible even when the applicant leaves the territory of that Member State without authorisation or is otherwise not available for the competent authorities of that Member State.*

Amendment

2. The Member State in which the applicant *has been relocated* shall *be the one responsible for bearing the consequences of non-compliance.*

Or. en

Amendment 86

Ramona Nicole Mănescu

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

2. The Member State in which the applicant is obliged to be present shall continue the procedures for determining the Member State responsible *even when the applicant leaves the territory of that Member State without authorisation or is otherwise not available for the competent authorities of that Member State.*

Amendment

2. The Member State in which the applicant is obliged to be present shall continue the procedures for determining the Member State responsible.

Or. en

Amendment 87

Brando Benifei

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

2. The Member State in which the applicant is *obliged to be present* shall continue the procedures for determining

Amendment

2. The Member State in which the applicant is *required to remain available to the competent authorities* shall continue

the Member State responsible even when the applicant leaves the territory of that Member State without *authorisation* or is otherwise not available for the competent authorities of that Member State.

the procedures for determining the Member State responsible even when the applicant leaves the territory of that Member State without *relevant justification* or is otherwise not available for the competent authorities of that Member State.

Or. en

Amendment 88
Pier Antonio Panzeri, Brando Benifei

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. The applicant shall not be entitled to the reception conditions set out in Articles 14 to 19 of Directive 2013/33/EU, with the exception of emergency health care, during the procedures under this Regulation in any Member State other than the one in which he or she is required to be present.

deleted

Or. en

Amendment 89
Javi López

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. The applicant shall not be entitled to the reception conditions set out in Articles 14 to 19 of Directive 2013/33/EU, with the exception of emergency health care, during the procedures under this Regulation in any Member State other than the one in which he or she is required to be present.

3. The applicant shall not be entitled to the reception conditions set out in Articles 14 to 19 of Directive 2013/33/EU, with the exception of emergency health care, during the procedures under this Regulation in any Member State other than the one in which he or she is required to be present.

Paragraph 3 shall not be applied to minors and families with minor children.

Or. en

Amendment 90
Brando Benifei

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

4. The competent authorities shall take into account elements and information relevant for determining the Member State responsible *only insofar as these were submitted within the deadline set out in Article 4(2)*.

Amendment

4. The competent authorities shall take into account elements and information relevant for determining the Member State responsible.

Or. en

Amendment 91
Pier Antonio Panzeri

Proposal for a regulation
Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) that the right to apply for international protection does not encompass any choice of the applicant which Member State shall be responsible for examining the application for international protection;

Amendment

(a) that the right to apply for international protection does not encompass any choice of the applicant which Member State shall be responsible for examining the application for international protection, *except when he or she is eligible for family reunification*;

Or. en

Amendment 92
Ramona Nicole Mănescu

Proposal for a regulation
Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) that the right to apply for international protection does not encompass any choice of the applicant which Member State shall be responsible for examining the application for international protection;

Amendment

(a) that the right to apply for international protection does not encompass any choice of the applicant which Member State shall be responsible for examining the application for international protection, ***except when he or she is eligible for family reunification;***

Or. en

Amendment 93
Pier Antonio Panzeri

Proposal for a regulation
Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) of the objectives of this Regulation and the consequences of making another application in a different Member State as well as the consequences of leaving the Member State where he or she is obliged to be present during the phases in which the Member State responsible under this Regulation is being determined and the application for international protection is being examined, ***in particular that the applicant shall not be entitled to the reception conditions set out in Articles 14 to 19 of Directive 2013/33/EU in any Member State other than the one where he or she is required to be present, with the exception of emergency health care ;***

Amendment

(b) of the objectives of this Regulation and the consequences of making another application in a different Member State as well as the consequences of leaving the Member State where he or she is obliged to be present during the phases in which the Member State responsible under this Regulation is being determined and the application for international protection is being examined;

Or. en

Amendment 94

Brando Benifei

Proposal for a regulation

Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) of the objectives of this Regulation and the consequences of making another application in a different Member State as well as the consequences of leaving the Member State where he or she is ***obliged to be present*** during the phases in which the Member State responsible under this Regulation is being determined and the application for international protection is being examined, ***in particular that the applicant shall not be entitled to the reception conditions set out in Articles 14 to 19 of Directive 2013/33/EU in any Member State other than the one where he or she is required to be present, with the exception of emergency health care*** ;

Amendment

(b) of the objectives of this Regulation and the consequences of making another application in a different Member State as well as the consequences of leaving the Member State where he or she is ***required to remain available to the competent authorities*** during the phases in which the Member State responsible under this Regulation is being determined and the application for international protection is being examined;

Or. en

Amendment 95

Brando Benifei

Proposal for a regulation

Article 6 – paragraph 1 – point d

Text proposed by the Commission

(d) of the personal interview pursuant to Article 7 and the ***obligation*** of submitting and substantiating information regarding the presence of family members, relatives or any other family relations in the Member States, including the means by which the applicant can submit such information;

Amendment

(d) of the personal interview pursuant to Article 7 and the ***possibility*** of submitting and substantiating information regarding the presence of family members, relatives or any other family relations in the Member States, including the means by which the applicant can submit such information;

Or. en

Amendment 96
Hilde Vautmans, Marielle de Sarnez

Proposal for a regulation
Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where necessary for the proper understanding of the applicant, the information shall also be supplied orally, for example in connection with the personal interview as referred to in Article 7.

Amendment

Where necessary for the proper understanding of the applicant, the information shall also be supplied orally, for example in connection with the personal interview as referred to in Article 7. ***Whenever the applicant is a minor, he or she shall be informed in a child-friendly manner.***

Or. en

Amendment 97
Javi López

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. The personal interview shall be conducted in a language that the applicant understands or is reasonably supposed to understand and in which he or she is able to communicate. Where necessary, Member States shall have recourse to an interpreter who is able to ensure appropriate communication between the applicant and the person conducting the personal interview.

Amendment

3. The personal interview shall be conducted in a language that the applicant understands or is reasonably supposed to understand and in which he or she is able to communicate, ***and, when necessary, in a child-friendly manner.*** Where necessary, Member States shall have recourse to an interpreter who is able to ensure appropriate communication between the applicant and the person conducting the personal interview.

Or. en

Amendment 98
Javi López

Proposal for a regulation
Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *Where requested by the applicant, the determining authority shall ensure, in so far as possible, that the interviewers and interpreters are of the same sex as the applicant and that 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.*

Or. en

Amendment 99
Javi López

Proposal for a regulation
Article 7 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. *The person conducting the interview shall be able 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 a general 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. en

Amendment 100

Raffaele Fitto

**Proposal for a regulation
Article 7 – paragraph 5**

Text proposed by the Commission

5. The Member State conducting the personal interview shall make a written summary thereof which shall contain at least the main information supplied by the applicant at the interview. This summary **may either** take the form of **a report or a standard form**. The Member State shall ensure that the applicant and/or the legal advisor or other counsellor who is representing the applicant have timely access to the summary.

Amendment

5. The Member State conducting the personal interview shall make a written summary thereof which shall contain at least the main information supplied by the applicant at the interview. This summary **should** take the form of **an identical standard form to be used by all Member States**. The Member State shall ensure that the applicant and/or the legal advisor or other counsellor who is representing the applicant have timely access to the summary.

Or. it

**Amendment 101
Hilde Vautmans, Marielle de Sarnez**

**Proposal for a regulation
Article 8 – paragraph 1**

Text proposed by the Commission

1. The best interests of the child shall be a primary consideration for Member States with respect to all procedures provided for in this Regulation.

Amendment

1. The best interests of the child shall be **assessed on a systematic basis and shall be** a primary consideration for Member States with respect to all procedures provided for in this Regulation.

Or. en

**Amendment 102
Ramona Nicole Mănescu**

**Proposal for a regulation
Article 8 – paragraph 1**

Text proposed by the Commission

1. The best interests of the child shall be **a** primary consideration for Member States with respect to all procedures provided for in this Regulation.

Amendment

1. The best interests of the child shall be **the** primary consideration for Member States with respect to all procedures provided for in this Regulation.

Or. en

Amendment 103

Pier Antonio Panzeri

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. The best interests of the child shall be **a** primary consideration for Member States with respect to all procedures provided for in this Regulation.

Amendment

1. The best interests of the child shall be **the** primary consideration for Member States with respect to all procedures provided for in this Regulation.

Or. en

Amendment 104

Hilde Vautmans, Urmas Paet, Marielle de Sarnez

Proposal for a regulation

Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Each Member State where an unaccompanied minor is obliged to be present shall ensure that a representative represents and/or assists the unaccompanied minor with respect to the relevant procedures provided for in this Regulation. The representative shall have the qualifications and expertise to ensure that the best interests of the minor are taken into consideration during the procedures carried out under this Regulation. Such representative shall have

Amendment

Each Member State where an unaccompanied minor is obliged to be present shall ensure that a representative represents and/or assists the unaccompanied minor with respect to the relevant procedures provided for in this Regulation. The representative shall have the qualifications and expertise to ensure that the best interests of the minor are taken into consideration during the procedures carried out under this Regulation. Such representative shall have

access to the content of the relevant documents in the applicant's file including the specific leaflet for unaccompanied minors.

access to the content of the relevant documents in the applicant's file including the specific leaflet for unaccompanied minors. *Upon arrival, a well-trained guardian shall be appointed immediately.*

Or. en

Amendment 105
Pier Antonio Panzeri, Brando Benifei

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Each Member State where an unaccompanied minor is *obliged to be* present shall ensure that a representative represents and/or assists the unaccompanied minor with respect to the relevant procedures provided for in this Regulation. The representative shall have the qualifications and expertise to ensure that the best interests of the minor are taken into consideration during the procedures carried out under this Regulation. Such representative shall have access to the content of the relevant documents in the applicant's file including the specific leaflet for unaccompanied minors.

Amendment

Each Member State where an unaccompanied minor is present shall ensure that a representative represents and/or assists the unaccompanied minor with respect to the relevant procedures provided for in this Regulation. The representative shall have the qualifications and expertise to ensure that the best interests of the minor are taken into consideration during the procedures carried out under this Regulation. Such representative shall have access to the content of the relevant documents in the applicant's file including the specific leaflet for unaccompanied minors.

Or. en

Amendment 106
Ramona Nicole Mănescu

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Each Member State where an

Amendment

Each Member State where an

unaccompanied minor is ***obliged to be*** present shall ensure that a representative represents and/or assists the unaccompanied minor with respect to the relevant procedures provided for in this Regulation. The representative shall have the qualifications and expertise to ensure that the best interests of the minor are taken into consideration during the procedures carried out under this Regulation. Such representative shall have access to the content of the relevant documents in the applicant's file including the specific leaflet for unaccompanied minors.

unaccompanied minor is present shall ensure that a representative represents and/or assists the unaccompanied minor with respect to the relevant procedures provided for in this Regulation. The representative shall have the qualifications and expertise to ensure that the best interests of the minor are taken into consideration during the procedures carried out under this Regulation. Such representative shall have access to the content of the relevant documents in the applicant's file including the specific leaflet for unaccompanied minors.

Or. en

Amendment 107
Pier Antonio Panzeri

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

Text proposed by the Commission

This paragraph shall be without prejudice to the relevant provisions in Article 25 of Directive 2013/32/EU.

Amendment

This paragraph shall be without prejudice to the relevant provisions in Article 25 of Directive 2013/32/EU.

Due to the vulnerability of this group of applicants, unaccompanied minors should not be transferred to another Member State except if it is in the child's best interest.

Or. en

Amendment 108
Ramona Nicole Mănescu

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

Text proposed by the Commission

This paragraph shall be without prejudice to the relevant provisions in Article 25 of Directive 2013/32/EU.

Amendment

This paragraph shall be without prejudice to the relevant provisions in Article 25 of Directive 2013/32/EU. ***Due to the vulnerability of this group of applicants, unaccompanied minors should not be transferred to another Member State except if it is in their best interest.***

Or. en

Amendment 109

Javi López

Proposal for a regulation

Article 8 – paragraph 3 – point a

Text proposed by the Commission

(a) family reunification possibilities;

Amendment

(a) ***the preservation of family life, including*** family reunification possibilities;

Or. en

Amendment 110

Javi López

Proposal for a regulation

Article 8 – paragraph 3 – point b

Text proposed by the Commission

(b) the minor's well-being and social development;

Amendment

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

Or. en

Amendment 111
Javi López

Proposal for a regulation
Article 8 – paragraph 3 – point c

Text proposed by the Commission

(c) safety and security considerations, in particular where there is a risk of the minor being a victim of human trafficking;

Amendment

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

Or. en

Amendment 112
Georgios Epitideios

Proposal for a regulation
Article 8 – paragraph 3 – point δ

Text proposed by the Commission

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

Amendment

deleted

Or. el

Amendment 113
Javi López

Proposal for a regulation
Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The concept of first country of asylum referred to in article 3(3)(a) of this Regulation may only be applied to accompanied minors when it is in their best interests and where the authorities of

Member States have first received from the authorities of the third country in question the assurance that the accompanied minor shall immediately benefit from one of the forms of protection referred to in paragraph 1, article 44, of Regulation (EU) No XXX/XXX (Procedures Regulation). The accelerated examination procedure referred to in article 3(3)(b) and 5(1) of this Regulation shall not be applied to minors, whether unaccompanied or not.

Or. en

Amendment 114
Pier Antonio Panzeri

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. Before transferring an unaccompanied minor to the Member State ***responsible or, where applicable, to the Member State*** of allocation, the transferring Member State shall make sure that the Member State ***responsible or the Member State*** of allocation takes the measures referred to in Articles 14 and 24 of Directive 2013/33/EU and Article 25 of Directive 2013/32/EU without delay. Any decision to transfer an unaccompanied minor shall be preceded by an assessment of his/her best interests. The assessment shall be based on the factors listed in paragraph 3. The assessment shall be done swiftly by staff with the qualifications and expertise to ensure that the best interests of the minor are taken into consideration.

Amendment

4. Before transferring an unaccompanied minor to the Member State of allocation, the transferring Member State shall make sure that the Member State of allocation takes the measures referred to in Articles 14 and 24 of Directive 2013/33/EU and Article 25 of Directive 2013/32/EU without delay. Any decision to transfer an unaccompanied minor shall be preceded by an assessment of his/her best interests, ***through a prioritised procedure pursuant to Article 31(7) of Directive 2013/32/EU***. The assessment shall be based on the factors listed in paragraph 3. The assessment shall be done swiftly by staff with the qualifications and expertise to ensure that the best interests of the minor are taken into consideration.

Or. en

Amendment 115
Ramona Nicole Mănescu

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. Before transferring an unaccompanied minor to the Member State ***responsible or, where applicable, to the Member State*** of allocation, the transferring Member State shall make sure that the Member State ***responsible or the Member State*** of allocation takes the measures referred to in Articles 14 and 24 of Directive 2013/33/EU and Article 25 of Directive 2013/32/EU without delay. Any decision to transfer an unaccompanied minor shall be preceded by an assessment of his/her best interests. The assessment shall be based on the factors listed in paragraph 3. The assessment shall be done swiftly by staff with the qualifications and expertise to ensure that the best interests of the minor are taken into consideration.

Amendment

4. Before transferring an unaccompanied minor to the Member State of allocation, the transferring Member State shall make sure that the Member State of allocation takes the measures referred to in Articles 14 and 24 of Directive 2013/33/EU and Article 25 of Directive 2013/32/EU without delay. Any decision to transfer an unaccompanied minor shall be preceded by an assessment of his/her best interests, ***through a prioritized procedure pursuant to Directive 2013/32/EU***. The assessment shall be based on the factors listed in paragraph 3. The assessment shall be done swiftly by staff with the qualifications and expertise to ensure that the best interests of the minor are taken into consideration.

Or. en

Amendment 116
Hilde Vautmans, Urmas Paet, Marielle de Sarnez

Proposal for a regulation
Article 8 – paragraph new5 – subparagraph 1

Text proposed by the Commission

For the purpose of applying Article 10, the Member State where the unaccompanied minor lodged an application for international protection shall, as soon as possible, take appropriate action to identify the family members or relatives of the unaccompanied minor on the territory of Member States, whilst protecting the best interests of the child.

Amendment

All applications for international protection and requests for family reunification of unaccompanied minors shall be treated with priority. For the purpose of applying Article 10, the Member State where the unaccompanied minor lodged an application for international protection shall, as soon as possible, take appropriate action to identify

the family members or relatives of the unaccompanied minor on the territory of Member States, whilst protecting the best interests of the child.

Or. en

Amendment 117
Georgios Epitideios

Proposal for a regulation
Article 8 – paragraph 5 – subparagraph 1

Text proposed by the Commission

For the purpose of applying Article 10, the *Member State where the unaccompanied minor lodged an application for international protection* shall, as soon as possible, take appropriate action to identify the family members or relatives of the unaccompanied minor on the territory of Member States, whilst protecting the best interests of the child.

Amendment

For the purpose of applying Article 10, the *European Union organisation for asylum* shall, as soon as possible, take appropriate action to identify the family members or relatives of the unaccompanied minor on the territory of Member States, whilst protecting the best interests of the child.

Or. el

Amendment 118
Georgios Epitideios

Proposal for a regulation
Article 8 – paragraph 5 – subparagraph 2

Text proposed by the Commission

To that end, that Member State may call for the assistance of international or other relevant organisations, and may facilitate the minor's access to the tracing services of such organisations.

Amendment

deleted

Or. el

Amendment 119

Hilde Vautmans, Urmas Paet, Marielle de Sarnez

Proposal for a regulation

Article 8 – paragraph new5 – subparagraph 3

Text proposed by the Commission

The staff of the competent authorities referred to in Article 47 who deal with requests concerning unaccompanied minors shall have received, and shall continue to receive, appropriate training concerning the specific needs of minors.

Amendment

The staff of the competent authorities referred to in Article 47 who deal with requests concerning unaccompanied minors shall have received, and shall continue to receive, appropriate training concerning the specific needs of minors. ***This includes modules on risk assessment to target care and protection depending on the individual needs of the child, with a specific focus on early identification of victims of trafficking and abuse, and training on good practices to prevent disappearance.***

Or. en

Amendment 120

Pier Antonio Panzeri

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

1. The criteria for determining the Member State responsible shall be applied ***only once***, in the order in which they are set out in this Chapter.

Amendment

1. The criteria for determining the Member State responsible shall be applied in the order in which they are set out in this Chapter.

Or. en

Amendment 121

Ramona Nicole Mănescu

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

1. The criteria for determining the Member State responsible shall be applied **only once**, in the order in which they are set out in this Chapter.

Amendment

1. The criteria for determining the Member State responsible shall be applied, in the order in which they are set out in this Chapter.

Or. en

Amendment 122
Georgios Epitideios

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

2. The Member State responsible shall be that where a family member of the unaccompanied minor is legally present, provided that it is in the best interests of the minor. Where the applicant is a married minor whose spouse is not legally present on the territory of the Member States, the Member State responsible shall be the Member State where the father, mother or other adult responsible for the minor, whether by law or by the practice of that Member State, or sibling is legally present.

Amendment

(Does not affect the English version.)

Or. el

Amendment 123
Georgios Epitideios

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

4. Where family members or relatives as referred to in paragraphs 2 and 3, stay in more than one Member State, the Member State responsible shall be decided on the

Amendment

4. Where family members or relatives as referred to in paragraphs 2 and 3, stay in more than one Member State, the Member State responsible shall be decided on the

basis of what is in the best interests of the unaccompanied minor.

basis of *the rules of corrective allocation and* what is in the best interests of the unaccompanied minor.

Or. el

Amendment 124
Pier Antonio Panzeri

Proposal for a regulation
Article 10 – paragraph 5

Text proposed by the Commission

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied minor ***first has lodged his or her application for international protection***, unless it is demonstrated that this is not in the best interests of the minor.

Amendment

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied minor ***is present*** unless it is demonstrated that this is not in the best interests of the minor.

Or. en

Amendment 125
Ramona Nicole Mănescu

Proposal for a regulation
Article 10 – paragraph 5

Text proposed by the Commission

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied minor ***first has lodged his or her application for international protection***, unless it is demonstrated that this is not in the best interests of the minor.

Amendment

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied minor ***is present***, unless it is demonstrated that this is not in the best interests of the minor.

Or. en

Amendment 126
Javi López

Proposal for a regulation
Article 10 – paragraph 5

Text proposed by the Commission

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied minor **first** has lodged **his or her** application **for international protection, unless it is demonstrated** that this is **not** in the best interests of the minor.

Amendment

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied minor **is present and** has lodged **an asylum** application, **provided** that this is in the best interests of the minor.

Or. en

Amendment 127
Hilde Vautmans, Marielle de Sarnez

Proposal for a regulation
Article 10 – paragraph 5

Text proposed by the Commission

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied minor **first** has lodged his or her application for international protection, unless it is demonstrated that this is not in the best interests of the minor.

Amendment

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied minor **is present and** has lodged his or her application for international protection, unless it is demonstrated that this is not in the best interests of the minor.

Or. en

Amendment 128
Georgios Epitideios

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

Where the applicant has a family member, regardless of whether the family was previously formed in the country of origin, who has been allowed to reside as a beneficiary of international protection in a Member State, that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing.

Amendment

Where the applicant has a family member, regardless of whether the family was previously formed in the country of origin, who has been allowed to reside as a beneficiary of international protection in a Member State, that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing *of their own free will*.

Or. el

Amendment 129

Javi López

Proposal for a regulation

Article 13 – paragraph 1 – point a

Text proposed by the Commission

(a) responsibility for examining the applications for international protection of all the family members and/or minor *unmarried* siblings shall lie with the Member State which the criteria indicate is responsible for taking charge of the largest number of them;

Amendment

(a) responsibility for examining the applications for international protection of all the family members and/or minor siblings shall lie with the Member State which the criteria indicate is responsible for taking charge of the largest number of them;

Or. en

Amendment 130

Georgios Epitideios

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

2. Where the applicant is in possession of a valid visa *or a visa expired*

Amendment

2. Where the applicant is in possession of a valid visa, the Member

less than six months before lodging the first application , the Member State which issued the visa shall be responsible for examining the application for international protection, unless the visa was issued on behalf of another Member State under a representation arrangement as provided for in Article 8 of Regulation (EC) No 810/2009 of the European Parliament and of the Council²⁵ . In such a case, the represented Member State shall be responsible for examining the application for international protection.

²⁵ Regulation (EC) No 810/2009 of the European Parliament and of the Council, of 13 July 2009, establishing a Community Code on Visas (OJ L 243, 15.9.2009, p. 1).

State which issued the visa shall be responsible for examining the application for international protection, unless the visa was issued on behalf of another Member State under a representation arrangement as provided for in Article 8 of Regulation (EC) No 810/2009 of the European Parliament and of the Council²⁵. In such a case, the represented Member State shall be responsible for examining the application for international protection.

²⁵ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (OJ L 243, 15.9.2009, p. 1).

Or. el

Amendment 131 **Georgios Epitideios**

Proposal for a regulation **Article 14 – paragraph 4**

Text proposed by the Commission

4. The fact that the residence document or visa was issued on the basis of a false or assumed identity or on submission of forged, counterfeit or invalid documents shall not prevent responsibility being allocated to the Member State which issued it. However, the Member State issuing the residence document or visa shall not be responsible if it can establish that a fraud was committed after the document or visa had been issued.

Amendment

4. The fact that the residence document or visa was issued on the basis of a false or assumed identity or on submission of forged, counterfeit or invalid documents shall not prevent responsibility being allocated to the Member State which issued it. However, the Member State issuing the residence document or visa shall not be responsible if it can establish that a fraud was committed after the document or visa had been issued. ***In this case, the State against which the fraud was committed may return the holder of invalid documents, provided that his or her life and physical integrity will not be endangered.***

Amendment 132
Sofia Sakorafa

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

Where it is established, on the basis of proof or circumstantial evidence as described in the two lists mentioned in Article 25(4) of this Regulation, including the data referred to in Regulation [Proposal for a Regulation recasting Regulation (EU) No 603/2013], that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the Member State thus entered shall be responsible for examining the application for international protection.

Amendment

Where it is established, on the basis of proof or circumstantial evidence as described in the two lists mentioned in Article 25(4) of this Regulation, including the data referred to in Regulation [Proposal for a Regulation recasting Regulation (EU) No 603/2013], that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the Member State thus entered shall be responsible for examining the application for international protection. ***That responsibility shall cease 12 months after the date on which the irregular border crossing took place.***

Or. en

Amendment 133
Ramona Nicole Mănescu

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

Where it is established, on the basis of proof or circumstantial evidence as described in the two lists mentioned in Article 25(4) of this Regulation, including the data referred to in Regulation [Proposal for a Regulation recasting Regulation (EU) No 603/2013], that an applicant has irregularly crossed the border into a Member State by land, sea or air having

Amendment

Where it is established, on the basis of proof or circumstantial evidence as described in the two lists mentioned in Article 25(4) of this Regulation, including the data referred to in Regulation [Proposal for a Regulation recasting Regulation (EU) No 603/2013], that an applicant has irregularly crossed the border into a Member State by land, sea or air having

come from a third country, the Member State thus entered shall be responsible for examining the application for international protection.

come from a third country, the Member State thus entered shall be responsible for examining the application for international protection. ***That responsibility shall cease 12 months after the date on which the irregular border crossing took place.***

Or. en

Amendment 134
Pier Antonio Panzeri

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

Where it is established, on the basis of proof or circumstantial evidence as described in the two lists mentioned in Article 25(4) of this Regulation, including the data referred to in Regulation [Proposal for a Regulation recasting Regulation (EU) No 603/2013], that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the Member State thus entered shall be responsible for examining the application for international protection.

Amendment

Where it is established, on the basis of proof or circumstantial evidence as described in the two lists mentioned in Article 25(4) of this Regulation, including the data referred to in Regulation [Proposal for a Regulation recasting Regulation (EU) No 603/2013], that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the Member State thus entered shall be responsible for examining the application for international protection. ***That responsibility shall cease 12 months after the date on which the irregular border crossing took place.***

Or. en

Amendment 135
Laurențiu Rebegea

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

Where it is established, on the basis of

Amendment

Where it is established, on the basis of

proof or circumstantial evidence as described in the two lists mentioned in Article 25(4) of this Regulation, including the data referred to in Regulation [Proposal for a Regulation recasting Regulation (EU) No 603/2013], that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the Member State thus entered shall be responsible for examining the application for international protection.

proof or circumstantial evidence as described in the two lists mentioned in Article 25(4) of this Regulation, including the data referred to in Regulation [Proposal for a Regulation recasting Regulation (EU) No 603/2013], that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the Member State thus entered shall be responsible for examining the application for international protection. ***It shall continue to bear this responsibility for a period of six months after the date of illegal entry.***

Or. ro

Amendment 136
Sofia Sakorafa

Proposal for a regulation
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

2. When a Member State cannot or can no longer be held responsible in accordance with paragraph 1 of this Article and where it is established, on the basis of proof or circumstantial evidence as described in the two lists mentioned in Article 25(4), that the applicant — who has entered the territories of the Member States irregularly or whose circumstances of entry cannot be established — has been living for a continuous period of at least five months in a Member State before lodging the application for international protection, that Member State shall be responsible for examining the application for international protection. If the applicant has been living for periods of time of at least five months in several Member States, the Member State where he or she has been living most recently shall be responsible for examining the

application for international protection.

Or. en

Amendment 137
Nikos Androulakis

Proposal for a regulation
Article 19 – paragraph 1 – subparagraph 1

Text proposed by the Commission

By way of derogation from Article 3(1) ***and only as long as no Member State has been determined as responsible***, each Member State may decide to examine an application for international protection lodged with it by a third-country national or a stateless person ***based on family grounds in relation to wider family not covered by Article 2(g)***, even if such examination is not its responsibility under the criteria laid down in this Regulation.

Amendment

By way of derogation from Article 3(1), each Member State may decide to examine an application for international protection lodged with it by a third-country national or a stateless person, even if such examination is not its responsibility under the criteria laid down in this Regulation.

Or. en

Amendment 138
Ramona Nicole Mănescu

Proposal for a regulation
Article 19 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Member State in which an application for international protection is made and which is carrying out the process of determining the Member State responsible may, at any time before a Member State responsible has been determined, request another Member State to take charge of an applicant in order to bring together any family relations, even where that other Member State is not responsible under the

Amendment

The Member State in which an application for international protection is made and which is carrying out the process of determining the Member State responsible may, at any time before a Member State responsible has been determined, request another Member State to take charge of an applicant in order to bring together any family relations ***or on the basis of family, cultural or social ties or language skills***

criteria laid down in Articles 10 to 13 and 18. The persons concerned must express their consent in writing.

which would facilitate his or her integration into that other Member State, even where that other Member State is not responsible under the criteria laid down in Articles 10 to 13 and 18. The persons concerned must express their consent in writing.

Or. en

Amendment 139
Pier Antonio Panzeri

Proposal for a regulation
Article 19 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Member State in which an application for international protection is made and which is carrying out the process of determining the Member State responsible may, at any time before a Member State responsible has been determined , request another Member State to take charge of an applicant in order to bring together any family relations , even where that other Member State is not responsible under the criteria laid down in Articles 10 to 13 and 18. The persons concerned must express their consent in writing.

Amendment

The Member State in which an application for international protection is made and which is carrying out the process of determining the Member State responsible may, at any time before a Member State responsible has been determined , request another Member State to take charge of an applicant in order to bring together any family relations *or on the basis of family, cultural or social ties or language skills which would facilitate his of her integration into that other Member State* even where that other Member State is not responsible under the criteria laid down in Articles 10 to 13 and 18. The persons concerned must express their consent in writing.

Or. en

Amendment 140
Sofia Sakorafa

Proposal for a regulation
Article 19 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Member State in which an application for international protection is ***made*** and which is carrying out the process of determining the Member State responsible may, at any time before a Member State responsible has been determined, request another Member State to take charge of an applicant in order to bring together any family relations, even where that other Member State is not responsible under the criteria laid down in Articles 10 to 13 and 18. The persons concerned must express their consent in writing.

Amendment

The Member State in which an application for international protection is ***lodged*** and which is carrying out the process of determining the Member State responsible may, at any time before a Member State responsible has been determined, ***or the Member State responsible***, request another Member State to take charge of an applicant in order to bring together any family relations ***on humanitarian grounds based in particular on family or cultural considerations***, even where that other Member State is not responsible under the criteria laid down in Articles 10 to 13 and 18. The persons concerned must express their consent in writing.

Or. en

Amendment 141
Sofia Sakorafa

Proposal for a regulation
Article 20 a (new)

Text proposed by the Commission

Amendment

Article 20 a

Cessation of responsibilities

- 1. Where a Member State issues a residence document to the applicant, the obligations specified in Article 20(1) shall be transferred to that Member State.***
- 2. The obligations specified in Article 20(1) shall cease if the Member State responsible can establish, upon request to take charge or take back an applicant or another person as referred to in Article 20(1)(c) or (d), that the person concerned has left the territory of the Member State for at least three months, unless the person concerned is in possession of a valid residence document issued by the***

Member State responsible.

An application lodged after the period of absence referred to in the first subparagraph of this Article shall be regarded as a new application giving rise to a new procedure for determining the Member State responsible.

3. The obligations specified in Article 20(1)(c) and (d) shall cease if the Member State responsible can establish, when requested to take back an applicant or another person as referred to in Article 20(1)(c) or (d), that the person concerned has left the territory of the Member State to comply with a return decision or removal order issued following the withdrawal or rejection of the application.

An application lodged after an effective removal has taken place shall be regarded as a new application giving rise to a new procedure for determining the Member State responsible.

Or. en

Amendment 142

Sofia Sakorafa

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

1. The process of determining the Member State responsible shall start as soon as an application for international protection is first lodged with a Member State, *provided that the Member State of first application is not already the Member State responsible pursuant to Article 3(4) or (5).*

Amendment

1. The process of determining the Member State responsible shall start as soon as an application for international protection is first lodged with a Member State.

Or. en

Amendment 143
Sofia Sakorafa

Proposal for a regulation
Article 21 – paragraph 5

Text proposed by the Commission

5. An applicant who is present in another Member State without a residence document or who there lodges an application for international protection after withdrawing his or her first application made in a different Member State during the process of determining the Member State responsible shall be taken back, under the conditions laid down in Articles 26 and 30, by the Member State with which that application for international protection was first lodged.

Amendment

5. An applicant who is present in another Member State without a residence document or who there lodges an application for international protection after withdrawing his or her first application made in a different Member State during the process of determining the Member State responsible shall be taken back, under the conditions laid down in Articles 26 and 30, by the Member State with which that application for international protection was first lodged.
That obligation shall cease if the Member State requested to complete the process of determining the Member State responsible can establish that the applicant has in the meantime left the territory of the Member State for a period of at least three months or has obtained a residence document from another Member State.
An application lodged after the period of absence referred to in the second subparagraph shall be regarded as a new application giving rise to a new procedure for determining the Member State responsible.

Or. en

Amendment 144
Georgios Epitideios

Proposal for a regulation
Article 28

Text proposed by the Commission

[...]

Amendment

deleted

Amendment 145
Pier Antonio Panzeri, Brando Benifei

Proposal for a regulation
Article 28 – paragraph new4

Text proposed by the Commission

new4. The scope of the effective remedy laid down in paragraph 1 shall be limited to an assessment of whether Articles 3(2) in relation to the existence of a risk of inhuman or degrading treatment or Articles 10 to 13 and 18 are infringed upon.

Amendment

deleted

Or. en

Amendment 146
Ramona Nicole Mănescu

Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

1. Member States shall not hold a person in detention for the sole reason that he or she is subject to the procedure established by this Regulation.

Amendment

1. Member States shall not hold a person in detention for the sole reason that he or she is subject to the procedure established by this Regulation. ***Detention shall always remain a measure of last resort and alternatives to detention shall always be a priority. Children shall not to be detained as detention can never be in the child's best interests.***

Or. en

Amendment 147
Pier Antonio Panzeri, Brando Benifei

Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

1. Member States shall not hold a person in detention for the sole reason that he or she is subject to the procedure established by this Regulation.

Amendment

1. Member States shall not hold a person in detention for the sole reason that he or she is subject to the procedure established by this Regulation. ***Detention shall always remain a measure of last resort and alternatives to detention shall always be a priority. Children shall not to be detained as detention can never be in the child's best interests.***

Or. en

Amendment 148
Hilde Vautmans, Marielle de Sarnez

Proposal for a regulation
Article 29 – paragraph 2

Text proposed by the Commission

2. When there is a significant risk of absconding, Member States may detain the person concerned in order to secure transfer procedures in accordance with this Regulation, on the basis of an individual assessment and only in so far as detention is proportional and other less coercive alternative measures cannot be applied effectively.

Amendment

2. When there is a significant risk of absconding, Member States may detain the person concerned in order to secure transfer procedures in accordance with this Regulation, on the basis of an individual assessment and only in so far as detention is proportional and other less coercive alternative measures cannot be applied effectively. ***When the person concerned is a minor, he or she shall not be detained.***

Or. en

Amendment 149
Javi López

Proposal for a regulation
Article 29 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Minors, whether accompanied or unaccompanied, shall not be detained.

In accordance with the principle of family unity, parents or legal or customary primary caregivers shall not be detained.

Minors and families with minor children shall be accommodated together in non-custodial, community-based placements while their immigration status is being resolved.

Or. en

Amendment 150
Pier Antonio Panzeri

Proposal for a regulation
Article 34 – paragraph 1

Text proposed by the Commission

Amendment

1. The allocation mechanism referred to in this Chapter shall be applied for the benefit of a Member State, where that Member State is confronted with a disproportionate number of applications for international protection for which it is the Member State responsible under this Regulation.

1. The ***automatic, mandatory and permanent*** allocation mechanism referred to in this Chapter shall be applied for the benefit of a Member State, where that Member State is confronted with a disproportionate number of applications for international protection for which it is the Member State responsible under this Regulation.

Or. en

Amendment 151
Sofia Sakorafa

Proposal for a regulation
Article 34 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. During this time, take charge or take back requests shall be suspended.

Or. en

Amendment 152
Nikos Androulakis

Proposal for a regulation
Article 34 – paragraph 2

Text proposed by the Commission

2. Paragraph 1 applies where the automated system referred to in Article 44(1) indicates that the number of applications for international protection for which a Member State is responsible under the criteria in Chapter III, Articles 3(2) or (3), 18 and 19, in addition to the number of persons effectively resettled, is higher than **150%** of the reference number for that Member State as determined by the key referred to in Article 35.

Amendment

2. Paragraph 1 applies where the automated system referred to in Article 44(1) indicates that the number of applications for international protection for which a Member State is responsible under the criteria in Chapter III, Articles 3(2) or (3), 18 and 19, in addition to the number of persons effectively resettled, is higher than **75%** of the reference number for that Member State as determined by the key referred to in Article 35.

Or. en

Justification

In case of emergency, and having in mind the time needed at the moment for the processing of relocation procedures by the Member States, a significantly lower threshold is needed.

Amendment 153
Sofia Sakorafa

Proposal for a regulation
Article 34 – paragraph 2

Text proposed by the Commission

2. Paragraph 1 applies where the automated system referred to in Article 44(1) indicates that the number of applications for international protection for which a Member State is responsible under

Amendment

2. Paragraph 1 applies where the automated system referred to in Article 44(1) indicates that the number of applications for international protection for which a Member State is responsible under

the criteria in Chapter III, Articles 3(2) *or* (3), 18 and 19, in addition to the number of persons effectively resettled, is higher than **150%** of the reference number for that Member State as determined by the key referred to in Article 35.

the criteria in Chapter III, Articles 3(2), 18 and 19, in addition to the number of persons effectively resettled, is higher than **75%** of the reference number for that Member State as determined by the key referred to in Article 35.

Or. en

Amendment 154
Nikos Androulakis

Proposal for a regulation
Article 34 – paragraph 6

Text proposed by the Commission

6. Upon the notification referred to in paragraph 5, the allocation mechanism shall apply.

Amendment

6. Upon the notification referred to in paragraph 5, the allocation mechanism shall apply ***and all take charge or take back requests for that Member State shall be suspended.***

Or. en

Justification

No transfers should take place when a Member State is overburdened and the allocation mechanism has been triggered.

Amendment 155
Sofia Sakorafa

Proposal for a regulation
Article 35 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the unemployment rate;

Or. en

Amendment 156
Sofia Sakorafa

Proposal for a regulation
Article 36 – paragraph 3

Text proposed by the Commission

Amendment

3. Applications declared inadmissible or examined in accelerated procedure in accordance with Article 3(3) shall not be subject to allocation. *deleted*

Or. en

Amendment 157
Pier Antonio Panzeri

Proposal for a regulation
Article 37

Text proposed by the Commission

Amendment

Article 37 *deleted*

Financial solidarity

1. A Member State may, at the end of the three-month period after the entry into force of this Regulation and at the end of each twelve-month period thereafter, enter in the automated system that it will temporarily not take part in the corrective allocation mechanism set out in Chapter VII of this Regulation as a Member State of allocation and notify this to the Member States, the Commission and the European Union Agency for Asylum.

2. The automated system referred to in Article 44(1) shall in that case apply the reference key during this twelve-month period to those Member States with a number of applications for which they are the Member States responsible below their share pursuant to Article 35(1), with the exception of the Member State which entered the information, as well as the

benefitting Member State. The automated system referred to in Article 44(1) shall count each application which would have otherwise been allocated to the Member State which entered the information pursuant to Article 36(4) for the share of that Member State.

3. At the end of the twelve-month period referred to in paragraph 2, the automated system shall communicate to the Member State not taking part in the corrective allocation mechanism the number of applicants for whom it would have otherwise been the Member State of allocation. That Member State shall thereafter make a solidarity contribution of EUR 250,000 per each applicant who would have otherwise been allocated to that Member State during the respective twelve-month period. The solidarity contribution shall be paid to the Member State determined as responsible for examining the respective applications.

4. The Commission shall, by means of implementing acts, adopt a decision in accordance with the examination procedure referred to in Article 56, lay down the modalities for the implementation of paragraph 3.

5. The European Union Agency for Asylum shall monitor and report to the Commission on a yearly basis on the application of the financial solidarity mechanism.

Or. en

Amendment 158
Sofia Sakorafa

Proposal for a regulation
Article 37

Text proposed by the Commission

Amendment

Financial solidarity

- 1. A Member State may, at the end of the three-month period after the entry into force of this Regulation and at the end of each twelve-month period thereafter, enter in the automated system that it will temporarily not take part in the corrective allocation mechanism set out in Chapter VII of this Regulation as a Member State of allocation and notify this to the Member States, the Commission and the European Union Agency for Asylum.**
- 2. The automated system referred to in Article 44(1) shall in that case apply the reference key during this twelve-month period to those Member States with a number of applications for which they are the Member States responsible below their share pursuant to Article 35(1), with the exception of the Member State which entered the information, as well as the benefiting Member State. The automated system referred to in Article 44(1) shall count each application which would have otherwise been allocated to the Member State which entered the information pursuant to Article 36(4) for the share of that Member State.**
- 3. At the end of the twelve-month period referred to in paragraph 2, the automated system shall communicate to the Member State not taking part in the corrective allocation mechanism the number of applicants for whom it would have otherwise been the Member State of allocation. That Member State shall thereafter make a solidarity contribution of EUR 250,000 per each applicant who would have otherwise been allocated to that Member State during the respective twelve-month period. The solidarity contribution shall be paid to the Member State determined as responsible for examining the respective applications.**

4. The Commission shall, by means of implementing acts, adopt a decision in accordance with the examination procedure referred to in Article 56, lay down the modalities for the implementation of paragraph 3.

5. The European Union Agency for Asylum shall monitor and report to the Commission on a yearly basis on the application of the financial solidarity mechanism.

Or. en

Amendment 159
Ramona Nicole Mănescu

Proposal for a regulation
Article 37

Text proposed by the Commission

Amendment

Article 37

deleted

Financial solidarity

1. A Member State may, at the end of the three-month period after the entry into force of this Regulation and at the end of each twelve-month period thereafter, enter in the automated system that it will temporarily not take part in the corrective allocation mechanism set out in Chapter VII of this Regulation as a Member State of allocation and notify this to the Member States, the Commission and the European Union Agency for Asylum.

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benefitting Member State. The automated system referred to in Article 44(1) shall count each application which would have otherwise been allocated to the Member State which entered the information pursuant to Article 36(4) for the share of that Member State.

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4. The Commission shall, by means of implementing acts, adopt a decision in accordance with the examination procedure referred to in Article 56, lay down the modalities for the implementation of paragraph 3.

5. The European Union Agency for Asylum shall monitor and report to the Commission on a yearly basis on the application of the financial solidarity mechanism.

Or. en

Justification

This provision may be used for avoiding the corrective allocation mechanism. This regulation should contain a proper and detailed mechanism for the case when a Member State is not technically able to participate to the corrective allocation mechanism. We do not have information regarding the criteria used for these amount calculation.

Amendment 160

Anders Primdahl Vistisen

Proposal for a regulation

Article 37

Text proposed by the Commission

Amendment

Article 37

deleted

Financial solidarity

- 1. A Member State may, at the end of the three-month period after the entry into force of this Regulation and at the end of each twelve-month period thereafter, enter in the automated system that it will temporarily not take part in the corrective allocation mechanism set out in Chapter VII of this Regulation as a Member State of allocation and notify this to the Member States, the Commission and the European Union Agency for Asylum.**
- 2. The automated system referred to in Article 44(1) shall in that case apply the reference key during this twelve-month period to those Member States with a number of applications for which they are the Member States responsible below their share pursuant to Article 35(1), with the exception of the Member State which entered the information, as well as the benefitting Member State. The automated system referred to in Article 44(1) shall count each application which would have otherwise been allocated to the Member State which entered the information pursuant to Article 36(4) for the share of that Member State.**
- 3. At the end of the twelve-month period referred to in paragraph 2, the automated system shall communicate to the Member State not taking part in the corrective allocation mechanism the number of applicants for whom it would have otherwise been the Member State of allocation. That Member State shall thereafter make a solidarity contribution of EUR 250,000 per each applicant who**

would have otherwise been allocated to that Member State during the respective twelve-month period. The solidarity contribution shall be paid to the Member State determined as responsible for examining the respective applications.

4. The Commission shall, by means of implementing acts, adopt a decision in accordance with the examination procedure referred to in Article 56, lay down the modalities for the implementation of paragraph 3.

5. The European Union Agency for Asylum shall monitor and report to the Commission on a yearly basis on the application of the financial solidarity mechanism.

Or. en

Amendment 161
Nikos Androulakis

Proposal for a regulation
Article 37

Text proposed by the Commission

Amendment

Article 37

deleted

Financial solidarity

1. A Member State may, at the end of the three-month period after the entry into force of this Regulation and at the end of each twelve-month period thereafter, enter in the automated system that it will temporarily not take part in the corrective allocation mechanism set out in Chapter VII of this Regulation as a Member State of allocation and notify this to the Member States, the Commission and the European Union Agency for Asylum.

2. The automated system referred to in Article 44(1) shall in that case apply the reference key during this twelve-month

period to those Member States with a number of applications for which they are the Member States responsible below their share pursuant to Article 35(1), with the exception of the Member State which entered the information, as well as the benefiting Member State. The automated system referred to in Article 44(1) shall count each application which would have otherwise been allocated to the Member State which entered the information pursuant to Article 36(4) for the share of that Member State.

3. At the end of the twelve-month period referred to in paragraph 2, the automated system shall communicate to the Member State not taking part in the corrective allocation mechanism the number of applicants for whom it would have otherwise been the Member State of allocation. That Member State shall thereafter make a solidarity contribution of EUR 250,000 per each applicant who would have otherwise been allocated to that Member State during the respective twelve-month period. The solidarity contribution shall be paid to the Member State determined as responsible for examining the respective applications.

4. The Commission shall, by means of implementing acts, adopt a decision in accordance with the examination procedure referred to in Article 56, lay down the modalities for the implementation of paragraph 3.

5. The European Union Agency for Asylum shall monitor and report to the Commission on a yearly basis on the application of the financial solidarity mechanism.

Or. en

Justification

In order to have a Common European Asylum System all Member States shall participate. There should not be any alternative forms of solidarity, that would allow to certain Member States to avoid their share of responsibility.

Amendment 162 **Georgios Epitideios**

Proposal for a regulation **Article 37**

Text proposed by the Commission

Amendment

2.

deleted

The automated system referred to in Article 44(1) shall in that case apply the reference key during this twelve-month period to those Member States with a number of applications for which they are the Member States responsible below their share pursuant to Article 35(1), with the exception of the Member State which entered the information, as well as the benefitting Member State. The automated system referred to in Article 44(1) shall count each application which would have otherwise been allocated to the Member State which entered the information pursuant to Article 36(4) for the share of that Member State.

3. At the end of the twelve-month period referred to in paragraph 2, the automated system shall communicate to the Member State not taking part in the corrective allocation mechanism the number of applicants for whom it would have otherwise been the Member State of allocation. That Member State shall thereafter make a solidarity contribution of EUR 250,000 per each applicant who would have otherwise been allocated to that Member State during the respective twelve-month period. The solidarity contribution shall be paid to the Member State determined as responsible for

examining the respective applications.

4. The Commission shall, by means of implementing acts, adopt a decision in accordance with the examination procedure referred to in Article 56, lay down the modalities for the implementation of paragraph 3.

5. The European Union Agency for Asylum shall monitor and report to the Commission on a yearly basis on the application of the financial solidarity mechanism.

Obligations of the benefitting Member State

The benefitting Member State shall:

Or. el

Amendment 163
Laurențiu Rebegea

Proposal for a regulation
Article 37

Text proposed by the Commission

Amendment

2.

deleted

The automated system referred to in Article 44(1) shall in that case apply the reference key during this twelve-month period to those Member States with a number of applications for which they are the Member States responsible below their share pursuant to Article 35(1), with the exception of the Member State which entered the information, as well as the benefitting Member State. The automated system referred to in Article 44(1) shall count each application which would have otherwise been allocated to the Member State which entered the information pursuant to Article 36(4) for the share of that Member State.

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4. The Commission shall, by means of implementing acts, adopt a decision in accordance with the examination procedure referred to in Article 56, lay down the modalities for the implementation of paragraph 3.

5. The European Union Agency for Asylum shall monitor and report to the Commission on a yearly basis on the application of the financial solidarity mechanism.

Obligations of the benefitting Member State

The benefitting Member State shall:

Or. ro

Amendment 164
Anders Primdahl Vistisen

Proposal for a regulation
Article 42

Text proposed by the Commission

Amendment

Article 42

deleted

Costs of allocation transfers

For the costs to transfer an applicant to the Member State of allocation, the benefitting Member State shall be refunded by a lump sum of EUR 500 for each person transferred pursuant to Article 38(c). This financial support shall be implemented by applying the procedures laid down in Article 18 of Regulation (EU) No 516/2014.

Or. en

Amendment 165
Sofia Sakorafa

Proposal for a regulation
Article 43 – paragraph 1

Text proposed by the Commission

The automated system shall notify the Member States and the Commission as soon as the number of applications in the benefitting Member State for which it is the Member State responsible under this Regulation is below **150** % of its share pursuant to Article 35(1).

Amendment

The automated system shall notify the Member States and the Commission as soon as the number of applications in the benefitting Member State for which it is the Member State responsible under this Regulation is below **75** % of its share pursuant to Article 35(1).

Or. en

Amendment 166
Nikos Androulakis

Proposal for a regulation
Article 43 – paragraph 1

Text proposed by the Commission

The automated system shall notify the Member States and the Commission as soon as the number of applications in the benefitting Member State for which it is the Member State responsible under this Regulation is below **150** % of its share

Amendment

The automated system shall notify the Member States and the Commission as soon as the number of applications in the benefitting Member State for which it is the Member State responsible under this Regulation is below **75** % of its share

pursuant to Article 35(1).

pursuant to Article 35(1).

Or. en

Amendment 167
Ramona Nicole Mănescu

Proposal for a regulation
Article 47 – paragraph 1

Text proposed by the Commission

1. Each Member State shall notify the Commission without delay of the specific authorities responsible for fulfilling the obligations arising under this Regulation, and any amendments thereto. The Member States shall ensure that those authorities have the necessary resources for carrying out their tasks and in particular for replying within the prescribed time limits to requests for information, requests to take charge, take back notifications and, if applicable, complying with their obligations under the allocation mechanism

Amendment

1. Each Member State shall notify the Commission without delay of the specific authorities responsible for fulfilling the obligations arising under this Regulation, and any amendments thereto. The Member States shall ensure that those authorities have the necessary resources for carrying out their tasks and in particular for replying within the prescribed time limits to requests for information, requests to take charge, take back notifications and, if applicable, complying with their obligations under the allocation mechanism. ***Any Member State may send requests to the Commission and other Member States detailing the necessary assistance, including the necessity of experts and interprets, needed in order to fulfil the obligations arising under this Regulation.***

Or. en

Amendment 168
Ramona Nicole Mănescu

Proposal for a regulation
Article 47 – paragraph 2

Text proposed by the Commission

2. The Commission shall publish a

Amendment

2. The Commission shall publish a

consolidated list of the authorities referred to in paragraph 1 in the Official Journal of the European Union. Where there are amendments thereto, the Commission shall publish *once a year* an updated consolidated list.

consolidated list of the authorities referred to in paragraph 1 in the Official Journal of the European Union. Where there are amendments thereto, the Commission shall publish an updated consolidated list.

Or. en