



2016/0133(COD)

16.2.2017

AMENDMENTS

17 - 288

Draft opinion

Gérard Deprez

(PE597.582v01-00)

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 17
Sophie Montel

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) *A common policy on asylum, including a Common European Asylum System (CEAS), is a constituent part of the European Union's objective of progressively establishing an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the Union.*

Amendment

(2) *Policy on asylum is determined by the nation state, the only entity with a legitimate claim to express the will of the people, who are sovereign in this regard.*

Or. fr

Amendment 18
Sophie Montel

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) *The European Council, at its special meeting in Tampere on 15 and 16 October 1999, agreed to work towards establishing the CEAS, based on the full and inclusive application of the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967 ('the Geneva Convention'), thus ensuring that nobody is sent back to persecution, i.e. maintaining the principle of non-refoulement. In this respect, and without the responsibility criteria laid down in this Regulation being affected, Member States, all respecting the principle of non-refoulement, are considered as safe countries for third-country nationals.*

Amendment

(3) *Each Member State has a responsibility to establish the identity of applicants for international protection and of persons apprehended when unlawfully crossing an external border of the Union. It has a responsibility to detain illegal immigrants, to consider their applications and, if appropriate, to expel them.*

Or. fr

Amendment 19

Sophie Montel

Proposal for a regulation

Recital 4

Text proposed by the Commission

Amendment

(4) *The Tampere conclusions also stated that the CEAS should include, in the short-term, a clear and workable method for determining the Member State responsible for the examination of an asylum application.* *deleted*

Or. fr

Amendment 20

Sophie Montel

Proposal for a regulation

Recital 5

Text proposed by the Commission

Amendment

(5) *Such a method should be based on objective, fair criteria both for the Member States and for the persons concerned. It should, in particular, make it possible to determine rapidly the Member State responsible, so as to guarantee effective access to the procedures for granting international protection and not to compromise the objective of the rapid processing of applications for international protection.* *deleted*

Or. fr

Amendment 21

Sophie Montel

Proposal for a regulation

Recital 6

(6) *The first phase in the creation of a CEAS that should lead, in the longer term, to a common procedure and a uniform status, valid throughout the Union, for those granted international protection, has now been completed. The European Council of 4 November 2004 adopted The Hague Programme which set the objectives to be implemented in the area of freedom, security and justice in the period 2005-2010. In this respect, The Hague Programme invited the European Commission to conclude the evaluation of the first-phase legal instruments and to submit the second-phase instruments and measures to the European Parliament and to the Council with a view to their adoption before 2010.* **deleted**

Or. fr

Amendment 22
Sophie Montel

Proposal for a regulation
Recital 7

(7) *In the Stockholm Programme, the European Council reiterated its commitment to the objective of establishing a common area of protection and solidarity in accordance with Article 78 of the Treaty on the Functioning of the European Union (TFEU), for those granted international protection, by 2012 at the latest. Furthermore it emphasised that the Dublin system remains a cornerstone in building the CEAS, as it clearly allocates responsibility among Member States for the examination of applications for international protection. In May 2015 the Commission indicated in its Communication on the European Agenda on Migration that the Dublin Regulation would be evaluated and, if* **deleted**

necessary, that a proposal for its revision would be made, in particular to achieve a fairer distribution of asylum seekers in Europe .

Or. fr

Amendment 23
Sophie Montel

Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

(8) *null*

deleted

Or. fr

Amendment 24
Sophie Montel

Proposal for a regulation
Recital 9

Text proposed by the Commission

Amendment

(9) The *European Union Agency for Asylum* should provide adequate support in the implementation of this Regulation, in particular by establishing the reference key for the distribution of asylum seekers under the corrective allocation mechanism, and by adapting the figures underlying the reference key annually, as well as the reference key based on Eurostat data.

(9) The *idea of distributing asylum seekers is absurd and inhumane. It is, moreover, anti-democratic, since the Member States must be able to take sovereign decisions determining who may enter and remain on their territory.*

Or. fr

Amendment 25
Sophie Montel

Proposal for a regulation
Recital 10

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(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.*

(10) *In 2015, the refugee and migration crisis highlighted the challenges faced by some Member States in coping with the floods of migrants. They can only be advised to invest human and material resources in protecting their borders, and it is important that those States which are under the greatest pressure should receive EU funding.*

Or. fr

Amendment 26
Sophie Montel

Proposal for a regulation
Recital 11

(11) *In order to ensure equal treatment for all applicants and beneficiaries of international protection, and consistency with the current Union asylum acquis, in particular with Directive 2011/95/EU of the European Parliament and of the Council¹⁸, the scope of this Regulation encompasses applicants for subsidiary protection and persons eligible for subsidiary protection.*

deleted

¹⁸ Directive 2011/95/EU of the European Parliament and of the Council of 13

December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L 337, 20.12.2011, p. 9).

Or. fr

Justification

The ever greater broadening of the asylum eligibility criteria is contributing to the emergence of a new form of illegal immigration.

Amendment 27
Sophie Montel

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. fr

Justification

The ever greater broadening of the asylum eligibility criteria is contributing to the emergence of a new form of illegal immigration.

Amendment 28
Sophie Montel

Proposal for a regulation
Recital 13

Text proposed by the Commission

Amendment

(13) Directive 2013/33/EU of the European Parliament and of the Council¹⁹ should apply to the procedure for the determination of the Member State responsible as regulated under this Regulation, subject to the limitations in the application of that Directive. *deleted*

¹⁹ See page 96 of this Official Journal. Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ L 180, 29.6.2013, p. 96).

Or. fr

Amendment 29
Sophie Montel

Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

(14) Directive 2013/32/EU of the European Parliament and of the Council²⁰ should apply in addition and without prejudice to the provisions concerning the procedural safeguards regulated under this Regulation, subject to the limitations in the application of that Directive. *deleted*

²⁰ See page 60 of this Official Journal. Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, p. 60).

Or. fr

Amendment 30
Sophie Montel

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) In accordance with the 1989 United Nations Convention on the Rights of the Child and with the Charter of Fundamental Rights of the European Union, the best interests of the child should be a primary consideration of Member States when applying this Regulation. ***In assessing the best interests of the child, Member States should, in particular, take due account of the minor's well-being and social development, safety and security considerations and the views of the minor in accordance with his or her age and maturity, including his or her background. In addition, specific procedural guarantees for unaccompanied minors should be laid down on account of their particular vulnerability.***

Amendment

(15) In accordance with the 1989 United Nations Convention on the Rights of the Child and with the Charter of Fundamental Rights of the European Union, the best interests of the child should be a primary consideration of Member States when applying this Regulation. ***Children, if scientific tests have shown that they are indeed children, must not be separated from their families. Special detention centres could be set up to cater for families awaiting expulsion.***

Or. fr

Amendment 31
Sophie Montel

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) ***In accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms and with the Charter of Fundamental Rights of the European Union, respect for family life should be a primary consideration of Member States when applying this Regulation.***

Amendment

deleted

Or. fr

Justification

The text is too vague: citing documents as general in scope as those referred to here without specifying the practical implications is irresponsible.

Amendment 32

Sophie Montel

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 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 *State* where an application is first lodged *detains illegal immigrants before sending them back to their* country of origin.

Or. fr

Amendment 33

Sophie Montel

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*

Amendment

(19) The definition of a family member in this Regulation should *not* include the sibling or siblings of the applicant. Reuniting siblings is *a further factor* which *contributes* to the *non-assimilation of immigrants, who prefer to fall back on their community of origin.*

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.

Or. fr

Amendment 34
Sophie Montel

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

deleted

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. fr

Justification

This recital would give rise to many unwanted developments, given that the concept of responsibility can be a very broad one. It would make more sense to employ easily verifiable biological criteria.

Amendment 35
Sophie Montel

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

deleted

this Regulation.

Or. fr

Amendment 36

Sophie Montel

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 *national asylum systems operate smoothly, asylum seekers* should be *kept in detention while their applications are being considered.*

Or. fr

Amendment 37

Sophie Montel

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*

Amendment

deleted

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

Or. fr

Amendment 38
Sophie Montel

Proposal for a regulation
Recital 24

Text proposed by the Commission

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

deleted

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

Justification

Calling for quick procedures on the one hand, whilst encouraging the use of lengthy judicial procedures on the other, is contradictory.

Amendment 39
Sophie Montel

Proposal for a regulation
Recital 25

Text proposed by the Commission

Amendment

(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.*

deleted

Or. fr

Amendment 40
Sophie Montel

Proposal for a regulation
Recital 26

(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.*

deleted

Or. fr

Amendment 41
Sophie Montel

Proposal for a regulation
Recital 27

(27) *The detention of applicants should be applied in accordance with the underlying principle that a person should not be held in detention for the sole reason that he or she is seeking international protection. Detention should be for as short a period as possible and subject to the principles of necessity and proportionality. In particular, the detention of applicants must be in accordance with Article 31 of the Geneva Convention. The procedures provided for under this Regulation in respect of a detained person should be applied as a matter of priority, within the shortest possible deadlines. As regards the general guarantees governing detention, as well as detention conditions, where appropriate, Member States should apply the provisions of Directive 2013/33/EU also to persons detained on the basis of this Regulation.*

(27) *The detention of applicants should be automatic.*

Or. fr

Amendment 42
Sophie Montel

Proposal for a regulation
Recital 28

Text proposed by the Commission

Amendment

(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.* *deleted*

Or. fr

Amendment 43
Sophie Montel

Proposal for a regulation
Recital 29

Text proposed by the Commission

Amendment

(29) *Proper registration of all asylum applications in the EU under a unique application number should help detect multiple applications and prevent irregular secondary movements and asylum shopping. An automated system should be established for the purpose of facilitating the application of this Regulation. It should enable registration of asylum applications lodged in the EU, effective monitoring of the share of applications of each Member State and a correct application of the corrective allocation mechanism.* *deleted*

Or. fr

Amendment 44

Sophie Montel

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) The European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice established by Regulation (EU) No 1077/2011²¹ should be responsible for the preparation, development and the operational management of the central system and the communication infrastructure between the central system and the national infrastructures.

deleted

Amendment

²¹ Regulation (EU) No 1077/2011 of the European Parliament and of the council of 25 October 2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 286, 1.11.2011, p. 1).

Or. fr

Amendment 45

Sophie Montel

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) In accordance with Article 80 of the Treaty, Union acts should, whenever necessary, contain appropriate measures to give effect to the principle of solidarity. A corrective allocation mechanism should be established in order to ensure a fair sharing of responsibility between Member States and *a swift access of applicants to*

Amendment

(31) In accordance with Article 80 of the Treaty, Union acts should, whenever necessary, contain appropriate measures to give effect to the principle of solidarity. A corrective allocation mechanism should be established in order to ensure a fair sharing of responsibility between Member States and *thus make for targeted funding by the*

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.

EU.

Or. fr

Amendment 46

Pavel Poc, Barbara Kudrycka, Tomáš Zdechovský, Jan Olbrycht

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) In accordance with Article 80 of the Treaty, Union acts should, whenever necessary, contain appropriate measures to give effect to the principle of solidarity. A corrective allocation mechanism should be established in order to ensure a fair sharing of responsibility between 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

(31) In accordance with Article 80 of the Treaty, Union acts should, whenever necessary, contain appropriate measures to give effect to the principle of solidarity. A **voluntary** corrective allocation mechanism should be established in order to ensure a fair sharing of responsibility between 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. en

Amendment 47

Sophie Montel

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

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.***

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.

Or. fr

Amendment 48
Nicola Caputo, Pina Picierno, Isabelle Thomas

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

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 **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.

the purposes of this calculation.

Or. it

Amendment 49

Pavel Poc, Tomáš Zdechovský, Barbara Kudrycka, Jan Olbrycht

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 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 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. en

Amendment 50

Sophie Montel

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) ***When the allocation mechanism applies, the applicants who lodged their***

Amendment

deleted

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 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.

Or. fr

Amendment 51
Sophie Montel

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. fr

Amendment 52
Nicola Caputo, Pina Picierno, Isabelle Thomas

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.

(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 *as an EUR 500 lump sum per person transferred*.

Or. it

Amendment 53
Sophie Montel

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. fr

Amendment 54
Pavel Poc, Tomáš Zdechovský, Barbara Kudrycka, Jan Olbrycht
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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 55
Sophie Montel

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***

Amendment

(35) ***The return of third-country nationals who do not have the right to stay in the Union is the principal aim of the comprehensive efforts being made to address migration and, in particular, to reduce and deter irregular migration. It is***

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.

vital to increase the effectiveness of the Union system for the return of illegally staying third-country nationals in order to maintain public trust in the Union migration and asylum system, and these efforts should go hand in hand with the efforts to safeguard those in need of protection.

Or. fr

Amendment 56

Bernd Kölme

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

PE599.741v01-00

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 50,000 per applicant not accepted to the Member State that was determined as responsible for examining those applications. The Commission should lay

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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.

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. de

Amendment 57
Sophie Montel

Proposal for a regulation
Recital 36

Text proposed by the Commission

Amendment

(36) In accordance with Commission Regulation (EC) No 1560/2003²², transfers to the Member State responsible for examining an application for international protection may be carried out on a voluntary basis, by supervised departure or under escort. Member States should promote voluntary transfers by providing adequate information to the applicant and should ensure that supervised or escorted transfers are undertaken in a humane manner, in full compliance with fundamental rights and respect for human dignity, as well as the best interests of the child and taking utmost account of developments in the relevant case law, in particular as regards transfers on humanitarian grounds.

deleted

²² OJ L 222, 5.9.2003, p. 3.

Or. fr

Amendment 58
Sophie Montel

Proposal for a regulation

Recital 36

Text proposed by the Commission

(36) *In accordance with Commission Regulation (EC) No 1560/2003²², transfers to the Member State responsible for examining an application for international protection may be carried out on a voluntary basis, by supervised departure or under escort. Member States should promote voluntary transfers by providing adequate information to the applicant and should ensure that supervised or escorted transfers are undertaken in a humane manner, in full compliance with fundamental rights and respect for human dignity, as well as the best interests of the child and taking utmost account of developments in the relevant case law, in particular as regards transfers on humanitarian grounds.*

²² OJ L 222, 5.9.2003, p. 3.

Amendment

(36) *The return of third-country nationals who do not have the right to stay in the Union is the principal aim of the comprehensive efforts being made to address migration and, in particular, to reduce and deter irregular migration. It is vital to increase the effectiveness of the Union system for the return of illegally staying third-country nationals in order to maintain public trust in the Union migration and asylum system, and these efforts should go hand in hand with the efforts to safeguard those in need of protection.*

Or. fr

Amendment 59 Sophie Montel

Proposal for a regulation Recital 37

Text proposed by the Commission

(37) *The progressive creation of an area without internal frontiers in which free movement of persons is guaranteed **in accordance with the TFEU and the establishment of Union policies regarding the conditions of entry and stay of third-country nationals, including common efforts towards the management of external borders, makes it necessary to strike a balance between responsibility criteria in a spirit of solidarity.***

Amendment

(37) *The progressive creation of an area without internal frontiers in which free movement of persons is guaranteed **has proved to be dangerous for peoples, given that today it represents a formidable aid in carrying out acts of terrorism.***

Or. fr

Amendment 60
Sophie Montel

Proposal for a regulation
Recital 38

Text proposed by the Commission

Amendment

(38) *The [General Data Protection Regulation (EU) .../2016] applies to the processing of personal data by the Member States under this Regulation from the date set out in that Regulation; until this date Directive 95/46/EC applies. Member States should implement appropriate technical and organisational measures to ensure and be able to demonstrate that processing is performed in accordance with that Regulation and the provisions specifying its requirements in this Regulation. In particular those measures should ensure the security of personal data processed under this Regulation and in particular to prevent unlawful or unauthorised access or disclosure, alteration or loss of personal data processed. The competent supervisory authority or authorities of each Member State should monitor the lawfulness of the processing of personal data by the authorities concerned, including of the transmission to and from the automated system and to the authorities competent for carrying out security checks.* *deleted*

Or. fr

Amendment 61
Sophie Montel

Proposal for a regulation
Recital 38

Text proposed by the Commission

Amendment

(38) The *[General Data Protection Regulation (EU) .../2016]* applies to the processing of personal data by the Member States under this Regulation from the date set out in that Regulation; until this date Directive 95/46/EC applies. Member States should implement appropriate technical and organisational measures to ensure and be able to demonstrate that processing is performed in accordance with that Regulation and the provisions specifying its requirements in this Regulation. In particular those measures should ensure the security of personal data processed under this Regulation and in particular to prevent unlawful or unauthorised access or disclosure, alteration or loss of personal data processed. The competent supervisory authority or authorities of each Member State should monitor the lawfulness of the processing of personal data by the authorities concerned, including of the transmission to and from the automated system and to the authorities competent for carrying out security checks. *(38) The return of third-country*

Regulation (EU) .../2016] applies to the processing of personal data by the Member States under this Regulation from the date set out in that Regulation; until this date Directive 95/46/EC applies. Member States should implement appropriate technical and organisational measures to ensure and be able to demonstrate that processing is performed in accordance with that Regulation and the provisions specifying its requirements in this Regulation. In particular those measures should ensure the security of personal data processed under this Regulation and in particular to prevent unlawful or unauthorised access or disclosure, alteration or loss of personal data processed. The competent supervisory authority or authorities of each Member State should monitor the lawfulness of the processing of personal data by the authorities concerned, including of the transmission to and from the automated system and to the authorities competent for carrying out security checks.

nationals who do not have the right to stay in the Union is the principal aim of the comprehensive efforts being made to address migration and, in particular, to reduce and deter irregular migration. It is vital to increase the effectiveness of the Union system for the return of illegally staying third-country nationals in order to maintain public trust in the Union migration and asylum system, and these efforts should go hand in hand with the efforts to safeguard those in need of protection.

Or. fr

Amendment 62 **Sophie Montel**

Proposal for a regulation **Recital 39**

Text proposed by the Commission

Amendment

(39) The processing of personal data by the European Union Agency for Asylum should be subject to the monitoring of the European Data Protection Supervisor in accordance with Regulation (EC) No 45/2001 and the provisions on data protection laid down in [Proposal for a Regulation on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010].

deleted

Amendment 63

Sophie Montel

Proposal for a regulation

Recital 39

Text proposed by the Commission

(39) The *processing of personal data by the European Union Agency for Asylum should be subject to the monitoring of the European Data Protection Supervisor in accordance with Regulation (EC) No 45/2001 and the provisions on data protection laid down in [Proposal for a Regulation on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010]*.

Amendment

(39) The *return of third-country nationals who do not have the right to stay in the Union is the principal aim of the comprehensive efforts being made to address migration and, in particular, to reduce and deter irregular migration. It is vital to increase the effectiveness of the Union system for the return of illegally staying third-country nationals in order to maintain public trust in the Union migration and asylum system, and these efforts should go hand in hand with the efforts to safeguard those in need of protection.*

Or. fr

Amendment 64

Sophie Montel

Proposal for a regulation

Recital 40

Text proposed by the Commission

(40) *The application of this Regulation can be facilitated, and its effectiveness increased, by bilateral arrangements between Member States for improving communication between competent departments, reducing time limits for procedures or simplifying the processing of requests to take charge or take back, or establishing procedures for the performance of transfers.*

Amendment

deleted

Or. fr

Amendment 65
Sophie Montel

Proposal for a regulation
Recital 40

Text proposed by the Commission

(40) *The application of this Regulation can be facilitated, and its effectiveness increased, by bilateral arrangements between Member States for improving communication between competent departments, reducing time limits for procedures or simplifying the processing of requests to take charge or take back, or establishing procedures for the performance of transfers.*

Amendment

(40) *Instead of a pointless Regulation, bilateral arrangements between Member States for improving communication between competent departments, reducing time limits for procedures or simplifying the processing of requests to take charge or take back, or establishing procedures for the performance of transfers **should be encouraged**.*

Or. fr

Amendment 66
Sophie Montel

Proposal for a regulation
Recital 41

Text proposed by the Commission

(41) *Continuity between the system for determining the Member State responsible established by Regulation (EU) No 604/2013 and the system established by this Regulation should be ensured. Similarly, consistency should be ensured between this Regulation and Regulation [Proposal for a Regulation recasting Regulation (EU) No 603/2013 of the European Parliament and of the Council]*

Amendment

deleted

Or. fr

Amendment 67
Sophie Montel

Proposal for a regulation
Recital 42

Text proposed by the Commission

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.* **deleted**

Or. fr

Amendment 68
Sophie Montel

Proposal for a regulation
Recital 43

Text proposed by the Commission

Amendment

(43) *The operation of the Eurodac system, as established by Regulation [Proposal for a Regulation recasting Regulation (EU) No 603/2013 of the European Parliament and of the Council], should facilitate the application of this Regulation.* **deleted**

Or. fr

Amendment 69
Sophie Montel

Proposal for a regulation
Recital 44

Text proposed by the Commission

Amendment

(44) *The operation of the Visa Information System, as established by Regulation (EC) No 767/2008 of the* **deleted**

European Parliament and of the Council²³, and in particular the implementation of Articles 21 and 22 thereof, should facilitate the application of this Regulation.

²³ *Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (OJ L 218, 13.8.2008, p. 60).*

Or. fr

Amendment 70
Sophie Montel

Proposal for a regulation
Recital 45

Text proposed by the Commission

Amendment

(45) With respect to the treatment of persons falling within the scope of this Regulation, Member States are bound by their obligations under instruments of international law, including the relevant case-law of the European Court of Human Rights.

deleted

Or. fr

Amendment 71
Sophie Montel

Proposal for a regulation
Recital 46

Text proposed by the Commission

Amendment

(46) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those

deleted

powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers²⁴.

²⁴ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. fr

Amendment 72
Sophie Montel

Proposal for a regulation
Recital 47

Text proposed by the Commission

Amendment

(47) The examination procedure should be used for the adoption of a common leaflet on Dublin/Eurodac, as well as a specific leaflet for unaccompanied minors; of a standard form for the exchange of relevant information on unaccompanied minors; of uniform conditions for the consultation and exchange of information on minors and dependent persons; of uniform conditions on the preparation and submission of take charge requests and take back notifications ; of two lists of relevant elements of proof and circumstantial evidence, and the periodical revision thereof; of a laissez passer; of uniform conditions for the consultation and exchange of information regarding transfers; of a standard form for the exchange of data before a transfer; of a **deleted**

common health certificate; of uniform conditions and practical arrangements for the exchange of information on a person's health data before a transfer, and of secure electronic transmission channels for the transmission of requests.

Or. fr

Amendment 73

Sophie Montel

Proposal for a regulation

Recital 48

Text proposed by the Commission

Amendment

(48) In order to provide for supplementary rules, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the identification of family members or relatives of an unaccompanied minor; the criteria for establishing the existence of proven family links; the criteria for assessing the capacity of a relative to take care of an unaccompanied minor, including where family members, siblings or relatives of the unaccompanied minor stay in more than one Member State; the elements for assessing a dependency link; the criteria for assessing the capacity of a person to take care of a dependent person and the elements to be taken into account in order to assess the inability to travel for a significant period of time. In exercising its powers to adopt delegated acts, the Commission shall not exceed the scope of the best interests of the child as provided for under Article 8 of this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better

deleted

Law-Making of 13 April 2016 . In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. .

Or. fr

Amendment 74
Sophie Montel

Proposal for a regulation
Recital 49

Text proposed by the Commission

Amendment

(49) In the application of this Regulation, including the preparation of delegated acts, the Commission should consult experts from, among others, all relevant national authorities. *deleted*

Or. fr

Amendment 75
Sophie Montel

Proposal for a regulation
Recital 50

Text proposed by the Commission

Amendment

(50) Detailed rules for the application of Regulation (EU) No 604/2013 have been laid down by Regulation (EC) No 1560/2003. Certain provisions of Regulation (EC) No 1560/2003 as amended by Regulation 118/2014 should be incorporated into this Regulation, either for reasons of clarity or because they can serve a general objective. In particular, it is important, both for the Member States and the applicants *deleted*

concerned, that there should be a general mechanism for finding a solution in cases where Member States differ over the application of a provision of this Regulation. It is therefore justified to incorporate the mechanism provided for in Regulation (EC) No 1560/2003 for the settling of disputes on the humanitarian clause into this Regulation and to extend its scope to the entirety of this Regulation.

Or. fr

Amendment 76
Sophie Montel

Proposal for a regulation
Recital 51

Text proposed by the Commission

Amendment

(51) The effective monitoring of the application of this Regulation requires that it be evaluated at regular intervals.

deleted

Or. fr

Amendment 77
Sophie Montel

Proposal for a regulation
Recital 52

Text proposed by the Commission

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

deleted

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. fr

Amendment 78
Sophie Montel

Proposal for a regulation
Recital 53

Text proposed by the Commission

Amendment

(53) This Regulation respects the fundamental rights and observes the principles which are acknowledged, in particular, in the Charter of Fundamental Rights of the European Union. In particular, this Regulation seeks to ensure full observance of the right to asylum guaranteed by Article 18 of the Charter as well as the rights recognised under Articles 1, 4, 7, 24 and 47 thereof. This Regulation should therefore be applied accordingly.

deleted

Or. fr

Amendment 79
Sophie Montel

Proposal for a regulation
Recital 54

Text proposed by the Commission

Amendment

(54) Since the objective of this Regulation, namely the establishment of criteria and mechanisms for determining the Member State responsible for examining an application for

deleted

international protection lodged in one of the Member States by a third-country national or a stateless person, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of this Regulation, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Or. fr

Amendment 80
Sophie Montel

Proposal for a regulation
Recital 55

Text proposed by the Commission

Amendment

(55) *[In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, those Member States have notified their wish to take part in the adoption and application of this Regulation]* *deleted*

OR

Or. fr

Amendment 81
Sophie Montel

Proposal for a regulation
Recital 55 – paragraph 1

Text proposed by the Commission

Amendment

[In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, those Member States have notified their wish to take part in the adoption and application of this Regulation] *deleted*

Or. fr

Amendment 82
Sophie Montel

Proposal for a regulation
Recital 55 – paragraph 2

Text proposed by the Commission

Amendment

OR *deleted*

Or. fr

Amendment 83
Sophie Montel

Proposal for a regulation
Recital 56

Text proposed by the Commission

Amendment

(56) [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Regulation and are not bound by it or subject to its application.] *deleted*

OR

Or. fr

Amendment 84

Sophie Montel

Proposal for a regulation

Recital 56 – paragraph 1

Text proposed by the Commission

Amendment

[In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Regulation and are not bound by it or subject to its application.] *deleted*

Or. fr

Amendment 85

Sophie Montel

Proposal for a regulation

Recital 56 – paragraph 2

Text proposed by the Commission

Amendment

OR

deleted

Or. fr

Amendment 86

Sophie Montel

Proposal for a regulation

Recital 53

Text proposed by the Commission

Amendment

(53) *[In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, the United Kingdom is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.]*

deleted

Or. fr

Amendment 87
Sophie Montel

Proposal for a regulation
Recital 54

Text proposed by the Commission

Amendment

(54) *In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified (, by letter of ...,) its wish to take part in the adoption and application of this Regulation.]*

deleted

OR

Or. fr

Amendment 88
Sophie Montel

Proposal for a regulation
Recital 54 – paragraph 1

Text proposed by the Commission

Amendment

In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified (, by letter of ...,) its wish to take part in the adoption and application of this Regulation.] *deleted*

Or. fr

Amendment 89
Sophie Montel

Proposal for a regulation
Recital 54 – paragraph 2

Text proposed by the Commission

Amendment

OR *deleted*

Or. fr

Amendment 90
Sophie Montel

Proposal for a regulation
Recital 53

Text proposed by the Commission

Amendment

(53) In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom has notified (, by letter of ...,) its wish to take part in the adoption and application of this Regulation. *deleted*

Or. fr

Amendment 91
Sophie Montel

Proposal for a regulation
Recital 54

Text proposed by the Commission

Amendment

(54) *In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.]* *deleted*

Or. fr

Amendment 92
Sophie Montel

Proposal for a regulation
Recital 57

Text proposed by the Commission

Amendment

(57) *In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application,* *deleted*

Or. fr

Amendment 93
Sophie Montel

Proposal for a regulation
Article 1

Text proposed by the Commission

Amendment

Article 1

deleted

Subject matter

This Regulation lays down the criteria and mechanisms for determining the single 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 ('the Member State responsible').

Or. fr

Amendment 94

Sophie Montel

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

Amendment

This Regulation lays down the criteria and mechanisms for determining the single 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 ('the Member State responsible').

deleted

Or. fr

Amendment 95

Sophie Montel

Proposal for a regulation

Article 2

Text proposed by the Commission

Amendment

[...]

deleted

Or. fr

Amendment 96
Sophie Montel

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission

Amendment

[...]

deleted

Or. fr

Amendment 97
Sophie Montel

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

Text proposed by the Commission

Amendment

(a) ‘third-country national’ means any person who is not a citizen of the Union within the meaning of Article 20(1) TFEU and who is not national of a State which participates in this Regulation by virtue of an agreement with the Union;

deleted

Or. fr

Amendment 98
Sophie Montel

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

Text proposed by the Commission

Amendment

(b) ‘application for international protection’ means an application for international protection as defined in Article 2(h) of Directive 2011/95/EU;

deleted

Or. fr

Amendment 99

Sophie Montel

Proposal for a regulation

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

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

Or. fr

Amendment 100

Sophie Montel

Proposal for a regulation

Article 2 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) *‘examination of an application for international protection’ means any examination of, or decision or ruling concerning, an application for international protection by the competent authorities in accordance with Directive 2013/32/EU and Directive 2011/95/EU, except for procedures for determining the Member State responsible in accordance with this Regulation;* *deleted*

Or. fr

Amendment 101

Sophie Montel

Proposal for a regulation

Article 2 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) *‘withdrawal of an application for international protection’ means the actions by which the applicant terminates* *deleted*

the procedures initiated by the submission of his or her application for international protection, in accordance with Directive 2013/32/EU, either explicitly or tacitly;

Or. fr

Amendment 102
Sophie Montel

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

Text proposed by the Commission

Amendment

(f) ‘beneficiary of international protection’ means a third-country national or a stateless person who has been granted international protection as defined in Article 2(a) of Directive 2011/95/EU; *deleted*

Or. fr

Amendment 103
Sophie Montel

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

Text proposed by the Commission

Amendment

(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: *deleted*
-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,
-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 were born in or out of wedlock or adopted as defined under national law,

-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,

-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,

-the sibling or siblings of the applicant;

Or. fr

Amendment 104

Sophie Montel

Proposal for a regulation

Article 2 – paragraph 1 – point g – indent 1

Text proposed by the Commission

Amendment

- 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, *deleted*

Or. fr

Amendment 105

Sophie Montel

Proposal for a regulation

Article 2 – paragraph 1 – point g – indent 2

Text proposed by the Commission

Amendment

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

Or. fr

Amendment 106
Sophie Montel

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

Text proposed by the Commission

Amendment

- *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,* *deleted*

Or. fr

Amendment 107
Sophie Montel

Proposal for a regulation
Article 2 – paragraph 1 – point g – indent 4

Text proposed by the Commission

Amendment

- *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,* *deleted*

Or. fr

Amendment 108
Sophie Montel

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

Text proposed by the Commission

Amendment

- *the sibling or siblings of the applicant;* *deleted*

Or. fr

Amendment 109
Sophie Montel

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

Text proposed by the Commission

Amendment

(h) *‘relative’ means the applicant’s adult aunt or uncle or grandparent who is present in the territory of a Member State, regardless of whether the applicant was born in or out of wedlock or adopted as defined under national law;* *deleted*

Or. fr

Amendment 110
Sophie Montel

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

Text proposed by the Commission

Amendment

(i) *‘minor’ means a third-country national or a stateless person below the age of 18 years;* *deleted*

Or. fr

Amendment 111
Sophie Montel

Proposal for a regulation

Article 2 – paragraph 1 – point j

Text proposed by the Commission

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;*

deleted

Or. fr

Amendment 112

Sophie Montel

Proposal for a regulation

Article 2 – paragraph 1 – point j a (new)

Text proposed by the Commission

Amendment

(ja) *the minor must undergo a biological test which proves beyond doubt that he or she is a minor;*

Or. fr

Amendment 113

Sophie Montel

Proposal for a regulation

Article 2 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) *‘representative’ means a person or an organisation appointed by the competent bodies in order to assist and represent an unaccompanied minor in procedures provided for in this Regulation with a view to ensuring the best interests of the child and exercising legal capacity for the minor where necessary. Where an*

deleted

organisation is appointed as a representative, it shall designate a person responsible for carrying out its duties in respect of the minor, in accordance with this Regulation;

Or. fr

Amendment 114
Sophie Montel

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

Text proposed by the Commission

Amendment

(l) ‘residence document’ means any authorisation issued by the authorities of a Member State authorising a third-country national or a stateless person to stay on its territory, including the documents substantiating the authorisation to remain on the territory under temporary protection arrangements or until the circumstances preventing a removal order from being carried out no longer apply, with the exception of visas and residence authorisations issued during the period required to determine the Member State responsible as established in this Regulation or during the examination of an application for international protection or an application for a residence permit;

deleted

Or. fr

Amendment 115
Sophie Montel

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

Text proposed by the Commission

Amendment

(m) ‘visa’ means the authorisation or decision of a Member State required for

deleted

transit or entry for an intended stay in that Member State or in several Member States. The nature of the visa shall be determined in accordance with the following definitions:

- ‘long-stay visa’ means an authorisation or decision issued by one of the Member States in accordance with its national law or Union law required for entry for an intended stay in that Member State of more than three months,

- ‘short-stay visa’ means an authorisation or decision of a Member State with a view to transit through or an intended stay on the territory of one or more or all the Member States of a duration of no more than three months in any six-month period beginning on the date of first entry on the territory of the Member States,

- ‘airport transit visa’ means a visa valid for transit through the international transit areas of one or more airports of the Member States;

Or. fr

Amendment 116
Sophie Montel

Proposal for a regulation
Article 2 – paragraph 1 – point m – indent 1

Text proposed by the Commission

Amendment

- ‘long-stay visa’ means an authorisation or decision issued by one of the Member States in accordance with its national law or Union law required for entry for an intended stay in that Member State of more than three months, *deleted*

Or. fr

Amendment 117
Sophie Montel

Proposal for a regulation

Article 2 – paragraph 1 – point m – indent 2

Text proposed by the Commission

Amendment

- *'short-stay visa' means an authorisation or decision of a Member State with a view to transit through or an intended stay on the territory of one or more or all the Member States of a duration of no more than three months in any six-month period beginning on the date of first entry on the territory of the Member States,* *deleted*

Or. fr

Amendment 118

Sophie Montel

Proposal for a regulation

Article 2 – paragraph 1 – point m – indent 3

Text proposed by the Commission

Amendment

- *'airport transit visa' means a visa valid for transit through the international transit areas of one or more airports of the Member States;* *deleted*

Or. fr

Amendment 119

Sophie Montel

Proposal for a regulation

Article 2 – paragraph 1 – point n

Text proposed by the Commission

Amendment

(n) *'risk of absconding' means the existence of reasons in an individual case, which are based on objective criteria defined by law, to believe that an applicant or a third-country national or a stateless person who is subject to a* *deleted*

transfer procedure may abscond;

Or. fr

Amendment 120

Sophie Montel

Proposal for a regulation

Article 2 – paragraph 1 – point o

Text proposed by the Commission

Amendment

(o) *'benefitting Member State' means the Member State benefitting from the corrective allocation mechanism set out in Chapter VII of this Regulation and carrying out the allocation of the applicant;* *deleted*

Or. fr

Amendment 121

Sophie Montel

Proposal for a regulation

Article 2 – paragraph 1 – point p

Text proposed by the Commission

Amendment

(p) *'Member State of allocation' means the Member States to which an applicant will be allocated under the allocation mechanism set out in Chapter VII of this Regulation;* *deleted*

Or. fr

Amendment 122

Sophie Montel

Proposal for a regulation

Article 2 – paragraph 1 – point q

Text proposed by the Commission

Amendment

(q) *‘resettled person’ means a person subject to the process of resettlement whereby, on a request from the United Nations High Commissioner for Refugees (‘UNHCR’) based on a person’s need for international protection, third-country nationals are transferred from a third country and established in a Member State where they are permitted to reside with one of the following statuses:* *deleted*

(i) *‘refugee status’ within the meaning of point (e) of Article 2 of Directive 2011/95/EU;*

(ii) *‘subsidiary protection status’ within the meaning of point (g) of Article 2 of Directive 2011/95/EU; or*

(iii) *any other status which offers similar rights and benefits under national and Union law as those referred to in points (i) and (ii);*

Or. fr

Amendment 123
Sophie Montel

Proposal for a regulation
Article 2 – paragraph 1 – point q – point i

Text proposed by the Commission

Amendment

(i) *‘refugee status’ within the meaning of point (e) of Article 2 of Directive 2011/95/EU;* *deleted*

Or. fr

Amendment 124
Sophie Montel

Proposal for a regulation
Article 2 – paragraph 1 – point q – point ii

Text proposed by the Commission

Amendment

(ii) *'subsidiary protection status'* *deleted*
within the meaning of point (g) of Article
2 of Directive 2011/95/EU; or

Or. fr

Amendment 125
Sophie Montel

Proposal for a regulation
Article 2 – paragraph 1 – point q – point iii

Text proposed by the Commission

Amendment

(iii) *any other status which offers* *deleted*
similar rights and benefits under national
and Union law as those referred to in
points (i) and (ii);

Or. fr

Amendment 126
Sophie Montel

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

Text proposed by the Commission

Amendment

(r) *'European Union Agency for* *deleted*
Asylum' means the Agency as established
by Regulation (EU) [Proposal for a
Regulation on the European Union
Agency for Asylum and repealing
Regulation (EU) No 439/2010].

Or. fr

Amendment 127
Sophie Montel

Proposal for a regulation
Article 3

Text proposed by the Commission

Amendment

[...]

deleted

Or. fr

Amendment 128

Sophie Montel

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

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. 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.* *deleted*

Or. fr

Amendment 129

Sophie Montel

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. *Where no Member State responsible can be designated on the basis of the criteria listed in this Regulation, the first Member State in which the application for international protection was lodged shall be responsible for examining it.* *deleted*

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.

Where the transfer cannot be made pursuant to this paragraph to any Member State designated on the basis of the criteria set out in Chapter III or to the first Member State with which the application was lodged, the determining Member State shall become the Member State responsible.

Or. fr

Amendment 130
Sophie Montel

Proposal for a regulation
Article 3 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Where no Member State responsible can be designated on the basis of the criteria listed in this Regulation, the first Member State in which the application for international protection was lodged shall be responsible for examining it.

deleted

Or. fr

Amendment 131
Sophie Montel

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

Text proposed by the Commission

Amendment

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.

deleted

Or. fr

Amendment 132
Sophie Montel

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

Text proposed by the Commission

Amendment

Where the transfer cannot be made pursuant to this paragraph to any Member State designated on the basis of the criteria set out in Chapter III or to the first Member State with which the application was lodged, the determining Member State shall become the Member State responsible.

deleted

Or. fr

Amendment 133
Sophie Montel

Proposal for a regulation
Article 3 – paragraph 3

Text proposed by the Commission

Amendment

3. Before applying the criteria for

deleted

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:

(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 134
Sophie Montel

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

Text proposed by the Commission

Amendment

(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 *deleted*

State is considered as a first country of asylum or as a safe third country for the applicant; and

Or. fr

Amendment 135

Sophie Montel

Proposal for a regulation

Article 3 – paragraph 3 – point b

Text proposed by the Commission

Amendment

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

(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 136

Sophie Montel

Proposal for a regulation

Article 3 – paragraph 3 – point b – point i

Text proposed by the Commission

Amendment

(i) the applicant has the nationality of a third country, or he or she is a stateless *deleted*

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

Or. fr

Amendment 137
Sophie Montel

Proposal for a regulation
Article 3 – paragraph 3 – point b – point ii

Text proposed by the Commission

Amendment

(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. *deleted*

Or. fr

Amendment 138
Sophie Montel

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. fr

Amendment 139

Sophie Montel

**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. fr

**Amendment 140
Sophie Montel**

**Proposal for a regulation
Article 4**

Text proposed by the Commission

Amendment

Article 4 *deleted*

Obligations of the applicant

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.

2. The applicant shall submit as soon as possible and at the latest during the interview pursuant to Article 7, all the elements and information relevant for determining the Member State responsible and cooperate with the competent

authorities of the Member States.

3. The applicant shall:

(a) comply with a transfer decision notified to him or her in accordance with paragraphs 1 and 2 of Article 27 and point (b) of Article 38;

(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.

Or. fr

Amendment 141
Sophie Montel

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

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.* **deleted**

Or. fr

Amendment 142
Sophie Montel

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. *The applicant shall submit as soon as possible and at the latest during the interview pursuant to Article 7, all the* **deleted**

elements and information relevant for determining the Member State responsible and cooperate with the competent authorities of the Member States.

Or. fr

Amendment 143
Sophie Montel

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. *The applicant shall:* *deleted*
- (a) comply with a transfer decision notified to him or her in accordance with paragraphs 1 and 2 of Article 27 and point (b) of Article 38;*
- (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.*

Or. fr

Amendment 144
Sophie Montel

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

Text proposed by the Commission

Amendment

- (a) comply with a transfer decision notified to him or her in accordance with paragraphs 1 and 2 of Article 27 and point (b) of Article 38;* *deleted*

Or. fr

Amendment 145

Sophie Montel

Proposal for a regulation

Article 4 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(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.

deleted

Or. fr

Amendment 146

Sophie Montel

Proposal for a regulation

Article 5

Text proposed by the Commission

Amendment

Article 5

deleted

Consequences of non-compliance

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.

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.

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.

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).

Or. fr

Amendment 147
Sophie Montel

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

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. *deleted*

Or. fr

Amendment 148
Sophie Montel

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. fr

Amendment 149

Sophie Montel

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. fr

Amendment 150

Sophie Montel

Proposal for a regulation

Article 5 – paragraph 4

Text proposed by the Commission

Amendment

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).* *deleted*

Or. fr

Amendment 151

Sophie Montel

Proposal for a regulation

Article 6

Text proposed by the Commission

Amendment

[...] *deleted*

Amendment 152

Sophie Montel

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

Amendment

[...]

deleted

Or. fr

Amendment 153

Sophie Montel

Proposal for a regulation

Article 6 – paragraph 1 – point a

Text proposed by the Commission

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;

deleted

Or. fr

Amendment 154

Sophie Montel

Proposal for a regulation

Article 6 – paragraph 1 – point b

Text proposed by the Commission

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

deleted

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 ;

Or. fr

Amendment 155
Sophie Montel

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

Text proposed by the Commission

Amendment

(c) of the criteria and the procedures for determining the Member State responsible, the hierarchy of such criteria in the different steps of the procedure and their duration; *deleted*

Or. fr

Amendment 156
Sophie Montel

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

Text proposed by the Commission

Amendment

(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; *deleted*

Or. fr

Amendment 157

Sophie Montel

Proposal for a regulation

Article 6 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) of the possibility to challenge a transfer decision within 7 days after notification and of the fact that this challenge 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 ;

deleted

Or. fr

Amendment 158

Sophie Montel

Proposal for a regulation

Article 6 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) of the possibility to challenge a transfer decision within 7 days after notification and of the fact that this challenge 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 ;

(e) of the possibility to challenge a transfer decision within 2 days after notification and of the fact that this challenge 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 ;

Or. fr

Amendment 159

Sophie Montel

Proposal for a regulation

Article 6 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) *that the competent authorities of Member States and the European Union Agency for Asylum process personal data of the applicant including for the exchange of data on him or her for the sole purpose of implementing their obligations arising under this Regulation;* *deleted*

Or. fr

Amendment 160
Sophie Montel

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

Text proposed by the Commission

Amendment

(g) *of the categories of personal data concerned;* *deleted*

Or. fr

Amendment 161
Sophie Montel

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

Text proposed by the Commission

Amendment

(h) *of the right of access to data relating to him or her and the right to request that such data be corrected if inaccurate or be deleted if unlawfully processed, as well as the procedures for exercising those rights, including the contact details of the authorities referred to in Article 47 and of the national data protection authorities responsible for hearing claims concerning the protection of personal data , and of the contact details of the data protection officer;* *deleted*

Or. fr

Amendment 162

Sophie Montel

Proposal for a regulation

Article 6 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) *where applicable, of the allocation procedure set out in Chapter VII.* *deleted*

Or. fr

Amendment 163

Sophie Montel

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. *The information referred to in paragraph 1 shall be provided in writing in a language that the applicant understands or is reasonably supposed to understand. Member States shall use the common leaflet drawn up pursuant to paragraph 3 for that purpose.* *deleted*

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.

Or. fr

Amendment 164

Sophie Montel

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The information referred to in paragraph 1 shall be provided in writing in a language that the applicant understands or is reasonably supposed to understand. Member States shall use the common leaflet drawn up pursuant to paragraph 3 for that purpose. *deleted*

Or. fr

Amendment 165
Sophie Montel

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

Text proposed by the Commission

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. *deleted*

Or. fr

Amendment 166
Sophie Montel

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. *The Commission shall, by means of implementing acts, draw up a common leaflet, as well as a specific leaflet for unaccompanied minors, containing at least the information referred to in paragraph 1 of this Article. This common leaflet shall also include information regarding the application of Regulation (EU) [Proposal for a Regulation recasting Regulation No 603/2013] and, in particular, the purpose for which the data of an applicant may be processed within* *deleted*

Eurodac. The common leaflet shall be established in such a manner as to enable Member States to complete it with additional Member State-specific information. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56(2) of this Regulation.

Or. fr

Amendment 167
Sophie Montel

Proposal for a regulation
Article 7

Text proposed by the Commission

Amendment

Article 7

deleted

Personal interview

1. In order to facilitate the process of determining the Member State responsible, the determining Member State shall conduct a personal interview with the applicant, unless the applicant has absconded or the information provided by the applicant pursuant to Article 4(2) is sufficient for determining the Member State responsible. The interview shall also allow the proper understanding of the information supplied to the applicant in accordance with Article 6.

2. The personal interview shall take place in a timely manner and, in any event, before any take charge request pursuant to Article 24 is made.

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.

4. The personal interview shall take place under conditions which ensure appropriate confidentiality. It shall be conducted by a qualified person under national law.

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.

Or. fr

Amendment 168
Sophie Montel

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. In order to facilitate the process of determining the Member State responsible, the determining Member State shall conduct a personal interview with the applicant , unless the applicant has absconded or the information provided by the applicant pursuant to Article 4(2) is sufficient for determining the Member State responsible . The interview shall also allow the proper understanding of the information supplied to the applicant in accordance with Article 6.

deleted

Or. fr

Amendment 169
Sophie Montel

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. *The personal interview shall take place in a timely manner and, in any event, before any take charge request pursuant to Article 24 is made .* **deleted**

Or. fr

Amendment 170
Sophie Montel

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

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. 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.* **deleted**

Or. fr

Amendment 171
Sophie Montel

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. *The personal interview shall take place under conditions which ensure appropriate confidentiality. It shall be conducted by a qualified person under national law.* **deleted**

Amendment 172

Sophie Montel

Proposal for a regulation

Article 7 – paragraph 5

Text proposed by the Commission

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 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.* *deleted*

Amendment 173

Sophie Montel

Proposal for a regulation

Article 8

Text proposed by the Commission

Amendment

[...] *deleted*

Amendment 174

Sophie Montel

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. *The best interests of the child shall be a primary consideration for Member* *deleted*

States with respect to all procedures provided for in this Regulation.

Or. fr

Amendment 175
Sophie Montel

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. 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.

deleted

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

Or. fr

Amendment 176
Sophie Montel

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

Text proposed by the Commission

Amendment

Each Member State where an unaccompanied minor is obliged to be present shall ensure that a representative represents and/or assists the

deleted

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. fr

Amendment 177
Sophie Montel

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

Text proposed by the Commission

Amendment

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

Or. fr

Amendment 178
Sophie Montel

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. *In assessing the best interests of the child, Member States shall closely cooperate with each other and shall, in particular, take due account of the following factors:* *deleted*
(a) family reunification possibilities;
(b) the minor's well-being and social development;

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

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

Or. fr

Amendment 179
Sophie Montel

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

Text proposed by the Commission

Amendment

(a) family reunification possibilities; deleted

Or. fr

Amendment 180
Sophie Montel

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

Text proposed by the Commission

Amendment

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

Or. fr

Amendment 181
Sophie Montel

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

Text proposed by the Commission

Amendment

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

trafficking;

Or. fr

Amendment 182

Sophie Montel

Proposal for a regulation

Article 8 – paragraph 3 – point d

Text proposed by the Commission

Amendment

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

Or. fr

Amendment 183

Sophie Montel

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

Amendment

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. *deleted*

Or. fr

Amendment 184
Sophie Montel

Proposal for a regulation
Article 8 – paragraph nouveau5

Text proposed by the Commission

Amendment

new5. 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.

deleted

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.

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.

Or. fr

Amendment 185
Sophie Montel

Proposal for a regulation
Article 8 – paragraph nouveau5 – subparagraph 1

Text proposed by the Commission

Amendment

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

deleted

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

Or. fr

Amendment 186
Sophie Montel

Proposal for a regulation
Article 8 – paragraph nouveau5 – subparagraph 2

Text proposed by the Commission

Amendment

*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.* *deleted*

Or. fr

Amendment 187
Sophie Montel

Proposal for a regulation
Article 8 – paragraph nouveau5 – subparagraph 3

Text proposed by the Commission

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.* *deleted*

Or. fr

Amendment 188
Sophie Montel

Proposal for a regulation
Article 8 – paragraph 6

Text proposed by the Commission

Amendment

6. *With a view to facilitating the appropriate action to identify the family members or relatives of the unaccompanied minor living in the territory of another Member State pursuant to paragraph 5 of this Article, the Commission shall adopt implementing acts including a standard form for the exchange of relevant information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56(2).* **deleted**

Or. fr

Amendment 189
Sophie Montel

Proposal for a regulation
Article 9

Text proposed by the Commission

Amendment

Article 9 **deleted**

Hierarchy of criteria

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.*

2. *The Member State responsible in accordance with the criteria set out in this Chapter shall be determined on the basis of the situation obtaining when the applicant first lodged his or her application for international protection with a Member State.*

Or. fr

Amendment 190
Sophie Montel

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

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. *deleted*

Or. fr

Amendment 191
Sophie Montel

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

Amendment

2. The Member State responsible in accordance with the criteria set out in this Chapter shall be determined on the basis of the situation obtaining when the applicant first lodged his or her application for international protection with a Member State. *deleted*

Or. fr

Amendment 192
Sophie Montel

Proposal for a regulation
Article 10

Text proposed by the Commission

Amendment

[...] *deleted*

Or. fr

Amendment 193
Sophie Montel

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. *Where the applicant is an unaccompanied minor, only the criteria set out in this article shall apply, in the order in which they are set out in paragraphs 2 to 5.* **deleted**

Or. fr

Amendment 194
Sophie Montel

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

Amendment

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.* **deleted**

Or. fr

Amendment 195
Sophie Montel

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

Amendment

3. *Where the applicant has a relative* **deleted**

who is legally present in another Member State and where it is established, based on an individual examination, that the relative can take care of him or her, that Member State shall unite the minor with his or her relative and shall be the Member State responsible, provided that it is in the best interests of the minor.

Or. fr

Amendment 196
Sophie Montel

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

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. *deleted*

Or. fr

Amendment 197
Sophie Montel

Proposal for a regulation
Article 10 – paragraph 5

Text proposed by the Commission

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 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. *deleted*

Or. fr

Amendment 198
Sophie Montel

Proposal for a regulation
Article 10 – paragraph 6

Text proposed by the Commission

Amendment

6. *The Commission is empowered to adopt delegated acts in accordance with Article 57 concerning the identification of family members or relatives of the unaccompanied minor; the criteria for establishing the existence of proven family links; the criteria for assessing the capacity of a relative to take care of the unaccompanied minor, including where family members, siblings or relatives of the unaccompanied minor stay in more than one Member State. In exercising its powers to adopt delegated acts, the Commission shall not exceed the scope of the best interests of the child as provided for under Article 8(3).* *deleted*

Or. fr

Amendment 199
Sophie Montel

Proposal for a regulation
Article 10 – paragraph 7

Text proposed by the Commission

Amendment

7. *The Commission shall, by means of implementing acts, establish uniform conditions for the consultation and the exchange of information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56(2).* *deleted*

Or. fr

Amendment 200
Sophie Montel

Proposal for a regulation
Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Family members who are beneficiaries of international protection

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.

Or. fr

Amendment 201
Sophie Montel

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

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.

deleted

Or. fr

Amendment 202

Sophie Montel

**Proposal for a regulation
Article 12**

Text proposed by the Commission

Amendment

Article 12

deleted

***Family members who are applicants for
international protection***

***If the applicant has a family member in a
Member State whose application for
international protection in that Member
State has not yet been the subject of a first
decision regarding the substance, that
Member State shall be responsible for
examining the application for
international protection, provided that the
persons concerned expressed their desire
in writing.***

Or. fr

**Amendment 203
Sophie Montel**

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

Text proposed by the Commission

Amendment

***If the applicant has a family member in a
Member State whose application for
international protection in that Member
State has not yet been the subject of a first
decision regarding the substance, that
Member State shall be responsible for
examining the application for
international protection, provided that the
persons concerned expressed their desire
in writing.***

deleted

Or. fr

**Amendment 204
Sophie Montel**

Proposal for a regulation
Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Family procedure

Where several family members submit applications for international protection in the same Member State simultaneously, or on dates close enough for the procedures for determining the Member State responsible to be conducted together, and where the application of the criteria set out in this Regulation would lead to their being separated, the Member State responsible shall be determined on the basis of the following provisions:

(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;

(b) failing this, responsibility shall lie with the Member State which the criteria indicate is responsible for examining the application of the oldest of them.

Or. fr

Amendment 205
Sophie Montel

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

Amendment

Where several family members submit applications for international protection in the same Member State simultaneously, or on dates close enough for the procedures for determining the Member State responsible to be conducted

deleted

together, and where the application of the criteria set out in this Regulation would lead to their being separated, the Member State responsible shall be determined on the basis of the following provisions:

(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;

(b) failing this, responsibility shall lie with the Member State which the criteria indicate is responsible for examining the application of the oldest of them.

Or. fr

Amendment 206
Sophie Montel

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

Text proposed by the Commission

Amendment

(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; *deleted*

Or. fr

Amendment 207
Sophie Montel

Proposal for a regulation
Article 13 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) failing this, responsibility shall lie *deleted*

with the Member State which the criteria indicate is responsible for examining the application of the oldest of them.

Or. fr

Amendment 208

Sophie Montel

Proposal for a regulation

Article 14

Text proposed by the Commission

Amendment

Article 14

deleted

Issue of residence documents or visas

1. Where the applicant is in possession of a valid residence document or a residence document which has expired less than two years before lodging the first application , the Member State which issued the document shall be responsible for examining the application for international protection.

2. Where the applicant is in possession of a valid visa or a visa expired 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 Council ²⁵. In such a case, the represented Member State shall be responsible for examining the application for international protection.

3. Where the applicant is in possession of more than one valid residence document or visa issued by different Member States, the responsibility for examining the application for international protection shall be assumed by the Member States in the following order:

(a) the Member State which issued the residence document conferring the right to the longest period of residency or, where the periods of validity are identical, the Member State which issued the residence document having the latest expiry date;

(b) the Member State which issued the visa having the latest expiry date where the various visas are of the same type;

(c) where visas are of different kinds, the Member State which issued the visa having the longest period of validity or, where the periods of validity are identical, the Member State which issued the visa having the latest expiry date.

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.

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. fr

Amendment 209
Sophie Montel

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. Where the applicant is in possession of a valid residence document or a residence document which has *deleted*

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expired less than two years before lodging the first application , the Member State which issued the document shall be responsible for examining the application for international protection.

Or. fr

Amendment 210
Sophie Montel

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

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. fr

Amendment 211
Sophie Montel

Proposal for a regulation
Article 14 – paragraph 3

3. *Where the applicant is in possession of more than one valid residence document or visa issued by different Member States, the responsibility for examining the application for international protection shall be assumed by the Member States in the following order:* *deleted*

(a) the Member State which issued the residence document conferring the right to the longest period of residency or, where the periods of validity are identical, the Member State which issued the residence document having the latest expiry date;

(b) the Member State which issued the visa having the latest expiry date where the various visas are of the same type;

(c) where visas are of different kinds, the Member State which issued the visa having the longest period of validity or, where the periods of validity are identical, the Member State which issued the visa having the latest expiry date.

Or. fr

Amendment 212
Sophie Montel

Proposal for a regulation
Article 14 – paragraph 3 – point a

(a) the Member State which issued the residence document conferring the right to the longest period of residency or, where the periods of validity are identical, the Member State which issued the residence document having the latest expiry date; *deleted*

Or. fr

Amendment 213

Sophie Montel

Proposal for a regulation

Article 14 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) *the Member State which issued the visa having the latest expiry date where the various visas are of the same type;* *deleted*

Or. fr

Amendment 214

Sophie Montel

Proposal for a regulation

Article 14 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) *where visas are of different kinds, the Member State which issued the visa having the longest period of validity or, where the periods of validity are identical, the Member State which issued the visa having the latest expiry date.* *deleted*

Or. fr

Amendment 215

Sophie Montel

Proposal for a regulation

Article 14 – paragraph 4

Text proposed by the Commission

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* *deleted*

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.

Or. fr

Amendment 216
Sophie Montel

Proposal for a regulation
Article 15

Text proposed by the Commission

Amendment

Article 15

deleted

Entry

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.

Or. fr

Amendment 217
Sophie Montel

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

Amendment

Where it is established, on the basis of proof or circumstantial evidence as described in the two lists mentioned in

deleted

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.

Or. fr

Amendment 218
Sophie Montel

Proposal for a regulation
Article 16

Text proposed by the Commission

Amendment

Article 16

deleted

Visa waived entry

If a third-country national or a stateless person enters into the territory of a Member State in which the need for him or her to have a visa is waived, that Member State shall be responsible for examining his or her application for international protection.

Or. fr

Amendment 219
Sophie Montel

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

Amendment

If a third-country national or a stateless person enters into the territory of a Member State in which the need for him or her to have a visa is waived, that Member State shall be responsible for

deleted

examining his or her application for international protection.

Or. fr

Amendment 220
Sophie Montel

Proposal for a regulation
Article 17

Text proposed by the Commission

Amendment

Article 17

deleted

Application in an international transit area of an airport

Where the application for international protection is made in the international transit area of an airport of a Member State by a third-country national or a stateless person, that Member State shall be responsible for examining the application.

Or. fr

Amendment 221
Sophie Montel

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

Amendment

Where the application for international protection is made in the international transit area of an airport of a Member State by a third-country national or a stateless person, that Member State shall be responsible for examining the application.

deleted

Or. fr

Proposal for a regulation
Article 18

Text proposed by the Commission

Amendment

Article 18

deleted

Dependent persons

1. Where, on account of pregnancy, a new-born child, serious illness, severe disability or old age, an applicant is dependent on the assistance of his or her child, sibling or parent legally resident in one of the Member States, or his or her child, sibling or parent legally resident in one of the Member States is dependent on the assistance of the applicant, Member States shall normally keep or bring together the applicant with that child, sibling or parent, provided that family ties existed in the country of origin, that the child, sibling or parent or the applicant is able to take care of the dependent person and that the persons concerned expressed their desire in writing.

2. Where the child, sibling or parent referred to in paragraph 1 is legally resident in a Member State other than the one where the applicant is present, the Member State responsible shall be the one where the child, sibling or parent is legally resident unless the applicant's health prevents him or her from travelling to that Member State for a significant period of time. In such a case, the Member State responsible shall be the one where the applicant is present. Such Member State shall not be subject to the obligation to bring the child, sibling or parent of the applicant to its territory.

3. The Commission is empowered to adopt delegated acts in accordance with Article 57 concerning the elements to be taken into account in order to assess the dependency link, the criteria for establishing the existence of proven family links, the criteria for assessing the

capacity of the person concerned to take care of the dependent person and the elements to be taken into account in order to assess the inability to travel for a significant period of time.

4. The Commission shall, by means of implementing acts, establish uniform conditions for the consultation and exchange of information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56(2).

Or. fr

Amendment 223
Sophie Montel

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

Amendment

1. Where, on account of pregnancy, a new-born child, serious illness, severe disability or old age, an applicant is dependent on the assistance of his or her child, sibling or parent legally resident in one of the Member States, or his or her child, sibling or parent legally resident in one of the Member States is dependent on the assistance of the applicant, Member States shall normally keep or bring together the applicant with that child, sibling or parent, provided that family ties existed in the country of origin, that the child, sibling or parent or the applicant is able to take care of the dependent person and that the persons concerned expressed their desire in writing. *deleted*

Or. fr

Amendment 224
Sophie Montel

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

Amendment

2. *Where the child, sibling or parent referred to in paragraph 1 is legally resident in a Member State other than the one where the applicant is present, the Member State responsible shall be the one where the child, sibling or parent is legally resident unless the applicant's health prevents him or her from travelling to that Member State for a significant period of time. In such a case, the Member State responsible shall be the one where the applicant is present. Such Member State shall not be subject to the obligation to bring the child, sibling or parent of the applicant to its territory.* *deleted*

Or. fr

Amendment 225
Sophie Montel

Proposal for a regulation
Article 18 – paragraph 3

Text proposed by the Commission

Amendment

3. *The Commission is empowered to adopt delegated acts in accordance with Article 57 concerning the elements to be taken into account in order to assess the dependency link, the criteria for establishing the existence of proven family links, the criteria for assessing the capacity of the person concerned to take care of the dependent person and the elements to be taken into account in order to assess the inability to travel for a significant period of time.* *deleted*

Or. fr

Amendment 226
Sophie Montel

Proposal for a regulation
Article 18 – paragraph 4

Text proposed by the Commission

Amendment

4. *The Commission shall, by means of implementing acts, establish uniform conditions for the consultation and exchange of information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56(2).* **deleted**

Or. fr

Amendment 227
Sophie Montel

Proposal for a regulation
Article 19

Text proposed by the Commission

Amendment

Article 19 **deleted**

Discretionary clauses

1.

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.

The Member State which decides to examine an application for international protection pursuant to this paragraph shall become the Member State responsible and shall assume the obligations associated with that

responsibility. Where applicable, it shall inform the Member State previously responsible, the Member State conducting a procedure for determining the Member State responsible or the Member State which has been requested to take charge of the applicant.

The Member State which becomes responsible pursuant to this paragraph shall forthwith indicate it in Eurodac in accordance with Regulation [Proposal for a Regulation recasting Regulation (EU) No 603/2013] by adding the date when the decision to examine the application was taken.

2.

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.

The request to take charge shall contain all the material in the possession of the requesting Member State to allow the requested Member State to assess the situation.

The requested Member State shall carry out any necessary checks to examine the humanitarian grounds cited, and shall reply to the requesting Member State within one month of receipt. A reply refusing the request shall state the reasons on which the refusal is based.

Where the requested Member State accepts the request, responsibility for examining the application shall be transferred to it.

Amendment 228
Sophie Montel

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

Amendment

1. 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. *deleted*

The Member State which decides to examine an application for international protection pursuant to this paragraph shall become the Member State responsible and shall assume the obligations associated with that responsibility. Where applicable, it shall inform the Member State previously responsible, the Member State conducting a procedure for determining the Member State responsible or the Member State which has been requested to take charge of the applicant.

The Member State which becomes responsible pursuant to this paragraph shall forthwith indicate it in Eurodac in accordance with Regulation [Proposal for a Regulation recasting Regulation (EU) No 603/2013] by adding the date when the decision to examine the application was taken.

Or. fr

Amendment 229
Sophie Montel

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Proposal for a regulation

Article 19 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

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.

deleted

Or. fr

Amendment 230

Sophie Montel

Proposal for a regulation

Article 19 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The Member State which decides to examine an application for international protection pursuant to this paragraph shall become the Member State responsible and shall assume the obligations associated with that responsibility. Where applicable, it shall inform the Member State previously responsible, the Member State conducting a procedure for determining the Member State responsible or the Member State which has been requested to take charge of the applicant.

deleted

Or. fr

Amendment 231

Sophie Montel

Proposal for a regulation
Article 19 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

The Member State which becomes responsible pursuant to this paragraph shall forthwith indicate it in Eurodac in accordance with Regulation [Proposal for a Regulation recasting Regulation (EU) No 603/2013] by adding the date when the decision to examine the application was taken. **deleted**

Or. fr

Amendment 232
Sophie Montel

Proposal for a regulation
Article 19 – paragraph 2

Text proposed by the Commission

Amendment

2. *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.* **deleted**

The request to take charge shall contain all the material in the possession of the requesting Member State to allow the requested Member State to assess the situation.

The requested Member State shall carry out any necessary checks to examine the humanitarian grounds cited, and shall reply to the requesting Member State within one month of receipt . A reply

refusing the request shall state the reasons on which the refusal is based.

Where the requested Member State accepts the request, responsibility for examining the application shall be transferred to it.

Or. fr

Amendment 233

Sophie Montel

Proposal for a regulation

Article 19 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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 , 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.

deleted

Or. fr

Amendment 234

Sophie Montel

Proposal for a regulation

Article 19 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The request to take charge shall contain all the material in the possession of the requesting Member State to allow the requested Member State to assess the

deleted

situation.

Or. fr

Amendment 235

Sophie Montel

Proposal for a regulation

Article 19 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

The requested Member State shall carry out any necessary checks to examine the humanitarian grounds cited, and shall reply to the requesting Member State within one month of receipt . A reply refusing the request shall state the reasons on which the refusal is based. *deleted*

Or. fr

Amendment 236

Sophie Montel

Proposal for a regulation

Article 19 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Amendment

Where the requested Member State accepts the request, responsibility for examining the application shall be transferred to it. *deleted*

Or. fr

Amendment 237

Sophie Montel

Proposal for a regulation

Article 20

Text proposed by the Commission

Amendment

[...]

deleted

Or. fr

Amendment 238

Sophie Montel

Proposal for a regulation

Article 20 – paragraph 1

Text proposed by the Commission

Amendment

1. The Member State responsible under this Regulation shall be obliged to:

deleted

(a) take charge, under the conditions laid down in Articles 24, 25 and 30, of an applicant who has lodged an application in a different Member State;

(b) take back, under the conditions laid down in Articles 26 and 30, an applicant whose application is under examination and who made an application in another Member State or who is on the territory of another Member State without a residence document;

(c) take back, under the conditions laid down in Articles 26 and 30, a third-country national or a stateless person who has withdrawn the application under examination and made an application in another Member State or who is on the territory of another Member State without a residence document;

(d) take back, under the conditions laid down in Articles 26 and 30, a third-country national or a stateless person whose application has been rejected and who made an application in another Member State or who is on the territory of another Member State without a residence document;

(e) take back, under the conditions laid down in Articles 26 and 30 a beneficiary of international protection, who made an application in another Member State than the Member State responsible which granted that protection status or who is on

the territory of another Member State than the Member State responsible which granted that protection without a residence document.

Or. fr

Amendment 239
Sophie Montel

Proposal for a regulation
Article 20 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) take charge, under the conditions laid down in Articles 24, 25 and 30, of an applicant who has lodged an application in a different Member State; *deleted*

Or. fr

Amendment 240
Sophie Montel

Proposal for a regulation
Article 20 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) take back, under the conditions laid down in Articles 26 and 30, an applicant whose application is under examination and who made an application in another Member State or who is on the territory of another Member State without a residence document; *deleted*

Or. fr

Amendment 241
Sophie Montel

Proposal for a regulation
Article 20 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) *take back, under the conditions
laid down in Articles 26 and 30, a third-
country national or a stateless person who
has withdrawn the application under
examination and made an application in
another Member State or who is on the
territory of another Member State without
a residence document;* *deleted*

Or. fr

Amendment 242
Sophie Montel

Proposal for a regulation
Article 20 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) *take back, under the conditions
laid down in Articles 26 and 30, a third-
country national or a stateless person
whose application has been rejected and
who made an application in another
Member State or who is on the territory of
another Member State without a residence
document;* *deleted*

Or. fr

Amendment 243
Sophie Montel

Proposal for a regulation
Article 20 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) *take back, under the conditions
laid down in Articles 26 and 30 a
beneficiary of international protection,
who made an application in another
Member State than the Member State
responsible which granted that protection* *deleted*

status or who is on the territory of another Member State than the Member State responsible which granted that protection without a residence document.

Or. fr

Amendment 244
Sophie Montel

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

Amendment

2. *In a situation referred to in point (a) of paragraph 1, the Member State responsible shall examine or complete the examination of the application for international protection.* *deleted*

Or. fr

Amendment 245
Sophie Montel

Proposal for a regulation
Article 20 – paragraph 3

Text proposed by the Commission

Amendment

3. *In a situation referred to in point (b) of paragraph 1, the Member State responsible shall examine or complete the examination of the application for international protection in an accelerated procedure in accordance with Article 31 paragraph 8 of Directive 2013/32/EU.* *deleted*

Or. fr

Amendment 246
Sophie Montel

Proposal for a regulation

Article 20 – paragraph 4

Text proposed by the Commission

Amendment

4. *In a situation referred to in point (c) of paragraph 1, the Member State responsible shall treat any further representations or a new application by the applicant as subsequent application in accordance with Directive 2013/32/EU.* **deleted**

Or. fr

Amendment 247

Sophie Montel

Proposal for a regulation

Article 20 – paragraph 5

Text proposed by the Commission

Amendment

5. *In a situation referred to in point (d) of paragraph 1, the decision taken by the responsible authority of the Member State responsible to reject the application shall no longer be subject to a remedy within the framework of Chapter V of Directive 2013/32/EU.* **deleted**

Or. fr

Amendment 248

Sophie Montel

Proposal for a regulation

Article 20 – paragraph 6

Text proposed by the Commission

Amendment

6. *Where a Member State issues a residence document to the applicant, the obligations referred to in paragraph 1 shall be transferred to that Member State.* **deleted**

Or. fr

Amendment 249
Sophie Montel

Proposal for a regulation
Article 20 – paragraph 7

Text proposed by the Commission

Amendment

7. The Member State responsible shall indicate in the electronic file referred to in Article 22(2) the fact that it is the Member State responsible. *deleted*

**THIS PARAGRAPH IS MISSING.
THANK YOU FOR USING ANOTHER
LANGUAGE.**

Or. fr

Amendment 250
Sophie Montel

Proposal for a regulation
Article 20 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Amendment

The Member State responsible shall indicate in the electronic file referred to in Article 22(2) the fact that it is the Member State responsible. *deleted*

Or. fr

Amendment 251
Sophie Montel

Proposal for a regulation
Article 20 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

**THIS PARAGRAPH IS MISSING.
THANK YOU FOR USING ANOTHER
LANGUAGE.** *deleted*

Or. fr

Amendment 252

Sophie Montel

Proposal for a regulation

Chapter 6 – section 1

Text proposed by the Commission

Amendment

[...]

deleted

Or. fr

Amendment 253

Sophie Montel

Proposal for a regulation

Article 21

Text proposed by the Commission

Amendment

[...]

deleted

Or. fr

Amendment 254

Sophie Montel

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

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 , provided that the Member State of first application is not already the Member State responsible pursuant to Article 3(4) or (5) .*

deleted

Or. fr

Amendment 255
Sophie Montel

Proposal for a regulation
Article 21 – paragraph 2

Text proposed by the Commission

Amendment

2. *An application for international protection shall be deemed to have been lodged once a form submitted by the applicant or a report prepared by the authorities has reached the competent authorities of the Member State concerned. Where an application is not made in writing, the time elapsing between the statement of intention and the preparation of a report should be as short as possible.* **deleted**

Or. fr

Amendment 256
Sophie Montel

Proposal for a regulation
Article 21 – paragraph 3

Text proposed by the Commission

Amendment

3. *For the purposes of this Regulation, the situation of a minor who is accompanying the applicant and meets the definition of family member shall be indissociable from that of his or her family member and shall be a matter for the Member State responsible for examining the application for international protection of that family member, even if the minor is not individually an applicant, provided that it is in the minor's best interests. The same treatment shall be applied to children born after the applicant arrives on the territory of the Member States, without the need to initiate a new procedure for taking charge of them.* **deleted**

Or. fr

Amendment 257
Sophie Montel

Proposal for a regulation
Article 21 – paragraph 4

Text proposed by the Commission

Amendment

4. *Where an application for international protection is lodged with the competent authorities of a Member State by an applicant who is on the territory of another Member State, the determination of the Member State responsible shall be made by the Member State in whose territory the applicant is present. The latter Member State shall be informed without delay by the Member State which received the application and shall then, for the purposes of this Regulation, be regarded as the Member State with which the application for international protection was lodged.* **deleted**

The applicant shall be informed in writing of this change in the determining Member State and of the date on which it took place.

Or. fr

Amendment 258
Sophie Montel

Proposal for a regulation
Article 21 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

Where an application for international protection is lodged with the competent authorities of a Member State by an applicant who is on the territory of another Member State, the determination of the Member State responsible shall be made by the Member State in whose territory the applicant is present. The latter Member State shall be informed **deleted**

without delay by the Member State which received the application and shall then, for the purposes of this Regulation, be regarded as the Member State with which the application for international protection was lodged.

Or. fr

Amendment 259
Sophie Montel

Proposal for a regulation
Article 21 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

The applicant shall be informed in writing of this change in the determining Member State and of the date on which it took place. *deleted*

Or. fr

Amendment 260
Sophie Montel

Proposal for a regulation
Article 21 – paragraph 5

Text proposed by the Commission

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. *deleted*

Or. fr

Amendment 261
Sophie Montel

Proposal for a regulation
Chapter 6 – section 2

Text proposed by the Commission

Amendment

[...]

deleted

Or. fr

Amendment 262
Sophie Montel

Proposal for a regulation
Article 22

Text proposed by the Commission

Amendment

Article 22

deleted

Registration

1. The Member State with which an application for international protection is lodged shall enter in the automated system referred to in Article 44(1) within the period referred to in Article 10 (1) of Regulation [Proposal for a Regulation recasting Regulation (EU) 603/2013] that:

(a) such application is lodged;

(b) where applicable, links to the applications of family members or relatives travelling together;

(c) the reference number referred to in Article 12 (i) of Regulation [Proposal for a Regulation recasting Regulation (EU) No 603/2013].

2. Upon entry of the information pursuant to paragraph 1, the automated system referred to in Article 44 shall register each application under a unique application number, create an electronic file for each application and communicate the unique application number to the

Member State of application.

3. Member States shall provide the European Union Agency for Asylum with information on the number of third country nationals effectively resettled on a weekly basis. The Agency shall validate this information and enter the data in the automated system.

4. Where a hit in Eurodac indicates that the applicant has previously lodged an application for international protection before having left or having been removed from the territories of the Member States, the Member State with which the new application is lodged shall also indicate which Member State has been the Member State responsible for examining the previous application.

5. The Member State with which the application is lodged shall search the VIS pursuant to Article 21 of Regulation (EC) 767/2008. Where a hit in the VIS indicates that the applicant is in possession of a valid visa or a visa expired less than six months before lodging the first application, the Member State shall indicate the visa application number and the Member State, the authority of which issued or extended the visa and whether the visa has been issued on behalf of another Member State.

Or. fr

Amendment 263
Sophie Montel

Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission

Amendment

1. The Member State with which an application for international protection is lodged shall enter in the automated system referred to in Article 44(1) within the period referred to in Article 10 (1) of **deleted**

***Regulation [Proposal for a Regulation
recasting Regulation (EU) 603/2013] that:***

(a) such application is lodged;

***(b) where applicable, links to the
applications of family members or
relatives travelling together;***

***(c) the reference number referred to in
Article 12 (i) of Regulation [Proposal for
a Regulation recasting Regulation (EU)
No 603/2013].***

Or. fr

**Amendment 264
Sophie Montel**

**Proposal for a regulation
Article 22 – paragraph 1 – point a**

Text proposed by the Commission

Amendment

(a) such application is lodged; ***deleted***

Or. fr

**Amendment 265
Sophie Montel**

**Proposal for a regulation
Article 22 – paragraph 1 – point b**

Text proposed by the Commission

Amendment

***(b) where applicable, links to the
applications of family members or
relatives travelling together;*** ***deleted***

Or. fr

**Amendment 266
Sophie Montel**

**Proposal for a regulation
Article 22 – paragraph 1 – point c**

Text proposed by the Commission

Amendment

(c) *the reference number referred to in Article 12 (i) of Regulation [Proposal for a Regulation recasting Regulation (EU) No 603/2013].* *deleted*

Or. fr

Amendment 267
Sophie Montel

Proposal for a regulation
Article 22 – paragraph 2

Text proposed by the Commission

Amendment

2. *Upon entry of the information pursuant to paragraph 1, the automated system referred to in Article 44 shall register each application under a unique application number, create an electronic file for each application and communicate the unique application number to the Member State of application.* *deleted*

Or. fr

Amendment 268
Sophie Montel

Proposal for a regulation
Article 22 – paragraph 3

Text proposed by the Commission

Amendment

3. *Member States shall provide the European Union Agency for Asylum with information on the number of third country nationals effectively resettled on a weekly basis. The Agency shall validate this information and enter the data in the automated system.* *deleted*

Or. fr

Amendment 269
Sophie Montel

Proposal for a regulation
Article 22 – paragraph 4

Text proposed by the Commission

Amendment

4. *Where a hit in Eurodac indicates that the applicant has previously lodged an application for international protection before having left or having been removed from the territories of the Member States, the Member State with which the new application is lodged shall also indicate which Member State has been the Member State responsible for examining the previous application.* **deleted**

Or. fr

Amendment 270
Sophie Montel

Proposal for a regulation
Article 22 – paragraph 5

Text proposed by the Commission

Amendment

5. *The Member State with which the application is lodged shall search the VIS pursuant to Article 21 of Regulation (EC) 767/2008. Where a hit in the VIS indicates that the applicant is in possession of a valid visa or a visa expired less than six months before lodging the first application, the Member State shall indicate the visa application number and the Member State, the authority of which issued or extended the visa and whether the visa has been issued on behalf of another Member State.* **deleted**

Or. fr

Proposal for a regulation
Article 23

Text proposed by the Commission

Amendment

Article 23

deleted

Information in the automated system

1. The automated system referred to in Article 44(1) shall indicate in real time:

(a) the total number of applications lodged in the Union;

(b) the actual number of applications lodged in each Member State;

(c) the number of third country nationals resettled by each Member State;

(d) the actual number of applications to be examined by each Member State as Member State responsible;

(e) the share of each Member State pursuant to the reference key referred to in Article 35.

2. In the electronic file referred to in Article 22(2) only the following information shall be recorded:

(a) the unique application number referred to in Article 22(2);

(b) link to applications referred to in point b of Article 22 (1) and 22(4);

(c) the reference number referred to in point d of Article 12(i) of Regulation [Proposal for a Regulation recasting Regulation (EU) No 603/2013];

(d) the existence of an alert following the security verification pursuant to Article 40;

(e) the Member State responsible;

(f) in case of the indication of a previous application for international protection by the same applicant pursuant to Article 22(4), the Member State who was responsible for that previous application;

(g)in case of the indication of a visa issued to the applicant pursuant to Article 22(5), the Member State which issued or extended the visa or on behalf of which the visa has been issued and the visa application number;

(h)where the allocation mechanism under Chapter VII applies, the information referred to in Article 36(4) and point (h) of Article 39.

3.Upon communication by the Member State responsible pursuant to Article 20(7) and Article 22(3) the automated system referred to in Article 44(1) shall count that application and that third country national effectively resettled for the share of that Member State.

4.The electronic files shall be automatically erased after expiry of the period set out in Article 17(1) of Regulation [Proposal for Regulation recasting Regulation (EU) No 603/2013].

Or. fr

Amendment 272
Sophie Montel

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

Amendment

1. The automated system referred to in Article 44(1) shall indicate in real time: *deleted*

(a)the total number of applications lodged in the Union;

(b)the actual number of applications lodged in each Member State;

(c)the number of third country nationals resettled by each Member State;

(d)the actual number of applications to be examined by each Member State as Member State responsible;

(e)the share of each Member State

pursuant to the reference key referred to in Article 35.

Or. fr

Amendment 273
Sophie Montel

Proposal for a regulation
Article 23 – paragraph 1 – point a

Text proposed by the Commission

Amendment

*(a) the total number of applications
lodged in the Union;* *deleted*

Or. fr

Amendment 274
Sophie Montel

Proposal for a regulation
Article 23 – paragraph 1 – point b

Text proposed by the Commission

Amendment

*(b) the actual number of applications
lodged in each Member State;* *deleted*

Or. fr

Amendment 275
Sophie Montel

Proposal for a regulation
Article 23 – paragraph 1 – point c

Text proposed by the Commission

Amendment

*(c) the number of third country
nationals resettled by each Member State;* *deleted*

Or. fr

Amendment 276
Sophie Montel

Proposal for a regulation
Article 23 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) the actual number of applications to be examined by each Member State as Member State responsible; *deleted*

Or. fr

Amendment 277
Sophie Montel

Proposal for a regulation
Article 23 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) the share of each Member State pursuant to the reference key referred to in Article 35. *deleted*

Or. fr

Amendment 278
Sophie Montel

Proposal for a regulation
Article 23 – paragraph 2

Text proposed by the Commission

Amendment

2. In the electronic file referred to in Article 22(2) only the following information shall be recorded: *deleted*

(a) the unique application number referred to in Article 22(2):

(b) link to applications referred to in point b of Article 22 (1) and 22(4);

(c) the reference number referred to in point d of Article 12(i) of Regulation [Proposal for a Regulation recasting

Regulation (EU) No 603/2013];

(d)the existence of an alert following the security verification pursuant to Article 40;

(e)the Member State responsible;

(f)in case of the indication of a previous application for international protection by the same applicant pursuant to Article 22(4), the Member State who was responsible for that previous application;

(g)in case of the indication of a visa issued to the applicant pursuant to Article 22(5), the Member State which issued or extended the visa or on behalf of which the visa has been issued and the visa application number;

(h)where the allocation mechanism under Chapter VII applies, the information referred to in Article 36(4) and point (h) of Article 39.

Or. fr

Amendment 279

Sophie Montel

Proposal for a regulation

Article 23 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the unique application number referred to in Article 22(2): *deleted*

Or. fr

Amendment 280

Sophie Montel

Proposal for a regulation

Article 23 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) link to applications referred to in point b of Article 22 (1) and 22(4); *deleted*

Or. fr

Amendment 281
Sophie Montel

Proposal for a regulation
Article 23 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the reference number referred to in point d of Article 12(i) of Regulation [Proposal for a Regulation recasting Regulation (EU) No 603/2013]; *deleted*

Or. fr

Amendment 282
Sophie Montel

Proposal for a regulation
Article 23 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) the existence of an alert following the security verification pursuant to Article 40; *deleted*

Or. fr

Amendment 283
Sophie Montel

Proposal for a regulation
Article 23 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) the Member State responsible; *deleted*

Or. fr

Amendment 284

Sophie Montel

Proposal for a regulation

Article 23 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) *in case of the indication of a previous application for international protection by the same applicant pursuant to Article 22(4), the Member State who was responsible for that previous application;* *deleted*

Or. fr

Amendment 285

Sophie Montel

Proposal for a regulation

Article 23 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) *in case of the indication of a visa issued to the applicant pursuant to Article 22(5), the Member State which issued or extended the visa or on behalf of which the visa has been issued and the visa application number;* *deleted*

Or. fr

Amendment 286

Sophie Montel

Proposal for a regulation

Article 23 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) *where the allocation mechanism under Chapter VII applies, the information referred to in Article 36(4)* *deleted*

and point (h) of Article 39.

Or. fr

Amendment 287

Sophie Montel

Proposal for a regulation

Article 23 – paragraph 3

Text proposed by the Commission

Amendment

3. *Upon communication by the Member State responsible pursuant to Article 20(7) and Article 22(3) the automated system referred to in Article 44(1) shall count that application and that third country national effectively resettled for the share of that Member State.* **deleted**

Or. fr

Amendment 288

Sophie Montel

Proposal for a regulation

Article 23 – paragraph 4

Text proposed by the Commission

Amendment

4. *The electronic files shall be automatically erased after expiry of the period set out in Article 17(1) of Regulation [Proposal for Regulation recasting Regulation (EU) No 603/2013].* **deleted**

Or. fr