AMENDMENTS
96 - 416

Draft report
Tanja Fajon
(PE599.799v02-00)

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 and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents

Proposal for a regulation
Proposal for a regulation

Proposal for rejection


Or. en
status of third-country nationals who are long-term residents.

Amendment 98
Beatrix von Storch

Proposal for a regulation

Proposal for rejection


Amendment 99
Beatrix von Storch

Draft legislative resolution
Citation 4

Draft legislative resolution
Amendment

— having regard to the opinion of the European Economic and Social Committee of 14 December 2016, deleted

1 Not yet published in the Official
Journal.

Justification

The European Economic and Social Committee is an "advisory" bodies for which little evidence exists to suggest that it alters policy and its remit overlaps that of others. Therefore it should be abolished. In order to facilitate this the EU Parliament should ignore its opinion thereby rendering it partially de facto abolished.

Amendment 100
Beatrix von Storch

Draft legislative resolution
Citation 5

Draft legislative resolution
Amendment

— having regard to the opinion of the Committee of the Regions of 8 February 2017*

*Not yet published in the Official Journal.

Justification

Given the increased role of the EU-Parliament in the legislative procedure, the intended role of the Committee of Regions in shaping EU legislation is no longer valid and therefore it should be abolished. In order to facilitate this the EU-Parliament should ignore its opinion thereby rendering it partially de facto abolished.

Amendment 101
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Title 1

Text proposed by the Commission
Amendment
Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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 and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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 and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

Amendment 102
Beatrix von Storch

Proposal for a regulation
Recital 1

Text proposed by the Commission

Amendment

(1) A number of substantive changes are to be made to Council Directive 2011/95/EU 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\(^{31}\) (recast). To ensure harmonisation and more convergence in asylum decisions and as regards the content of international protection in order to reduce incentives to move within the European Union and ensure an equality of treatment of beneficiaries of international protection that Directive should be repealed and replaced by a Regulation.


Justification

The Council Directive 2011/95/EU 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 exacerbates rather than rectifies the current difficulties with 1951 Geneva convention. In order to address issues concerning qualification, it is the 1951 Geneva convention that should be modified and the Council Directive 2011/95/EU of 13 December 2011 repealed.

Amendment 103
Barbara Spinelli, Malin Björk

Proposal for a regulation
Recital 1

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<th>Text proposed by the Commission</th>
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convergence in asylum decisions and as regards the content of international protection in order to reduce incentives to move within the European Union and ensure an equality of treatment of beneficiaries of international protection that Directive should be repealed and replaced by a Regulation.

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Amendment 104
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) A number of substantive changes are to be made to Council Directive 2011/95/EU 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 (recast). To ensure harmonisation and more convergence in asylum decisions and as regards the content of international protection in order to reduce incentives to move within the European Union and ensure an equality of treatment of beneficiaries of international protection that Directive should be repealed and replaced by a Regulation.

Amendment

(1) A number of substantive changes are to be made to Council Directive 2011/95/EU 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 (recast). To ensure harmonisation and more convergence in asylum decisions in order to achieve high common standards across the Member States and as regards the content of international protection in order to ensure an equality of high standards of treatment of beneficiaries of international protection that Directive should be recast.

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Amendment 105
Lorenzo Fontana

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) A number of substantive changes are to be made to Council Directive 2011/95/EU 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 (recast). To ensure harmonisation and more convergence in asylum decisions and as regards the content of international protection in order to reduce incentives to move within the European Union and ensure an equality of treatment of beneficiaries of international protection that Directive should be repealed and replaced by a Regulation.


Amendment

(1) A substantive change needs to be made to Council Directive 2011/95/EU 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 (recast). To ensure harmonisation and more convergence in asylum decisions and as regards the content of international protection in order to reduce incentives to move within the European Union and ensure an equality of treatment of beneficiaries of international protection that Directive should be repealed and replaced by a Regulation.


Or. it

Amendment 106
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Pál Csáky, Monica Macovei

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) A number of substantive changes are to be made to Council Directive 2011/95/EU 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\textsuperscript{31} (recast). To ensure \textit{harmonisation and} more convergence in asylum decisions and as regards the content of international protection in order to reduce incentives to move within the European Union and ensure an equality of treatment of beneficiaries of international protection that Directive should be repealed and replaced by a Regulation.

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Or. en
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Amendment 107
Beatrix von Storch

Proposal for a regulation
Recital 2

\textit{Text proposed by the Commission}

(2) \textit{A common policy on asylum, including a Common European Asylum System (CEAS) which is based on the full and inclusive application of the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967 (Geneva Convention), is a constituent part of the European Union’s objective of establishing progressively an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the Union. Such a policy should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States.}

\textit{Amendment}

\textit{deleted}
Justification

The Geneva Convention Relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967 (Geneva Convention) has not been sufficiently updated and reformed for the modern context and therefore should be amended before it is considered as a foundation for legislation in this area.

Amendment 108
Lorenzo Fontana

Proposal for a regulation
Recital 2

Text proposed by the Commission

Amendment

(2) A common policy on asylum, including a Common European Asylum System (CEAS) which is based on the full and inclusive application of the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967 (Geneva Convention), is a constituent part of the European Union’s objective of establishing progressively an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the Union. Such a policy should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States.

(2) Asylum policies should be governed by the principle of solidarity and fair sharing of responsibility, including their financial implications, between the Member States, but the EU’s experience in this sector up to now has been a failure. Relocations, the disappearance of tens of thousands of children, the increasing number of deaths in the Mediterranean and growing social tension are the result of the inadequacy of EU policies.

Amendment 109
Jussi Halla-aho

Proposal for a regulation
Recital 2

Text proposed by the Commission

Amendment

Or. it
A common policy on asylum, including a Common European Asylum System (CEAS) which is based on the full and inclusive application of the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967 (Geneva Convention), is a constituent part of the European Union’s objective of establishing progressively an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the Union. Such a policy should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States.

Amendment 110
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Pál Csáky, Monica Macovei

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) A common policy on asylum, including a Common European Asylum System (CEAS) which is based on the full and inclusive application of the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967 (Geneva Convention), is a constituent part of the European Union’s objective of establishing progressively an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the Union. Such a policy should be governed by the principle of solidarity and fair sharing of responsibility,

Amendment

(2) A common policy on asylum, including a Common European Asylum System (CEAS) which is based on the full and inclusive application of the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967 (Geneva Convention), is a constituent part of the European Union’s objective of establishing progressively an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the Union. Such a policy should be governed by the principle of affordability, taking into account the absorption capacities of the receiving societies as well as maximal self-reliance of the beneficiaries of international protection.

Or. en
including its financial implications, between the Member States.

Amendment 111
Beatrix von Storch
Proposal for a regulation
Recital 3

Text proposed by the Commission

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

Justification

Given the diverse interests, values, wealth and capacity to absorb migrants among the member states it is impractical to think that reception conditions can be equal let alone harmonized.

Amendment 112
Lorenzo Fontana

Proposal for a regulation
Recital 3

Text proposed by the Commission

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

Amendment

(3) The CEAS should be based on common standards for asylum procedures, recognition and protection offered at Union level, reception conditions and a system for determining the Member State responsible for asylum seekers. Notwithstanding its failures to date, the EU is persisting with policies that constantly penalise the countries of first arrival.

Or. it

Amendment 113
Barbara Spinelli

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) The CEAS is based on common standards for asylum procedures, recognition and protection offered at Union level, reception conditions and a system for determining the Member State responsible for asylum seekers. Notwithstanding progress achieved so far in the progressive development of the CEAS, there are still

Amendment

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

Amendment 114
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 3

Text proposed by the Commission

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

Amendment

(3) The CEAS is based on common standards for asylum procedures, recognition and protection offered at Union level, reception conditions and a system for determining the Member State responsible for asylum seekers. Notwithstanding progress achieved so far in the progressive development of the CEAS, there are still significant disparities between the Member States in the types of procedures used, the recognition rates, the type of protection granted, the level of material reception conditions and benefits given to applicants for and beneficiaries of international protection. These divergences undermine the objective of ensuring that all applicants are equally treated wherever they apply in the Union.
Amendment 115
Barbara Spinelli, Jean Lambert

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

(3 a) At present, Member States only recognise asylum decisions issued by other Member States where those decisions refuse to grant international protection. In order to ensure the proper implementation of Article 78(2) of the Treaty on the Functioning of the European Union (TFEU), which calls for a uniform status of asylum valid throughout the Union, Member States shall move towards a mutual recognition of asylum decisions issued by other Member States which grant international protection to persons in need.

Or. en

Justification

The shadow rapporteur agrees with the rapporteur that full mutual recognition of international protection decisions taken by Member States will be necessary in order to establishment a truly uniform status of international protection in the Union.

Amendment 116
Beatrix von Storch

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) In its Communication of 6 April 2016,32 the Commission set out its options for improving the CEAS, namely to establish a sustainable and fair system for determining the Member State responsible for asylum seekers, to reinforce the Eurodac system, to achieve greater convergence in the EU asylum system, to
prevent secondary movements within the European Union and a new mandate for the European Union Agency for Asylum agency. That Communication is in line with calls by the European Council on 18-19 February 2016\textsuperscript{33} to make progress towards reforming the EU’s existing framework so as to ensure a humane and efficient asylum policy. It also proposes a way forward in line with the holistic approach to migration set out by the European Parliament in its own initiative report of 12 April 2016.

\textsuperscript{32} COM (2016) 197 final.
\textsuperscript{33} EUCO 19.02.2016, SN 1/16.

\textit{Justification}

Given the diverse interests, values, wealth and capacity to absorb migrants among the member states it is impractical to think that legislation will lead to an effective and harmonized common Asylum policy.

\textbf{Amendment 117}
Barbara Spinelli

\textbf{Proposal for a regulation}
Recital 4

\textit{Text proposed by the Commission}

(4) In its Communication of 6 April 2016,\textsuperscript{32} the Commission set out its options for improving the CEAS, namely to establish a sustainable and fair system for determining the Member State responsible for asylum seekers, to reinforce the Eurodac system, to achieve greater convergence in the EU asylum system, to prevent secondary movements within the European Union and a new mandate for the European Union Agency for Asylum agency. That Communication is in line

\textit{Amendment}

(4) In its Communication of 6 April 2016,\textsuperscript{32} the Commission set out its options for improving the CEAS, namely to establish a sustainable and fair system for determining the Member State responsible for asylum seekers, to reinforce the Eurodac system, to achieve greater convergence in the EU asylum system, to prevent secondary movements within the European Union and a new mandate for the European Union Agency for Asylum (the Agency). That Communication is in line
with calls by the European Council on 18-19 February 2016\textsuperscript{33} to make progress towards reforming the EU’s existing framework so as to ensure a humane and efficient asylum policy. \textit{It also proposes a way forward in line with} the holistic approach to migration set out by the European Parliament in its own initiative report of 12 April 2016.

\begin{itemize}
\item \textsuperscript{32} COM (2016) 197 final.
\item \textsuperscript{33} EUCO 19.02.2016, SN 1/16.
\end{itemize}

\textbf{Amendment 118}

Jean Lambert

on behalf of the Verts/ALE Group

\textbf{Proposal for a regulation}

\textbf{Recital 4}

\begin{itemize}
\item \textbf{Text proposed by the Commission}

(4) In its Communication of 6 April 2016,\textsuperscript{32} the Commission set out its options for improving the CEAS, namely to establish a sustainable and fair system for determining the Member State responsible for asylum seekers, to reinforce the Eurodac system, to achieve greater convergence in the EU asylum system, \textit{to prevent secondary movements within the European Union} and a new mandate for the European Union Agency for Asylum agency. That Communication is in line with calls by the European Council on 18-19 February 2016\textsuperscript{33} to make progress towards reforming the EU’s existing framework so as to ensure a humane and efficient asylum policy. It also proposes a way forward in line with the holistic approach to migration set out by the European Parliament in its own initiative

\item \textbf{Amendment}

(4) In its Communication of 6 April 2016,\textsuperscript{32} the Commission set out its options for improving the CEAS, namely to establish a sustainable and fair system for determining the Member State responsible for asylum seekers, to reinforce the Eurodac system, to achieve greater convergence in the EU asylum system and a new mandate for the European Union Agency for Asylum agency. That Communication is in line with calls by the European Council on 18-19 February 2016\textsuperscript{33} to make progress towards reforming the EU’s existing framework so as to ensure a humane and efficient asylum policy \textit{ensuring equally high standards across the European Union}. It also proposes a way forward partially in line with the holistic approach to migration set out by the European Parliament in its own
Amendment 119
Jussi Halla-aho

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) In its Communication of 6 April 2016, the Commission set out its options for improving the CEAS, namely to establish a sustainable and fair system for determining the Member State responsible for asylum seekers, to reinforce the Eurodac system, to achieve greater convergence in the EU asylum system, to prevent secondary movements within the European Union and a new mandate for the European Union Agency for Asylum agency. That Communication is in line with calls by the European Council on 18-19 February 2016 to make progress towards reforming the EU's existing framework so as to ensure a humane and efficient asylum policy. It also proposes a way forward in line with the holistic approach to migration set out by the European Parliament in its own initiative report of 12 April 2016.

33 EUCO 19.02.2016, SN 1/16.

Amendment

(4) In its Communication of 6 April 2016, the Commission set out its options for improving the CEAS, namely to establish a system for determining the Member State responsible for asylum seekers, to reinforce the Eurodac system, to achieve greater convergence in the EU asylum system, to prevent secondary movements within the European Union and a new mandate for the European Union Agency for Asylum agency. That Communication is in line with calls by the European Council on 18-19 February 2016 to make progress towards reforming the EU's existing framework so as to ensure a humane and efficient asylum policy. It also proposes a way forward in line with the holistic approach to migration set out by the European Parliament in its own initiative report of 12 April 2016.

33 EUCO 19.02.2016, SN 1/16.

Or. en
Amendment 120
Barbara Spinelli

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

(4 a) The Geneva Convention is the cornerstone of the international legal regime for the protection of refugees.

Or. en

Justification

This amendment re-introduces §4 of the preamble of the 2011 Qualifications Directive.

Amendment 121
Barbara Spinelli

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) For a well-functioning CEAS, including of the Dublin system, substantial progress should be made regarding the convergence of national asylum systems with special regard to differing recognition rates and type of protection status in the Member States. In addition, rules on status review should be strengthened to ensure that protection is only granted to those who need it and for so long as it continues to be needed. Moreover, divergent practices regarding the duration of the residence permits should be avoided, and the rights granted to beneficiaries of international protection should be further clarified and harmonised.

Amendment

(5) A common Union policy on international protection should be based on a uniform status. To move towards a well-functioning CEAS based on high standards of protection, substantial progress should be made regarding exchange of best practices and convergence of national asylum systems with special regard to differing recognition rates and type of protection status in the Member States. At the same time, it is important not to overburden administratively the authorities of the Member States. Accordingly, rules should be strengthened to ensure that protection is granted to those who need it. Moreover, a harmonised duration for residence permits should be established, which should take full account of the current best practices in the Member States and in consultation with relevant stakeholders,
and the rights granted to beneficiaries of international protection should be further clarified and harmonised. **Member States should be able nevertheless to apply more favourable standards with regards to the duration of residence permits.**

*Or. en*

**Justification**

_The shadow rapporteur agrees with the rapporteur that the harmonised duration of residence permits granted to those in need of international protection should take full account of current best practices across the Member States and should not be based on a “race to the bottom” principle._

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**Amendment 122**

Lorenzo Fontana

**Proposal for a regulation**

Recital 5

*Text proposed by the Commission*

(5) For a well-functioning CEAS, including of the Dublin system, substantial progress should be made **regarding the convergence of national asylum systems with special regard to differing recognition rates and type of protection status in the Member States. In addition, rules on status review should be strengthened to ensure that protection is only granted to those who need it and for so long as it continues to be needed. Moreover, divergent practices regarding the duration of the residence permits should be avoided, and the rights granted to beneficiaries of international protection should be further clarified and harmonised.**

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**Amendment**

(5) For a well-functioning CEAS, including of the Dublin system, substantial progress should be made **towards a radical change of the entire immigration policy; to that end, return policies should be strengthened to ensure that protection is only granted to those who are entitled to it.**

*Or. it*
Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) For a well-functioning CEAS, including of the Dublin system, substantial progress should be made regarding the convergence of national asylum systems with special regard to differing recognition rates and type of protection status in the Member States. In addition, rules on status review should be strengthened to ensure that protection is only granted to those who need it and for so long as it continues to be needed. Moreover, divergent practices regarding the duration of the residence permits should be avoided, and the rights granted to beneficiaries of international protection should be further clarified and harmonised.

Amendment

(5) For a well-functioning CEAS, including of the Dublin system, substantial progress should be made regarding the convergence of national asylum systems with special regard to differing recognition rates and type of protection status in the Member States. In addition, rules on status review should be strengthened to ensure that protection is only granted to those who need it and for so long as it continues to be needed. Moreover, divergent practices regarding the duration of the residence permits should be avoided, and the rights granted to beneficiaries of international protection should be further clarified and harmonised, taking into account the juridical differences between the refugee status and the subsidiary protection status.

Or. en

Justification

Despite it is admissible that the duration of the residence permits linked to the two status of international protection are harmonised, it seems appropriate to underline here that the juridical difference between the two should be kept as they are the result of two different legal backgrounds. The refugee status is covered by the Geneva Convention, whereas the concept of subsidiary protection status has been first introduced by the European Union law in the Directive 2004/83/CE.

Amendment 124
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 5
(5) For a well-functioning CEAS, including of the Dublin system, substantial progress should be made regarding the convergence of national asylum systems with special regard to differing recognition rates and type of protection status in the Member States. In addition, rules on status review should be strengthened to ensure that protection is only granted to those who need it and for so long as it continues to be needed. Moreover, divergent practices regarding the duration of the residence permits should be avoided, and the rights granted to beneficiaries of international protection should be further clarified and harmonised.

Amendment 125
Jussi Halla-aho

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) For a well-functioning CEAS, including of the Dublin system, substantial progress should be made regarding the convergence of national asylum systems with special regard to differing recognition rates and type of protection status in the Member States. In addition, rules on status review should be strengthened to ensure that protection is only granted to those who need it and for so long as it continues to be needed. Moreover, divergent practices regarding the duration of the residence permits should be avoided, and the rights granted to beneficiaries of international protection should be further clarified and harmonised.

Amendment

(5) For a well-functioning CEAS, including of the Dublin system, substantial progress should be made regarding the convergence of national asylum systems with special regard to differing recognition rates and type of protection status in the Member States. In addition, rules on status review should be strengthened to ensure that protection is only granted to those who need it and for so long as it continues to be needed. Moreover, divergent practices regarding the duration of the residence permits should be avoided, and the rights granted to beneficiaries of international protection should be further clarified and harmonised in order to ensure that equally high standards of protection are achieved in all Member States.

Or. en
Amendment 126
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) For a well-functioning CEAS, including of the Dublin system, substantial progress should be made regarding the convergence of national asylum systems with special regard to differing recognition rates and type of protection status in the Member States. In addition, rules on status review should be strengthened to ensure that protection is only granted to those who need it and for so long as it continues to be needed. Moreover, divergent practices regarding the duration of the residence permits should be avoided, and the rights granted to beneficiaries of international protection should be further clarified and harmonised.

Amendment

(5) For a well-functioning CEAS, including of the Dublin system, substantial progress should be made regarding the convergence of national asylum systems with special regard to differing recognition rates and type of protection status in the Member States. In addition, government departments should not be burdened and rules on status review should therefore be strengthened to ensure that protection is granted to those who need it. Moreover, divergent practices regarding the duration of the residence permits should be avoided, and the rights granted to beneficiaries of international protection should be further clarified and harmonised.

Or. it

Amendment 127
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Pál Csáky, Monica Macovei

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) For a well-functioning CEAS, including of the Dublin system, substantial progress should be made regarding the convergence of national asylum systems with special regard to differing recognition rates and type of protection status in the Member States. In addition, rules on status review should be strengthened to ensure that protection is only granted to those who need it and for so long as it continues to be needed. Moreover, divergent practices regarding the duration of the residence permits should be avoided, and the rights granted to beneficiaries of international protection should be further clarified and harmonised.

Amendment

(5) For a well-functioning CEAS, including of the Dublin system, substantial progress should be made regarding the convergence of national asylum systems with special regard to differing recognition rates and type of protection status in the Member States. In addition, rules on status review should be strengthened to ensure that protection is only granted to those who need it and for so long as it continues to be needed. Moreover, divergent practices regarding the duration of the residence permits should be avoided, and the rights granted to beneficiaries of international protection should be further clarified and harmonised.
review should be strengthened to ensure that protection is only granted to those who need it and for so long as it continues to be needed. Moreover, divergent practices regarding the duration of the residence permits should be avoided, and the rights granted to beneficiaries of international protection should be further clarified and harmonised.

Amendment 128
Gérard Deprez, Louis Michel

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission
(5a) The validity period for residence permits granted to refugees and persons eligible for subsidiary protection should be harmonised in the interests of developing the Common European Asylum System and encouraging beneficiaries of international protection to remain in the Member State granting protection. For this reason, the validity period for residence permits should be 5 years for refugees and 1 year for beneficiaries of subsidiary protection. However, Member States already providing a longer validity period for residence permits should be able to opt for a period of 10 years for refugees and 5 years for beneficiaries of subsidiary protection.

Amendment

Justification
Recital added for the purposes of the application of Article 26.
Amendment 129
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Pál Csáky, Monica Macovei

Proposal for a regulation
Recital 6

Text proposed by the Commission Amendment

(6) A Regulation is therefore deleted necessary to ensure a more consistent level of harmonisation throughout the Union and to provide a higher degree of legal certainty and transparency.

Or. en

Amendment 130
Barbara Spinelli

Proposal for a regulation
Recital 6

Text proposed by the Commission Amendment

(6) A Regulation is therefore deleted necessary to ensure a more consistent level of harmonisation throughout the Union and to provide a higher degree of legal certainty and transparency.

Or. en

Amendment 131
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 6

Text proposed by the Commission Amendment

(6) A Regulation is therefore necessary to ensure a more consistent level of harmonisation throughout the Union and to ensure the implementation of equally high standards of protection and a more
provide a higher degree of legal certainty and transparency. consistent level of harmonisation throughout the Union and to provide a higher degree of legal certainty and transparency.

Amendment 132
Nadine Morano

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) The main objective of this Regulation is, on the one hand, to ensure that Member States apply common criteria for the identification of persons genuinely in need of international protection and, on the other hand, to ensure that a common set of rights is available for those persons in all Member States.

Amendment

(7) The main objective of this Regulation is, on the one hand, to ensure that Member States apply common criteria for the identification of persons genuinely in need of international protection and, on the other hand, to ensure that a common set of rights is available for those persons in all Member States. Clarifying the criteria for identifying persons genuinely in need of international protection should also enable persons who are not entitled to such protection to be deported more efficiently and systematically.

Or. fr

Amendment 133
Jussi Halla-aho, Helga Stevens

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) The main objective of this Regulation is, on the one hand, to ensure that Member States apply common criteria for the identification of persons genuinely in need of international protection and, on

Amendment

(7) The main objective of this Regulation is, on the one hand, to ensure that Member States apply common criteria for the identification of persons genuinely in need of international protection and, on
the other hand, to ensure that a common set of rights is available for those persons in all Member States. Furthermore, countering the abuse of the asylum systems of Member States should act as a guiding principle of this Regulation.

Amendment 134
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Frank Engel, Barbara Matera, Salvatore Domenico Pogliese, József Nagy, Carlos Coelho

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) The main objective of this Regulation is, on the one hand, to ensure that Member States apply common criteria for the identification of persons genuinely in need of international protection and, on the other hand, to ensure that a common set of rights is available for those persons in all Member States.

Amendment

(7) The main objective of this Regulation is, on the one hand, to ensure that Member States apply common criteria for the identification of persons genuinely in need of international protection and, on the other hand, to ensure that a common set of rights is available for refugees and beneficiaries of subsidiary protection in all Member States.

Justification

This distinction is referred to what is provided at Art. 34 (2).

Amendment 135
Barbara Spinelli

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) The main objective of this Regulation is, on the one hand, to ensure that Member States apply common criteria

Amendment

(7) The main objective of this Directive is, on the one hand, to ensure that Member States apply common criteria for the
for the identification of persons genuinely in need of international protection and, on the other hand, to ensure that a common set of rights is available for those persons in all Member States.

Identification of persons in need of international protection and, on the other hand, to ensure that a common set of rights is available to all those persons in need of international protection in all Member States.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Amendment 136
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Monica Macovei

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) The main objective of this Regulation is, on the one hand, to ensure that Member States apply common criteria for the identification of persons genuinely in need of international protection and, on the other hand, to ensure that a common set of rights is available for those persons in all Member States.

Amendment

(7) The main objective of this Regulation is, on the one hand, to ensure that Member States apply a set of basic criteria for the identification of persons genuinely in need of international protection and, on the other hand, to ensure that a set of basic rights is available for those persons in all Member States.

Amendment 137
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) The main objective of this Regulation is, on the one hand, to ensure that Member States apply common criteria for the identification of persons genuinely

Amendment

(7) The main objective of this Directive is, on the one hand, to ensure that Member States apply common criteria for the identification of persons in need of
in need of international protection and, on the other hand, to ensure that a common set of rights is available for those persons in all Member States.

Amendment 138
Lorenzo Fontana
Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) The main objective of this Regulation is, on the one hand, to ensure that Member States apply common criteria for the identification of persons genuinely in need of international protection and, on the other hand, to ensure that a common set of rights is available for those persons in all Member States.

Amendment

(7) The main objective of this Regulation is, on the one hand, to ensure that Member States apply common criteria for the identification of persons who are entitled to international protection and, on the other hand, to ensure that a common set of rights is available for those persons in all Member States.

Or. it

Amendment 139
Lorenzo Fontana
Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) The further approximation of rules on the recognition and content of refugee and subsidiary protection status should moreover help to limit the secondary movement of applicants for international protection and beneficiaries of international protection between Member States, where such movement may have been caused by any differences in the national legal measures taken to

Amendment

deleted
transpose the Qualification Directive replaced by this Regulation.

Or. it

Amendment 140
Barbara Spinelli

Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment (8) The further approximation of rules on the recognition and content of refugee and subsidiary protection status should moreover help to limit the secondary movement of applicants for international protection and beneficiaries of international protection between Member States, where such movement may have been caused by any differences in the national legal measures taken to transpose the Qualification Directive replaced by this Regulation.

Or. en

Amendment 141
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment (8) The further approximation of rules on the recognition and content of refugee and subsidiary protection status should moreover help to 

limit the secondary movement of applicants for international protection and beneficiaries of international protection between Member

achieve a high level of protection standards throughout the Union.
States, where such movement may have been caused by any differences in the national legal measures taken to transpose the Qualification Directive replaced by this Regulation.

Amendment 142
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Recital 8

Text proposed by the Commission
(8) The further approximation of rules on the recognition and content of refugee and subsidiary protection status should moreover help to limit the secondary movement of applicants for international protection and beneficiaries of international protection between Member States, where such movement may have been caused by any differences in the national legal measures taken to transpose the Qualification Directive replaced by this Regulation.

Amendment
(8) The further approximation of rules on the recognition and content of refugee and subsidiary protection status could moreover help to limit the secondary movement of applicants for international protection and beneficiaries of international protection between Member States, where such movement may have been caused by any differences in the national legal measures taken to transpose the Qualification Directive replaced by this Regulation.

Amendment 143
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 9

Text proposed by the Commission
(9) This Regulation does not apply to other national humanitarian statuses granted by Member States under their national law to those who do not qualify

Amendment
(9) This Directive does not apply to other national humanitarian statuses granted by Member States under their national law to those who do not qualify
for the refugee status or the subsidiary protection status. These statuses, if issued, are to be issued in a way not to entail a risk of confusion with international protection.

Or. en

Amendment 144
Barbara Spinelli

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) This Regulation does not apply to other national humanitarian statuses granted by Member States under their national law to those who do not qualify for the refugee status or the subsidiary protection status. These statuses, if issued, are to be issued in a way not to entail a risk of confusion with international protection.

Amendment

(9) This Regulation does not apply to other national humanitarian statuses granted by Member States under their national law to those who do not qualify for the refugee status or the subsidiary protection status.

Or. en

Justification

The shadow rapporteur agrees with the rapporteur that so long as national statuses for humanitarian protection continue to exist, it is very difficult to understand how there would not be a risk of confusion with refugee status and subsidiary protection status.

Amendment in line with following amendment on Article 3 of the regulation

Amendment 145
Jussi Halla-aho

Proposal for a regulation
Recital 10

Text proposed by the Commission

AM\1121329EN.docx 33/186 PE602.739v01-00
Successful resettlement candidates should be granted international protection. Accordingly, the provisions of this Regulation on the content of international protection should apply, including the rules to discourage secondary movement.
Successful resettlement candidates should be granted international protection. Accordingly, the provisions of this Regulation on the content of international protection should apply, including the rules to discourage secondary movement.

This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the Charter). In particular this Regulation seeks to ensure full respect for human dignity and the right to asylum of applicants for asylum and their accompanying family members and to promote the application of the Charter's Articles relating to human dignity, respect for private and family life, freedom of expression and information, right to education, freedom to choose an occupation and right to engage in work, freedom to conduct a business, right to asylum, non-discrimination, rights of the
child, social security and social assistance, health care, and should therefore be implemented accordingly.

Amendment 150
Beatrix von Storch

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the Charter). In particular this Regulation seeks to ensure full respect for human dignity and the right to asylum of applicants for asylum and their accompanying family members and to promote the application of the Charter’s Articles relating to human dignity, respect for private and family life, freedom of expression and information, right to education, freedom to choose an occupation and right to engage in work, freedom to conduct a business, right to asylum, non-discrimination, rights of the child, social security and social assistance, health care, and should therefore be implemented accordingly.

Amendment

(11) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the Charter). In particular this Regulation seeks to ensure full respect for human dignity and the right to asylum of applicants for asylum and their accompanying family members.

Or. en

Amendment 151
Barbara Spinelli

Proposal for a regulation
Recital 11
This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the Charter). In particular this Regulation seeks to ensure full respect for human dignity and the right to asylum of applicants for asylum and their accompanying family members and to promote the application of the Charter's Articles relating to human dignity, respect for private and family life, freedom of expression and information, right to education, freedom to choose an occupation and right to engage in work, freedom to conduct a business, right to asylum, non-discrimination, rights of the child, social security and social assistance, health care, and should therefore be implemented accordingly.

The European Convention on Human Rights (the ECHR) and the European Social Charter. In particular this Regulation seeks to ensure full respect for human dignity and the right to asylum of applicants for asylum and their accompanying family members and to promote the application of the Charter, the ECHR and the European Social Charter's Articles relating to human dignity, respect for private and family life, protection in the event of removal, expulsion or extradition, freedom of expression and information, right to education, freedom to choose an occupation and right to engage in work, freedom to conduct a business, right to asylum, non-discrimination, the equality principle, rights of the child, the enjoyment of social rights including social security and social assistance, health care, and should therefore be implemented accordingly.

Proposal for a regulation
Recital 11

This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the Charter). In particular
this Regulation seeks to ensure full respect for human dignity and the right to asylum of applicants for asylum and their accompanying family members and to promote the application of the Charter's Articles relating to human dignity, respect for private and family life, freedom of expression and information, right to education, freedom to choose an occupation and right to engage in work, freedom to conduct a business, right to asylum, non-discrimination, rights of the child, social security and social assistance, health care, and should therefore be implemented accordingly.

this Directive seeks to ensure full respect for human dignity and the right to asylum of applicants for asylum and their accompanying family members and to promote the application of the Charter's Articles relating to human dignity, respect for private and family life, freedom of expression and information, right to education, freedom to choose an occupation and right to engage in work, freedom to conduct a business, right to asylum, non-discrimination, rights of the child, social security and social assistance, health care, and should therefore be implemented accordingly.

Or. en

Amendment 153
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) With respect to the treatment of persons falling within the scope of this Regulation, Member States are bound by obligations under instruments of international law to which they are party, including in particular those that prohibit discrimination.

Amendment

(12) With respect to the treatment of persons falling within the scope of this Directive, Member States are bound by obligations under instruments of international law to which they are party, including in particular those that prohibit discrimination.

Or. en

Amendment 154
Barbara Spinelli

Proposal for a regulation
Recital 13
(13) The resources of the Asylum, Migration and **Refugee** Fund should be used to provide adequate support to Member States’ efforts in implementing the standards set by the Regulation, in particular to those Member States which are faced with specific and disproportionate pressure on their asylum systems, due in particular to their geographical or demographic situation.

**Amendment**

(13) The resources of the Asylum, Migration and **Integration** Fund should be used to provide adequate support to Member States’ efforts in implementing the standards set by the Regulation, in particular to those Member States that are faced with specific and disproportionate pressure on their asylum systems, due in particular to their geographical or demographic situation. **In addition,** Member States should take full advantage, at all levels of governance, of the possibilities offered by funds which are not directly related to asylum and migration policy but which can be used to fund actions in that area, for example integration actions, such as those available under the European Social Fund, the Fund for European Aid to the Most Deprived, Horizon 2020, the European Regional Development Fund and the Rights, Equality and Citizenship Programme. Those funds should be made directly accessible to local and regional authorities for actions that fall directly under their responsibilities.

**Amendment 155**
Jean Lambert
on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Recital 13**

**Text proposed by the Commission**

(13) The resources of the Asylum, Migration and **Refugee** Fund should be used to provide adequate support to Member States’ efforts in implementing the standards set by the **Regulation**, in particular to those Member States which

**Amendment**

(13) The resources of the Asylum, Migration and **Integration** Fund should be used to provide adequate support to Member States’ efforts in implementing the **high** standards set by the **Directive**, in particular **in relation to promoting long-**
are faced with specific and disproportionate pressure on their asylum systems, due in particular to their geographical or demographic situation. term integration of beneficiaries of international protection and to provide support to those Member States which are facing challenges in ensuring high standards as part of their asylum systems, due in particular to their geographical or demographic situation. To that end, adequate funding should be made available to local and regional authorities and international and civil society organisations, including through the possibility for local and regional authorities to directly access the Asylum Migration and Integration Fund.

Amendment 156
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Barbara Matera, Salvatore Domenico Pogliese

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) The resources of the Asylum, Migration and Refugee Fund should be used to provide adequate support to Member States’ efforts in implementing the standards set by the Regulation, in particular to those Member States which are faced with specific and disproportionate pressure on their asylum systems, due in particular to their geographical or demographic situation.

Amendment

(13) The resources of the Asylum, Migration and Integration Fund should be used to provide adequate support to Member States’ efforts in implementing the standards set by the Regulation, with priority to those Member States which are faced with specific and disproportionate pressure on their asylum systems, due in particular to their geographical or demographic situation. Such support should be limited to the Asylum, Migration and Integration Fund in line with the general principle of no double funding.
Justification

The prohibition of double funding is a general principle of the ESI Funds. It is therefore important to make sure that each European fund is used for the aims it has been established for.

Amendment 157
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Pál Csáky, Monica Macovei

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) The resources of the Asylum, Migration and Refugee Fund should be used to provide adequate support to Member States’ efforts in implementing the standards set by the Regulation, in particular to those Member States which are faced with specific and disproportionate pressure on their asylum systems, due in particular to their geographical or demographic situation.

Amendment

(13) The resources of the Asylum, Migration and Refugee Fund should be used to provide adequate support to Member States’ efforts in implementing the standards set by the Regulation, in particular to those Member States which are faced with specific and disproportionate pressure on their asylum systems, due in particular to their geographical situation.

Or. en

Amendment 158
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The European Union Agency for Asylum should provide adequate support in the application of this Regulation, in particular by providing experts to assist the Member State authorities to receive, register, and examine applications for international protection, providing updated information regarding third countries, including Country of Origin Information,

Amendment

(14) The European Union Agency for Asylum should provide adequate support in the application of this Regulation, in particular by providing experts to assist the Member State authorities to receive, register, and examine applications for international protection, providing updated information regarding third countries, including Country of Origin Information,
and other relevant guidelines and tools. When applying this Regulation, Member States' authorities should take into account operational standards, indicative guidelines, and best practices developed by the European Union Agency for Asylum [the Agency]. When assessing applications for international protection, Member States' authorities should take particular account of the information, reports, common analysis and guidance on the situation in countries of origin developed at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation. For the purpose of applying this Regulation, the European Union Agency and the Member States should take into account the information provided by the UN High Commissioner for Refugees and non-governmental organisations (NGOs) active on the ground.


Amendment 159
Barbara Spinelli

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The European Union Agency for Asylum should provide adequate support in the application of this Regulation, in particular by providing experts to assist the Member State authorities to receive, register, and examine applications for international protection, providing updated information regarding third countries, including Country of Origin

Amendment

(14) The European Union Agency for Asylum should provide adequate support in the application of this Regulation. When implementing this Regulation, Member States’ authorities could take into account indicative guidelines, and best practices developed by the Agency. When assessing applications for international protection, Member States’ authorities can take
Information, and other relevant guidelines and tools. When applying this Regulation, Member States' authorities should take into account operational standards, indicative guidelines, and best practices developed by the European Union Agency for Asylum [the Agency]. When assessing applications for international protection, Member States' authorities should take particular account of the information, reports, common analysis and guidance on the situation in countries of origin developed at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation\(^\text{34}\). In addition, when assessing applications for international protection, Member States shall take into account all relevant information from the UNHCR and from civil society organisations active on the ground.

\(^{34}\) COM(2016)271 final.

Amendment 160
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The European Union Agency for Asylum should provide adequate support in the application of this Regulation, in particular by providing experts to assist the Member State authorities to receive, register, and examine applications for international protection, providing updated information regarding third countries, including Country of Origin Information, and other relevant guidelines and tools. When applying this Regulation, Member States' authorities should take into account operational standards, indicative guidelines, and best practices developed by

Amendment

(14) The European Union Agency for Asylum should provide adequate support in the application of this Directive, in particular by providing experts to assist the Member State authorities to receive, register, and examine applications for international protection, providing updated information regarding third countries, including Country of Origin Information, and other relevant guidelines and tools. When transposing and implementing this Directive, Member States' authorities should take into account operational standards, indicative guidelines, and best
the European Union Agency for Asylum [the Agency]. When assessing applications for international protection, Member States' authorities should take particular account of the information, reports, common analysis and guidance on the situation in countries of origin developed at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation 34


Amendment 161
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Pál Csáky, Monica Macovei

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The European Union Agency for Asylum should provide adequate support in the application of this Regulation, in particular by providing experts to assist the Member State authorities to receive, register, and examine applications for international protection, providing updated information regarding third countries, including Country of Origin Information, and other relevant guidelines and tools. When applying this Regulation, Member States' authorities should take into account operational standards, indicative guidelines, and best practices developed by the European Union Agency for Asylum [the Agency]. When assessing applications for international protection, Member States' authorities should take particular account of the information, reports, common analysis and guidance on the situation in

Amendment

(14) The European Union Agency for Asylum should provide adequate support in the application of this Regulation, in particular by providing experts to assist the Member State authorities to receive, register, and examine applications for international protection, providing updated information regarding third countries, including Country of Origin Information, and other relevant guidelines and tools. When applying this Regulation, Member States' authorities should take into account operational standards, indicative guidelines, and best practices developed by the European Union Agency for Asylum [the Agency]. When assessing applications for international protection, Member States' authorities should take into account the information, reports, common analysis and guidance on the situation in countries of
countries of origin developed at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation\(^34\)

\[^{34}\text{COM(2016)271 final.}\]

Amendment  162  
Jussi Halla-aho

Proposal for a regulation  
Recital 14

\textit{Text proposed by the Commission}

(14) The European Union Agency for Asylum should provide adequate support in the application of this Regulation, in particular by providing experts to assist the Member State authorities to receive, register, and examine applications for international protection, providing updated information regarding third countries, including Country of Origin Information, and other relevant guidelines and tools. When applying this Regulation, Member States' authorities should take into account operational standards, indicative guidelines, and best practices developed by the European Union Agency for Asylum [the Agency]. When assessing applications for international protection, Member States' authorities should take particular account of the information, reports, common analysis and guidance on the situation in countries of origin developed at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation\(^{34}\)

\[^{34}\text{COM(2016)271 final.}\]

\textit{Amendment}

(14) The European Union Agency for Asylum should provide adequate support in the application of this Regulation, in particular by providing experts to assist the Member State authorities to receive \textit{and register} applications for international protection, providing updated information regarding third countries, including Country of Origin Information, and other relevant guidelines and tools. When applying this Regulation, Member States' authorities \textit{may} take into account operational standards, indicative guidelines, and best practices developed by the European Union Agency for Asylum [the Agency]. When assessing applications for international protection, Member States' authorities \textit{may} take particular account of the information, reports, common analysis and guidance on the situation in countries of origin developed at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation\(^{34}\)

\[^{34}\text{COM(2016)271 final.}\]
Amendment 163
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) When applying this Regulation the ‘best interests of the child’ should be a primary consideration, in line with the 1989 United Nations Convention on the Rights of the Child. In assessing the best interests of the child, Member States’ authorities should in particular take due account of the principle of family unity, 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.

Amendment

(15) When applying this Regulation the ‘best interests of the child’ should be a primary consideration, in line with the 1989 United Nations Convention on the Rights of the Child. In assessing the best interests of the child, Member States’ authorities should in particular take due account of the principle of family unity, 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. Children applicants then turning 18 before a decision on their application is taken would thus still benefit from family unity.

Amendment 164
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) When applying this Regulation the ‘best interests of the child’ should be a primary consideration, in line with the 1989 United Nations Convention on the

Amendment

(15) When applying this Directive the ‘best interests of the child’ should be a primary consideration, in line with the 1989 United Nations Convention on the
Rights of the Child. In assessing the best interests of the child, Member States' authorities should in particular take due account of the principle of family unity, 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.

Amendment 165
Lorenzo Fontana

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) The notion of family members should take into account the different particular circumstances of dependency and the special attention to be paid to the best interests of the child. It should also reflect the reality of current migratory trends, according to which applicants often arrive to the territory of the Member States after a prolonged period of time in transit. The notion should therefore include families formed outside the country of origin, but before their arrival on the territory of the Member State.

Amendment

(16) The notion of family members must refer to the legal system of the host country.

Amendment 166
Barbara Spinelli, Cornelia Ernst

Proposal for a regulation
Recital 16

Text proposed by the Commission

Amendment
(16) The notion of family members should take into account the different particular circumstances of dependency and the special attention to be paid to the best interests of the child. It should also reflect the reality of current migratory trends, according to which applicants often arrive to the territory of the Member States after a prolonged period of time in transit. The notion should therefore include families formed outside the country of origin, but before their arrival on the territory of the Member State.

(16) The notion of family members should take into account **family diversity and new types of family**, the different particular circumstances of dependency and the special attention to be paid to the best interests of the child. It should also reflect the reality of current migratory trends, according to which applicants often arrive to the territory of the Member States after a prolonged period of time in transit. The notion should therefore include families formed both outside the country of origin and families formed after their arrival on the territory of the Member State, excluding, in all cases, forced marriages. The notion of spouse and unmarried partner should not distinguish the spouses or such partners on the basis of their gender.

**Justification**

The shadow rapporteur agrees with the rapporteur that families formed after their arrival on the territory of the Member State should be included under the definition of family members. The shadow rapporteur also agrees with the rapporteur on the fact that forced marriages - irrespective of where they take place - should be excluded.

**Amendment 167**

Jussi Halla-aho, Helga Stevens

**Proposal for a regulation**

**Recital 16**

**Text proposed by the Commission**

(16) The notion of family members should take into account the **different particular circumstances of dependency** and the special attention to be paid to the best interests of the child. It should also reflect the reality of current migratory trends, according to which applicants often arrive to the territory of the Member States after a prolonged period of time in

**Amendment**

(16) The notion of family members should take into account the **principles laid down in Council Directive 2003/86/EC**¹, which stress the core family unit, the different particular circumstances of dependency and the special attention to be paid to the best interests of the child.
transit. The notion should therefore include families formed outside the country of origin, but before their arrival on the territory of the Member State.

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Or. en

Amendment 168
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) The notion of family members should take into account the different particular circumstances of dependency and the special attention to be paid to the best interests of the child. It should also reflect the reality of current migratory trends, according to which applicants often arrive to the territory of the Member States after a prolonged period of time in transit. The notion should therefore include families formed outside the country of origin, but before their arrival on the territory of the Member State.

Amendment

(16) The notion of family members should take into account the different types of family that exist, the different particular circumstances of dependency and the special attention to be paid to the best interests of the child. It should also reflect the reality of current migratory trends, according to which applicants often arrive to the territory of the Member States after a prolonged period of time in transit. The notion should therefore include both families formed outside the country of origin and those formed after their arrival on the territory of the Member State. The notion must exclude, however - under all circumstances - forced marriages.

Or. it

Amendment 169
Jean Lambert
on behalf of the Verts/ALE Group
Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) The notion of family members should take into account the different particular circumstances of dependency and the special attention to be paid to the best interests of the child. It should also reflect the reality of current migratory trends, according to which applicants often arrive to the territory of the Member States after a prolonged period of time in transit. The notion should therefore include families formed outside the country of origin, but before their arrival on the territory of the Member State.

Amendment

(16) The notion of family members should take into account the different particular circumstances of dependency and the special attention to be paid to the best interests of the child. It should also reflect the reality of current migratory trends, according to which applicants often arrive to the territory of the Member States after a prolonged period of time in transit. The notion should therefore include families formed outside the country of origin, either before or after their arrival on the territory of the Member State.

Amendment 170
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) This Regulation is without prejudice to the Protocol on asylum for nationals of Member States of the European Union as annexed to the Treaty on European Union (TEU) and the TFEU.

Amendment

(17) This Directive is without prejudice to the Protocol on asylum for nationals of Member States of the European Union as annexed to the Treaty on European Union (TEU) and the TFEU.

Amendment 171
Jussi Halla-aho

Proposal for a regulation
Recital 19
(19) Consultations with the United Nations High Commissioner for Refugees may provide valuable guidance for Member States’ authorities when determining refugee status according to Article 1 of the Geneva Convention.

Or. en

Amendment 172
Lorenzo Fontana
Proposal for a regulation
Recital 20

(20) Standards for the definition and content of refugee status should be laid down to guide the competent national bodies of Member States in the application of the Geneva Convention.

(20) To date, in actual fact, the EU and many Member States have failed to respect the standards that define refugee status, since, in Europe, as empirically evidenced by the case of Italy, the vast majority of the people admitted are not refugees but economic migrants, who subsequently remain on EU territory and fuel social tensions.

Or. it

Amendment 173
Lorenzo Fontana
Proposal for a regulation
Recital 21

(21) It is necessary to introduce common criteria for recognising applicants for asylum as refugees within the meaning of Article 1 of the Geneva Convention.

deleted
**Justification**

An applicant for asylum is not a refugee. A refugee is somebody who has been awarded refugee status after his or her application for asylum has been examined.

### Amendment 174

Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Monica Macovei

Proposal for a regulation

Recital 21

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(21) It is necessary to introduce common criteria for recognising applicants for asylum as refugees within the meaning of Article 1 of the Geneva Convention.</td>
<td>(21) It is necessary to introduce basic criteria for recognising applicants for asylum as refugees within the meaning of Article 1 of the Geneva Convention.</td>
</tr>
</tbody>
</table>

### Amendment 175

Barbara Spinelli

Proposal for a regulation

Recital 21 a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(21 a) While the burden of proof in principle rests on the applicant to substantiate his or her application, the duty to ascertain and evaluate all the relevant facts is shared between the applicant and the determining authority. Where aspects of the applicant's statements are not supported by documentary or other evidence, he or she should be given the benefit of the doubt if he or she has made a genuine effort to substantiate his or her application and has submitted all relevant elements at his or her disposal, and his or her statements</td>
<td></td>
</tr>
</tbody>
</table>
are found to be coherent and plausible.

Or. en

Justification

See justification to Article 4 (5)

Amendment 176
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) In particular, it is necessary to introduce common concepts of protection needs arising sur place, sources of harm and protection, *internal protection* and persecution, including the reasons for persecution.

Amendment

(22) In particular, it is necessary to introduce common concepts of protection needs arising sur place, sources of harm and protection and persecution, including the reasons for persecution.

Or. en

Amendment 177
Barbara Spinelli

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) In particular, it is necessary to introduce common concepts of protection needs arising sur place, sources of harm and protection, *internal protection* and persecution, including the reasons for persecution.

Amendment

(22) In particular, it is necessary to introduce common concepts of protection needs arising sur place, sources of harm and protection, and persecution, including the reasons for persecution.

Or. en
Justification

The shadow rapporteur, like the rapporteur, does not believe that the concept of internal protection is sufficiently well developed, clear or safe to be applied in a completely harmonised manner.

Amendment 178
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) Protection can be provided, where they are willing and able to offer protection, either by the State or by parties or organisations, including international organisations, meeting the conditions set out in this Directive, which control a region or a larger area within the territory of the State. Such protection should be effective and of a non-temporary nature.

Amendment

(23) Protection can be provided by the State, where it is willing and able to ensure protection. Such protection should be effective and of a non-temporary nature.

Or. it

Amendment 179
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) Protection can be provided, where they are willing and able to offer protection, either by the State or by parties or organisations, including international organisations, meeting the conditions set out in this Directive, which control a region or a larger area within the territory of the State. Such protection should be effective and of a non-temporary nature.

Amendment

(23) Protection can only be provided by a State, where its authorities are willing and able to offer protection. Such protection should be effective and of a non-temporary nature.
Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) Protection can be provided, where they are willing and able to offer protection, either by the State or by parties or organisations, including international organisations, meeting the conditions set out in this Directive, which control a region or a larger area within the territory of the State. Such protection should be effective and of a non-temporary nature.

Amendment

Proposal for a regulation
Recital 23

Justification

According to the 1951 refugee convention, as amended in 1967, the only protection actor is the State [Art. 1A(2)]:

“For the purposes of the present Convention, the term “refugee” shall apply to any person who:

...

(2) owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.” [country = state]
(23) Protection can be provided, where they are willing and able to offer protection, either by the State or by parties or organisations, including international organisations, meeting the conditions set out in this Directive, which control a region or a larger area within the territory of the State. Such protection should be effective and of a non-temporary nature.

Amendment 182
Lorenzo Fontana

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) Protection can be provided, where they are willing and able to offer protection, either by the State or by parties or organisations, including international organisations, meeting the conditions set out in this Directive, which control a region or a larger area within the territory of the State. Such protection should be effective and of a non-temporary nature.

Amendment

(23) Protection can be provided, where they are willing and able to offer protection, either by the State or by parties or organisations, including international organisations, meeting the conditions set out in this Directive, which control a region or a larger area within the territory of the State. Such protection should be effective.

Or. en

Amendment 183
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) Internal protection against persecution or serious harm should be deleted

Amendment

(24) Internal protection against persecution or serious harm should be deleted

Or. it
effectively available to the applicant in a part of the country of origin where he or she can safely and legally travel to, gain admittance to and can reasonably be expected to settle. The assessment of whether such internal protection exists should be an inherent part of the assessment the application for international protection and should be carried out once it has been established by the determining authority that the qualification criteria would otherwise apply. The burden of demonstrating the availability of internal protection should fall on the determining authority.

Or. it

Amendment 184
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) Internal protection against persecution or serious harm should be effectively available to the applicant in a part of the country of origin where he or she can safely and legally travel to, gain admittance to and can reasonably be expected to settle. The assessment of whether such internal protection exists should be an inherent part of the assessment the application for international protection and should be carried out once it has been established by the determining authority that the qualification criteria would otherwise apply. The burden of demonstrating the availability of internal protection should fall on the determining authority.

Or. en

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Amendment 185
Barbara Spinelli

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) Internal protection against persecution or serious harm should be effectively available to the applicant in a part of the country of origin where he or she can safely and legally travel to, gain admittance to and can reasonably be expected to settle. The assessment of whether such internal protection exists should be an inherent part of the assessment the application for international protection and should be carried out once it has been established by the determining authority that the qualification criteria would otherwise apply. The burden of demonstrating the availability of internal protection should fall on the determining authority.

Or. en

Justification

The concept of internal protection does not stem from the 1951 Refugee Convention and adds an additional criterion to eligibility for refugee status beyond the criteria foreseen in Article 1A of the Refugee Convention, thus running the risk of leaving applicants, entitled to protection under the Convention, short of protection under EU law.

Amendment 186
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Frank Engel, Barbara Matera, Salvatore Domenico Pogliese, Carlos Coelho

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) Internal protection against (24) Internal protection against
persecution or serious harm should be effectively available to the applicant in a part of the country of origin where he or she can safely and legally travel to, gain admittance to and can reasonably be expected to settle. The assessment of whether such internal protection exists should be an inherent part of the assessment the application for international protection and should be carried out once it has been established by the determining authority that the qualification criteria would otherwise apply. The burden of demonstrating the availability of internal protection should fall on the determining authority.

However, the applicant should collaborate with the determining authority in order to establish whether the conditions for internal protection are satisfied in a part of his/her country of origin.

Justification

Despite the burden of demonstrating the availability of internal protection should lie with the determining authority, it is likewise necessary that the applicant help the determining authority to conclude whether the conditions for internal protection are met, by providing significant information and answering to all the questions posed.

Amendment 187
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Pál Csáky, Monica Macovei

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) Internal protection against persecution or serious harm should be effectively available to the applicant in a part of the country of origin where he or she can safely and legally travel to, gain admittance to and can reasonably be

Amendment

(24) Internal protection against persecution or serious harm should be effectively available to the applicant in a part of the country of origin where he or she can safely and legally travel to, gain admittance to and can reasonably be
expected to settle. The assessment of whether such internal protection exists should be an inherent part of the assessment the application for international protection and should be carried out once it has been established by the determining authority that the qualification criteria would otherwise apply. The burden of demonstrating the availability of internal protection should fall on the determining authority.

Amendment 188
Jussi Halla-aho

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) Internal protection against persecution or serious harm should be effectively available to the applicant in a part of the country of origin where he or she can safely and legally travel to, gain admittance to and can reasonably be expected to settle. The assessment of whether such internal protection exists should be an inherent part of the assessment the application for international protection and should be carried out once it has been established by the determining authority that the qualification criteria would otherwise apply. The burden of demonstrating the availability of internal protection should fall on the determining authority.

Amendment

(24) Internal protection against persecution or serious harm should be effectively available to the applicant in a part of the country of origin where he or she can safely and legally travel to, gain admittance to and can reasonably be expected to settle. The assessment of whether such internal protection exists should be an inherent part of the assessment the application for international protection and should be carried out at the latest when it has been established by the determining authority that the qualification criteria would otherwise apply. The burden of demonstrating the unavailability of internal protection should fall on the applicant.

Amendment 189
Proposal for a regulation
Recital 24 a (new)

Text proposed by the Commission

(24 a) The assessment of the best interests of the child should be the primary consideration of the relevant authorities when assessing the conditions for internal protection in the case of minors.

Amendment

Or. en

Justification

This recital is aligned to the proposal made at Article 8 (4) a (new).

Amendment 190
Barbara Spinelli

Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) Where the State or agents of the State are the actors of persecution or serious harm, there should be a presumption that effective protection is not available to the applicant. When the applicant is an unaccompanied minor, the availability of appropriate care and custodial arrangements, which are in the best interests of the unaccompanied minor, should form part of the assessment as to whether that protection is effectively available.

Amendment

deleted

Or. en

Justification

In line with following amendments deleting Article 8
Amendment 191
Jussi Halla-aho

Proposal for a regulation
Recital 25

*Text proposed by the Commission*

(25) Where the State or agents of the State are the actors of persecution or serious harm, there should be a presumption that effective protection is not available to the applicant. *When the applicant is an unaccompanied minor, the availability of appropriate care and custodial arrangements, which are in the best interests of the unaccompanied minor, should form part of the assessment as to whether that protection is effectively available.*

*Amendment*

(25) Where the State or agents of the State are *established as* the actors of persecution or serious harm, there should be a presumption that effective protection is not available to the applicant.

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Amendment 192
Barbara Spinelli

Proposal for a regulation
Recital 26

*Text proposed by the Commission*

(26) It is necessary, when assessing applications from minors for international protection, that the determining authorities should have regard to child-specific forms of persecution.

*Amendment*

(26) It is necessary, when assessing applications from minors for international protection, that the determining authorities have regard to child-specific forms of persecution, trafficking and exploitation or the absence of protection against such acts of persecution.

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Amendment 193
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) It is necessary, when assessing applications from minors for international protection, that the determining authorities should have regard to child-specific forms of persecution.

Amendment

(26) It is necessary, when assessing applications from minors for international protection, that the determining authorities should have regard to child-specific forms of persecution and exploitation of all kinds, or the lack of protection therefrom.

Or. it

Amendment 194
Barbara Spinelli

Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) One of the conditions for qualification for refugee status within the meaning of Article 1(A) of the Geneva Convention is the existence of a causal link between the reasons for persecution, namely race, religion, nationality, political opinion or membership of a particular social group, and the acts of persecution or the absence of protection against such acts.

Amendment

(27) One of the conditions for qualification for refugee status within the meaning of Article 1(A) of the Geneva Convention is the existence of a causal link between the reasons for persecution, namely race, religion or belief, nationality, political opinion or membership of a particular social group or political opinion, and the acts of persecution or the absence of protection against such acts.

Or. en

Amendment 195
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Monica Macovei

Proposal for a regulation
Recital 28

Text proposed by the Commission

AM\1121329EN.docx 63/186  PE602.739v01-00
(28) It is equally necessary to introduce a common concept of the persecution ground ‘membership of a particular social group’. For the purposes of defining a particular social group, issues arising from an applicant’s gender, including gender identity and sexual orientation, which may be related to certain legal traditions and customs, resulting in for example genital mutilation, forced sterilisation or forced abortion, should be given due consideration in so far as they are related to the applicant’s well-founded fear of persecution.

Or. en

Amendment 196
Traian Ungureanu, Artis Pabriks, Tomáš Zdechovský, Monica Macovei

Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) It is equally necessary to introduce a common concept of the persecution ground ‘membership of a particular social group’. For the purposes of defining a particular social group, issues arising from an applicant’s gender, including gender identity and sexual orientation, which may be related to certain legal traditions and customs, resulting in for example genital mutilation, forced sterilisation or forced abortion, should be given due consideration in so far as they are related to the applicant’s well-founded fear of persecution.

Or. en

Amendment 197
Jussi Halla-aho
Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) It is equally necessary to introduce a common concept of the persecution ground ‘membership of a particular social group’. For the purposes of defining a particular social group, issues arising from an applicant’s gender, including gender identity and sexual orientation, which may be related to certain legal traditions and customs, resulting in for example genital mutilation, forced sterilisation or forced abortion, should be given due consideration in so far as they are related to the applicant’s well-founded fear of persecution.

Amendment

(28) It is equally necessary to introduce a common concept of the persecution ground ‘membership of a particular social group’.

Or. en

Amendment 198
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) It is equally necessary to introduce a common concept of the persecution ground ‘membership of a particular social group’. For the purposes of defining a particular social group, issues arising from an applicant’s gender, including gender identity and sexual orientation, which may be related to certain legal traditions and customs, resulting in for example genital mutilation, forced sterilisation or forced abortion, should be given due consideration in so far as they are related to the applicant’s well-founded fear of persecution.

Amendment

(28) It is equally necessary to introduce a common concept of the persecution ground ‘membership of a particular social group’. For the purposes of defining a particular social group, issues arising from an applicant’s gender, including gender identity and sexual orientation, which may be related to certain legal traditions and customs, resulting in for example genital mutilation, forced sterilisation or forced abortion, should be given due consideration in so far as they are related to the applicant’s well-founded fear of persecution. The applicant's well-founded fear of persecution.
fear of persecution may arise from the perception of them belonging to a particular social group, whether or not that is the reality.

Amendment 199
Barbara Spinelli, Cornelia Ernst

Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) It is equally necessary to introduce a common concept of the persecution ground ‘membership of a particular social group’. For the purposes of defining a particular social group, issues arising from an applicant’s gender, including gender identity and sexual orientation, which may be related to certain legal traditions and customs, resulting in for example genital mutilation, forced sterilisation or forced abortion, should be given due consideration in so far as they are related to the applicant’s well-founded fear of persecution.

Amendment

(28) It is equally necessary to introduce a common concept of the persecution ground ‘membership of a particular social group’. For the purposes of defining a particular social group, issues arising from an applicant’s gender, including gender identity, gender expression, sex characteristics and sexual orientation, which may be related to trafficking for sexual exploitation, certain legal traditions and customs, resulting in for example genital mutilation, forced sterilisation or forced abortion, should be given due consideration in so far as they are related to the applicant’s well-founded fear of persecution.

Justification

The shadow rapporteur agrees with the rapporteur that the sex characteristics of an applicant might also be a factor in determining whether that applicant belongs to a particular social group. Furthermore, she would like to add “gender expression” to the definition of “particular social group” following a European Court of Human Rights ruling where it was clarified that individuals can be at particular risk of ill-treatment (under Article 3 ECHR) in third countries where they are perceived as not conforming to the gender roles ascribed to them by society, tradition and even the legal system (N v. Sweden, Application no. 23505/09).
Amendment

Barbara Spinelli, Cornelia Ernst

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) In accordance with relevant case law of the Court of Justice of the European Union, when assessing applications for international protection, the competent authorities of the Member States should use methods for the assessment of the applicant's credibility in a manner that respects the individual's rights as guaranteed by the Charter, in particular the right to human dignity and the respect for private and family life. Specifically as regards homosexuality, the individual assessment of the applicant's credibility should not be based on stereotyped notions concerning homosexuals and the applicant should not be submitted to detailed questioning or tests as to his or her sexual practices.

Amendment

(29) In accordance with relevant case law of the Court of Justice of the European Union and the European Court of Human Rights, when assessing applications for international protection, the competent authorities of the Member States should use methods for the assessment of the applicant's credibility in a manner that respects the individual's rights as guaranteed by the Charter and the ECHR, in particular the right to human dignity and the respect for private and family life. Specifically as regards sexual orientation and gender identity, the individual assessment of the applicant's credibility should not be based on stereotyped notions concerning sexual orientation and gender identity and the applicant should not be submitted to detailed questioning or tests as to his or her sexual practices. Moreover, the competent national authorities should not find that the statements of the applicant lack credibility on the ground that the applicant did not rely on his or her sexual orientation, gender identity, gender expression or sex characteristics when he or she first set out the details of his or her persecution.

Or. en

Justification

The shadow rapporteur agrees with the rapporteur that late disclosure is one of the four parameters referred to in the recent judgement of the CJEU in the case of A, B and C v Staatssecretaris van Veiligheid en Justitie, of 2 December 2014 but has not been mentioned in the Commission text and it should be added. For LGBTI asylum seekers, fear and stigma often lead to late disclosure of their sexual orientation, gender identity, gender expression or sex characteristics. Their applications should not suffer as a result of such late disclosure.
Proposal for a regulation
Recital 29

_text proposed by the Commission_

(29) In accordance with relevant case law of the Court of Justice of the European Union, when assessing applications for international protection, the competent authorities of the Member States should use methods for the assessment of the applicant's credibility in a manner that respects the individual's rights as guaranteed by the Charter, in particular the right to human dignity and the respect for private and family life. Specifically as regards homosexuality, the individual assessment of the applicant's credibility should not be based on stereotyped notions concerning homosexuals and the applicant should not be submitted to detailed questioning or tests as to his or her sexual practices.

Amendment 202
Jussi Halla-aho

Proposal for a regulation
Recital 29

_text proposed by the Commission_

(29) In accordance with relevant case law of the Court of Justice of the European Union, when assessing applications for international protection, the competent authorities of the Member States should use methods for the assessment of the applicant's credibility in a manner that respects the individual's rights as guaranteed by the Charter, in particular the right to human dignity and the respect for private and family life. Specifically as regards sexual orientation and gender identity, the individual assessment of the applicant's credibility should not be based on stereotyped notions concerning sexual orientation and gender identity and the applicant should not be submitted to detailed questioning or tests as to his or her sexual practices.

or. it
applicant's credibility in a manner that respects the individual's rights as guaranteed by the Charter, in particular the right to human dignity and the respect for private and family life. Specifically as regards homosexuality, the individual assessment of the applicant's credibility should not be based on stereotyped notions concerning homosexuals and the applicant should not be submitted to detailed questioning or tests as to his or her sexual practices.

applicant's credibility in a manner that respects the individual's rights as guaranteed by the Charter, in particular the right to human dignity and the respect for private and family life. Specifically as regards homosexuality, the individual assessment of the applicant's credibility should not be based on stereotyped notions but the competent authorities should firmly require factual proof of the individual's homosexuality.

Amendment 203
Jussi Halla-aho, Helga Stevens

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) Acts contrary to the purposes and principles of the United Nations are set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations and are, amongst others, embodied in the United Nations resolutions relating to measures combating terrorism, which declare that ‘acts, methods and practices of terrorism are contrary to the purposes and principles of the United Nations’ and that ‘knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations’.

Amendment

(30) Acts contrary to the purposes and principles of the United Nations are set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations and are, amongst others, embodied in the United Nations resolutions relating to measures combating terrorism, which declare that ‘acts, methods and practices of terrorism are contrary to the purposes and principles of the United Nations’ and that ‘knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations’. These same acts, methods and practices should also constitute a reason to deny and revoke refugee status or subsidiary protection status.

Amendment 204

AM\1121329EN.docx 69/186 PE602.739v01-00
Barbara Spinelli

Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) Committing a political crime is not in principle a ground justifying exclusion from refugee status. However, in accordance with relevant case law of the Court of Justice of the European Union, particularly cruel actions, where the act in question is disproportionate to the alleged political objective, and terrorist acts which are characterised by their violence towards civilian populations, even if committed with a purportedly political objective, should be regarded as non-political crimes and therefore can give rise to exclusion from refugee status.

Amendment

Beatrix von Storch

Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) Committing a political crime could be grounds for justifying exclusion from refugee status.
Amendment 206
Jeroen Lenaers

Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) Committing a political crime is not in principle a ground justifying exclusion from refugee status. However, in accordance with relevant case law of the Court of Justice of the European Union, particularly cruel actions, where the act in question is disproportionate to the alleged political objective, and terrorist acts which are characterised by their violence towards civilian populations, even if committed with a purportedly political objective, should be regarded as non-political crimes and therefore *can* give rise to exclusion from refugee status.

Amendment

(31) Committing a political crime is not in principle a ground justifying exclusion from refugee status. However, in accordance with relevant case law of the Court of Justice of the European Union, particularly cruel actions, where the act in question is disproportionate to the alleged political objective, and terrorist acts which are characterised by their violence towards civilian populations, even if committed with a purportedly political objective, should be regarded as non-political crimes and therefore *should* give rise to exclusion from refugee status.

Amendment 207
Monika Hohlmeier

Proposal for a regulation
Recital 31 a (new)

Text proposed by the Commission

(31 a) The Court of Justice of the European Union clearly stated in its Judgment

*Commissaire général aux réfugiés et aux apatrides /Mostafa Lounani*

that supporting a terrorist group or the conduct of a terror act is sufficient reason to exclude an applicant for international protection from the status of a refugee or
from granting subsidiary protection.

_________________

1a C-573/14;

Justification

corresponds with the amendment of Article 12.

Amendment 208
Barbara Spinelli

Proposal for a regulation
Recital 31 a (new)

Text proposed by the Commission

Amendment

(31 a) The recognition of subsidiary protection status is a declaratory act.

Or. en

Amendment 209
Beatrix von Storch

Proposal for a regulation
Recital 32

Text proposed by the Commission

Amendment

(32) Standards for the definition and content of subsidiary protection status should also be laid down. Subsidiary protection should be complementary and additional to the refugee protection enshrined in the Geneva Convention. deleted

Or. en

Amendment 210
Jean Lambert

PE602.739v01-00 72/186 AM\1121329EN.docx
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 32

Text proposed by the Commission

(32) Standards for the definition and content of subsidiary protection status should also be laid down. Subsidiary protection should be complementary and additional to the refugee protection enshrined in the Geneva Convention.

Amendment

(32) Standards for the definition and content of subsidiary protection status should also be laid down. Subsidiary protection should be complementary and additional to the refugee protection enshrined in the Geneva Convention. While the basis for protection differs between refugee and subsidiary protection, the ongoing need for protection may be similar in duration.

Or. en

Amendment 211
Beatrix von Storch

Proposal for a regulation
Recital 33

Text proposed by the Commission

(33) It is necessary to introduce common criteria on the basis of which applicants for international protection are to be recognised as eligible for subsidiary protection. Those criteria should be drawn from international obligations under human rights instruments and practices existing in Member States.

Amendment

deleted

Or. en

Amendment 212
Beatrix von Storch

Proposal for a regulation
Recital 34
For the purpose of assessing serious harm which may qualify applicants as eligible for subsidiary protection, the notion of indiscriminate violence, in accordance with relevant case law of the European Court of Justice, should include violence that may extend to people irrespective of their personal circumstance.

Factors to be taken into account when determining whether indiscriminate violence exists could include external aggression, occupation, foreign domination, internal conflicts, severe violation of human rights or events seriously disturbing public order in the country of origin, or in a part thereof.
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 36

Text proposed by the Commission

(36) As regards the required proof in relation to the existence of a serious and individual threat to the life or person of an applicant, in accordance with relevant case law of the Court of Justice of the European Union\(^{36}\), determining authorities should not require the applicant to adduce evidence that he is specifically targeted by reason of factors particular to his personal circumstances. However, the level of indiscriminate violence required to substantiate the application is lower if the applicant is able to show that he is specifically affected by reason of factors particular to his personal circumstance. Moreover, the existence of a serious and individual threat should exceptionally be established by the determining authorities solely on account of the presence of the applicant on the territory or relevant part of the territory of the country of origin provided the degree of indiscriminate violence characterising the armed conflict taking place reaches such a high level that there are substantial grounds for believing that a civilian, returned to the country or origin or to the relevant part of country of origin, would, solely on account of his presence on the territory of that country or region, face a real risk of being subject to the serious threat.

Amendment

(36) As regards the required proof in relation to the existence of a serious threat to the life or person of an applicant, in accordance with relevant case law of the Court of Justice of the European Union\(^{36}\) and the European Court of Human Rights, the required level of harm need not be equivalent to torture or inhuman or degrading treatment or punishment. However, the level of indiscriminate violence required to substantiate the application is lower if the applicant is able to show that he is specifically affected by reason of factors particular to his personal circumstance. Moreover, the existence of a serious threat should exceptionally be established by the determining authorities solely on account of the presence of the applicant on the territory or relevant part of the territory of the country of origin provided the degree of indiscriminate violence characterising the armed conflict taking place reaches such a level that there are substantial grounds for believing that a civilian, returned to the country or origin or to the relevant part of country of origin, would, solely on account of his presence on the territory of that country or region, face a real risk of being subject to the serious threat. While the Union currently has no agreed legal definition of an environmentally displaced person, this does not preclude Member States providing protection to such persons under national law.

\(^{36}\) C-465/07.

Or. en
Amendment 215
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Recital 36

Text proposed by the Commission

(36) As regards the required proof in relation to the existence of a serious and individual threat to the life or person of an applicant, in accordance with relevant case law of the Court of Justice of the European Union\(^36\), determining authorities should not require the applicant to adduce evidence that he is specifically targeted by reason of factors particular to his personal circumstances. However, the level of indiscriminate violence required to substantiate the application is lower if the applicant is able to show that he is specifically affected by reason of factors particular to his personal circumstance. Moreover, the existence of a serious and individual threat should exceptionally be established by the determining authorities solely on account of the presence of the applicant on the territory or relevant part of the territory of the country of origin provided the degree of indiscriminate violence characterising the armed conflict taking place reaches such a high level that there are substantial grounds for believing that a civilian, returned to the country or origin or to the relevant part of country of origin, would, solely on account of his presence on the territory of that country or region, face a real risk of being subject to the serious threat.

\(^{36}\) C-465/07.

Amendment

(36) As regards the required proof in relation to the existence of a serious and individual threat to the life or person of an applicant, in accordance with relevant case law of the Court of Justice of the European Union\(^36\), determining authorities should not require the applicant to adduce evidence that he is specifically targeted by reason of factors particular to his personal circumstances. However, the level of indiscriminate violence required to substantiate the application is lower if the applicant is able to show that he is specifically affected by reason of factors particular to his personal circumstance. Moreover, the existence of a serious and individual threat should exceptionally be established by the determining authorities solely on account of the presence of the applicant on the territory or relevant part of the territory of the country of origin provided the degree of indiscriminate violence characterising the armed conflict taking place reaches such a high level that there are substantial grounds for believing that a civilian, returned to the country of origin, would, solely on account of his presence on the territory of that country or region, face a real risk of being subject to the serious threat. \textit{International protection should also be granted, for the purposes of this Regulation, to individuals who are suffering a serious threat due to natural or man-made disasters.}

\(^{36}\) C-465/07.

Or. it
(36) As regards the required proof in relation to the existence of a serious and individual threat to the life or person of an applicant, in accordance with relevant case law of the Court of Justice of the European Union\(^{36}\), determining authorities should not require the applicant to adduce evidence that he is specifically targeted by reason of factors particular to his personal circumstances. However, the level of indiscriminate violence required to substantiate the application is lower if the applicant is able to show that he is specifically affected by reason of factors particular to his personal circumstance. Moreover, the existence of a serious and individual threat should exceptionally be established by the determining authorities solely on account of the presence of the applicant on the territory or relevant part of the territory of the country of origin provided the degree of indiscriminate violence characterising the armed conflict taking place reaches such a high level that there are substantial grounds for believing that a civilian, returned to the country or origin or to the relevant part of country of origin, would, solely on account of his presence on the territory of that country or region, face a real risk of being subject to the serious threat.

\(^{36}\) C-465/07.
(36) As regards the required proof in relation to the existence of a serious and individual threat to the life or person of an applicant, in accordance with relevant case law of the Court of Justice of the European Union\(^{36}\), determining authorities should not require the applicant to adduce evidence that he is specifically targeted by reason of factors particular to his personal circumstances. However, the level of indiscriminate violence required to substantiate the application is lower if the applicant is able to show that he is specifically affected by reason of factors particular to his personal circumstance. Moreover, the existence of a serious and individual threat should exceptionally be established by the determining authorities solely on account of the presence of the applicant on the territory or relevant part of the territory of the country of origin provided the degree of indiscriminate violence characterising the armed conflict taking place reaches such a high level that there are substantial grounds for believing that a civilian, returned to the country or origin or to the relevant part of country of origin, would, solely on account of his presence on the territory of that country or region, face a real risk of being subject to the serious threat.

\(^{36}\) C-465/07.

(36) As regards the required proof in relation to the existence of a serious and individual threat to the life or person of an applicant, in accordance with relevant case law of the Court of Justice of the European Union\(^{36}\), determining authorities should not require the applicant to adduce evidence that he is specifically targeted by reason of factors particular to his personal circumstances. However, the level of indiscriminate violence required to substantiate the application is lower if the applicant is able to show that he is specifically affected by reason of factors particular to his personal circumstance. Moreover, the existence of a serious and individual threat should exceptionally be established by the determining authorities solely on account of the presence of the applicant on the territory of the country of origin provided the degree of indiscriminate violence characterising the armed conflict taking place reaches such a high level that there are substantial grounds for believing that a civilian, returned to any part of the country or origin, would, solely on account of his presence on the territory of that country, face a real risk of being subject to the serious threat.

\(^{36}\) C-465/07.

Or. en
Justification

The recital is amended taking into account the proposed assessment of the possibility for internal protection.

Amendment 218
Barbara Spinelli

Proposal for a regulation
Recital 36 a (new)

Text proposed by the Commission

Amendment

(36 a) A person in need of protection because he or she is unable to return to his or her country of origin due to a natural or man-made disaster should also be eligible to qualify for protection under this Regulation.

Or. en

Amendment 219
Barbara Spinelli

Proposal for a regulation
Recital 36 b (new)

Text proposed by the Commission

Amendment

(36 b) Natural or man-made disasters shall include: effects of climate change, land grabbing, water grabbing, desertification of the habitat, forced villagization as well as environmental disasters and pollution caused by war.

Or. en

Justification

Environmental refugees are currently not protected by international law. Unlike refugees covered by the UN 1951 Convention on Refugees, environmental refugees, if sent back to their home country, they go back to a devastated homeland or are forced into a refugee
Climate change isn't just about the environment but its effects touch every part of people's lives: from the stability of governments and economies to health.

Amendment 220
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 37

Text proposed by the Commission

(37) The residence permit and the travel documents issued to beneficiaries of international protection for the first time or renewed following the entry into force of this Regulation should comply with the rules laid down by Regulation (EC) No 1030/2002 and Council Regulation (EC) No 2252/2004 respectively.

Amendment

(37) The residence permit and the travel documents issued to beneficiaries of international protection for the first time or renewed following the entry into force of this Directive should comply with the rules laid down by Regulation (EC) No 1030/2002 and Council Regulation (EC) No 2252/2004 respectively.

Or. en

Amendment 221
Barbara Spinelli

Proposal for a regulation
Recital 37

Text proposed by the Commission

(37) The residence permit and the travel documents issued to beneficiaries of international protection for the first time or renewed following the entry into force of this Regulation should comply with the rules laid down by Regulation (EC) No 1030/2002 and Council Regulation (EC) No 2252/2004 respectively.

Amendment

(37) The residence permit and the travel documents issued to beneficiaries of international protection following the entry into force of this Regulation should comply with the rules laid down by Regulation (EC) No 1030/2002 and Council Regulation (EC) No 2252/2004 respectively.

Or. en

Amendment 222

PE602.739v01-00  80/186  AM\1121329EN.docx
Jussi Halla-aho

Proposal for a regulation
Recital 38

Text proposed by the Commission

(38) Family members, due to their close relationship to the refugee, will normally be vulnerable to acts of persecution in such a manner that could be the basis for international protection. Provided they do not qualify for international protection, for the purpose of maintaining family unity, they shall be entitled to claim a residence permit and the same rights accorded to beneficiaries of international protection. Without prejudice to the provisions related to maintaining family unity in this Regulation, where the situation falls within the scope of Directive 2003/86/EC on the right to family reunification and the conditions for reunification set out thereof are fulfilled, family members of the beneficiary of international protection who do not individually qualify for such protection should be granted residence permits and rights in accordance with that Directive. This Regulation shall be applied without prejudice to Directive 2004/38/EC.

Amendment

(38) Family members, for the purpose of maintaining family unity, shall be entitled to apply for a residence permit not exceeding the duration of that of the beneficiary of the international protection. Without prejudice to the provisions related to maintaining family unity in this Regulation, where the situation falls within the scope of Directive 2003/86/EC on the right to family reunification and the conditions for reunification set out thereof are fulfilled, family members of the beneficiary of international protection who do not individually qualify for such protection should be granted residence permits and rights in accordance with that Directive. This Regulation shall be applied without prejudice to Directive 2004/38/EC.

Or. en

Amendment 223
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 38

Text proposed by the Commission

(38) Family members, due to their close relationship to the refugee, will normally be vulnerable to acts of persecution in such

Amendment

(38) Family members, due to their close relationship to the beneficiary of international protection, will normally be
a manner that could be the basis for international protection. Provided they do not qualify for international protection, for the purpose of maintaining family unity, they shall be entitled to claim a residence permit and the same rights accorded to beneficiaries of international protection. Without prejudice to the provisions related to maintaining family unity in this Regulation, where the situation falls within the scope of Directive 2003/86/EC on the right to family reunification and the conditions for reunification set out thereof are fulfilled, family members of the beneficiary of international protection who do not individually qualify for such protection should be granted residence permits and rights in accordance with that Directive. This Regulation shall be applied without prejudice to Directive 2004/38/EC.

Amendment 224
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Frank Engel, Barbara Matera, Salvatore Domenico Pogliese

Proposal for a regulation
Recital 38 a (new)

Text proposed by the Commission

Amendment

(38 a) In order to avoid abuses, Member States should assess whether the marriage between a beneficiary of international protection and his or her spouse is the result of an authentic relationship.

Justification

This recital is aligned to the proposal made at Article 25 paragraph 3 a (new)
(39) With a view to ascertaining whether beneficiaries of international protection are still in need of that protection, determining authorities should review the granted status when the residence permit has to be renewed, for the first time in the case of refugees, and for the first and second time in the case of beneficiaries of subsidiary protection, as well as when a significant relevant change in the beneficiaries’ country of origin occurs as indicated by common analysis and guidance on the situation in the country of origin provided at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation 37.


Or. en

(39) With a view to ascertaining whether beneficiaries of international protection are still in need of that protection, determining authorities should review the granted status when the residence permit has to be renewed, for the first time in the case of refugees, and for the first and second time in the case of beneficiaries of subsidiary protection, as well as when a significant relevant change in the beneficiaries’ country of origin occurs as indicated by common analysis and guidance on the situation in the country of origin provided at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation 37.


Or. en
renewed, for the first time in the case of refugees, and for the first and second time in the case of beneficiaries of subsidiary protection, as well as when a significant relevant change in the beneficiaries' country of origin occurs as indicated by common analysis and guidance on the situation in the country of origin provided at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation 37.

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Or. en

Amendment 227
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Frank Engel, Barbara Matera, Salvatore Domenico Pogliese, Carlos Coelho

Proposal for a regulation
Recital 39

Text proposed by the Commission

(39) With a view to ascertaining whether beneficiaries of international protection are still in need of that protection, determining authorities should review the granted status when the residence permit has to be renewed, for the first time in the case of refugees, and for the first and second time in the case of beneficiaries of subsidiary protection, as well as when a significant relevant change in the beneficiaries' country of origin occurs as indicated by common analysis and guidance on the situation in the country of origin provided at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation 37.

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(39) With a view to ascertaining whether beneficiaries of international protection are still in need of that protection, determining authorities should review the granted status when a significant relevant change in the beneficiaries' country of origin occurs as indicated by common analysis and guidance on the situation in the country of origin provided at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation 37.

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A review of protection needs at the moment of reviewing the residence permit would prove highly resource-intensive for the determining authorities of the Member States. Nevertheless the determining authorities of the Member States should be bound to review the international protection status when the European Union Agency for Asylum observes a significant relevant change in the beneficiaries' country of origin.

Amendment 228
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Recital 39

Text proposed by the Commission

(39) With a view to ascertaining whether beneficiaries of international protection are still in need of that protection, determining authorities should review the granted status when the residence permit has to be renewed, for the first time in the case of refugees, and for the first and second time in the case of beneficiaries of subsidiary protection, as well as when a significant relevant change in the beneficiaries' country of origin occurs as indicated by common analysis and guidance on the situation in the country of origin provided at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation 37.

Amendment

(39) With a view to ascertaining whether beneficiaries of international protection are still in need of that protection, determining authorities may review the granted status when a significant relevant change in the beneficiaries' country of origin occurs as indicated by common analysis and guidance on the situation in the country of origin provided at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation 37.
Jeroen Lenaers

Proposal for a regulation
Recital 39

Text proposed by the Commission

(39) With a view to ascertaining whether beneficiaries of international protection are still in need of that protection, determining authorities should review the granted status when the residence permit has to be renewed, for the first time in the case of refugees, and for the first and second time in the case of beneficiaries of subsidiary protection, as well as when a significant relevant change in the beneficiaries' country of origin occurs as indicated by common analysis and guidance on the situation in the country of origin provided at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation37.


Amendment

(39) With a view to ascertaining whether beneficiaries of international protection are still in need of that protection, determining authorities should review the granted status at the latest when the residence permit has to be renewed, as well as when a significant relevant change in the beneficiaries' country of origin occurs as indicated by common analysis and guidance on the situation in the country of origin provided at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation37.


Or. en

Amendment 230
Beatrix von Storch

Proposal for a regulation
Recital 39

Text proposed by the Commission

(39) With a view to ascertaining whether beneficiaries of international protection are still in need of that protection, determining authorities should review the granted status when the residence permit has to be renewed, for the first time in the case of refugees, and for the first and second time in the case of beneficiaries of subsidiary protection.

Amendment

(39) With a view to ascertaining whether beneficiaries of international protection are still in need of that protection, determining authorities should review the granted status when the residence permit has to be renewed, for the first time in the case of refugees, as well as when a significant relevant change in the beneficiaries'
As well as when a significant relevant change in the beneficiaries’ country of origin occurs as indicated by common analysis and guidance on the situation in the country of origin provided at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation 37.

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**Amendment 231**

**Jussi Halla-aho**

**Proposal for a regulation**

**Recital 39**

*Text proposed by the Commission*

(39) With a view to ascertaining whether beneficiaries of international protection are still in need of that protection, determining authorities should review the granted status when the residence permit has to be renewed, for the first time in the case of refugees, and for the first and second time in the case of beneficiaries of subsidiary protection, as well as when a significant relevant change in the beneficiaries' country of origin occurs as indicated by common analysis and guidance on the situation in the country of origin provided at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation 37.

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*Amendment*

(39) With a view to ascertaining whether beneficiaries of international protection are still in need of that protection, determining authorities should review the granted status when the residence permit has to be renewed, for the first and second time in the case of refugees, and for the first, second and third time in the case of beneficiaries of subsidiary protection, as well as when a significant relevant change in the beneficiaries’ country of origin occurs as indicated by common analysis and guidance on the situation in the country of origin provided at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation 37.

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Or. en
Amendment 232
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 40

Text proposed by the Commission

(40) When assessing a change of circumstances in the third country concerned, the competent authorities of the Member States shall verify, having regard to the refugee’s individual situation, that the actor or actors of protection in that country have taken reasonable steps to prevent the persecution, that they therefore operate, inter alia, an effective legal system for the detection, prosecution and punishment of acts constituting persecution and that the national concerned will have access to such protection if the refugee status ceases to exist.

Amendment

(40) When assessing a change of circumstances in the third country concerned, the competent authorities of the Member States shall verify, having regard to the individual situation of the beneficiary of international protection, that the actor or actors of protection in that country have taken necessary steps to prevent the persecution, that they therefore operate, inter alia, an effective legal system for the detection, prosecution and punishment of acts constituting persecution and that the national concerned will have access to such protection, can safely gain admittance to the country and can reasonably be expected to settle there if the refugee status ceases to exist.

Or. en

Amendment 233
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Monica Macovei

Proposal for a regulation
Recital 41

Text proposed by the Commission

(41) When the refugee status or the subsidiary protection status ceases to exist, the application of the decision by which the determining authority of a Member State revokes, ends or does not renew the status should be deferred for a reasonable period of time after adoption,

Amendment
deleted

(41) When the refugee status or the subsidiary protection status ceases to exist, the application of the decision by which the determining authority of a Member State revokes, ends or does not renew the status should be deferred for a reasonable period of time after adoption,
in order to give the third-country national or stateless person concerned the possibility to apply for residence on the basis of other grounds than those having justified the granting of international protection, such as family reasons, or reasons related to employment or to education, in accordance with relevant Union and national law.

Amendment 234
Barbara Spinelli

Proposal for a regulation
Recital 41

Text proposed by the Commission

(41) When the refugee status or the subsidiary protection status ceases to exist, the application of the decision by which the determining authority of a Member State revokes, ends or does not renew the status should be deferred for a reasonable period of time after adoption, in order to give the third-country national or stateless person concerned the possibility to apply for residence on the basis of other grounds than those having justified the granting of international protection, such as family reasons, or reasons related to employment or to education, in accordance with relevant Union and national law.

Or. en

Amendment 235
Jussi Halla-aho

Proposal for a regulation
Recital 41

(41) When the status of the beneficiary of international protection ceases to exist, the application of the decision by which the determining authority of a Member State withdraws the status should be deferred for a reasonable period of time after adoption, in order to give the third-country national or stateless person concerned the possibility to apply for residence, in accordance with relevant Union and national law.

Or. en
(41) When the refugee status or the subsidiary protection status ceases to exist, the application of the decision by which the determining authority of a Member State revokes, ends or does not renew the status should be deferred for a reasonable period of time after adoption, in order to give the third-country national or stateless person concerned the possibility to apply for residence on the basis of other grounds than those having justified the granting of international protection, such as family reasons, or reasons related to employment or to education, in accordance with relevant Union and national law.

Amendment

(41) When the refugee status or the subsidiary protection status ceases to exist, the application of the decision by which the determining authority of a Member State revokes, ends or does not renew the status should be deferred for a reasonable period of time after adoption, in order to give the third-country national or stateless person concerned the possibility to apply for residence on the basis of other grounds than those having justified the granting of international protection, in particular on work-related grounds, in accordance with relevant Union and national law. However this should not lead to circumvention of national immigration rules.

Or. en
Proposal for a regulation
Recital 41

Text proposed by the Commission

(41) When the refugee status or the subsidiary protection status ceases to exist, the application of the decision by which the determining authority of a Member State revokes, ends or does not renew the status should be deferred for a reasonable period of time after adoption, in order to give the third-country national or stateless person concerned the possibility to apply for residence on the basis of other grounds than those having justified the granting of international protection, such as family reasons, or reasons related to employment or to education, in accordance with relevant Union and national law.

Amendment

(41) When the status of beneficiary of international protection ceases to exist, the application of the decision by which the determining authority of a Member State revokes, ends or does not renew the status should be deferred for a reasonable period of time after adoption, in order to give the third-country national or stateless person concerned the possibility to apply for residence on the basis of other grounds than those having justified the granting of international protection, such as family reasons, or reasons related to employment or to education, in accordance with relevant Union and national law.

Or. it

Proposal for a regulation
Recital 41 a (new)

Text proposed by the Commission

(41 a) The principle of the benefit of the doubt reflects the recognition of the considerable difficulties that applicants face in obtaining and providing evidence to support their claim. The general legal principle is that the burden of proof lies with the applicant for international protection and that the duty to ascertain and evaluate all the relevant facts is shared between the applicant and the
determining authority. However, the applicant should be given the benefit of the doubt where aspects of his or her statements are not supported by documentary or other evidence, where he or she has made a genuine effort to substantiate his or her application and has submitted all relevant elements at his or her disposal, and where his or her statements are found to be coherent and plausible..

Or. en

Amendment 239
Barbara Spinelli, Jean Lambert

Proposal for a regulation
Recital 42

Text proposed by the Commission

(42) Beneficiaries of international protection should reside in the Member State which granted them protection. Those beneficiaries who are in possession of a valid travel document and a residence permit issued by a Member State applying the Schengen acquis in full, should be allowed to enter into and move freely within the territory of the Member States applying the Schengen acquis in full, for a period up to 90 days in any 180-day period in accordance with Schengen Borders Code38 and with Article 21 of the Convention implementing the Schengen Agreement39. Beneficiaries of international protection can equally apply to reside in a Member State other than the Member State which granted protection, in accordance with relevant EU rules, notably on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment40 and national rules; however, this does not imply any transfer deleted
of the international protection and related rights.


39 Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.


Justification

Deleted for consistency reasons with the annex on mutual recognition of asylum decisions

Amendment 240
Jussi Halla-aho

Proposal for a regulation
Recital 42

Text proposed by the Commission

(42) Beneficiaries of international protection should reside in the Member State which granted them protection. Those beneficiaries who are in possession of a valid travel document and a residence permit issued by a Member State applying the Schengen acquis in full, should be allowed to enter into and move freely within the territory of the Member States applying the Schengen acquis in full, for a period up to 90 days in any 180-day period in accordance with Schengen Borders Code\(^{38}\) and with Article 21 of the Convention implementing the Schengen Agreement\(^{39}\).

Amendment

(42) Beneficiaries of international protection should reside in the Member State which granted them protection. Those beneficiaries who are in possession of a valid travel document and a residence permit issued by a Member State applying the Schengen acquis in full, should be allowed to enter into and move freely within the territory of the Member States applying the Schengen acquis in full, for a period up to 90 days in any 180-day period in accordance with Schengen Borders Code\(^{38}\) and with Article 21 of the Convention implementing the Schengen Agreement.
international protection can equally apply to reside in a Member State other than the Member State which granted protection, in accordance with relevant EU rules, notably on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment and national rules; however, this does not imply any transfer of the international protection and related rights.


39 Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.


39 Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.

Amendment 241
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 42

Text proposed by the Commission

(42) Beneficiaries of international protection should reside in the Member State which granted them protection. Those beneficiaries who are in possession of a valid travel document and a residence permit issued by a Member State applying the Schengen acquis in full, should be allowed to enter into and move freely

Amendment

(42) Beneficiaries of international protection should reside in the Member State which granted them protection. Those beneficiaries who are in possession of a valid travel document and a residence permit issued by a Member State applying the Schengen acquis in full, should be allowed to enter into and move freely
within the territory of the Member States applying the Schengen acquis in full, for a period up to 90 days in any 180-day period in accordance with Schengen Borders Code\(^{38}\) and with Article 21 of the Convention implementing the Schengen Agreement\(^{39}\). Beneficiaries of international protection can equally apply to reside in a Member State other than the Member State which granted protection, in accordance with relevant EU rules, notably on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment\(^{40}\) and national rules; however, this does not imply any transfer of the international protection and related rights.


\(^{39}\) Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.

\(^{40}\) COM (2016) 378 final.

within the territory of the Member States applying the Schengen acquis in full, in accordance with Schengen Borders Code\(^{38}\) and with Article 21 of the Convention implementing the Schengen Agreement\(^{39}\). Beneficiaries of international protection can equally apply to reside in a Member State other than the Member State which granted protection, in accordance with relevant EU rules, notably on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment\(^{40}\), as well as in accordance with Directive (EU) 2016/801 of the European Parliament and of the Council\(^{1a}\), and national rules; however, this does not imply any transfer of the international protection and related rights.


\(^{39}\) Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.

\(^{40}\) COM (2016) 378 final.
Emil Radev
Proposal for a regulation
Recital 43

Text proposed by the Commission

(43) In order to prevent secondary movements within the European Union, beneficiaries of international protection, if found in a Member State other than the Member State having granted them protection without fulfilling the conditions of stay or reside, should be taken back by the Member State responsible in accordance with the procedure laid down by Regulation 41

41 (EU) No [xxx/xxxx New Dublin Regulation].

Or. bg

Justification

The countries on the EU’s external borders cannot be forced to take permanent responsibility for people granted international protection.

Amendment 243
Barbara Spinelli, Jean Lambert
Proposal for a regulation
Recital 43

Text proposed by the Commission

(43) In order to prevent secondary movements within the European Union, beneficiaries of international protection, if found in a Member State other than the Member State having granted them protection without fulfilling the conditions of stay or reside, should be taken back by the Member State responsible in accordance with the
procedure laid down by Regulation\textsuperscript{41}

\textsuperscript{41} (EU)No [xxx/xxxx New Dublin Regulation].

Justification

Deleted for consistency reasons with the annex on mutual recognition of asylum decisions

Amendment 244
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 43

Text proposed by the Commission

\begin{quote}
\textbf{(43)} In order to prevent secondary movements within the European Union, beneficiaries of international protection, if found in a Member State other than the Member State having granted them protection without fulfilling the conditions of stay or reside, should be taken back by the Member State responsible in accordance with the procedure laid down by Regulation\textsuperscript{41}
\end{quote}

Amendment

\begin{quote}
\textbf{(43)} Beneficiaries of international protection, if found in a Member State other than the Member State having granted them protection without fulfilling the conditions of stay or reside, should be taken back by the Member State responsible in accordance with the procedure laid down by Regulation\textsuperscript{41}. Unaccompanied minors who are beneficiaries of international protection may only be taken back by the Member State responsible in accordance with the procedure laid down by Regulation [Dublin Regulation] provided that, following a multidisciplinary assessment of the child's best interests, it is demonstrated that this would be in the best interests of the child.
\end{quote}

\textsuperscript{41} (EU)No [xxx/xxxx New Dublin Regulation].
Amendment 245
Jussi Halla-aho

Proposal for a regulation
Recital 43

_text proposed by the Commission_

(43) In order to prevent secondary movements within the European Union, beneficiaries of international protection, if found in a Member State other than the Member State having granted them protection without fulfilling the conditions of stay or reside, should be taken back by the Member State responsible in accordance with the procedure laid down by Regulation \[41\]

_________________

\[41\] (EU)No [xxx/xxxx New Dublin Regulation].

Or. en

Amendment 246
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Recital 43

_text proposed by the Commission_

(43) In order to prevent secondary movements within the European Union, beneficiaries of international protection, if found in a Member State other than the Member State having granted them protection without fulfilling the conditions of stay or reside, should be taken back by the Member State responsible in accordance with the procedure laid down by Regulation \[41\]

(43) In order also to prevent secondary movements within the European Union, beneficiaries of international protection, if found in a Member State other than the Member State having granted them protection without fulfilling the conditions of stay or reside, should be taken back by the Member State responsible in accordance with the procedure laid down by Regulation \[41\]
(44) In order to discourage secondary movements within the European Union, the Long Term Residence Directive 2003/109/EC should be amended to provide that the 5-year period after which beneficiaries of international protection are eligible for the Long Term Resident status should be restarted each time the person is found in a Member State, other than the one that granted international protection, without a right to stay or to reside there in accordance with relevant Union or national law.

Justification

Deleted for consistency reasons with the annex on mutual recognition of asylum decisions

Amendment 247
Barbara Spinelli, Jean Lambert

Proposal for a regulation
Recital 44

Text proposed by the Commission

(44) In order to discourage secondary movements within the European Union, the Long Term Residence Directive 2003/109/EC should be amended to provide that the 5-year period after which beneficiaries of international protection are eligible for the Long Term Resident status should be restarted each time the person is found in a Member State, other than the one that granted international protection, without a right to stay or to reside there in accordance with relevant Union or national law.

Or. en

Justification

Deleted for consistency reasons with the annex on mutual recognition of asylum decisions

Amendment 248
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 44

Text proposed by the Commission

(44) In order to discourage secondary movements within the European Union, the Long Term Residence Directive 2003/109/EC should be amended to provide that the 5-year period after which beneficiaries of international protection are eligible for the Long Term Resident status should be restarted each time the person is found in a Member State, other than the one that granted international protection, without a right to stay or to reside there in accordance with relevant Union or national law.

Or. en

Justification

Deleted for consistency reasons with the annex on mutual recognition of asylum decisions
movements within the European Union, the Long Term Residence Directive 2003/109/EC should be amended to provide that the 5-year period after which beneficiaries of international protection are eligible for the Long Term Resident status should be restarted each time the person is found in a Member State, other than the one that granted international protection, without a right to stay or to reside there in accordance with relevant Union or national law.

Amendment  249
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Frank Engel, Barbara Matera, Salvatore Domenico Pogliese, Carlos Coelho

Proposal for a regulation
Recital 44

Text proposed by the Commission

(44) In order to discourage secondary movements within the European Union, the Long Term Residence Directive 2003/109/EC should be amended to provide that the 5-year period after which beneficiaries of international protection are eligible for the Long Term Resident status should be restarted each time the person is found in a Member State, other than the one that granted international protection, without a right to stay or to reside there in accordance with relevant Union or national law.

Amendment

(44) In order to discourage secondary movements within the European Union, the Long Term Residence Directive 2003/109/EC should be amended to provide that the 5-year period after which beneficiaries of international protection are eligible for the Long Term Resident status should be restarted each time the person is found in a Member State, other than the one that granted international protection, without a right to stay or to reside there in accordance with relevant Union or national law. This should be without prejudice of the possibility for the beneficiary of international protection to provide the relevant authority with admissible justifications.
**Justification**

*This recital is aligned to the proposal made at Amendment to Art 44 (1)*

**Amendment 250**

**Jeroen Lenaers**

Proposal for a regulation
Recital 44

*Text proposed by the Commission***

(44) In order to discourage secondary movements within the European Union, the Long Term Residence Directive 2003/109/EC should be amended to provide that the 5-year period after which beneficiaries of international protection are eligible for the Long Term Resident status should be restarted each time the person is found in a Member State, other than the one that granted international protection, without a right to stay or to reside there in accordance with relevant Union or national law.

**Amendment***

(44) In order to discourage secondary movements within the European Union, the Long Term Residence Directive 2003/109/EC should be amended to provide that the 5-year period after which beneficiaries of international protection are eligible for the Long Term Resident status should be restarted each time the person is found in a Member State, other than the one that granted international protection, without a right to stay or to reside there in accordance with relevant Union or national law. *Additionally, the 5-year period after which beneficiaries of international protection are eligible for the Long Term Resident status should be extended to 7 years.*

Or. en

**Amendment 251**

**Barbara Spinelli**

Proposal for a regulation
Recital 45

*Text proposed by the Commission***

(45) The notion of national security and public order *also covers* cases in which a third-country national belongs to an association which supports international terrorism.

**Amendment***

(45) The notion of national security and public order *may also cover* cases in which a third-country national belongs to an association which supports international terrorism. *However, the mere fact that the*
terrorism or supports such an association. person concerned was a member of such an organisation cannot automatically mean that that person must be excluded from refugee status: it must be possible to attribute to the person concerned a share of the responsibility for the acts committed by the organisation in question while that person was a member. To that end, the competent authority must, inter alia, assess the true role played by the person concerned in the perpetration of the acts in question; his or her position within the organisation; the extent of the knowledge he or she had, or was deemed to have, of its activities; any pressure to which he was exposed; or other factors likely to have influenced his or her conduct. That individual responsibility must be assessed in the light of both objective and subjective criteria, shall be based on documented evidence and the decision should be legitimate and the refusal proportionate to the purported goal. Applicants should be informed of the reasons of the refusal, which shall not be based on suspicions. Applicants shall have access to effective judicial remedies.

Or. en

_Justification_

Amendment incorporating sections of the Bundesrepublik Deutschland v B (C-57/09) and D (C-101/09) ruling from the EU Court of Justice

**Amendment 252**

Jean Lambert
on behalf of the Verts/ALE Group

**Proposal for a regulation**

Recital 45

_Text proposed by the Commission_ (45) The notion of national security and public order also covers cases in which a

**Amendment** (45) The notion of national security and public order also covers cases in which a
third-country national belongs to an association which supports international terrorism or supports such an association. 

third-country national belongs to an association which supports international terrorism.

Amendment 253
Jussi Halla-aho, Helga Stevens

Proposal for a regulation
Recital 45

Text proposed by the Commission

(45) The notion of national security and public order also covers cases in which a third-country national belongs to an association which supports international terrorism or supports such an association.

Amendment

(45) The notion of national security and public order also covers cases in which a third-country national either indirectly or directly supports terrorism or religious radicalism.

Or. en

Justification

It is difficult and unnecessary to prove membership in a terrorist association; it is more relevant to target the acts of support for such phenomena that undermine national security and public order.

Amendment 254
Alessandra Mussolini, Elissavet Vozenberg-Vrionidi, Frank Engel, Barbara Matera, Salvatore Domenico Pogliese, József Nagy, Emil Radev

Proposal for a regulation
Recital 45 a (new)

Text proposed by the Commission

(45 a) In the event that the situation of a beneficiary of international protection or an applicant for international protection fulfil the conditions set out in Art 33(2) of the Geneva Convention, Member States should enjoy the discretion whether to return the person to his/her country of origin, in full respect of the European
Charter of Fundamental Rights, in particular Article 4 and Article 19 (2).

Justification

In Case HT (C-373/13) of 24 June 2015 the European Court of Justice stresses that the "law" as it stands now, allows Member States discretion in cases where a person can be refouled. Despite the "non refoulement" principle should be respected, it seems likewise necessary to leave Member States the chance to derogate it, when this is not in contrast with their international obligations and with what established by European Charter of Fundamental Rights.

Amendment 255
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 46

Text proposed by the Commission

(46) When deciding on entitlements to the benefits included in this Regulation, the competent authorities should take due account of the best interests of the child, as well as of the particular circumstances of the dependency on the beneficiary of international protection of close relatives who are already present in the Member State and who are not family members of that beneficiary. In exceptional circumstances, where the close relative of the beneficiary of international protection is a married minor but not accompanied by his or her spouse, the best interests of the minor may be seen to lie with his or her original family.

Amendment

(46) When deciding on entitlements to the benefits included in this Directive, the competent authorities should take due account of the best interests of the child, as well as of the particular circumstances of the dependency on the beneficiary of international protection of close relatives who are already present in the Member State and who are not family members of that beneficiary. In exceptional circumstances, where the close relative of the beneficiary of international protection is a married minor but not accompanied by his or her spouse, the best interests of the minor may be seen to lie with his or her original family.
Proposal for a regulation
Recital 47

Text proposed by the Commission

(47) Within the limits set out by international obligations, the granting of benefits with regard to access to employment and social security requires the prior issuing of a residence permit.

Amendment

Or. en

Justification

Paragraph deleted for consistency with the amendment to Article 22 §3

Amendment 257
Barbara Spinelli

Proposal for a regulation
Recital 48

Text proposed by the Commission

(48) Competent authorities may restrict the access to employed or self-employed activities as regard posts which involve the exercise of public authority, and responsibility for safeguarding the general interest of the State or other public authorities. In the context of exercising their right equal treatment as regards membership of an organisation representing workers or engaging in a specific occupation, beneficiaries of international protection may likewise be excluded from taking part in the management of bodies governed by public law and from holding an office governed by public law.

Amendment

Or. en
Amendment 258
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 48

Text proposed by the Commission

(48) Competent authorities may restrict the access to employed or self-employed activities as regard posts which involve the exercise of public authority, and responsibility for safeguarding the general interest of the State or other public authorities. In the context of exercising their right equal treatment as regards membership of an organisation representing workers or engaging in a specific occupation, beneficiaries of international protection may likewise be excluded from taking part in the management of bodies governed by public law and from holding an office governed by public law.

Amendment

(48) Competent authorities may restrict the access to employed or self-employed activities as regard posts which involve the exercise of public authority, and responsibility for safeguarding the general interest of the State or other public authorities.

Or. en

Amendment 259
Jussi Halla-aho

Proposal for a regulation
Recital 48

Text proposed by the Commission

(48) Competent authorities may restrict the access to employed or self-employed activities as regard posts which involve the exercise of public authority, and responsibility for safeguarding the general interest of the State or other public authorities. In the context of exercising their right equal treatment as regards membership of an organisation representing workers or engaging in a specific occupation, beneficiaries of international protection may likewise be excluded from taking part in the management of bodies governed by public law and from holding an office governed by public law.

Amendment

(48) Competent authorities may restrict the access to employed or self-employed activities as regard posts which involve the exercise of public authority, and responsibility for safeguarding the general interest of the State or other public authorities. In the context of exercising their right equal treatment as regards membership of an organisation representing workers or engaging in a specific occupation, beneficiaries of international protection may likewise be excluded from taking part in the management of bodies governed by public law and from holding an office governed by public law.

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specific occupation, beneficiaries of international protection may likewise be excluded from taking part in the management of bodies governed by public law and from holding an office governed by public law.

Or. en

Amendment 260
Barbara Spinelli

Proposal for a regulation
Recital 49

(49) In order to enhance the effective exercise of the rights and benefits laid down in this Regulation by beneficiaries of international protection, it is necessary to take into account their specific needs and the particular integration challenges with which they are confronted, and facilitate their access to integration related rights in particular as regards employment-related educational opportunities and vocational training and access to recognition procedures for foreign diplomas, certificates and other evidence of formal qualifications in particular due to the lack of documentary evidence and their inability to meet the costs related to the recognition procedures.

As implied by the Reception Directive, by restricting recipients of international protection to work, governments deprive communities of motivated workers, make asylum seekers/refugees vulnerable to exploitation as cheap labour and make the integration process more difficult in the long run. Moreover, the costs...
associated with hosting asylum seekers are lower when they are authorized to hold remunerated employment. In that context, early labour integration would be the best solution.

Amendment 261
Jussi Halla-aho, Helga Stevens

Proposal for a regulation
Recital 49

Text proposed by the Commission

(49) In order to enhance the effective exercise of the rights and benefits laid down in this Regulation by beneficiaries of international protection, it is necessary to take into account their specific needs and the particular integration challenges with which they are confronted, and facilitate their access to integration related rights in particular as regards employment-related educational opportunities and vocational training and access to recognition procedures for foreign diplomas, certificates and other evidence of formal qualifications in particular due to the lack of documentary evidence and their inability to meet the costs related to the recognition procedures.

Amendment 262
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 49

(49) In order to enhance the effective exercise of the rights and benefits laid down in this Regulation by beneficiaries of international protection, it is necessary to take into account their specific needs and the particular integration challenges with which they are confronted, and facilitate their access to integration related rights.
Text proposed by the Commission

(49) In order to enhance the effective exercise of the rights and benefits laid down in this Regulation by beneficiaries of international protection, it is necessary to take into account their specific needs and the particular integration challenges with which they are confronted, and facilitate their access to integration related rights in particular as regards employment-related educational opportunities and vocational training and access to recognition procedures for foreign diplomas, certificates and other evidence of formal qualifications in particular due to the lack of documentary evidence and their inability to meet the costs related to the recognition procedures.

Amendment

(49) In order to enhance the effective exercise of the rights and benefits laid down in this Directive by beneficiaries of international protection, it is necessary to take into account their specific needs and the particular integration challenges with which they are confronted, and facilitate their access to integration related rights in particular as regards employment-related educational opportunities and vocational training and access to recognition procedures for foreign diplomas, certificates and other evidence of formal qualifications in particular due to the lack of documentary evidence and their inability to meet the costs related to the recognition procedures.

Amendment

263
Barbara Spinelli

Proposal for a regulation
Recital 49 a (new)

Text proposed by the Commission

(49 a) Beneficiaries of international protection can arrive with certain disadvantages. In its report entitled "The labour market integration of resettled refugees", the UNHCR states that resettled refugees either fall into separate labour market (with low skills requirements) or face extra barriers entering the employment. Therefore, structured programmes should be designed with different practices in order to grant equal access to the labour market to this target group.

Amendment

(49 a) Beneficiaries of international protection can arrive with certain disadvantages. In its report entitled "The labour market integration of resettled refugees", the UNHCR states that resettled refugees either fall into separate labour market (with low skills requirements) or face extra barriers entering the employment. Therefore, structured programmes should be designed with different practices in order to grant equal access to the labour market to this target group.
Amendment 264
Barbara Spinelli

Proposal for a regulation
Recital 49 b (new)

Text proposed by the Commission

(49 b) Special measures need to be considered with a view to effectively addressing the practical difficulties encountered by beneficiaries of international protection concerning the authentication of their foreign diplomas, certificates or other evidence of formal qualifications, in particular due to the lack of documentary evidence and their inability to meet the costs related to the recognition procedures.

Or. en

Justification

This amendment re-integrates §44 of the Preamble of the 2011 Directive with very slight changes

Amendment 265
Barbara Spinelli

Proposal for a regulation
Recital 49 c (new)

Text proposed by the Commission

(49 c) In light of the fact that integration is a two-way process, respect for the values upon which the Union is founded and respect for the fundamental rights of the beneficiaries of international protection should be an integral part of the integration process. Integration should avoid isolation, promote inclusion and the participation of all actors involved is crucial for its success. Member States,
acting at national, regional and local level, should offer beneficiaries of international protection support and opportunities to integrate and build a life in their new society, which should include accommodation, literacy and language courses, inter-cultural dialogue, education and professional training, as well as effective access to democratic structures in society.

Or. en

Amendment 266
Jussi Halla-aho

Proposal for a regulation
Recital 50

Text proposed by the Commission Amendment

(50) Equal treatment should be provided for beneficiaries of international protection with nationals of the Member State granting protection as regards social security.

deleted

Or. en

Amendment 267
Traian Ungureanu, Artis Pabriks, Kinga Gál, Pál Csáky, Tomáš Zdechovský, Monica Macovei

Proposal for a regulation
Recital 50

Text proposed by the Commission Amendment

(50) Equal treatment should be provided for beneficiaries of international protection with nationals of the Member State granting protection as regards social security.

deleted
Proposal for a regulation
Recital 50

(50) Equal treatment should be provided for beneficiaries of international protection with nationals of the Member State granting protection as regards social security.

Or. en

Amendment 269
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Recital 50

(50) Equal treatment should be provided for beneficiaries of international protection with nationals of the Member State granting protection as regards social security and access to integration programs.

Or. en
In addition, especially to avoid social hardship, it is appropriate to provide beneficiaries of international protection with social assistance without discrimination. However, as regards beneficiaries of subsidiary protection, Member States should be given some flexibility, to limit such rights to core benefits, which is to be understood as covering at least minimum income support, assistance in the case of illness, or pregnancy, and parental assistance, in so far as those benefits are granted to nationals under national law. In order to facilitate their integration, Member States should be given the possibility to make the access to certain type of social assistance specified in national law, for both refugees and beneficiaries of subsidiary protection, conditional on the effective participation of the beneficiary of international protection in integration measures.

Amendment 271
Barbara Spinelli
Proposal for a regulation
Recital 51

Text proposed by the Commission

(51) In addition, especially to avoid social hardship, it is appropriate to provide beneficiaries of international protection with social assistance without discrimination. 

Amendment

(51) In addition, especially to avoid social hardship, it is appropriate to provide beneficiaries of international protection with social assistance without discrimination.
so far as those benefits are granted to nationals under national law. In order to facilitate their integration, Member States should be given the possibility to make the access to certain type of social assistances specified in national law, for both refugees and beneficiaries of subsidiary protection, conditional on the effective participation of the beneficiary of international protection in integration measures.

Justification

The shadow rapporteur agrees with the rapporteur that it is not at all clear why persons who are in need of protection and who are granted subsidiary protection should not receive the social assistance enjoyed by other persons needing international protection. There should be no unequal treatment between persons in need of international protection. This is both legally dubious and administratively unhelpful. Once the need for protection has been established these persons all have the same social needs in the hosting Member State.

Amendment 272
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Recital 51

Text proposed by the Commission

(51) In addition, especially to avoid social hardship, it is appropriate to provide beneficiaries of international protection with social assistance without discrimination. However, as regards beneficiaries of subsidiary protection, Member States should be given some flexibility, to limit such rights to core benefits, which is to be understood as covering at least minimum income support, assistance in the case of illness, or pregnancy, and parental assistance, in so far as those benefits are granted to nationals under national law. In order to facilitate their integration, Member States

Amendment

(51) In addition, especially to avoid social hardship, it is appropriate to provide beneficiaries of international protection with social assistance without discrimination. In order to facilitate their integration, Member States should be given the possibility to make the access to certain types of social assistances specified in national law conditional on the effective participation of the beneficiary of international protection in integration measures.
should be given the possibility to make the access to certain type of social assistances specified in national law, for both refugees and beneficiaries of subsidiary protection, conditional on the effective participation of the beneficiary of international protection in integration measures.

Amendment 273
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 51

Text proposed by the Commission

(51) In addition, especially to avoid social hardship, it is appropriate to provide beneficiaries of international protection with social assistance without discrimination. However, as regards beneficiaries of subsidiary protection, Member States should be given some flexibility, to limit such rights to core benefits, which is to be understood as covering at least minimum income support, assistance in the case of illness, or pregnancy, and parental assistance, in so far as those benefits are granted to nationals under national law. In order to facilitate their integration, Member States should be given the possibility to make the access to certain type of social assistances specified in national law, for both refugees and beneficiaries of subsidiary protection, conditional on the effective participation of the beneficiary of international protection in integration measures.

Amendment

(51) In addition, especially to avoid social hardship, it is appropriate to provide beneficiaries of international protection with social assistance without discrimination. In order to facilitate their integration, Member States should ensure the effective access to certain types of social assistances specified in national law, for both refugees and beneficiaries of subsidiary protection. While the basis of protection may result in a different status determination, there is no difference in the material needs of the individual protected.

Or. en
### Amendment 274
**Jussi Halla-aho, Helga Stevens**

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

*Text proposed by the Commission*

(51) In addition, especially to avoid social hardship, it is appropriate to provide beneficiaries of international protection with social assistance without discrimination. However, as regards beneficiaries of subsidiary protection, Member States should be given some flexibility, to limit such rights to core benefits, which is to be understood as covering at least minimum income support, assistance in the case of illness, or pregnancy, and parental assistance, in so far as those benefits are granted to nationals under national law. In order to facilitate their integration, Member States should be given the possibility to make the access to certain type of social assistances specified in national law, for both refugees and beneficiaries of subsidiary protection, conditional on the effective participation of the beneficiary of international protection in integration measures.

*Amendment*

(51) In addition, especially to avoid social hardship, it is appropriate to provide beneficiaries of international protection and their family members in the context of this Regulation with social assistance. However, Member States should be given wide flexibility to limit such rights. In order to facilitate their integration, Member States should make the access to certain type of social assistances conditional on the effective and successful participation of the beneficiary of international protection and his or her family members in integration measures.

*Or. en*

### Amendment 275
**Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz**

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

*Text proposed by the Commission*

(51) In addition, especially to avoid social hardship, it is appropriate to provide beneficiaries of international protection with social assistance without

*Amendment*

(51) In addition, especially to avoid social hardship, it is appropriate to provide beneficiaries of international protection with social assistance without
discrimination. However, as regards beneficiaries of subsidiary protection, Member States should be given some flexibility, to limit such rights to core benefits, which is to be understood as covering at least minimum income support, assistance in the case of illness, or pregnancy, and parental assistance, in so far as those benefits are granted to nationals under national law. In order to facilitate their integration, Member States should be given the possibility to make the access to certain type of social assistances specified in national law, for both refugees and beneficiaries of subsidiary protection, conditional on the effective participation of the beneficiary of international protection in integration measures.

Amendment 276
Barbara Spinelli
Proposal for a regulation
Recital 51 a (new)

Text proposed by the Commission

(51 a) The specific needs and particularities of the situation of beneficiaries of international protection status should be taken into account, as far as possible, in the integration programmes provided to them including, where appropriate, language training and the provision of information concerning individual rights and obligations relating to their protection status in the Member State concerned.
Justification

This amendment re-incorporates §47 of the Preamble of the 2011 Directive

Amendment 277
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 52

Text proposed by the Commission
(52) Access to healthcare, including both physical and mental healthcare, should be ensured to beneficiaries of international protection.

Amendment
(52) Access to healthcare, including both physical and mental healthcare, and including sexual and reproductive healthcare, should be ensured to beneficiaries of international protection.

Or. en

Amendment 278
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Pál Csáky

Proposal for a regulation
Recital 52

Text proposed by the Commission
(52) Access to healthcare, including both physical and mental healthcare, should be ensured to beneficiaries of international protection.

Amendment
(52) Access to basic healthcare should be ensured to beneficiaries of international protection.

Or. en

Amendment 279
Barbara Spinelli

Proposal for a regulation
Recital 52 a (new)
Text proposed by the Commission

(52 a) Beneficiaries of international protection should enjoy access to goods and services and the supply of goods and services made available to the public, including information and counselling services provided by employment offices.

Or. en

Justification

The shadow rapporteur agrees with the rapporteur that the wording of the recital is aligned with wording proposed by the European Commission for equal treatment provisions in legal migration instruments (notably the revision of the Blue Card). The recitals finds expression in Articles 30 and 35 respectively.

Amendment 280
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Recital 53

Text proposed by the Commission

(53) In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures, modalities to be set by the Member States. Member States may make the participation in such integration measures, such as language courses, civic integration courses, vocational training and other employment-related courses compulsory.

Amendment

(53) In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures, modalities to be set by the Member States. Member States may make the participation in such integration measures, such as language courses, civic integration courses, vocational training and other employment-related courses compulsory, provided that they are free of charge, genuinely and easily accessible and that they take into account the special needs of beneficiaries of international protection.

Or. it
Amendment 281
Jeroen Lenaers

Proposal for a regulation
Recital 53

Text proposed by the Commission

(53) In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures, modalities to be set by the Member States. Member States may make the participation in such integration measures, such as language courses, civic integration courses, vocational training and other employment-related courses compulsory.

Amendment

(53) In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures, modalities to be set by the Member States. Member States may make the participation in such integration measures, such as language courses, civic integration courses, vocational training and other employment-related courses compulsory. Continuous refusal to actively integrate may, as a measure of last resort, lead to the cessation of the eligibility for international protection.

Or. en

Amendment 282
Beatrix von Storch

Proposal for a regulation
Recital 53

Text proposed by the Commission

(53) In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures, modalities to be set by the Member States. Member States may make the participation in such integration measures, such as language courses, civic integration courses, vocational training and other employment-related courses compulsory.

Amendment

(53) In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection may have access to integration measures, modalities to be set by the Member States. Member States may make the participation in such integration measures that it determines fit, such as language courses, civic integration courses, vocational training and other employment-related courses compulsory.

Or. en
Proposal for a regulation
Recital 53

Text proposed by the Commission

(53) In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures, modalities to be set by the Member States. Member States may make the participation in such integration measures, such as language courses, civic integration courses, vocational training and other employment-related courses compulsory.

Amendment

(53) In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures, modalities to be set by the Member States. Member States shall make the participation in such integration measures, such as language courses and civic integration courses, compulsory.

Or. en

Proposal for a regulation
Recital 53

Text proposed by the Commission

(53) In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures, modalities to be set by the Member States. Member States may make the participation in such integration measures, such as language courses, civic integration courses, vocational training and other employment-related courses compulsory.

Amendment

(53) In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures, such as language courses, civic integration courses, vocational training and other employment-related courses which shall be easily accessible, available, free of charge and childcare is to be provided.

Or. en
Amendment 285
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 53

Text proposed by the Commission

(53) In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures, modalities to be set by the Member States. Member States may make the participation in such integration measures, such as language courses, civic integration courses, vocational training and other employment-related courses compulsory.

Amendment

(53) In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have free and effective access to integration measures, modalities to be set by the Member States. It should be recognised that not all beneficiaries of international protection may be capable of participation in integration measures due to trauma they might have suffered.

Or. en

Amendment 286
Traian Ungureanu, Artis Pabriks, Kinga Gál, Pál Csáky, Tomáš Zdechovský, Monica Macovei

Proposal for a regulation
Recital 53

Text proposed by the Commission

(53) In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures, modalities to be set by the Member States. Member States may make the participation in such integration measures, such as language courses, civic integration courses, vocational training and other employment-related courses compulsory.

Amendment

(53) In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection should have access to integration measures, modalities to be set by the Member States. Member States may make the participation in such integration measures, such as language courses, civic integration courses, vocational training and other employment-related courses compulsory.
Amendment 287
Barbara Spinelli

Proposal for a regulation
Recital 54

Text proposed by the Commission

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

Amendment

(54) The application of this Regulation **should** be evaluated at regular intervals, **taking into consideration in particular the evolution of the international obligations of Member States regarding non-refoulement, the evolution of the labour markets in the Member States as well as the development of common basic principles for integration.**

Or. en

Justification

This amendment re-incorporates §48 of the 2011Directive stated that: “The implementation of this Directive should be evaluated at regular intervals, taking into consideration in particular the evolution of the international obligations of Member States regarding non-refoulement, the evolution of the labour markets in the Member States as well as the development of common basic principles for integration.”

Amendment 288
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 54

Text proposed by the Commission

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

Amendment

(54) The effective monitoring of the **transposition and** application of this **Directive** requires that it be evaluated at regular intervals.

Or. en
Amendment 289
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 55

Text proposed by the Commission

(55) In order to ensure uniform conditions for the implementation of the provisions of this Regulation in respect of the form and content of the information to be provided, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council 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.42

_________________


Amendment

(55) In order to ensure uniform conditions for the implementation of the provisions of this Directive in respect of the form and content of the information to be provided, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council 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.42

_________________


Or. en

Amendment 290
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Monica Macovei

Proposal for a regulation
Recital 56

Text proposed by the Commission

(56) Since the objectives of this Regulation, namely to establish standards for the granting of international protection to third-country nationals and stateless persons by Member States, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted,

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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 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 those objectives.

Or. en

Amendment 291
Beatrix von Storch

Proposal for a regulation
Recital 56

Text proposed by the Commission Amendment

(56) Since the objectives of this Regulation, namely to establish standards for the granting of international protection to third-country nationals and stateless persons by Member States, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, 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 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 those objectives.

Or. en
Amendment 292
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 56

Text proposed by the Commission

(56) Since the objectives of this Regulation, namely to establish standards for the granting of international protection to third-country nationals and stateless persons by Member States, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, 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 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 those objectives.

Amendment

(56) Since the objectives of this Directive, namely to establish high standards for the granting of international protection to third-country nationals and stateless persons by Member States, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of this Directive, 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 TEU. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

Or. en

Amendment 293
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 57 – paragraph 1

Text proposed by the Commission

[In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area

Amendment

[In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area

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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]

[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 Directive and are not bound by it or subject to its application.]
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.

Amendment 296
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 57 – paragraph 6

Text proposed by the Commission

(XX) 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.]

Amendment

(XX) 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 Directive.]

Or. en

Amendment 297
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 57 – paragraph 8

[(XX) In accordance with Article 3 of Protocol No 21 on the position of the

Text proposed by the Commission

[(XX) In accordance with Article 3 of Protocol No 21 on the position of the

Amendment

[(XX) In accordance with Article 3 of Protocol No 21 on the position of the

Or. en
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.

Or. en

Amendment 298
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 57 – paragraph 9

Text proposed by the Commission

(XX) 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.]

Amendment

(XX) 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 Directive and is not bound by it or subject to its application.]

Or. en

Amendment 299
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 58

Text proposed by the Commission

(58) In accordance with Articles 1 and 2

Amendment

(58) In accordance with Articles 1 and 2
of the 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.

Or. en

Amendment 300
Jean Lambert
on behalf of the Verts/ALE Group

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

This Regulation lays down standards for:

This Directive lays down standards for:

Amendment

Or. en

Amendment 301
Birgit Sippel

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

Without prejudice to paragraph 1,
Member States shall keep the possibility to grant family members the refugee status or subsidiary protection in accordance with their national laws, regardless if they are subject to a risk of persecution or serious harm, in order to establish a uniform legal status within the family.

Or. en

Amendment 302
Jean Lambert
on behalf of the Verts/ALE Group

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

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the purposes of this <em>Regulation</em> the following definitions shall apply:</td>
<td>For the purposes of this <em>Directive</em> the following definitions shall apply:</td>
</tr>
</tbody>
</table>

Amendment 303
Beatrix von Storch

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

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) ‘international protection’ means refugee status <em>and subsidiary protection status</em> as defined in <em>points (4) and (6)</em>;</td>
<td>(1) ‘international protection’ means refugee status as defined in <em>point (4)</em>;</td>
</tr>
</tbody>
</table>

Amendment 304
Beatrix von Storch

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

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) ‘beneficiary of international protection’ means a person who has been granted refugee status <em>or subsidiary protection status</em> as defined in <em>points (4) and (6)</em>;</td>
<td>(2) ‘beneficiary of international protection’ means a person who has been granted refugee status as defined in <em>point (4)</em>;</td>
</tr>
</tbody>
</table>
Amendment 305
Jean Lambert
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

(3) ‘refugee’ means a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 does not apply;

Amendment

(3) ‘refugee’ means a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion, gender, sexual orientation, gender identity, disability or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 does not apply;

Or. en

Amendment 306
Beatrix von Storch

Proposal for a regulation
Article 2 – paragraph 1 – point 6

Text proposed by the Commission

(6) ‘subsidiary protection status’ means the recognition by a Member State of a third-country national or a stateless person as a person eligible for subsidiary protection;

Amendment

deleted

Or. en
Amendment 307
Beatrix von Storch
Proposal for a regulation
Article 2 – paragraph 1 – point 7

Text proposed by the Commission

(7) ‘application for international protection’ means a request made by a third-country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status

Amendment

(7) ‘application for international protection’ means a request made by a third-country national or a stateless person for protection from a Member State, who can be understood to seek refugee status

Or. en

Amendment 308
Jean Lambert
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 2 – paragraph 1 – point 9 – introductory part

Text proposed by the Commission

(9) ‘family members’ means, in so far as the family already existed before the applicant arrived on the territory of the Member States, the following members of the family of the beneficiary of international protection who are present in the same Member State in relation to the application for international protection:

Amendment

(9) ‘family members’ means the following members of the family of the beneficiary of international protection who are present in the territory of the Member State:

Or. en

Amendment 309
Barbara Spinelli
Proposal for a regulation
Article 2 – paragraph 1 – point 9 – introductory part

Text proposed by the Commission

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EN
’family members’ means, in so far as the family already existed before the applicant arrived on the territory of the Member States, the following members of the family of the beneficiary of international protection who are present in the same Member State in relation to the application for international protection:

(9) ‘family members’ means the following members of the family of the applicant or beneficiary of international protection who are present on the territory of the Member States:

Or. en

Justification

It is suggested to include language referring to the applicant, not only to the beneficiary of international protection, because this definition of family member is applied in the Reception Conditions Directive as well (art. 2(3): Definitions; art. 3: Scope) to the situation of applicants who have not yet been granted international protection.

Amendment 310
Jussi Halla-aho

Proposal for a regulation
Article 2 – paragraph 1 – point 9 – introductory part

Text proposed by the Commission

(9) ‘family members’ means, in so far as the family already existed before the applicant arrived on the territory of the Member States, the following members of the family of the beneficiary of international protection who are present in the same Member State in relation to the application for international protection:

Amendment

(9) ‘family members’ means, in so far as the family already existed in the country of origin, or, in the case of a stateless person, in the country of former habitual residence, the following members of the family of the beneficiary of international protection who are present in the same Member State in relation to the application for international protection:

Or. en

Amendment 311
Barbara Spinelli

Proposal for a regulation
Article 2 – paragraph 1 – point 9 – point a
(a) the spouse of the beneficiary of international protection 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;

Or. en

Amendment 312
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 2 – paragraph 1 – point 9 – point a

Text proposed by the Commission

(b) the minor children of the couples referred to in point (a) or of the beneficiary of international protection, on condition that they are unmarried and regardless of

Or. en

Amendment 313
Barbara Spinelli

Proposal for a regulation
Article 2 – paragraph 1 – point 9 – point b

Text proposed by the Commission

(b) the children of the couples referred to in point (a) or of the applicant or beneficiary of international protection, regardless of whether they were born in or
whether they were born in or out of wedlock or adopted as defined under national law; out of wedlock or adopted as defined under national law, and the children for whom they bear legal or customary primary responsibility,

**Or. en**

**Amendment 314**  
Jean Lambert  
on behalf of the Verts/ALE Group  

**Proposal for a regulation**  
Article 2 – paragraph 1 – point 9 – point b

**Text proposed by the Commission**  
Amendment

(b) the minor children of the couples referred to in point (a) or of the beneficiary of international protection, 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;

(b) the children of the couples referred to in point (a) or of the beneficiary of international protection, regardless of whether they were born in or out of wedlock or adopted as defined under national law;

**Or. en**

**Amendment 315**  
Elly Schlein  

**Proposal for a regulation**  
Article 2 – paragraph 1 – point 9 – point b

**Text proposed by the Commission**  
Amendment

(b) the minor children of the couples referred to in point (a) or of the beneficiary of international protection, 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;

(b) the sons and daughters of the couples referred to in point (a) or of the beneficiary of international protection, regardless of whether they were born in or out of wedlock or adopted as defined under national law;

**Or. en**
Justification

The sons and daughters of the applicant should be considered as family members regardless of their age or marital status.

Amendment 316
Elly Schlein

Proposal for a regulation
Article 2 – paragraph 1 – point 9 – point c

Text proposed by the Commission

(c) the father, mother or another adult responsible for the beneficiary of international protection whether by law or by the practice of the Member State concerned, when that beneficiary is a minor and unmarried;

Amendment

(c) the mother and father of the applicant or another adult responsible for the beneficiary of international protection whether by law or by the practice of the Member State concerned, when that beneficiary is a minor;

Or. en

Justification

It is suggested to straighten the provisions and guarantees on family reunification by also extending the definition of family members.

Amendment 317
Barbara Spinelli

Proposal for a regulation
Article 2 – paragraph 1 – point 9 – point c

Text proposed by the Commission

(c) the father, mother or another adult responsible for the beneficiary of international protection whether by law or by the practice of the Member State concerned, when that beneficiary is a minor and unmarried;

Amendment

(c) the father, mother, or another adult responsible for the applicant or beneficiary of international protection whether by law or by the practice of the country of origin or of the Member State concerned.

Or. en
Justification

The shadow rapporteur agrees with the rapporteur that the married or unmarried status of children should be a factor when determining the members of a family.

Amendment 318
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 2 – paragraph 1 – point 9 – point c

Text proposed by the Commission

(c) the father, mother or another adult responsible for the beneficiary of international protection whether by law or by the practice of the Member State concerned, when that beneficiary is a minor and unmarried;

Amendment

(c) the father, mother or another adult responsible for the beneficiary of international protection whether by law or by the practice of the Member State concerned, when that beneficiary is a minor;

Or. en

Amendment 319
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 2 – paragraph 1 – point 9 – point c

Text proposed by the Commission

(c) the father, mother or another adult responsible for the beneficiary of international protection whether by law or by the practice of the Member State concerned, when that beneficiary is a minor and unmarried;

Amendment

(c) the father, mother or another adult responsible for the beneficiary of international protection whether by law or by the practice of the Member State concerned, when that beneficiary is a minor;

Or. en

Amendment 320
Barbara Spinelli
Proposal for a regulation
Article 2 – paragraph 1 – point 9 – point c a (new)

Text proposed by the Commission

(c a) the sibling or siblings of the applicant or beneficiary of international protection;

Amendment

Or. en

Amendment 321
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 2 – paragraph 1 – point 9 – point c a (new)

Text proposed by the Commission

(c a) the sibling or siblings of the beneficiary of international protection;

Amendment

Or. en

Amendment 322
Elly Schlein

Proposal for a regulation
Article 2 – paragraph 1 – point 9 – point c a (new)

Text proposed by the Commission

(c a) The grandparents of the applicant or beneficiary of international protection

Amendment

Or. en

Justification

It is suggested to straighten the provisions and guarantees on family reunification by also extending the definition of family members.

Amendment 323
Jean Lambert  
on behalf of the Verts/ALE Group  

Proposal for a regulation  
Article 2 – paragraph 1 – point 9 – point c a (new)

Text proposed by the Commission

Amendment

(c a) the sibling or siblings of the beneficiary of international protection;

Or. en

Amendment 324  
Jean Lambert  
on behalf of the Verts/ALE Group  

Proposal for a regulation  
Article 2 – paragraph 1 – point 9 – point c b (new)

Text proposed by the Commission

Amendment

(c b) the father, mother, grandmother, grandfather, aunt or uncle of the beneficiary of international protection, regardless of whether the beneficiary of international protection was born in or out of wedlock or adopted as defined under national law;

Or. en

Amendment 325  
Barbara Spinelli  

Proposal for a regulation  
Article 2 – paragraph 1 – point 9 – point c b (new)

Text proposed by the Commission

Amendment

(c b) the direct relatives in the ascending line of the applicant or beneficiary of international protection
Amendment 326
Elly Schlein

Proposal for a regulation
Article 2 – paragraph 1 – point 9 – point c b (new)

Text proposed by the Commission Amendment

(c b) - The grandchildren of the applicant;

Or. en

Justification

It is suggested to straighten the provisions and guarantees on family reunification by also extending the definition of family members.

Amendment 327
Barbara Spinelli

Proposal for a regulation
Article 2 – paragraph 1 – point 9 – point c c (new)

Text proposed by the Commission Amendment

(c c) 'sponsor' means a national of a Member State, or a third country national authorized by a Member State to stay in its territory as holder of any residence permit issued under Union or national law of that Member State for a period of one year or longer

Or. en

Amendment 328
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 2 – paragraph 1 – point 10
(10) ‘minor’ means a third-country national or stateless person below the age of 18 years;

(10) ‘minor’ means a third-country national or stateless person below the age of 18 years at the time his/her application for international protection is submitted.

Amendment 329
Barbara Spinelli

Proposal for a regulation
Article 2 – paragraph 1 – point 10 a (new)

(10 a) "child" is a third-country national or stateless person who is below the age of 18 years at the time his/her application for international protection is submitted.

Amendment 330
Jussi Halla-aho

Proposal for a regulation
Article 2 – paragraph 1 – point 11

(11) ‘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 a person, including a minor who is left unaccompanied after he or she has entered the territory of the Member States;

(11) ‘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 a person;
Amendment 331
Beatrix von Storch

Proposal for a regulation
Article 2 – paragraph 1 – point 14

Text proposed by the Commission
(14) ‘withdrawal of international protection’ means the decision by a competent authority to revoke, end or refuse to renew the refugee or subsidiary protection status;

Amendment
(14) ‘withdrawal of international protection’ means the decision by a competent authority to revoke, end or refuse to renew the refugee status;

Or. en

Amendment 332
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 2 – paragraph 1 – point 15

Text proposed by the Commission
(15) ‘subsequent application’ means a further application for international protection made in any Member State after a final decision has been taken on a previous application, including where the applicant has explicitly withdrawn his or her application or where the determining authority has rejected an application as abandoned following its implicit withdrawal;

Amendment
(15) ‘subsequent application’ means a further application for international protection made in any Member State after a final decision has been taken on a previous application, including where the applicant has explicitly withdrawn his or her application;

Or. en

Amendment 333
Jean Lambert
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 2 – paragraph 1 – point 16

Text proposed by the Commission

(16) ‘determining authority’ means any quasi-judicial or administrative body in a Member State responsible for examining applications for international protection and competent to take decisions at first instance in such cases;

Amendment

(16) ‘determining authority’ means any judicial, quasi-judicial or administrative body in a Member State responsible for examining applications for international protection and competent to take decisions at first instance in such cases;

Or. en

Amendment 334
Jussi Halla-aho, Helga Stevens

Proposal for a regulation
Article 2 – paragraph 1 – point 17

Text proposed by the Commission

(17) ‘social security' means the branches of social security as defined in Regulation (EC) No 883/2004 of the European Parliament and of the Council covering sickness benefits; maternity and equivalent paternity benefits; invalidity benefits; old-age benefits; survivors' benefits; benefits in respect of accidents at work and occupational diseases; death grants; unemployment benefits, pre-retirement benefits and family benefits;

Amendment

(17) ‘social security' means the branches of social security as marked out by the Member State;

Justification

The Member States are free to decide, without interference of the EU, who is to be insured under their national social security system, which benefits are granted and under what conditions. Regulation (EC) No 883/2004 on social security coordination is one of the tools available for the Member States to use in order to prescribe the scope of social security afforded.

Amendment  335
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Pál Csáky, Monica Macovei

Proposal for a regulation
Article 2 – paragraph 1 – point 17

Text proposed by the Commission

(17) 'social security' means the branches of social security as defined in Regulation (EC) No 883/2004 of the European Parliament and of the Council covering sickness benefits; maternity and equivalent paternity benefits; invalidity benefits; old-age benefits; survivors' benefits; benefits in respect of accidents at work and occupational diseases; death grants; unemployment benefits, pre-retirement benefits and family benefits;

Amendment

(17) 'social security' means the branches of social security as defined in Regulation (EC) No 883/2004 of the European Parliament and of the Council;


Or. en

Amendment  336
Jean Lambert
on behalf of the Verts/ALE Group

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

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(19) 'guardian' 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.

(19) 'guardian' 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 Directive with a view to safeguarding the best interests of the child and his or her general well-being and exercising legal capacity for the minor where necessary.

Amendment 337
Barbara Spinelli

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

Text proposed by the Commission
(19) 'guardian' 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.

Amendment
(19) 'guardian' 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 safeguarding the best interests of the child and his or her general well-being and exercising legal capacity for the minor where necessary.

Or. en

Justification

Harmonisation of definitions and reference to UNCRC, Art. 3.

Amendment 338
Kinga Gál

Proposal for a regulation
Article 2 – paragraph 1 – point 19
(19) 'guardian' 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.

Or. en

Amendment 339
Jussi Halla-aho

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. This Regulation applies to the qualification of third-country nationals or stateless persons as beneficiaries of international protection and to the content of the international protection granted.

Amendment

1. This Regulation applies to the qualification of third-country nationals or stateless persons as beneficiaries of international protection and to the content of the international protection granted. The provisions in the Articles 15 and 21 of this Regulation apply retrospectively to the beneficiaries of international protection who have not yet exhausted the validity of their residence permits.

Or. en

Amendment 340
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. This Regulation applies to the

Amendment

1. This Directive applies to the
qualification of third-country nationals or stateless persons as beneficiaries of international protection and to the content of the international protection granted.

Or. en

Amendment 341
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. This Regulation does not apply to other national humanitarian statuses issued by Member States under their national law to those who do not qualify for refugee status or subsidiary protection status. These statuses, if issued, shall be issued in such a way as not to entail a risk of confusion with international protection.

Amendment

2. This Directive does not apply to other national humanitarian statuses issued by Member States under their national law to those who do not qualify for refugee status or subsidiary protection status.

Or. en

Amendment 342
Barbara Spinelli

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. This Regulation does not apply to other national humanitarian statuses issued by Member States under their national law to those who do not qualify for refugee status or subsidiary protection status. These statuses, if issued, shall be issued in such a way as not to entail a risk of confusion with international protection.

Amendment

2. This Regulation does not apply to other national humanitarian statuses issued by Member States under their national law to those who do not qualify for refugee status or subsidiary protection status.
Amendment in line with previous amendment to Recital 9

Amendment 343
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 3 – paragraph 2 a (new)

Text proposed by the Commission

2 a. While there is no generally agreed definition of environmentally displaced person at the Union level, this does not preclude Member States providing protection to such persons under their own national law or practice.

Amendment

Or. en

Amendment 344
Jussi Halla-aho, Helga Stevens

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. The applicant shall submit all the elements available to him or her which substantiate the application for international protection. He or she shall cooperate with the determining authority and shall remain present and available throughout the procedure.

Amendment

1. The applicant shall submit **without delay** all the elements available to him or her which substantiate the application for international protection. He or she shall cooperate with the determining authority and shall remain present and available throughout the procedure. **Any period of illegal stay in the territory of the Member States before lodging an application for international protection shall be investigated as potential evidence of motives for staying in the Union other than legitimately seeking international**
Amendment 345
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. The applicant shall submit all the elements available to him or her which substantiate the application for international protection. He or she shall cooperate with the determining authority and shall remain present and available throughout the procedure.

Amendment

1. The applicant shall submit all the elements available to him or her which substantiate the application for international protection. The determining authority and the applicant shall cooperate throughout the procedure. The applicant should remain present and available throughout the procedure. Where the applicant is not available at any point during the procedure due to extenuating circumstances, the specific reasons should be taken into account.

Or. en

Amendment 346
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Frank Engel, Barbara Matera, Salvatore Domenico Pogliese, Carlos Coelho

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. The applicant shall submit all the elements available to him or her which substantiate the application for international protection. He or she shall cooperate with the determining authority and shall remain present and available throughout the procedure.

Amendment

1. The determining authority shall consider it the duty of the applicant to submit as soon as possible all the elements needed to substantiate the application for international protection. In cooperation with the applicant, it is the duty of the determining authority to assess the
relevant elements of the application. The applicant shall remain present and available throughout the procedure.

Or. en

Justification

The wording used in Art 4(1) of Directive 2011/95/EU seems to describe better the extent of the responsibility by the applicant and the determining authority during the assessment of facts and circumstances.

Amendment 347
Barbara Spinelli

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. The applicant shall submit all the elements available to him or her which substantiate the application for international protection. He or she shall cooperate with the determining authority and shall remain present and available throughout the procedure.

Amendment

1. In cooperation with the applicant, it is the duty of the Member State to assess the relevant elements of the application.

Or. en

Amendment 348
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. The applicant shall submit all the elements available to him or her which substantiate the application for international protection. He or she shall cooperate with the determining authority and shall remain present and available throughout the procedure.

Amendment

1. The applicant shall submit all the elements available to him or her which substantiate the application for international protection in cooperation with the relevant national authorities. The relevant national determining authorities should cooperate with the applicant and
throughout the procedure. **he or she** shall remain present and available throughout the procedure.

Amendment 349
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Monica Macovei

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. The elements referred to in paragraph 1 shall consist of the applicant’s statements and all the documentation at the applicant’s disposal regarding the applicant’s age, background, including that of relevant relatives, identity, nationality(ies), country(ies) and place(s) of previous residence, previous applications [for international protection and results of any expedited resettlement procedure as defined by Regulation (EU) no XXX/XX [Resettlement regulation]], travel routes, travel documents and the reasons for applying for international protection.

Amendment

2. The elements referred to in paragraph 1 shall consist of the applicant’s statements and all the documentation at the applicant’s disposal regarding the applicant’s age, background, including that of relevant relatives, identity, nationality(ies), country(ies) and place(s) of previous residence, previous applications, travel routes, travel documents and the reasons for applying for international protection.

Amendment 350
Jussi Halla-aho

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. The elements referred to in paragraph 1 shall consist of the applicant’s statements and all the documentation at the applicant’s disposal regarding the applicant’s age, background, including that

Amendment

2. The elements referred to in paragraph 1 shall consist of the applicant’s statements and all the documentation at the applicant’s disposal regarding the applicant’s age, background, including that
of relevant relatives, identity, nationality(ies), country(ies) and place(s) of previous residence, previous applications [for international protection and results of any expedited resettlement procedure as defined by Regulation (EU) no XXX/XX [Resettlement regulation]], travel routes, travel documents and the reasons for applying for international protection.

Amendment  351
Jussi Halla-aho

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. The determining authority shall assess the relevant elements of the application in accordance with Article 33 of Regulation (EU)XXX/XXX [Procedures regulation.] 

Amendment

3. The determining authority shall assess the relevant elements of the application in accordance with Article 33 of Regulation (EU)XXX/XXX [Procedures regulation.] The applicant shall be subjected to an age assessment using the most up-to-date, scientific methods when there is a reason to suspect that the applicant is an adult and he or she claims to be, without solid evidence, between 15 and 17 years of age.

Amendment  352
Barbara Spinelli

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. The determining authority shall

Amendment

3. In cooperation with the applicant,
assess the relevant elements of the application in accordance with Article 33 of Regulation (EU)XXX/XXX [Procedures regulation.]

the determining authority shall assess the relevant elements of the application for international protection in accordance with Article 33 of Regulation (EU)XXX/XXX [Procedures regulation.]

and acquire all information necessary to thoroughly assess the international protection application

Or. en

Justification

The shadow rapporteur is concerned that the balance struck by the proposal could adversely affect the burden of proof by relieving Member States from their obligation to assess the asylum application in cooperation with the individual asylum seeker, rather than solely on the basis of available elements. Such an omission would ignore jurisprudence from the ECtHR confirming the shared duty of an asylum seeker and the authorities to ascertain and evaluate all relevant facts of the case in the asylum proceedings. Clarifying the wording of Article 4(3) could ensure that a collaborative process between both parties is maintained in the asylum procedure, thereby remaining in line with ECtHR standards.

Amendment 353
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission
3. The determining authority shall assess the relevant elements of the application in accordance with Article 33 of Regulation (EU)XXX/XXX [Procedures regulation.]

Amendment
3. In cooperation with the applicant, the determining authority shall assess the relevant elements of the application in accordance with Article 33 of Regulation (EU)XXX/XXX [Procedures regulation.]

Or. en

Justification

Clarifying the wording of this article would ensure that a collaborative process between both parties is maintained in the asylum procedure, thereby remaining in line with ECtHR standards.
Amendment 354
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission
4. The fact that an applicant has already been subject to persecution or serious harm, or to direct threats of such persecution or such harm, shall be considered a serious indication of the applicant’s well-founded fear of persecution or real risk of suffering serious harm, unless there are good reasons to consider that such persecution or serious harm will not be repeated.

Amendment
4. The fact that an applicant has already been subject to persecution or serious harm, or to direct threats of such persecution or such harm, shall be considered a serious indication of the applicant’s well-founded fear of persecution or real risk of suffering serious harm.

Or. en

Amendment 355
Barbara Spinelli

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission
4. The fact that an applicant has already been subject to persecution or serious harm, or to direct threats of such persecution or such harm, shall be considered a serious indication of the applicant’s well-founded fear of persecution or real risk of suffering serious harm, unless there are good reasons to consider that such persecution or serious harm will not be repeated.

Amendment
4. The fact that an applicant has already been subject to persecution or serious harm, or to direct threats of such persecution or such harm, shall be considered a serious indication of the applicant's well-founded fear of persecution or real risk of suffering serious harm.

Or. en

Amendment 356
Beatrix von Storch

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

4. The fact that an applicant has already been subject to persecution or serious harm, or to direct threats of such persecution or such harm, shall be considered a serious indication of the applicant’s well-founded fear of persecution or real risk of suffering serious harm, unless there are good reasons to consider that such persecution or serious harm will not be repeated.

Amendment

4. The fact that an applicant has already been subject to persecution or serious harm, or to direct threats of such persecution or such harm in his or her country of origin, shall be considered a serious indication of the applicant’s well-founded fear of persecution or real risk of suffering serious harm, unless there are good reasons to consider that such persecution or serious harm will not be repeated.

Or. en

Amendment 357
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 4 – paragraph 5 – introductory part

Text proposed by the Commission

5. Where aspects of the applicant’s statements are not supported by documentary or other evidence, no additional evidence shall be required in respect of those aspects where the following conditions are met:

Amendment

5. Where aspects of the applicant’s statements are not supported by documentary or other evidence, no additional evidence shall be required in respect of those aspects and the applicant shall be granted the benefit of the doubt where the following conditions are met:

Or. en

Justification

The benefit of the doubt principle is well-established in international refugee law and requires that where an applicant’s statements cannot be corroborated by evidence but has made a genuine effort to substantiate the claim, the lack of evidence or documents should not
adversely affect the credibility of the claim, nor should the late submission of the claim. The explicit incorporation of the benefit of the doubt principle would be necessary to bring the Qualification Regulation in line with well-established practice and the UNHCR Handbook and guidelines on procedures and criteria for determining refugee status.

Amendment 358
Barbara Spinelli

Proposal for a regulation
Article 4 – paragraph 5 – introductory part

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Where aspects of the applicant’s statements are not supported by documentary or other evidence, no additional evidence shall be required in respect of those aspects where the following conditions are met:</td>
<td>5. Where aspects of the applicant’s statements are not supported by documentary or other evidence, no additional evidence shall be required in respect of those aspects and the applicant shall be given the benefit of the doubt where the following conditions are met:</td>
</tr>
</tbody>
</table>

Justification

The benefit of the doubt principle is well-established in international refugee law and requires that where an applicant’s statement cannot be corroborated by evidence but the applicant has made a genuine effort to substantiate the claim, the lack of evidence or documents should not adversely affect the credibility of the claim, nor should the late submission of the claim. The explicit incorporation of the benefit of the doubt principle would be necessary to bring the Qualification Regulation in line with well-established practice and the UNHCR Handbook and guidelines on procedures and criteria for determining refugee status. In A, B and C, the CJEU confirmed that while the Qualification Directive refers to the applicant submitting all elements as soon as possible to substantiate his or her claim, it is incumbent on the national authorities to cooperate with the applicant when assessing the relevant elements of the case and to have regard to the sensitive nature of the claim. For example, not declaring homosexuality at the outset to the relevant authorities cannot result in a conclusion that the individual’s declaration lacks credibility. The Court further clarified that all fundamental rights, including dignity and privacy, must be respected in the process.

Amendment 359
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 4 – paragraph 5 – introductory part
Text proposed by the Commission

5. Where aspects of the applicant’s statements are not supported by documentary or other evidence, no additional evidence shall be required in respect of those aspects where the following conditions are met:

Amendment

5. Where aspects of the applicant’s statements are not supported by documentary or other evidence, no additional evidence shall be required and the applicant shall be required to give the benefit of the doubt in respect of those aspects where the following conditions are met:

Or. en

Amendment 360
Beatrix von Storch

Proposal for a regulation
Article 4 – paragraph 5 – introductory part

Text proposed by the Commission

5. Where aspects of the applicant’s statements are not supported by documentary or other evidence, no additional evidence shall be required in respect of those aspects where the following conditions are met:

Amendment

5. Where aspects of the applicant’s statements are not supported by documentary or other evidence, additional evidence may be required in respect of those aspects where the following conditions are not met:

Or. en

Amendment 361
Beatrix von Storch

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

Text proposed by the Commission

(a) the applicant has made a genuine effort to substantiate his or her application;

Amendment

Deleted

(a) the applicant has made a genuine effort to substantiate his or her application;

Or. en
The term "genuine effort" is far too ambiguous and subjective.

Amendment 362
Barbara Spinelli

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

Text proposed by the Commission

(b) all relevant elements at the applicant’s disposal have been submitted, and a satisfactory explanation has been given regarding any lack of other relevant elements;

Amendment

(b) all relevant elements at the applicant’s disposal have been submitted

Or. en

Justification

See justification to Art. 4 (5)

Amendment 363
Jean Lambert
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

(b) all relevant elements at the applicant’s disposal have been submitted, and a satisfactory explanation has been given regarding any lack of other relevant elements;

Amendment

(b) all relevant elements at the applicant’s disposal have been submitted;

Or. en

Amendment 364
Jean Lambert
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

(d) the applicant has applied for deleted international protection at the earliest possible time, unless the applicant can demonstrate good reason for not having done so;

Amendment

365
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

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

Text proposed by the Commission

(d) the applicant has applied for deleted international protection at the earliest possible time, unless the applicant can demonstrate good reason for not having done so;

Amendment

366
Barbara Spinelli

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

Text proposed by the Commission

(d) the applicant has applied for deleted international protection at the earliest possible time, unless the applicant can demonstrate good reason for not having done so;

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Justification

The shadow rapporteur agrees with the rapporteur’s assessment that there are many reasons why an applicant might not seek international protection immediately. Whether the applicant has applied for international protection at the earliest moment possible should not determine the weight attached to an applicant’s statements.

Amendment 367
Monika Hohlmeier

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

Text proposed by the Commission

(d) the applicant has applied for international protection at the earliest possible time, unless the applicant can demonstrate good reason for not having done so;

Amendment

(d) the applicant has applied for international protection at the earliest possible time;
Proposal for a regulation
Article 4 – paragraph 5 – point e

Text proposed by the Commission

(e) the general credibility of the applicant has been established.

Amendment

deleted

Or. en

Amendment 370
Jussi Halla-aho

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

1. A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on events which have taken place since the applicant left the country of origin.

Amendment

1. A fear of being persecuted or a real risk of suffering serious harm may be based on events which have taken place since the applicant left the country of origin.

Or. en

Amendment 371
Beatrix von Storch

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

1. A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on events since the applicant left the country of origin.

Amendment

1. A well-founded fear of being persecuted or a real risk of suffering serious harm may only be based on events which have taken place in the country of origin.

Or. en
Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on activities which the applicant has engaged in since he or she left the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin.

Or. en

Deletion is congruent with the amendment to Article 5 - paragraph 1

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on activities which the applicant has engaged in since he or she left the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin.

Or. en
Amendment 374
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Frank Engel, Barbara Matera, Salvatore Domenico Pogliese, Emil Radev

Proposal for a regulation
Article 5 – paragraph 2 a (new)

Text proposed by the Commission

2 a. When examining an application for international protection the determining authority shall assess whether the applicant has deliberately behaved in a way that would determine his/her persecution in the country of origin, for the sole or main purpose of creating the necessary conditions for applying for international protection.

Amendment

Or. en

Justification

It is necessary to create the conditions for preventing any form of abuse of the CEAS by applicants for international protection.

Amendment 375
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. Without prejudice to the Geneva Convention and the European Convention on Human Rights, an applicant who files a subsequent application in accordance with Article 42 of Regulation (EU)XXX/XXX [Procedures regulation] shall not normally be granted refugee status or subsidiary protection status if the risk of persecution or the serious harm is based on circumstances

Amendment

deleted
which the applicant has created by his or her own decision since leaving the country of origin.

Or. en

Justification

The examination of an application for international protection is concerned with the question whether the applicant has a well-founded fear of persecution or whether there are serious reasons to believe that the person has a real risk of being subjected to serious harm. Whether or not such risk results from circumstances created by the applicant since leaving the country is as such not relevant to this assessment. Through Article 5(3), even when formulated as an optional provision, the proposal runs the risk of denying international protection to persons who have a well-founded fear of persecution or risk serious harm through a legally irrelevant and by definition highly subjective assessment of whether they attempted to create conditions of eligibility for international protection. Article 5(3) is both unnecessary to secure the integrity of asylum systems and liable to deprive of protection those whose protection needs arise sur place.

Amendment 376
Barbara Spinelli

Proposal for a regulation
Article 5 – paragraph 3

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Without prejudice to the Geneva Convention and the European Convention on Human Rights, an applicant who files a subsequent application in accordance with Article 42 of Regulation (EU)XXX/XXX [Procedures regulation] shall not normally be granted refugee status or subsidiary protection status if the risk of persecution or the serious harm is based on circumstances which the applicant has created by his or her own decision since leaving the country of origin.</td>
<td>3. deleted</td>
</tr>
</tbody>
</table>

Or. en
Justification

Through Article 5(3), even when formulated as an optional provision, the proposal runs the risk of denying international protection to persons who have a well-founded fear of persecution or risk serious harm through a legally irrelevant and by definition highly subjective assessment of whether they attempted to create conditions of eligibility for international protection.

Amendment 377
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. **Without prejudice to** the Geneva Convention and the European Convention on Human Rights, an applicant who files a subsequent application in accordance with Article 42 of Regulation (EU)XXX/XXX [Procedures regulation] shall not normally be granted refugee status or subsidiary protection status if the risk of persecution or the serious harm is based on circumstances which the applicant has created by his or her own decision since leaving the country of origin.

Amendment

3. **Provided that any decision taken is fully in line with** the Geneva Convention, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union, an applicant who files a subsequent application in accordance with Article 42 of Regulation (EU)XXX/XXX [Procedures regulation] may be refused refugee status or subsidiary protection status if the risk of persecution or the serious harm is based on circumstances which the applicant has created by his or her own decision since leaving the country of origin. **This exclude any circumstances independent of applicant’s decision-making, including but not limited to their sexual orientation, and religious beliefs, which he or she may have manifestly adhered to in various degrees while in country of origin.**

Amendment 378
Jussi Halla-aho

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. Without prejudice to the Geneva Convention and the European Convention on Human Rights, an applicant who files a subsequent application in accordance with Article 42 of Regulation (EU)XXX/XXX [Procedures regulation] shall not normally be granted refugee status or subsidiary protection status if the risk of persecution or the serious harm is based on circumstances which the applicant has created by his or her own decision since leaving the country of origin.

Amendment

3. Without prejudice to the Geneva Convention and the European Convention on Human Rights, an applicant who files an application for international protection shall not normally be granted refugee status or subsidiary protection status if the risk of persecution or the serious harm is based on circumstances which the applicant has created by his or her own decision since leaving the country of origin.

Or. en

Amendment 379
Alessandra Mussolini, Elissavet Vozenberg-Vrionidi, Frank Engel, Barbara Matera, Salvatore Domenico Pogliese, Emil Radev

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. Without prejudice to the Geneva Convention and the European Convention on Human Rights, an applicant who files a subsequent application in accordance with Article 42 of Regulation (EU)XXX/XXX [Procedures regulation] shall not normally be granted refugee status or subsidiary protection status if the risk of persecution or the serious harm is based on circumstances which the applicant has created by his or her own decision since leaving the country of origin.

Amendment

3. Without prejudice to the Geneva Convention and the European Convention on Human Rights, an applicant who files a subsequent application shall not normally be granted refugee status or subsidiary protection status if the risk of persecution or the serious harm is based on circumstances which the applicant has created by his or her own decision since leaving the country of origin for the sole and main purpose of being granted international protection.

Or. en
It is necessary to create the conditions for preventing any form of abuse of the CEAS by applicants for international protection.

Amendment 380
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 6 – paragraph 1 – introductory part

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actors of persecution or serious harm can only be:</td>
<td>Actors of persecution or serious harm can be:</td>
</tr>
</tbody>
</table>

Or. en

Amendment 381
Barbara Spinelli

Proposal for a regulation
Article 6 – paragraph 1 – introductory part

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actors of persecution or serious harm can only be:</td>
<td>Actors of persecution or serious harm are, in particular:</td>
</tr>
</tbody>
</table>

Or. en

Amendment 382
Lorenzo Fontana

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

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) parties or organisations controlling the State or a substantial part of the territory of the State;</td>
<td>(b) parties or terrorist organisations controlling the State or a substantial part of the territory of the State;</td>
</tr>
</tbody>
</table>
Proposal for a regulation
Article 6 – paragraph 1 – point c

Text proposed by the Commission
(c) non-State actors, if it can be demonstrated that the actors referred to in points (a) and (b), including international organisations, are unable or unwilling to provide protection against persecution or serious harm as referred to in Article 7.

Amendment
(c) non-State actors, excluding criminal or terrorist organisations in which the applicant is or has been voluntarily involved with, if it can be demonstrated that the actors referred to in points (a) and (b), including international organisations, are unable or unwilling to provide protection against persecution or serious harm as referred to in Article 7.

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission
1. Protection against persecution or serious harm can only be provided by the following actors:

Amendment
1. Protection against persecution or serious harm can only be provided by:

Proposal for a regulation
Article 7 – paragraph 1 – point b
Text proposed by the Commission

Amendment

(b) parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State deleted

provided they are willing and able to offer protection in accordance with paragraph 2.

Or. en

Justification

In line with Art. 1A(2) of the Convention relating to the Status of Refugees done at Geneva on 28 July 1951, as amended by the New York Protocol of 31 January 1967.

Amendment 386
Barbara Spinelli

Proposal for a regulation
Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State deleted

provided they are willing and able to offer protection in accordance with paragraph 2.

Or. en

Justification

According to the 1951 refugee convention, as amended in 1967, the only protection actor is the State [Art. 1A(2)]:

“For the purposes of the present Convention, the term “refugee” shall apply to any person who:

...
(2) owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.” [country = state]

Amendment 387
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Article 7 – paragraph 1 – point b – paragraph 1

Text proposed by the Commission                        Amendment

parties or organisations, including deleted
international organisations, controlling
the State or a substantial part of the
territory of the State

Or. it

Amendment 388
Barbara Spinelli

Proposal for a regulation
Article 7 – paragraph 1 – point b – paragraph 1

Text proposed by the Commission                        Amendment

parties or organisations, including deleted
international organisations, controlling
the State or a substantial part of the
territory of the State

Or. en

Justification

According to the 1951 refugee convention the only protection actor is the State [Art. 1A(2)]: a refugee is “any person who (...) owing to well-founded fear of being persecuted (...) is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”
Amendment 389
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 7 – paragraph 1 – point b – paragraph 1

Text proposed by the Commission

parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State

Amendment

deleted

Or. en

Justification

In line with Art. 1A(2) of the Convention relating to the Status of Refugees done at Geneva on 28 July 1951, as amended by the New York Protocol of 31 January 1967.

Amendment 390
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 7 – paragraph 1 – point b – paragraph 2

Text proposed by the Commission

provided they are willing and able to offer protection in accordance with paragraph 2.

Amendment

deleted

Or. en

Justification

In line with Art. 1A(2) of the Convention relating to the Status of Refugees done at Geneva on 28 July 1951, as amended by the New York Protocol of 31 January 1967.

Amendment 391
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz
Proposal for a regulation
Article 7 – paragraph 1 – point b – paragraph 2

Text proposed by the Commission

provided they are willing and able to offer protection in accordance with paragraph 2.

Amendment

As long as they are willing and able to provide protection in accordance with paragraph 2.

Or. en

Amendment 392
Barbara Spinelli

Proposal for a regulation
Article 7 – paragraph 1 – point b – paragraph 2

Text proposed by the Commission

provided they are willing and able to offer protection in accordance with paragraph 2.

Amendment

as long as they are willing and able to provide protection in accordance with paragraph 2.

Or. en

Justification

The shadow rapporteur agrees with the rapporteur that protection for the applicant must be demonstrated in practice and in that particular case, and not merely in principle or in general terms. It should be demonstrated by the competent authority that the protection is not only temporary and limited in its effectiveness.

Amendment 393
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Article 7 – paragraph 1 – point b – paragraph 2

Text proposed by the Commission

provided they are willing and able to offer protection in accordance with paragraph 2.

Amendment

provided they are willing and able to ensure protection in accordance with paragraph 2.
### Amendment 394
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

**Proposal for a regulation**
**Article 7 – paragraph 2**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Protection against persecution or serious harm shall be effective and of a non-temporary nature. That protection shall be considered to be provided when the actors referred to in paragraph 1 take reasonable steps to prevent the persecution or suffering of serious harm, among others, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and when the applicant has access to that protection.</td>
<td>2. Protection against persecution or serious harm shall be effective and of a non-temporary nature.</td>
</tr>
</tbody>
</table>

### Amendment 395
Barbara Spinelli

**Proposal for a regulation**
**Article 7 – paragraph 2**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>2. Protection against persecution or serious harm shall be effective and of a non-temporary nature. That protection shall be considered to be provided when the actors referred to in paragraph 1 take reasonable steps to prevent the persecution or suffering of serious harm, among others, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and when</td>
<td>2. Protection against persecution or serious harm shall be effective and of a non-temporary nature.</td>
</tr>
</tbody>
</table>
the applicant has access to that protection.

Or. en

Amendment 396
Jussi Halla-aho

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. Protection against persecution or serious harm shall be effective and of a non-temporary nature. That protection shall be considered to be provided when the actors referred to in paragraph 1 take reasonable steps to prevent the persecution or suffering of serious harm, among others, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and when the applicant has access to that protection.

Amendment

2. Protection against persecution or serious harm shall be effective. That protection shall be considered to be provided when the actors referred to in paragraph 1 take reasonable steps to prevent the persecution or suffering of serious harm, among others, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and when the applicant has access to that protection.

Or. en

Amendment 397
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. Protection against persecution or serious harm shall be effective and of a non-temporary nature. That protection shall be considered to be provided when the actors referred to in paragraph 1 take reasonable steps to prevent the persecution or suffering of serious harm, among others, by operating an effective legal system for

Amendment

2. Protection against persecution or serious harm shall be effective and of a non-temporary nature. That protection shall be considered to be provided when the State takes reasonable steps to prevent the persecution or suffering of serious harm, among others, by operating an effective legal system for the detection,
the detection, prosecution and punishment of acts constituting persecution or serious harm, and when the applicant has access to that protection.

prosecution and punishment of acts constituting persecution or serious harm, and when the applicant has access to that protection.

Or. en

Amendment 398
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. When assessing whether an international organisation controls a State or a substantial part of its territory and provides protection as referred to in paragraph 2, determining authorities shall base themselves on any guidance provided in relevant Union law, in particular available Union level country of origin information and the common analysis of country of origin information referred to in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum].

Amendment 399
Barbara Spinelli

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. When assessing whether an international organisation controls a State or a substantial part of its territory and provides protection as referred to in

3. Determining authorities shall make sure to obtain and take into account precise and up-to-date information and guidance on the situation in the country
paragraph 2, determining authorities shall base themselves on any guidance provided in relevant Union law, in particular available Union level country of origin information and the common analysis of country of origin information referred to in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum].

of origin from all relevant national, Union and international sources, including the European Union Agency for Asylum, UNHCR human rights experts and NGOs. The determining authorities may decide to give specific attention to information on countries of origin at Union level, the common analysis of the situation in specific countries of origin and the guidance notes referred to in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum].

Or. en

Amendment 400
Jussi Halla-aho

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. When assessing whether an international organisation controls a State or a substantial part of its territory and provides protection as referred to in paragraph 2, determining authorities shall base themselves on any guidance provided in relevant Union law, in particular available Union level country of origin information and the common analysis of country of origin information referred to in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum].

Amendment

3. When assessing whether an international organisation controls a State or a substantial part of its territory and provides protection as referred to in paragraph 2, determining authorities shall take into account and may base themselves on any guidance provided in relevant Union law, in particular available Union level country of origin information and the common analysis of country of origin information referred to in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum].

Or. en

Amendment 401
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Pál Csáky, Monica Macovei
Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. When assessing whether an international organisation controls a State or a substantial part of its territory and provides protection as referred to in paragraph 2, determining authorities shall base themselves on any guidance provided in relevant Union law, in particular available Union level country of origin information and the common analysis of country of origin information referred to in Articles 8 and 10 of Regulation (EU) No XXX/XX [ Regulation on the European Union Agency for Asylum ].

Amendment

3. When assessing whether an international organisation controls a State or a substantial part of its territory and provides protection as referred to in paragraph 2, determining authorities may take into account any guidance provided in relevant Union law, in particular available Union level country of origin information and the common analysis of country of origin information referred to in Articles 8 and 10 of Regulation (EU) No XXX/XX [ Regulation on the European Union Agency for Asylum ].

Or. en

Amendment 402
Barbara Spinelli, Cornelia Ernst

Proposal for a regulation
Article 8

Text proposed by the Commission

[...]
deleted

Amendment

Justification

The concept of internal protection does not stem from the 1951 Refugee Convention and adds an additional criterion to eligibility for refugee status beyond the criteria foreseen in Article 1A of the Refugee Convention, thus running the risk of leaving applicants, entitled to protection under the Convention, short of protection under EU law.

Amendment 403
Jean Lambert
on behalf of the Verts/ALE Group
Proposal for a regulation  
Article 8

Text proposed by the Commission  
Amendment

1. As part of the assessment of the application for international protection, the determining authority shall determine that an applicant is not in need of international protection if he or she can safely and legally travel to and gain admittance to a part of the country of origin and can reasonably be expected to settle there and if, in that part of the country, he or she:

(a) has no well-founded fear of being persecuted or is not at real risk of suffering serious harm; or

Amendment 405  
Jean Lambert  
on behalf of the Verts/ALE Group

Proposal for a regulation  
Article 8 – paragraph 1

Text proposed by the Commission  
Amendment

[...]  
deleted

Or. en

Or. it
(b) has access to protection against persecution or serious harm.

Amendment 406
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

1. As part of the assessment of the application for international protection, the determining authority shall determine that an applicant is not in need of international protection if he or she can safely and legally travel to and gain admittance to a part of the country of origin and can reasonably be expected to settle there and if, in that part of the country, he or she:

Amendment

1. As part of the assessment of the application for international protection, and provided that the State or agents of the State are not the actors of persecution or serious harm, the determining authority may determine that an applicant is not in need of international protection if he or she can safely and legally travel to and gain admittance to a part of the country of origin and can reasonably be expected to settle there and if, in that part of the country, he or she:

Amendment 407
Jean Lambert
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

(a) has no well-founded fear of being persecuted or is not at real risk of suffering serious harm; or

Amendment

deleted

Or. en
Amendment  408
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 8 – paragraph 1 – point b

Text proposed by the Commission

(b)  has access to protection against persecution or serious harm.

Amendment

deleted

Or. en

Amendment  409
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 8 – paragraph 1 – point b

Text proposed by the Commission

(b)  has access to full effective and durable protection against persecution or serious harm.

Amendment

Or. en

Amendment  410
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. The assessment of the availability of internal protection shall be carried out once it has been established by the determining authority that the qualification criteria would otherwise apply. The burden of demonstrating the availability of internal protection shall rest on the determining authority. The deleted

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applicant shall not be required to prove that, before seeking international protection, he or she has exhausted all possibilities to obtain protection in his or her country of origin.

Or. en

Amendment 411
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Pál Csáky, Monica Macovei

Proposal for a regulation
Article 8 – paragraph 2

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>2. The assessment of the availability of internal protection shall be carried out once it has been established by the determining authority that the qualification criteria would otherwise apply. The burden of demonstrating the availability of internal protection shall rest on the determining authority. The applicant shall not be required to prove that, before seeking international protection, he or she has exhausted all possibilities to obtain protection in his or her country of origin.</td>
<td>2. The assessment of the availability of internal protection shall be carried out once it has been established by the determining authority that the qualification criteria would otherwise apply.</td>
</tr>
</tbody>
</table>

Or. en

Amendment 412
Jussi Halla-aho

Proposal for a regulation
Article 8 – paragraph 2

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. The assessment of the availability of internal protection shall be carried out once it has been established by the determining authority that the qualification criteria would otherwise apply.</td>
<td>2. The assessment of the availability of internal protection shall be carried out as soon as possible and at the latest when it has been established by the determining authority that the qualification criteria would otherwise apply.</td>
</tr>
</tbody>
</table>

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criteria would otherwise apply. The burden of demonstrating the availability of internal protection shall rest on the determining authority. The applicant shall not be required to prove that, before seeking international protection, he or she has exhausted all possibilities to obtain protection in his or her country of origin.

authority that the qualification criteria would otherwise apply. The burden of demonstrating the unavailability of internal protection shall rest on the applicant. The applicant shall be required to prove that, before seeking international protection, he or she has exhausted all possibilities to obtain protection in his or her country of origin.

Justification

Especially when there are clear indications that internal protection is available for an applicant of international protection in their country of origin, there is no need for a prolonged procedure of a prior assessment of the qualification criteria. Therefore the order of these assessments should be flexible.

Amendment 413
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Frank Engel, Barbara Matera, Salvatore Domenico Pogliese, Carlos Coelho

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. The assessment of the availability of internal protection shall be carried out once it has been established by the determining authority that the qualification criteria would otherwise apply. The burden of demonstrating the availability of internal protection shall rest on the determining authority. The applicant shall not be required to prove that, before seeking international protection, he or she has exhausted all possibilities to obtain protection in his or her country of origin.

Amendment

2. The assessment of the availability of internal protection may be carried out once it has been established by the determining authority that the qualification criteria would otherwise apply. The burden of demonstrating the availability of internal protection shall rest on the determining authority. However, the applicant shall collaborate with the determining authority in order to establish whether the conditions for internal protection are satisfied in a part of his/her country of origin.

Or. en
Justification

Despite the burden of demonstrating the availability of internal protection should lie with the determining authority, it is likewise necessary that the applicant help the determining authority to conclude whether the conditions for internal protection are met, by providing significant information and answering to all the questions posed.

Amendment 414
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. In examining whether an applicant has a well-founded fear of being persecuted or is at real risk of suffering serious harm, or has access to protection against persecution or serious harm in a part of the country of origin in accordance with paragraph 1, determining authorities shall at the time of taking the decision on the application have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant in accordance with Article 4. To that end, determining authorities shall ensure that precise and up-to-date information is obtained from all relevant sources, including available Union level country of origin information and the common analysis of country of origin information referred to in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum], as well as information and guidance issued by the United Nations High Commissioner for Refugees.

Amendment

deleted

Or. en
Amendment 415
Jussi Halla-aho

Proposal for a regulation
Article 8 – paragraph 3

*Text proposed by the Commission*

3. In examining whether an applicant has a well-founded fear of being persecuted or is at real risk of suffering serious harm, or has access to protection against persecution or serious harm in a part of the country of origin in accordance with paragraph 1, determining authorities shall at the time of taking the decision on the application have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant in accordance with Article 4. To that end, determining authorities shall ensure that precise and up-to-date information is obtained from all relevant sources, including available Union level country of origin information and the common analysis of country of origin information referred to in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum], as well as information and guidance issued by the United Nations High Commissioner for Refugees.

*Amendment*

3. In examining whether an applicant has a well-founded fear of being persecuted or is at real risk of suffering serious harm, or has access to protection against persecution or serious harm in a part of the country of origin in accordance with paragraph 1, determining authorities shall at the time of taking the decision on the application have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant in accordance with Article 4. To that end, determining authorities shall ensure that precise and up-to-date information is obtained from all relevant sources, including available Union level country of origin information and the common analysis of country of origin information referred to in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum].

Or. en

Amendment 416
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Pál Csáky, Monica Macovei

Proposal for a regulation
Article 8 – paragraph 3

*Text proposed by the Commission*

3. In examining whether an applicant

*Amendment*

3. In examining whether an applicant
has a well-founded fear of being persecuted or is at real risk of suffering serious harm, or has access to protection against persecution or serious harm in a part of the country of origin in accordance with paragraph 1, determining authorities shall at the time of taking the decision on the application have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant in accordance with Article 4. To that end, determining authorities shall ensure that precise and up-to-date information is obtained from all relevant sources, including available Union level country of origin information and the common analysis of country of origin information referred to in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum], as well as information and guidance issued by the United Nations High Commissioner for Refugees. 

Or. en