AMENDMENTS
417 - 798

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
Amendment 417
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. When considering the general circumstances prevailing in that part of the country which is the source of the protection as referred to in Article 7, the accessibility, effectiveness and durability of that protection shall be taken into account. When considering personal circumstances of the applicant, health, age, gender, sexual orientation, gender identity and social status shall in particular be taken into account together with an assessment of whether living in the part of the country of origin regarded as safe would not impose undue hardship on the applicant.

Amendment 418
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Pál Csáky, Monica Macovei

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. When considering the general circumstances prevailing in that part of the country which is the source of the protection as referred to in Article 7, the accessibility, effectiveness and durability of that protection shall be taken into account. When considering personal circumstances of the applicant, health, age, gender, sexual orientation, gender identity
and social status shall be taken into account. Together with an assessment of whether living in the part of the country of origin regarded as safe would not impose undue hardship on the applicant.

Amendment 419
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. When considering the general circumstances prevailing in that part of the country which is the source of the protection as referred to in Article 7, the accessibility, effectiveness and durability of that protection shall be taken into account. When considering personal circumstances of the applicant, health, age, gender, sexual orientation, gender identity and social status shall in particular be taken into account together with an assessment of whether living in the part of the country of origin regarded as safe would not impose undue hardship on the applicant.

Amendment

4. When considering the general circumstances prevailing in that part of the country which is the source of the protection as referred to in Article 7, the accessibility, effectiveness and durability of that protection shall be taken into account. When considering personal circumstances of the applicant, health, age, gender, sexual orientation, gender identity, ethnic origin, membership of a national minority, health and social status shall in particular be taken into account together with an assessment of whether living in the part of the country of origin regarded as safe would not impose undue hardship on the applicant.

Or. en

Amendment 420
Jussi Halla-aho

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. When considering the general circumstances prevailing in that part of the country which is the source of the protection as referred to in Article 7, the accessibility, effectiveness and durability of that protection shall be taken into account. When considering personal circumstances of the applicant, health, age, gender, sexual orientation, gender identity, ethnic origin, membership of a national minority, health and social status shall in particular be taken into account together with an assessment of whether living in the part of the country of origin regarded as safe would not impose undue hardship on the applicant.

Amendment

4. When considering the general circumstances prevailing in that part of the country which is the source of the protection as referred to in Article 7, the accessibility, effectiveness and durability of that protection shall be taken into account. When considering personal circumstances of the applicant, health, age, gender, sexual orientation, gender identity, ethnic origin, membership of a national minority, health and social status shall in particular be taken into account together with an assessment of whether living in the part of the country of origin regarded as safe would not impose undue hardship on the applicant.
4. When considering the general circumstances prevailing in that part of the country which is the source of the protection as referred to in Article 7, the accessibility, **effectiveness and durability** of that protection shall be taken into account. When considering personal circumstances of the applicant, health, age, gender, sexual orientation, **gender identity** and social status shall in particular be taken into account together with an assessment of whether living in the part of the country of origin regarded as safe would not impose undue hardship on the applicant.

4. When considering the general circumstances prevailing in that part of the country which is the source of the protection as referred to in Article 7, the accessibility **and effectiveness** of that protection shall be taken into account. When considering personal circumstances of the applicant, health, age, gender, sexual orientation and social status shall in particular be taken into account together with an assessment of whether living in the part of the country of origin regarded as safe would not impose undue hardship on the applicant.

Or. en

Amendment 421
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Frank Engel, Barbara Matera, Salvatore Domenico Pogliese, József Nagy, Carlos Coelho

Proposal for a regulation
Article 8 – paragraph 4 a (new)

**Text proposed by the Commission**

4a. Any decision not to provide international protection to a minor, whether accompanied or not, based on the availability of internal protection, shall be preceded by a formal best interests determination procedure. Where the applicant is an unaccompanied minor, the availability of appropriate care, custodial arrangements and durable solutions for his or her development should be part of the assessment of whether the protection is effectively guaranteed within the individuated area.

**Amendment**

4a. Any decision not to provide international protection to a minor, whether accompanied or not, based on the availability of internal protection, shall be preceded by a formal best interests determination procedure. Where the applicant is an unaccompanied minor, the availability of appropriate care, custodial arrangements and durable solutions for his or her development should be part of the assessment of whether the protection is effectively guaranteed within the individuated area.

Or. en

**Justification**

The best interest of the child principle should be the first consideration of determining authority also when considering the conditions for internal protection. The minor, whether
accompanied or not, should be returned to a safe area of his or her country of origin just if it is assessed that all the conditions for his or her well-being are satisfied. The provision of this article is aligned with what provided at Article 10 of Directive 2008/115/EC (“Return Directive”).

**Amendment 422**
Jean Lambert
on behalf of the Verts/ALE Group

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

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) it is sufficiently serious by its nature or repetition as to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or</td>
<td>(a) it is sufficiently serious by its nature or repetition as to constitute a severe violation of human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or</td>
</tr>
</tbody>
</table>

**Amendment 423**
Barbara Spinelli

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

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) acts of physical or mental violence, including acts of sexual violence;</td>
<td>(a) acts of physical or mental violence, including acts of sexual violence and/or trafficking for sexual exploitation;</td>
</tr>
</tbody>
</table>

**Amendment 424**
Beatrix von Storch

**Proposal for a regulation**

PE602.740v01-00  6/189  AM\1121330EN.docx
Article 9 – paragraph 2 – point b

Text proposed by the Commission

(b) legal, administrative, police, and/or judicial measures which are in themselves discriminatory or which are implemented in a discriminatory manner;

Amendment

Beatrix von Storch

Proposal for a regulation

Article 9 – paragraph 2 – point c

Text proposed by the Commission

(c) prosecution or punishment which is disproportionate or discriminatory;

Amendment

Beatrix von Storch

Proposal for a regulation

Article 9 – paragraph 2 – point d

Text proposed by the Commission

(d) denial of judicial redress resulting in a disproportionate or discriminatory punishment;

Amendment

Beatrix von Storch

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

Text proposed by the Commission

Amendment

(e) prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling within the scope of the grounds for exclusion as set out in Article 12(2);

deleted

Or. en

Amendment 428
Barbara Spinelli

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

Text proposed by the Commission

Amendment

(ea) discriminatory or disproportionate judicial prosecution or punishment leading to severe violations of fundamental human rights for refusal to perform military service for moral, religious, political reasons or due to belonging to a particular ethnicity or citizenship;

Or. en

Justification

Act of persecution currently foreseen in Italian law (D.Lgs. 21.12.2014 n. 18 art. 1 lettera bis)

Amendment 429
Beatrix von Storch

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

Text proposed by the Commission

Amendment
(f) acts of a gender-specific or child-specific nature. deleted

Amendment 430
Barbara Spinelli

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

Text proposed by the Commission

(f) acts of a gender-specific or child-specific nature.

Amendment

(f) acts of a gender-specific or child-specific nature, such as under-age recruitment, genital mutilation, forced marriage, child trafficking and child labour, domestic violence, trafficking for sexual exploitation, violations of economic, social and cultural rights.

Or. en

Amendment 431
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 10 – paragraph 1 – introductory part

Text proposed by the Commission

1. The following elements shall be taken into account when assessing the reasons for persecution:

Amendment

1. The following elements shall be taken into account when the determining authority assesses the reasons for persecution:

Or. fr

Amendment 432
Lorenzo Fontana

Proposal for a regulation
Article 10 – paragraph 1 – point b

(b) the concept of religion shall, in particular, include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;

Amendment 433
Miltiadis Kyrkos
Proposal for a regulation
Article 10 – paragraph 1 – point b

(b) the concept of religion shall, in particular, include religious faith (as demonstrated by the persecution of Christians in Africa and the Middle East), the holding of theistic, non-theistic and atheistic beliefs, participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;

Or. it

Amendment 434
Traian Ungureanu, Artis Pabriks, Tomáš Zdechovský, Monica Macovei
Proposal for a regulation

(b) the concept of religion shall, in particular, include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;

Or. en
Article 10 – paragraph 1 – point d

Text proposed by the Commission

(d) the concept of a particular social group shall include, in particular, a group where:

- members share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, and

- that group has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society;

depending on the circumstances in the country of origin, the concept might include a group based on a common characteristic of sexual orientation (a term which cannot be understood to include acts considered to be criminal in accordance with national law of the Member States); gender related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group;

Amendment 435
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 10 – paragraph 1 – point d – introductory part

Text proposed by the Commission

(d) the concept of a particular social group shall include, in particular, a group

(d) the concept of membership of a particular social group shall include, in
where: particular, a group where:

Or. en

Amendment 436
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Article 10 – paragraph 1 – point d – indent 1

*Text proposed by the Commission*

– members share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, *and*

*Amendment*

– members share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, *or*

Or. it

Amendment 437
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 10 – paragraph 1 – point d – indent 1

*Text proposed by the Commission*

– members share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, *and*

*Amendment*

– members share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, *or*

Or. en

Amendment 438
Proposal for a regulation
Article 10 – paragraph 1 – point d – indent 1

Text proposed by the Commission
— members share an innate character, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, and

Amendment
— members share an innate character, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, or

Or. en

Amendment 439
Barbara Spinelli

Proposal for a regulation
Article 10 – paragraph 1 – point d – indent 1

Text proposed by the Commission
— members share an innate character, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, and

Amendment
— members share an innate character, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, or

Or. en

Amendment 440
Jussi Halla-aho

Proposal for a regulation
Article 10 – paragraph 1 – point d – indent 2 – paragraph 1

Text proposed by the Commission
that group has a distinct identity in the relevant country, because it is perceived as

Amendment
that group has a demonstrable distinct identity in the relevant country, because it
being different by the surrounding society; is perceived as being different by the surrounding society;

Or. en

Amendment 441
Jussi Halla-aho

Proposal for a regulation
Article 10 – paragraph 1 – point d – indent 2 – paragraph 2

Text proposed by the Commission  Amendment

depending on the circumstances in the country of origin, the concept might include a group based on a common characteristic of sexual orientation (a term which cannot be understood to include acts considered to be criminal in accordance with national law of the Member States); gender related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group;

Or. en

Amendment 442
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Article 10 – paragraph 1 – point d – indent 2 – paragraph 2

Text proposed by the Commission  Amendment

depending on the circumstances in the country of origin, the concept might include a group based on a common characteristic of sexual orientation (a term which cannot be understood to include acts considered to be criminal in accordance with national law of the Member States); gender related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group;

depending on the circumstances in the country of origin, the concept includes groups based on a common characteristic related to sexual orientation and gender aspects, including gender identity; those aspects shall be given due consideration for the purposes of determining
Member States); gender related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group;

Or. it

Amendment 443
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 10 – paragraph 1 – point d – indent 2 – paragraph 2

<table>
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<td>depending on the circumstances in the country of origin, the concept <em>shall</em> include a group based on a common characteristic of sexual orientation (a term which cannot be understood to include acts considered to be criminal in accordance with national law of the Member States); gender related aspects, including gender identity, <em>gender expression and sex characteristics</em>, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group;</td>
</tr>
</tbody>
</table>

Or. en

Amendment 444
Barbara Spinelli, Cornelia Ernst

Proposal for a regulation
Article 10 – paragraph 1 – point d – indent 2 – paragraph 2

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<th>Amendment</th>
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<td>depending on the circumstances in the country of origin, the concept <em>shall</em> include a group based on a common characteristic</td>
</tr>
</tbody>
</table>
characteristic of sexual orientation (a term which cannot be understood to include acts considered to be criminal in accordance with national law of the Member States); gender related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group;
of sexual orientation and gender related aspects and/or having undergone or risking sexual trafficking for sexual exploitation, including gender identity, gender expression and sex characteristics. Those aspects shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group;

Justification

The shadow rapporteur agrees with the rapporteur that linking sexual orientation to acts considered criminal is out of place and should be removed. Sexual orientation in legislation can never mean acts considered to be criminal and has no legal added-value since the concept of sexual orientation is clearly defined in European treaties and EU law, and thus also recognised in national law. The addition of “gender expression” to the definition of “particular social group” follows in particular 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 445
Jussi Halla-aho, Helga Stevens

Proposal for a regulation
Article 10 – paragraph 1 – point e

Text proposed by the Commission Amendment

(e) the concept of political opinion shall, in particular, include the holding of an opinion, thought or belief on a matter related to the potential actors of persecution mentioned in Article 6 and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the applicant.

(e) the concept of political opinion shall, in particular, include the holding of an opinion, thought or belief on a matter related to the potential actors of persecution mentioned in Article 6 and to their policies or methods.
Amendment 446
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 10 – paragraph 2

*Text proposed by the Commission*

2. When *assessing* if an applicant has a well-founded fear of being persecuted it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.

*Amendment*

2. When *the determining authority assesses* if an applicant has a well-founded fear of being persecuted it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.

Or. fr

Amendment 447
Jussi Halla-aho

Proposal for a regulation
Article 10 – paragraph 2

*Text proposed by the Commission*

2. When assessing if an applicant has a well-founded fear of being persecuted it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.

*Amendment*

2. When assessing if an applicant has a well-founded fear of being persecuted it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is *demonstrably* attributed to the applicant by the actor of persecution.

Or. en

Amendment 448
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

2. When assessing if an applicant has a well-founded fear of being persecuted it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.

Amendment

2. When assessing if an applicant has a well-founded fear of being persecuted it is immaterial whether the applicant actually possesses the racial, ethnic, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.

Or. en

Amendment 449
Jussi Halla-aho

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

3. When assessing if an applicant has a well-founded fear of being persecuted, the determining authority cannot reasonably expect an applicant to behave discreetly or abstain from certain practices, where such behaviour or practices are inherent to his or her identity, to avoid the risk of persecution in his or her country of origin.

Amendment

deleted

Or. en

Amendment 450
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Pál Csáky, Monica Macovei

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

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3. When assessing if an applicant has a well-founded fear of being persecuted, the determining authority cannot reasonably expect an applicant to behave discreetly or abstain from certain practices, where such behaviour or practices are inherent to his or her identity, to avoid the risk of persecution in his or her country of origin.

3. When assessing if an applicant has a well-founded fear of being persecuted, the determining authority cannot reasonably expect an applicant to behave discreetly or abstain from certain practices, where such behaviour or practices are inherent to his or her identity, to avoid the risk of persecution in his or her country of origin, provided such practices and behaviour is not contradicting Union law and norms.

Or. en

Amendment 451
Barbara Spinelli

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

3. When assessing if an applicant has a well-founded fear of being persecuted, the determining authority cannot reasonably expect an applicant to behave discreetly or abstain from certain practices, where such behaviour or practices are inherent to his or her identity, to avoid the risk of persecution in his or her country of origin.

Amendment

3. When assessing if an applicant has a well-founded fear of being persecuted, the determining authority cannot reasonably expect an applicant to behave discreetly or abstain from certain practices, where such behaviour or practices are inherent to his or her identity or conscience, to avoid the risk of persecution in his or her country of origin.

Or. en

Justification

The shadow rapporteur agrees with the rapporteur that the term 'identity' is restrictive. It may be a person’s conscience that leads him or her to have a well-founded fear of being persecuted. This is also in line with the jurisprudence of the European Court of Justice in joined cases C-71/11 and C-99/11.

Amendment 452
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz
Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

3. When assessing if an applicant has a well-founded fear of being persecuted, the determining authority cannot reasonably expect an applicant to behave discreetly or abstain from certain practices, where such behaviour or practices are inherent to his or her identity, to avoid the risk of persecution in his or her country of origin.

Amendment

3. When assessing if an applicant has a well-founded fear of being persecuted, the determining authority cannot reasonably expect an applicant to behave discreetly or abstain from certain practices, where such behaviour or practices are inherent to his or her identity or conscience, to avoid the risk of persecution in his or her country of origin.

Or. en

Amendment 453
Barbara Spinelli

Proposal for a regulation
Article 11

Text proposed by the Commission

Amendment

Article 11 deleted

Cessation

1.

A third-country national or a stateless person shall cease to be a refugee where one or more of the following apply:

(a) the person has voluntarily re-availed himself or herself of the protection of the country of nationality;

(b) having lost his or her nationality, the person has voluntarily re-acquired it;

(c) the person has acquired a new nationality, and enjoys the protection of the country of his or her new nationality;

(d) the person has voluntarily re-established himself or herself in the country which he or she left or outside which he or she remained owing to fear of
persecution;

(e) the person can no longer, because the circumstances in connection with which he or she has been recognised as a refugee have ceased to exist, continue to refuse to avail himself or herself of the protection of the country of nationality;

(f) being a stateless person, the person is able, because the circumstances in connection with which he or she has been recognised as a refugee have ceased to exist, to return to the country of former habitual residence.

Points (e) and (f) shall not apply to a refugee who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself or herself of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.

2. When points (e) and (f) of paragraph 1 apply, the determining authority

(a) shall have regard to whether the change of circumstances is of such a significant and non-temporary nature that the refugee’s fear of persecution can no longer be regarded as well-founded;

(b) shall base itself on precise and up-to-date information obtained from all relevant sources, including Union level country of origin information and common analysis of country of origin information referred to in Articles 8 and 10 of the Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] or information and guidance issued by the United Nations High Commissioner for Refugee.
Beatrix von Storch

Proposal for a regulation
Article 11 – paragraph 1 – subparagraph 1 – point f a (new)

Text proposed by the Commission

He or she absconds outside the jurisdiction of their host Member State

 Amendment

Or. en

Amendment 455
Jussi Halla-aho

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

Text proposed by the Commission

Points (e) and (f) shall not apply to a refugee who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself or herself of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.

 Amendment

Points (e) and (f) shall not apply to a refugee who is able to demonstrate the existence of compelling reasons arising out of previous persecution for refusing to avail himself or herself of the protection of the country of nationality

Or. en

Amendment 456
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Frank Engel, Barbara Matera, Salvatore Domenico Pogliese, József Nagy

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

Text proposed by the Commission

Points (e) and (f) shall not apply to a refugee who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself or herself of the protection of the country of nationality

 Amendment

Points (e) and (f) shall not apply to a refugee who is able to demonstrate the existence of compelling reasons arising out of previous persecution for refusing to avail himself or herself of the protection of

EN
or, being a stateless person, of the country of former habitual residence.

the country of nationality or, being a stateless person, of the country of former habitual residence.

Or. en

**Justification**

Derogation to points (e) and (f) of Article 11 should only take place when the refugee is able to prove that there are reasons linked to the previous persecution which would impinge his/her right to be protected in the country of nationality or, being a stateless person, in the country of former habitual residence. This provision would help to prevent abuses of the CEAS.

**Amendment 457**
Jeroen Lenaers

Proposal for a regulation
Article 11 – paragraph 1 a (new)

**Text proposed by the Commission**

**Amendment**

1a. **Member States may decide that continuous refusal to actively integrate on the part of third country national or stateless person qualified as refugee may, as a measure of last resort, lead to the cessation of the eligibility for international protection.**

Or. en

**Amendment 458**
Jussi Halla-aho

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

**Text proposed by the Commission**

**Amendment**

(a) **shall have regard to whether the change of circumstances is of such a significant and non-temporary nature that the refugee’s fear of persecution can no**

deleted
longer be regarded as well-founded;

Or. en

Justification

Same safeguards are already guaranteed in paragraphs 1 (e) and 1 (f) of this article.

Amendment 459
Jussi Halla-aho

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

Text proposed by the Commission

(b) **shall** base itself on precise and up-to-date information obtained from all relevant sources, including Union level country of origin information and common analysis of country of origin information referred to in Articles 8 and 10 of the Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] or **information and guidance issued by the United Nations High Commissioner for Refugee.**

Amendment

(b) **may** base itself on precise and up-to-date information obtained from all relevant sources, including Union level country of origin information and common analysis of country of origin information referred to in Articles 8 and 10 of the Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum].

Or. en

Amendment 460
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Pál Csáky, Monica Macovei

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

Text proposed by the Commission

(b) **shall base itself on** precise and up-to-date information obtained from all relevant sources, including Union level country of origin information and common analysis of country of origin information referred to in Articles 8 and 10 of the

Amendment

(b) **shall take into account** precise and up-to-date information obtained from all relevant sources, including Union level country of origin information and common analysis of country of origin information referred to in Articles 8 and 10 of the


Or. en

Amendment 461
Barbara Spinelli

Proposal for a regulation
Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

1. A third-country national or a stateless person shall be excluded from being a refugee if:

Amendment

1. A third-country national or a stateless person shall be excluded from the scope of this Regulation if:

Or. en

Justification

The shadow rapporteur agrees with the rapporteur that Article 1(D) of the Geneva Convention does not deny the status of ‘refugee’ to certain categories of persons. It simply deprives them of the rights and benefits of the Convention. As this Article is also inspired by Article 1(D) of the Geneva Convention, the same approach should be taken in this Regulation.

Amendment 462
Jean Lambert
on behalf of theVerts/ALE Group

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

Text proposed by the Commission

(a) he or she falls within the scope of Article 1(D) of the Geneva Convention, relating to protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees. When such protection or assistance has ceased for any

Amendment

(a) he or she falls within the scope of Article 1(D) of the Geneva Convention, relating to protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees. When such protection or assistance has ceased for any
reason, without the position of such persons being definitely settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, those persons shall ipso facto be entitled to the benefits of this Regulation;

reason, without the position of such persons being definitely settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, those persons shall ipso facto be entitled to the benefits of this Directive;

Amendment 463
Barbara Spinelli

Proposal for a regulation
Article 12 – paragraph 1 – point b a (new)

Text proposed by the Commission

(ba) In the case of Palestinians who fall within the scope of article 12(1) they shall be included in the scope of this Regulation especially if:

• following Article 1D of the Geneva Convention, they have not actually availed themselves of the assistance provided by UNRWA,

• UNRWA as an agency is terminated or its activities discontinued or for any objective reason outside the control of the person concerned such that the person is unable to (re-)avail himself or herself of the protection or assistance of UNRWA;

• a person, after actually having availed himself of such protection or assistance, ceases to receive it for a reason beyond his control and independent of his volition.

Justification

According to the “Note on UNHCR’s Interpretation of Article 1D of the 1951 Convention relating to the Status of Refugees and Article 12(1)(a) of the EU Qualification Directive” in the context of Palestinian refugees seeking international protection, the phrase “ceased for
any reason” in the second paragraph of Article 1D of the 1951 Convention/Article 12(1)(a) of the Qualification Directive should not be interpreted restrictively.

Broadly similar to UNHCR’s position, the CJEU in Case C-364/11 held that the phrase “when such protection or assistance has ceased for any reason” (without the position of those persons concerned being definitely settled in accordance with the relevant UN General Assembly resolutions) includes the following situations:

• Situations where a person who, after actually availing him/herself of UNRWA’s assistance, ceases to receive it for a reason beyond his/her control and

• independent of his/her volition which forces him/her to leave the UNRWA area and therefore prevents him/her from receiving UNRWA’s assistance. This includes situations where a Palestinian refugee has been forced to leave UNRWA’s area of operation where his/her personal safety is at serious risk and it is impossible for UNRWA to guarantee his/her living conditions in accordance with that organization’s mission.

• The cessation of UNRWA as an agency or the cessation of UNRWA’s activities. This would include the fact that it has become impossible for UNRWA to carry out its mission. However, the CJEU noted that it is primarily the actual assistance provided by UNRWA and not the existence of UNRWA as an agency that must cease in order for the second sentence of Article 12(1)(a) to be triggered.

Amendment 464
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 12 – paragraph 2 – introductory part

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. A third-country national or a stateless person shall be excluded from being a refugee where there are serious reasons for considering that:</td>
<td>2. A third-country national or a stateless person may be excluded from being a refugee where there are serious reasons for considering that:</td>
</tr>
</tbody>
</table>

Or. en

Amendment 465
Traian Ungureanu, Artis Pabriks, Kinga Gál, Pál Csáky, Tomáš Zdechovský, Monica Macovei

Proposal for a regulation
Article 12 – paragraph 2 – point a a (new)
Text proposed by the Commission

Amendment

(aa) he or she has planned, facilitated or participated in the commission of terrorist offences.

Or. en

Amendment 466
Traian Ungureanu, Artis Pabriks, Kinga Gál, Pál Csáky, Tomáš Zdechovský, Monica Macovei

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

Text proposed by the Commission

Amendment

(ab) he or she has participated in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities in any way.

Or. en

Amendment 467
Jussi Halla-aho

Proposal for a regulation
Article 12 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) he or she has committed a serious non-political crime outside the country of refuge prior to his or her admission as a refugee, which means the time of issuing a residence permit based on the granting of refugee status; particularly cruel actions, even if committed with an allegedly political objective, may be classified as serious non-political crimes;

(b) he or she has committed a serious non-political crime prior to his or her admission as a refugee, which means the time of issuing a residence permit based on the granting of refugee status; particularly cruel actions, even if committed with an allegedly political objective, may be classified as serious non-political crimes;
Amendment 468
Beatrix von Storch

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

Text proposed by the Commission

Amendment

(ca) he or she absconds outside the jurisdiction of their host Member State

Or. en

Amendment 469
Barbara Spinelli

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. Paragraph 2 shall apply to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.

deleted

Or. en

Justification

The Treaties prescribe that the European common policy on asylum be in accordance with the Geneva Convention relating to the status of refugees and other relevant treaties (see, among others, Article 18 of the Charter, which states that “the right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention”). Nevertheless the corresponding article of the Convention (Article 1F) does not include in its scope “persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein”. UNHCR had already proposed the deletion of Article 12 (3) in 2009 in its comments to the previous revision of the Directive, as it could lead Member States to exclude persons lacking the intent to commit crimes, who thus could not be deemed individually responsible under international criminal law.

See: UNHCR comments on the European Commission’s proposal for a Directive of the European Parliament and of the Council on minimum standards for the qualification and
status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted

(COM(2009)551, 21 October 2009)

Amendment 470
Jean Lambert
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

3a. The exclusion clauses referred to in paragraph 2 shall not apply to minors.

Or. en

Amendment 471
Barbara Spinelli

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

Text proposed by the Commission

Amendment

3a. The exclusion clauses referred to in paragraph 2 shall not apply to minors.

Or. en

Amendment 472
Barbara Spinelli

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

Text proposed by the Commission

Amendment

3b. Member States may apply point (c) of paragraph 2 only after undertaking, for each individual case, an assessment of the
specific facts brought to its attention with a view to determining whether there are serious reasons for considering that the acts committed by the person in question, who otherwise satisfies the qualifying conditions for refugee status, fall within the scope of that particular exclusion.

Or. en

Justification

Paragraph in line with the jurisprudence of the Court of Justice (see, to that effect, judgment of 9 November 2010, B and D, C-57/09 and C-101/09, paragraphs 87 and 94 and judgment of 31 January 2017, Mostafa Lounani, C-573/14, paragraph 72).

Amendment 473

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. All persons affected by the exclusion grounds referred to in paragraph 2 shall have access to an effective remedy against the decision.

Or. en

Amendment 474

Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation

Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. For the purposes of points (b) and (c) of paragraph 2, the following acts shall be classified as serious non-political crimes:

deleted
(a) particularly cruel actions when the act in question is disproportionate to the alleged political objective,

(b) terrorist acts, which are characterised by their violence towards civilian populations, even if committed with a purportedly political objective.

Or. en

Amendment 475
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

5. For the purposes of points (b) and (c) of paragraph 2, the following acts shall be classified as serious non-political crimes:

(a) particularly cruel actions when the act in question is disproportionate to the alleged political objective,

(b) terrorist acts, which are characterised by their violence towards civilian populations, even if committed with a purportedly political objective.

Or. en

Amendment 476
Barbara Spinelli

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

5. For the purposes of points (b) and (c) of paragraph 2, the following acts shall be classified as serious non-political crimes:

(a) particularly cruel actions when the act in question is disproportionate to the alleged political objective,

(b) terrorist acts, which are characterised by their violence towards civilian populations, even if committed with a purportedly political objective.

Or. en
shall be classified as serious non-political crimes:

(a) particularly cruel actions when the act in question is disproportionate to the alleged political objective,

(b) terrorist acts, which are characterised by their violence towards civilian populations, even if committed with a purportedly political objective.

Justification

The shadow rapporteur shares the rapporteur’s justification (for the whole §5 so also for the following two deletions) according to which “The case-law of the CJEU, referred to in Recital 31, interprets the provisions of the existing Article 12(2)(b) and (c). Adding an additional paragraph to the Article merely adds confusion. The interpretation of the CJEU is laid out in Recital 31 and that is clear and sufficient to interpret Article 12(2)(b) and (c) with regard to terrorism and particularly cruel actions. Paragraph 5 should thus be deleted”.

Amendment 477
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Frank Engel, Barbara Matera, Salvatore Domenico Pogliese

Proposal for a regulation
Article 12 – paragraph 5 – introductory part

Text proposed by the Commission

5. For the purposes of points (b) and (c) of paragraph 2, the following acts shall be classified as serious non-political crimes:

Amendment

5. For the purposes of point (c) of paragraph 2, the following aspects shall be considered of particular importance by the determining authority during the individual assessment:

Amendment 478
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 12 – paragraph 5 – point a

Text proposed by the Commission

(a) particularly cruel actions when the 
act in question is disproportionate to the 
alleged political objective,

Amendment

deleted

Or. en

Amendment 479
Angelika Mlinar, Cecilia Wikström, Maite Pagazauurtundúa Ruiz

Proposal for a regulation
Article 12 – paragraph 5 – point a

Text proposed by the Commission

(a) particularly cruel actions when the 
act in question is disproportionate to the 
alleged political objective,

Amendment

deleted

Or. en

Amendment 480
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Frank Engel, Barbara Matera, 
Salvatore Domenico Pogliese, József Nagy, Emil Radev

Proposal for a regulation
Article 12 – paragraph 5 – point a

Text proposed by the Commission

(a) particularly cruel actions when the 
act in question is disproportionate to the 
alleged political objective,

Amendment

(a) participation in the activities of a 
terrorist group even though it is not 
established that the person concerned 
committed, attempted to commit or 
threatened to commit a terrorist act as 
defined in the resolutions of the United 
Nations Security Council;

Or. en
Amendment 481
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 12 – paragraph 5 – point b

Text proposed by the Commission

(b) terrorist acts, which are characterised by their violence towards civilian populations, even if committed with a purportedly political objective.

Amendment

deleted

Or. en

Amendment 482
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 12 – paragraph 5 – point b

Text proposed by the Commission

(b) terrorist acts, which are characterised by their violence towards civilian populations, even if committed with a purportedly political objective.

Amendment

deleted

Or. en

Amendment 483
Monika Hohlmeier

Proposal for a regulation
Article 12 – paragraph 5 – point b

Text proposed by the Commission

(b) terrorist acts, which are characterised by their violence towards civilian populations, even if committed with a purportedly political objective and being involved in the preparation of such a terrorist act or being supportive of a

Or. en

Justification

This amendment corresponds to the new recital 31a. Both amendments refer to the ruling C-573/14 of the European Court of Justice which interprets the preparation of a terrorist act or the support of a terrorist network as a reason for exclusion of the status of a refugee or person under subsidiary protection.

Amendment 484
Jussi Halla-aho, Helga Stevens

Proposal for a regulation
Article 12 – paragraph 5 – point b

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) terrorist acts, which are characterised by their violence towards civilian populations, even if committed with a purportedly political objective.</td>
<td>(b) planning of, incitement or contribution to or execution of terrorist acts, which are characterised by their violence towards civilian populations, even if committed with a purportedly political or religious objective.</td>
</tr>
</tbody>
</table>

Amendment 485
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Frank Engel, Barbara Matera, Salvatore Domenico Pogliese, József Nagy, Emil Radev

Proposal for a regulation
Article 12 – paragraph 5 – point b

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) terrorist acts, which are characterised by their violence towards civilian populations, even if committed</td>
<td>(b) a conviction by the Courts of a Member State on a charge of participation in the activities of a terrorist</td>
</tr>
</tbody>
</table>
with a purportedly political objective. group; or

Or. en

Amendment 486
Jussi Halla-aho, Helga Stevens

Proposal for a regulation
Article 12 – paragraph 5 – point b a (new)

Text proposed by the Commission

Amendment

(ba) serious crimes against sexual self-determination, in accordance with national law of the Member State, such as rape or statutory rape.

Or. en

Amendment 487
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Frank Engel, Barbara Matera, Salvatore Domenico Pogliese, József Nagy, Emil Radev

Proposal for a regulation
Article 12 – paragraph 5 – point b a (new)

Text proposed by the Commission

Amendment

(ba) membership of the leadership of a terrorist group.

Or. en

Amendment 488
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 12 – paragraph 6

Text proposed by the Commission

Amendment
6. The exclusion of a person from refugee status shall depend exclusively on whether the conditions set out in paragraphs (1) to (5) are met and shall not be subject to any additional proportionality assessment in relation to the particular case.

Or. en

Amendment 489
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 12 – paragraph 6

Text proposed by the Commission

Amendment

6. The exclusion of a person from refugee status shall depend exclusively on whether the conditions set out in paragraphs (1) to (5) are met and shall not be subject to any additional proportionality assessment in relation to the particular case.

Or. en

Amendment 490
Barbara Spinelli

Proposal for a regulation
Article 12 – paragraph 6

Text proposed by the Commission

Amendment

6. The exclusion of a person from refugee status shall depend exclusively on whether the conditions set out in paragraphs (1) to (5) are met and shall not be subject to any additional proportionality assessment in relation to the particular case.
Justification

The shadow rapporteur agrees with the rapporteur’s assessment that “the Commission’s proposed text in Article 12(6) is terribly confusing insofar as it refers to case law. The principle of proportionality is a general principle of Union law. The CJEU, in its case-law, has stated that whether someone is refused refugee status on the grounds laid down in Article 12 depends on an assessment of the “seriousness of the acts committed”, which in turn requires taking account of “all the circumstances surrounding the acts in question and the situation of that person”. This inevitably requires a proportionality test. The Commission proposal is misleading in that regard and should be deleted.”

Amendment 491
Barbara Spinelli

Proposal for a regulation
Article 14 – title

Text proposed by the Commission

Amendment

Revocation of, ending of or refusal to renew refugee status

Withdrawal of refugee status

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

Amendment 492
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The determining authority shall revoke, end or refuse to renew the refugee status of a third-country national or stateless person where:

1. The determining authority may revoke, end or refuse to renew the refugee status of a third-country national or stateless person where:

Or. it
Amendment 493
Jean Lambert
on behalf of the Verts/ALE Group

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

Text proposed by the Commission
(c) his or her misrepresentation or omission of facts, including the use of false documents, was decisive for the granting of refugee status;

Amendment
(c) his or her misrepresentation or omission of facts relevant to the merits of the application for international protection, was decisive for the granting of refugee status;

Or. en

Amendment 494
Barbara Spinelli

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

Text proposed by the Commission
(c) his or her misrepresentation or omission of facts, including the use of false documents, was decisive for the granting of refugee status;

Amendment
(c) deleted

Or. en

Justification

The Treaties prescribe that the European common policy on asylum be in accordance with the Geneva Convention relating to the status of refugees and other relevant treaties (see, among others, Article 18 of the EU Charter of Fundamental Rights, which states that “the right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention”). The grounds on which refugee status may be ended (the so-called “cessation clauses”) are set out in an exhaustive list in Article 1(C) of the Geneva Convention. The fact that such list is exhaustive implies that EU secondary law cannot provide further grounds for revocation of the refugee status: doing so violates the Geneva Convention and, by extension, EU primary law, notably Article 18 of the Charter, Article 78 (1) TFEU as well as the general principles of EU law under Article 6(3) TEU. Accordingly, Articles 14 (1) (d) and (e) to the new
Commission proposal (which correspond to Article 14 (4) (b) and (c) of the 2011 Qualifications Directive) as well as Article 14 (1) (f) (introduced by the Commission proposal) transform the exceptions to the principle of non refoulement of Article 33(2) of the Geneva Convention into facultative grounds for revoking, ending or refusing to renew refugee status, broadening the list of cessation grounds beyond what ought to be lawful under the Geneva Convention.

Amendment 495
Jean Lambert
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

(d) there are reasonable grounds for deleted regarding him or her as a danger to the security of the Member State in which he or she is present;

Or. en

Amendment 496
Barbara Spinelli

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

Text proposed by the Commission

(d) there are reasonable grounds for deleted regarding him or her as a danger to the security of the Member State in which he or she is present;

Or. en

Justification

The Treaties prescribe that the European common policy on asylum be in accordance with the Geneva Convention relating to the status of refugees and other relevant treaties (see, among others, Article 18 of the EU Charter of Fundamental Rights, which states that “the right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention”). The grounds on which refugee status may be ended (the so-called “cessation clauses”) are set out
in an exhaustive list in Article 1(C) of the Geneva Convention. The fact that such list is exhaustive implies that EU secondary law cannot provide further grounds for revocation of the refugee status: doing so violates the Geneva Convention and, by extension, EU primary law, notably Article 18 of the Charter, Article 78 (1) TFEU as well as the general principles of EU law under Article 6(3) TEU. Accordingly, Articles 14 (1) (d) and (e) to the new Commission proposal (which correspond to Article 14 (4) (b) and (c) of the 2011 Qualifications Directive) as well as Article 14 (1) (f) (introduced by the Commission proposal) transform the exceptions to the principle of non refoulement of Article 33(2) of the Geneva Convention into facultative grounds for revoking, ending or refusing to renew refugee status, broadening the list of cessation grounds beyond what ought to be lawful under the Geneva Convention.

Amendment 497
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

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

Text proposed by the Commission

(d) there are reasonable grounds for regarding him or her as a danger to the security of the Member State in which he or she is present;

Amendment

(d) there are reasonable grounds for regarding him or her as a danger to the security of the Member State in which he or she is present, based on a final judgment convicting him or her for a particular serious crime;

Or. en

Amendment 498
Monika Hohlmeier

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

Text proposed by the Commission

(d) there are reasonable grounds for regarding him or her as a danger to the security of the Member State in which he or she is present;

Amendment

(d) there are reasonable grounds for regarding him or her as a danger to the public security and the individual safety of the citizens of the Member State in which he or she is present;

Or. en
Justification

This amendment is to clarify that if law enforcement authorities have reasonable grounds that a person is considered being a danger to individual citizens, it may also be considered as a reason for revoking, ending or renewing the refugee status.

Amendment 499
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

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

Text proposed by the Commission
(e) he or she, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the Member State in which he or she is present;

Amendment
deleted

Or. en

Amendment 500
Barbara Spinelli

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

Text proposed by the Commission
(e) he or she, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the Member State in which he or she is present;

Amendment
deleted

Or. en

Justification

The Treaties prescribe that the European common policy on asylum be in accordance with the Geneva Convention relating to the status of refugees and other relevant treaties (see, among others, Article 18 of the EU Charter of Fundamental Rights, which states that “the right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention”). The grounds on which refugee status may be ended (the so-called “cessation clauses”) are set out
in an exhaustive list in Article 1(C) of the Geneva Convention. The fact that such list is exhaustive implies that EU secondary law cannot provide further grounds for revocation of the refugee status: doing so violates the Geneva Convention and, by extension, EU primary law, notably Article 18 of the Charter, Article 78 (1) TFEU as well as the general principles of EU law under Article 6(3) TEU. Accordingly, Articles 14 (1) (d) and (e) to the new Commission proposal (which correspond to Article 14 (4) (b) and (c) of the 2011 Qualifications Directive) as well as Article 14 (1) (f) (introduced by the Commission proposal) transform the exceptions to the principle of non refoulement of Article 33(2) of the Geneva Convention into facultative grounds for revoking, ending or refusing to renew refugee status, broadening the list of cessation grounds beyond what ought to be lawful under the Geneva Convention.

Amendment 501
Jean Lambert
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

(e) he or she, having been convicted of a particularly serious crime, constitutes a danger to the community of the Member State in which he or she is present;

Amendment

deleted

Or. en

Amendment 502
Alessandra Mussolini, Elissavet Vozenberg-Vrionidi, Frank Engel, Barbara Matera, Salvatore Domenico Pogliese, József Nagy, Emil Radev, Carlos Coelho

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

Text proposed by the Commission

(e) he or she, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the Member State in which he or she is present;

Amendment

(e) he or she, having been convicted by a final judgment of a particularly serious crime with reference to offences listed in Article 2(2) of Framework Decision 2002/584/JHA, constitutes a danger to the community of the Member State in which

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he or she is present;

**Justification**

*It seems relevant to establish a common juridical reference for what has to be considered “particular serious crime”, taking into account the different interpretation provided by the national criminal laws. This reference is particularly necessary due to the passage from a Directive to a Regulation.*

**Amendment 503**  
Jean Lambert  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 14 – paragraph 1 – point f**

*Text proposed by the Commission*  
Amendment

(f) *Article 23(2) is applied.*  
deleted

Or. en

**Amendment 504**  
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

**Proposal for a regulation**  
**Article 14 – paragraph 1 – point f**

*Text proposed by the Commission*  
Amendment

(f) *Article 23(2) is applied.*  
deleted

Or. en

**Amendment 505**  
Barbara Spinelli

**Proposal for a regulation**  
**Article 14 – paragraph 1 – point f**
Text proposed by the Commission

(f) Article 23(2) is applied.

deleted

Or. en

Justification

Same justification as Article 23 (2)

Amendment 506

Beatrix von Storch

Proposal for a regulation

Article 14 – paragraph 1 – point f a (new)

Text proposed by the Commission

(fa) he or she absconds outside the jurisdiction of their host Member State

Or. en

Amendment 507

Barbara Spinelli

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

2. In situations referred to in points (d) to (f) of paragraph 1, the determining authority may decide not to grant status to a refugee, where such a decision has not yet been taken.

deleted

Or. en

Justification

Deletion tabled for consistency with earlier amendments.
Amendment 508
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

2. In situations referred to in points (d) to (f) of paragraph 1, the determining authority may decide not to grant status to a refugee, where such a decision has not yet been taken.

Amendment

2. In situations referred to in points (d) to (f) of paragraph 1, the determining authority may decide not to grant status to a refugee, where such a decision has not yet been taken.

Or. en

Amendment 509
Jussi Halla-aho

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

2. In situations referred to in points (d) to (f) of paragraph 1, the determining authority may decide not to grant status to a refugee, where such a decision has not yet been taken.

Amendment

2. In situations referred to in points (d) to (f) of paragraph 1, the determining authority shall not grant status to a refugee, where such a decision has not yet been taken.

Or. en

Amendment 510
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

2. In situations referred to in points (d) to (f) of paragraph 1, the determining authority may decide not to grant status to a refugee, where such a decision has not yet been taken.

Amendment

2. In situations referred to in point (d) of paragraph 1, the determining authority may decide not to grant status to a refugee, where such a decision has not yet been
yet been taken.

Amendment  511
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

3. Persons to whom points (d) to (f) of paragraph 1 or paragraph 2 apply shall be entitled to rights set out in or similar to those set out in Articles 3, 4, 16, 22, 31, 32 and 33 of the Geneva Convention in so far as they are present in the Member State.

Amendment

deleted

Or. en

Amendment  512
Barbara Spinelli

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

3. Persons to whom points (d) to (f) of paragraph 1 or paragraph 2 apply shall be entitled to rights set out in or similar to those set out in Articles 3, 4, 16, 22, 31, 32 and 33 of the Geneva Convention in so far as they are present in the Member State.

Amendment

deleted

Or. en

Justification

Deletion tabled for consistency with earlier amendments.
Amendment  513
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

3. Persons to whom points (d) to (f) of paragraph 1 or paragraph 2 apply shall be entitled to rights set out in or similar to those set out in Articles 3, 4, 16, 22, 31, 32 and 33 of the Geneva Convention in so far as they are present in the Member State.

Amendment

3. Persons to whom point (d) of paragraph 1 or paragraph 2 apply shall be entitled to rights set out in or similar to those set out in Articles 3, 4, 16, 22, 31, 32 and 33 of the Geneva Convention in so far as they are present in the Member State.

Or. en

Amendment  514
Barbara Spinelli

Proposal for a regulation
Article 14 – paragraph 4

Text proposed by the Commission

4. Without prejudice to the duty of the refugee in accordance with Article 4(1) to disclose all relevant facts and provide all relevant documentation at his or her disposal, the determining authority which has granted refugee status shall, on an individual basis, demonstrate that the person concerned has ceased to be or has never been a refugee for the reasons set out in paragraph 1 of this Article.

Amendment

4. The determining authority which has granted refugee status shall, on an individual basis, demonstrate that the person concerned has ceased to be or has never been a refugee for the reasons set out in paragraph 1 of this Article.

Or. en

Justification

Amendment tabled for consistency with earlier amendments to Article 4 §1

Amendment  515

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

Proposal for a regulation
Article 14 – paragraph 5

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Decisions of the determining authority revoking, ending or refusing to renew refugee status pursuant to point (a) of paragraph 1 shall <strong>only</strong> take effect <strong>three months</strong> after the decision is adopted, <strong>in order to provide the third-country national or stateless person with the opportunity to apply for residence in the Member State on other grounds in accordance with relevant Union and national law.</strong></td>
<td>5. Decisions of the determining authority revoking, ending or refusing to renew refugee status pursuant to point (a) of paragraph 1 shall take effect <strong>one month</strong> after the decision is adopted, <strong>unless specified otherwise.</strong></td>
</tr>
</tbody>
</table>

Or. en

Amendment 516
Jeroen Lenaers

Proposal for a regulation
Article 14 – paragraph 5

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Decisions of the determining authority revoking, ending or refusing to renew refugee status pursuant to point (a) of paragraph 1 shall <strong>only</strong> take effect <strong>three months</strong> after the decision is adopted, <strong>in order to provide the third-country national or stateless person with the opportunity to apply for residence in the Member State on other grounds in accordance with relevant Union and national law.</strong></td>
<td>5. Decisions of the determining authority revoking, ending or refusing to renew refugee status pursuant to point (a) of paragraph 1 shall take effect <strong>immediately</strong> after the decision is adopted. <strong>Member States may decide, in specific and well-argued cases,</strong> to provide the third-country national or stateless person with <strong>an additional 3 months in order</strong> to apply for residence in the Member State on other grounds in accordance with relevant Union and national law.</td>
</tr>
</tbody>
</table>

Or. en
**Amendment 517**  
Jussi Halla-aho

**Proposal for a regulation**  
**Article 14 – paragraph 5**

*Text proposed by the Commission*

5. Decisions of the determining authority revoking, ending or refusing to renew refugee status pursuant to point (a) of paragraph 1 shall only take effect three months after the decision is adopted, in order to provide the third-country national or stateless person with the opportunity to apply for residence in the Member State on other grounds in accordance with relevant Union and national law.

*Amendment*

5. Decisions of the determining authority revoking, ending or refusing to renew refugee status pursuant to point (a) of paragraph 1 shall only take effect three months after the decision is adopted, in order to provide the third-country national or stateless person with the opportunity to apply for residence in the Member State on other, *especially work-related*, grounds, in accordance with relevant Union and national law.

Or. en

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**Amendment 518**  
Jean Lambert  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 14 – paragraph 5**

*Text proposed by the Commission*

5. Decisions of the determining authority revoking, ending or refusing to renew paragraph 1 shall only take effect *three* months after the decision is adopted, in order to provide the third-country national or stateless person with the opportunity to apply for residence in the Member State on other grounds in accordance with relevant Union and national law.

*Amendment*

5. Decisions of the determining authority revoking, ending or refusing to renew paragraph 1 shall only take effect *nine* months after the decision is adopted, in order to provide the third-country national or stateless person with the opportunity to apply for residence in the Member State on other grounds in accordance with relevant Union and national law.

Or. en
Proposal for a regulation
Article 14 – paragraph 5

Text proposed by the Commission

5. Decisions of the determining authority revoking, ending or refusing to renew refugee status pursuant to point (a) of paragraph 1 shall only take effect three months after the decision is adopted, in order to provide the third-country national or stateless person with the opportunity to apply for residence in the Member State on other grounds in accordance with relevant Union and national law.

Amendment

5. Decisions of the determining authority withdrawing refugee status pursuant to point (a) of paragraph 1 shall only take effect one month after the decision is adopted, in order to provide the third-country national or stateless person with the opportunity to apply for residence in the Member State on other grounds in accordance with relevant Union and national law.

Amendment 520
Barbara Spinelli

Proposal for a regulation
Article 14 – paragraph 5

Text proposed by the Commission

5. Decisions of the determining authority revoking, ending or refusing to renew refugee status pursuant to point (a) of paragraph 1 shall only take effect three months after the decision is adopted, in order to provide the third-country national or stateless person with the opportunity to apply for residence in the Member State on other grounds in accordance with relevant Union and national law.

Amendment

5. Decisions of the determining authority withdrawing refugee status pursuant to point (a) of paragraph 1 shall only take effect nine months after the decision is adopted, in order to provide the third-country national or stateless person with the opportunity to apply for residence in the Member State on other grounds in accordance with relevant Union and national law.

Or. en
Justification

This 3-month grace period is unrealistic for beneficiaries of international protection whose status is unexpectedly withdrawn to submit a successful application, given the well-known difficulties to obtain the necessary documentation and decisions (i.e. sponsorship, recruitment, admission, proven family links). In contrast, the recast Directive 2016/801 recognises international students and researchers a minimum of 9 months to secure employment or self-employment after the long-anticipated end of their studies or research (Article 25).

Amendment 521
Barbara Spinelli, Cornelia Ernst

Proposal for a regulation
Article 15

Text proposed by the Commission

Amendment

Article 15 deleted

Review of refugee status

In order to apply Article 14(1), the determining authority shall review the refugee status in particular:

(a) where Union level country of origin information and common analysis of country of origin information as referred in Articles 8 and 10 of Regulation (EU) No XXXXX [Regulation on the European Union Agency for Asylum] indicate a significant change in the country of origin which is relevant for the protection needs of the applicant;

(b) when renewing, for the first time, the residence permit issued to a refugee.

Or. en

Justification

The proposed review of refugee status is a resource-consuming bureaucratic step that some Member States have not seen the purpose or need in practice to introduce. For example, France in 2016 replaced its yearly permit renewal system—with similarities to this proposal—with multiannual permits because this systematic status review was useless in 99% of cases (only 7654 refusals for 795,220 renewal requests). The previous system was found to
be ineffective for fighting fraud and irregularity and counter-productive for integration outcomes.

Sources:

Matthias Fekl (May 2013) “Sécuriser les parcours des ressortissants étrangers en France”, page S 12-14


Amendment 522
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 15 – paragraph 1 – introductory part

Text proposed by the Commission

In order to apply Article 14(1), the determining authority shall review the refugee status in particular:

Amendment

In order to apply Article 14(1), and without prejudice of the right of the beneficiary of international protection to appeal against a decision of the determining authority in line with Articles 14 to 17 of Regulation (EU)XXX/XXX [Procedures Regulation], the determining authority may, where necessary and proportionate and having regard to the individual circumstances of the beneficiary of international protection, review the refugee status:

Or. en

Amendment 523
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Article 15 – paragraph 1 – introductory part

Text proposed by the Commission

In order to apply Article 14(1), the determining authority shall review the refugee status in particular:

Amendment

In order to apply Article 14(1), the determining authority may review the refugee status, in particular where Union-
level country of origin information and common analysis of country of origin information as referred in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] indicate a significant change in the country of origin which is relevant for the protection needs of the applicant.

Or. it

Amendment 524
Monika Hohlmeier

Proposal for a regulation
Article 15 – paragraph 1 – introductory part

Text proposed by the Commission

**In order to apply** Article 14(1), the **determining authority** shall review the
refugee status in particular:

Amendment

**The determining authorities of the Member State may review the refugee status at any time when they have reasonable grounds for considering that** Article 14(1) **may apply. They shall**
review the refugee status in particular:

Or. en

**Justification**

In order to apply Article 14(1), the determining authorities of the Member States must have the possibility to review the refugee status anytime and even when Article 15 (1)(a) and (b) do not apply at this specific moment.

Amendment 525
Monika Hohlmeier

Proposal for a regulation
Article 15 – paragraph 1 – introductory part

**Text proposed by the Commission**

In order to apply Article 14(1), the **determining authority** shall review the

Amendment

In order to apply Article 14(1), the **determining authority** shall review the

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EN
refugee status in particular: refugee status on regular basis and in particular:

Amendment  526
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Barbara Matera, Salvatore Domenico Pogliese, József Nagy

Proposal for a regulation
Article 15 – paragraph 1 – introductory part

Text proposed by the Commission Amendment
In order to apply Article 14(1), the determining authority shall review the refugee status in particular:

In order to apply Article 14(1), the determining authority shall review the refugee status in particular where:

Or. en

Amendment  527
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 15 – paragraph 1 – introductory part

Text proposed by the Commission Amendment
In order to apply Article 14(1), the determining authority shall review the refugee status in particular:

In order to apply Article 14(1), the determining authority may review the refugee status in particular:

Or. en

Amendment  528
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

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

Text proposed by the Commission Amendment

EN
(a) where Union level country of origin information and common analysis of country of origin information as referred in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] indicate a significant change in the country of origin which is relevant for the protection needs of the applicant;

Or. it

Amendment 529
Jean Lambert
on behalf of the Verts/ALE Group

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

Text proposed by the Commission Amendment

(a) where Union level country of origin information and common analysis of country of origin information as referred in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] indicate a significant change in the country of origin which is relevant for the protection needs of the applicant;

Or. en

Amendment 530
Anna Maria Corazza Bildt

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

Text proposed by the Commission Amendment

(a) where Union level country of origin information and common analysis of country of origin information as referred in
Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] indicate a significant change in the country of origin which is relevant for the protection needs of the applicant;

Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] indicate a significant change in the country of origin which is relevant for the protection needs of the applicant, taking into account the level of integration of the applicant and the establishment of ties within the host country;

Or. en

Amendment 531
Gérard Deprez, Louis Michel

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

Text proposed by the Commission

(a) where Union level country of origin information and common analysis of country of origin information as referred in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] indicate a significant change in the country of origin which is relevant for the protection needs of the applicant;

Amendment

(a) where Union-level country of origin information and common analysis of country of origin information as referred in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] indicate a significant change in the country of origin which is relevant for the protection needs of the beneficiary of international protection;

Or. fr

Justification

The definitions given in the regulation state that: a ‘beneficiary of international protection’ is a person who has been granted refugee status or subsidiary protection status, whereas an ‘applicant’ is a third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken.

Amendment 532
Alessandra Mussolini, Elissavet Vozenberg-Vrionidi, Barbara Matera, Salvatore Domenico Pogliese, József Nagy, Carlos Coelho
Proposal for a regulation
Article 15 – paragraph 1 – point a

Text proposed by the Commission

(a) where Union level country of origin information and common analysis of country of origin information as referred in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] indicate a significant change in the country of origin which is relevant for the protection needs of the applicant;

Amendment

(a) Union level country of origin information and common analysis of country of origin information as referred in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] indicate a significant change in the country of origin which is relevant for the protection needs of the applicant;

Or. en

Justification

A review of the refugee status 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 refugee’s country of origin.

Amendment 533
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

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

Text proposed by the Commission

(b) when renewing, for the first time, the residence permit issued to a refugee.

Amendment

(b) when renewing, for the first time, deleted the residence permit issued to a refugee.

Or. it

Amendment 534
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 15 – paragraph 1 – point b
A review of the refugee status 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 refugee’s country of origin.
Proposal for a regulation
Article 15 – paragraph 1 – point b

Text proposed by the Commission  
(b) when renewing, for the first time, the residence permit issued to a refugee.

Amendment
(b) when renewing, for the first and second time, the residence permit issued to a refugee.

Or. en

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

Text proposed by the Commission  
(ba) This article shall not apply to unaccompanied minors, unless it is in their best interests and that it is determined that he or she will not be exposed to serious harm upon return to the third country of origin.

Amendment

Or. en

Proposal for a regulation
Article 16 – paragraph 1 – introductory part

Text proposed by the Commission  
Serious harm as referred to in Article 2 (5), consists of:

Serious harm as referred to in Article 2 (5), consists solely of:

Amendment

Or. en
Amendment 540
Beatrix von Storch

Proposal for a regulation
Article 16 – paragraph 1 – point a

Text proposed by the Commission Amendment
(a) the death penalty or execution; or (a) the death penalty or execution in the country of origin; or

Or. en

Amendment 541
Beatrix von Storch

Proposal for a regulation
Article 16 – paragraph 1 – point b

Text proposed by the Commission Amendment
(b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or (b) torture of an applicant in the country of origin; or

Or. en

Justification
Inhuman or degrading treatment is too ambiguous and punishment is too general.

Amendment 542
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 16 – paragraph 1 – point b

Text proposed by the Commission Amendment
(b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or (b) (Does not affect the English version.)
Justification

(Does not affect the English version – change of reference in the French version to the wording of Article 3 of the European Convention on Human Rights and to Articles 4 and 19 of the EU Charter of Fundamental Rights.)

Amendment 543
Jussi Halla-aho

Proposal for a regulation
Article 16 – paragraph 1 – point b

Text proposed by the Commission
(b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or

Amendment
(b) torture or inhuman treatment or punishment of an applicant in the country of origin; or

Or. en

Amendment 544
Beatrix von Storch

Proposal for a regulation
Article 16 – paragraph 1 – point c

Text proposed by the Commission
(c) a serious and individual threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

Amendment
deleted

Or. en

Amendment 545
Barbara Spinelli

Proposal for a regulation
Article 16 – paragraph 1 – point c
Text proposed by the Commission

(c) a serious and individual threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

Amendment

(c) a serious threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict. Serious threats should include group based threats such as internal or international armed conflict or other situations of violence and of systematic human rights violations, military occupation including civil unrest, widespread insecurity or events seriously disturbing public order; or

Or. en

Justification

The CJUE case “Elgafaji interpretation of the indiscriminate violence requirement needs to be reconciled with the case-law of the European Court of Human Rights on Article 3 ECHR, mirrored in the ground foreseen in Article 16(b). The Grand Chamber of the Strasbourg Court has firmly stated that “in the most extreme cases” where a person would face a real risk of ill-treatment simply by virtue of being present on the territory, Article 3 ECHR would be triggered. Accordingly, Article 16(b), which must reflect Article 3 ECHR, applies to all cases where the Article 3 ECHR test applies, and also covers extreme situations whereby violence is of such degree as to put any person present on the territory at risk.

Based on the principle of effet utile, the content and meaning of Article 16(c) must differ from that of Article 16(b). Accordingly, the protection of Article 16(c) would apply to asylum seekers who face a real risk of serious harm stemming from indiscriminate violence, which need not be as high as to trigger Article 3 ECHR – and thereby to fall under Article 16(b). The Qualification Regulation should reflect the dialogue between the Strasbourg and Luxembourg Courts, since both courts’ interpretation of fundamental rights should inform the EU asylum acquis. In the light of ECHR case law, Article 16(c) should extend subsidiary protection to serious threats stemming from indiscriminate violence, yet of lower intensity than that contemplated in Sufi and Elmi v. United Kingdom or J.K. v. Sweden.”

Amendment 546
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Article 16 – paragraph 1 – point c

Text proposed by the Commission

(c) a serious and individual threat to a civilian’s life or person by reason of

Amendment

(c) a serious and individual threat to a civilian’s life or person by reason of
indiscriminate violence in situations of international or internal armed conflict.
indiscriminate violence in situations of international or internal armed conflict, or
Or. it

Amendment 547
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 16 – paragraph 1 – point c

Text proposed by the Commission

(c) a serious and individual threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

Amendment

(c) a serious threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict, or
Or. en

Amendment 548
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 16 – paragraph 1 – point c

Text proposed by the Commission

(c) a serious and individual threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

Amendment

(c) a serious threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict.
Or. en

Justification

This amendment is in line with the CJEU’s ruling in the case of Elgafaji, which clarifies that indiscriminate violence does not necessarily require the threat to be of an individual nature in order for a person subjected to indiscriminate violence to be eligible for subsidiary protection.
Proposal for a regulation
Article 16 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment
(ca) a serious threat to a civilian’s life or person due to a natural or man-made disaster. 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 camps. 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.

Proposal for a regulation
Article 16 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment
(ca) a serious and individual threat to a civilian’s life or person by reason of a natural or man-made disaster.

Or. it

Proposal for a regulation

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Article 17

Text proposed by the Commission

Amendment

Article 17

Cessation

1. A third-country national or a stateless person shall cease to be eligible for subsidiary protection when the circumstances which led to the granting of subsidiary protection status have ceased to exist or have changed to such a degree that protection is no longer required.

2. The determining authority:

(a) shall have regard whether the change in circumstances is of such a significant and non-temporary nature that the person eligible for subsidiary protection no longer faces a real risk of serious harm;

(b) shall base itself on precise and up-to-date information obtained from all relevant sources, including Union level country of origin information and the common analysis on country of origin information as referred in Articles 8 and 10 of the Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] or information and guidance issued by the United Nations High Commissioner for Refugees.

3. Paragraph 1 shall not apply to a beneficiary of subsidiary protection status who is able to invoke compelling reasons arising out of previous serious harm for refusing to avail himself or herself of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.

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

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

1. A third-country national or a stateless person shall cease to be eligible for subsidiary protection when the circumstances which led to the granting of subsidiary protection status have ceased to exist or have changed to such a degree that protection is no longer required.

Amendment

1. Without prejudice of the right of the beneficiary of international protection to appeal against a decision of the determining authority in line with Articles 14 to 17 of Regulation (EU)XXX/XXX [Procedures Regulation], a third-country national or a stateless person shall cease to be eligible for subsidiary protection when the circumstances which led to the granting of subsidiary protection status have ceased to exist or have changed to such a degree that protection is no longer required.

Or. en

Amendment 553
Jeroen Lenaers

Proposal for a regulation
Article 17 – paragraph 1 a (new)

Text proposed by the Commission

1a. Member States may decide that continuous refusal to actively integrate on the part of third country national or stateless person qualified for subsidiary protection may, as a measure of last resort, lead to the cessation of the eligibility for international protection.

Amendment

1a. Member States may decide that continuous refusal to actively integrate on the part of third country national or stateless person qualified for subsidiary protection may, as a measure of last resort, lead to the cessation of the eligibility for international protection.

Or. en

Amendment 554
Jussi Halla-aho
Proposal for a regulation
Article 17 – paragraph 2 – point a

Text proposed by the Commission

(a) shall have regard whether the change in circumstances is of such a significant and non-temporary nature that the person eligible for subsidiary protection no longer faces a real risk of serious harm;

Amendment

(a) shall have regard whether the change in circumstances is of such a significant nature that the person eligible for subsidiary protection no longer faces a real risk of serious harm;

Or. en

Amendment 555
Jussi Halla-aho

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

Text proposed by the Commission

(b) shall base itself on precise and up-to-date information obtained from all relevant sources, including Union level country of origin information and the common analysis on country of origin information as referred in Articles 8 and 10 of the Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] or information and guidance issued by the United Nations High Commissioner for Refugee.

Amendment

(b) shall base itself on precise and up-to-date information obtained from all relevant sources, including Union level country of origin information and the common analysis on country of origin information as referred in Articles 8 and 10 of the Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum]

Or. en

Amendment 556
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Pál Csáky, Monica Macovei

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

Text proposed by the Commission

(b) shall base itself on precise and up-

Amendment

(b) shall take into account up-to-date

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to-date information obtained from all relevant sources, including Union level country of origin information and the common analysis on country of origin information as referred in Articles 8 and 10 of the Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] or information and guidance issued by the United Nations High Commissioner for Refugee.

Or. en

Amendment 557
Beatrix von Storch

Proposal for a regulation
Article 17 – paragraph 3

Text proposed by the Commission

3. Paragraph 1 shall not apply to a beneficiary of subsidiary protection status who is able to invoke compelling reasons arising out of previous serious harm for refusing to avail himself or herself of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.

Or. en

Amendment 558
Jussi Halla-aho

Proposal for a regulation
Article 17 – paragraph 3

Text proposed by the Commission

3. Paragraph 1 shall not apply to a beneficiary of subsidiary protection status who is able to invoke compelling reasons arising out of previous serious harm for

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refusing to avail himself or herself of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.

Or. en

Amendment 559
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Frank Engel, Barbara Matera, Salvatore Domenico Pogliese, József Nagy, Carlos Coelho

Proposal for a regulation
Article 17 – paragraph 3

Text proposed by the Commission

Amendment

3. Paragraph 1 shall not apply to a beneficiary of subsidiary protection status who is able to invoke compelling reasons arising out of previous serious harm for refusing to avail himself or herself of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.

3. Paragraph 1 shall not apply to a beneficiary of subsidiary protection status who is able to demonstrate the existence of compelling reasons arising out of previous serious harm for refusing to avail himself or herself of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.

Or. en

Justification

Derogation to Article 17 (1) should only take place when the beneficiary of subsidiary protection is able to prove that there are reasons linked to the previous serious harm which would impinge his/her right to be protected in the country of nationality or, being a stateless person, in the country of former habitual residence. This provision would help to prevent abuses of the CEAS.

Amendment 560
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 18 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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1. A third-country national or a stateless person shall be excluded from being eligible for subsidiary protection where there are serious reasons for considering that:

1. Without prejudice of the right of the beneficiary of international protection to appeal against a decision of the determining authority in line with Articles 14 to 17 of Regulation (EU)XXX/XXX [Procedures Regulation], a third-country national or a stateless person may be excluded from being eligible for subsidiary protection where there are serious reasons for considering that:

Or. en

Amendment 561
Jussi Halla-aho

Proposal for a regulation
Article 18 – paragraph 1 – introductory part

1. A third-country national or a stateless person shall be excluded from being eligible for subsidiary protection where there are serious reasons for considering that:

Text proposed by the Commission

Amendment

1. A third-country national or a stateless person shall be excluded from being eligible for subsidiary protection when he or she is recognised by the competent authorities of the country in which he or she has taken up residence as having the rights and obligations which are attached to the possession of the nationality of that country, or rights and obligations equivalent to those, or where there are serious reasons for considering that:

Or. en

Amendment 562
Jussi Halla-aho, Helga Stevens

Proposal for a regulation
Article 18 – paragraph 1 – point b

Text proposed by the Commission

Amendment
(b) he or she has committed a serious crime;  

(b) he or she has committed a serious crime \textit{such as planning of, incitement or contribution to or execution of terrorist act, even if committed with a purportedly political or religious objective or a serious crime against sexual self-determination such as rape or statutory rape};

Or. en

\textbf{Amendment 563}

Barbara Spinelli

\textbf{Proposal for a regulation}

\textbf{Article 18 – paragraph 1 – point \textit{b}}

\begin{align*}
\text{\textit{Text proposed by the Commission}} & & \text{\textit{Amendment}} \\
(b) & \text{he or she has committed a serious crime;} & (b) & \text{he or she has committed a serious non-political crime \textit{outside the country of refuge prior to his or her admission as a beneficiary of subsidiary protection}.}
\end{align*}

Or. en

\textbf{Justification}

Amendment aligning the clause of exclusion from subsidiary protection to the clause enshrined in Art. 12 (2) \textit{b} excluding from refugee status.

\textbf{Amendment 564}

Barbara Spinelli

\textbf{Proposal for a regulation}

\textbf{Article 18 – paragraph 1 – point \textit{d}}

\begin{align*}
\text{\textit{Text proposed by the Commission}} & & \text{\textit{Amendment}} \\
(d) & \text{he or she constitutes a danger to the community or to the security of the Member State in which he or she is present;} & \text{\textit{deleted}}
\end{align*}

Or. en
Justification

UNHCR recommended in 2009 that the articles providing for exclusion from and revocation of subsidiary protection should be amended to reflect its proposals on the same articles relating to exclusion from and revocation of refugee status.

More specifically, in this case: “There is a risk that decisions on whether a person poses a danger to the security or community of a Member State may be taken in proceedings where the concerned persons are not entitled to see all the evidence against them or to respond effectively, which increases the possibility of incorrect application of these provisions.”

Therefore this deletion is needed for consistency reasons with amendments to Articles 12 and 14 (see justification on amendments to those articles).

See also: UNHCR comments on the European Commission’s proposal for a Directive of the European Parliament and of the Council on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted (COM(2009)551, 21 October 2009)

Amendment 565
Barbara Spinelli

Proposal for a regulation
Article 18 – paragraph 1 – point e

Text proposed by the Commission
Amendment

(e) he or she, prior to his or her admission to the Member State concerned, has committed one or more crimes outside the scope of points (a), (b) and (c) which would be punishable by imprisonment if they been committed in the Member State concerned, and if he or she left his or her country of origin solely in order to avoid sanctions resulting from those crimes.

deleted

Or. en
Justification

UNHCR recommended in 2009 that the articles providing for exclusion from and revocation of subsidiary protection should be amended to reflect its proposals on the same articles relating to exclusion from and revocation of refugee status.

Therefore this deletion is needed for consistency reasons with amendments to Articles 12 and 14 (see justification on amendments to those articles).

See also: UNHCR comments on the European Commission’s proposal for a Directive of the European Parliament and of the Council on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted

(COM(2009)551, 21 October 2009)

Amendment 566
Traian Ungureanu, Artis Pabriks, Kinga Gál, Pál Csáky, Tomáš Zdechovský, Monica Macovei

Proposal for a regulation
Article 18 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) he or she has planned, facilitated or participated in the commission of terrorist offences.

Or. en

Amendment 567
Beatrix von Storch

Proposal for a regulation
Article 18 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) he or she absconds outside the jurisdiction of their host Member State

Or. en
Amendment 568
Traian Ungureanu, Artis Pabriks, Kinga Gál, Pál Csáky, Tomáš Zdechovský, Monica Macovei

Proposal for a regulation
Article 18 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) he or she has participated in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities in any way.

Or. en

Amendment 569
Barbara Spinelli

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

Amendment

2. Points (a) to (d) of paragraph 1 shall apply to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.

Or. en

Justification

UNHCR recommended in 2009 that the articles providing for exclusion from and revocation of subsidiary protection should be amended to reflect their proposals on the same articles relating to exclusion from and revocation of refugee status.

Therefore this deletion is needed for consistency reasons with the amendment to Article 12 (3) (see justification of that amendment).

See also: UNHCR comments on the European Commission’s proposal for a Directive of the
European Parliament and of the Council on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted

(COM(2009)551, 21 October 2009)

Amendment 570
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 18 – paragraph 2

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Points (a) to (d) of paragraph 1 <strong>shall</strong> apply to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.</td>
<td>2. Points (a) to (d) of paragraph 1 <em>may</em> apply to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.</td>
</tr>
</tbody>
</table>

Or. en

Amendment 571
Anna Maria Corazza Bildt

Proposal for a regulation
Article 18 – paragraph 2 a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2a. When the applicant is a minor, the exclusion clauses referred to in paragraph 1 shall apply only if the minors had reached the national age limit for criminal responsibility under national law, and in any case, applicant minors shall receive the same procedural safeguards as the national minors. The assessment of the exclusion grounds shall take into account the rules and principles that address the special status, rights and protection afforded to children under international and national law at all stages of the asylum procedure; it shall also weight the gravity of the offence.</td>
<td></td>
</tr>
</tbody>
</table>
against the risk of serious harm to which he or she would be exposed upon return to the third country of origin.

Amendment  572
Jussi Halla-aho, Helga Stevens

Proposal for a regulation
Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The exclusion of a person from subsidiary protection status shall depend exclusively on whether the conditions set out in paragraphs 1 and 2 are met and shall not be subject to any additional proportionality assessment in relation to the particular case.

Amendment  573
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The exclusion clauses of paragraph 1 shall not apply to minors.

Amendment  574
Jean Lambert
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 18 – paragraph 2 b (new)

Text proposed by the Commission Amendment

2b. All persons affected by the exclusion grounds referred to in paragraph 1 shall have access to an effective remedy against the decision.

Or. en

Amendment 575
Beatrix von Storch

Proposal for a regulation
Article 19

Text proposed by the Commission Amendment

Article 19 deleted

Granting of subsidiary protection status
The determining authority shall grant subsidiary protection status to a third-country national or a stateless person who is eligible for subsidiary protection in accordance with Chapters II and V.

Or. en

Amendment 576
Beatrix von Storch

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission Amendment

The determining authority shall grant subsidiary protection status to a third-country national or a stateless person who is eligible for subsidiary protection in accordance with Chapters II and V.

deleted

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**Amendment 577**  
Barbara Spinelli

Proposal for a regulation  
Article 20 – title

*Text proposed by the Commission*  
*Amendment*

**Revocation of, ending of or refusal to renew** subsidiary protection status

**Withdrawal of** subsidiary protection status

*Or. en*

**Justification**

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

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**Amendment 578**  
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation  
Article 20 – paragraph 1 – introductory part

*Text proposed by the Commission*  
*Amendment*

1. The determining authority **shall** revoke, end or refuse to renew the subsidiary protection status of a third-country national or a stateless person where:

1. The determining authority **may** revoke, end or refuse to renew the subsidiary protection status of a third-country national or a stateless person where:

*Or. it*

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**Amendment 579**  
Jean Lambert  
on behalf of the Verts/ALE Group

Proposal for a regulation  
Article 20 – paragraph 1 – introductory part
1. The determining authority shall revoke, end or refuse to renew the subsidiary protection status of a third-country national or a stateless person where:

\[\text{Text proposed by the Commission}\]

1. The determining authority may revoke, end or refuse to renew the subsidiary protection status of a third-country national or a stateless person where:

\[\text{Amendment}\]

Or. en

\[\text{Amendment 580}\]

Barbara Spinelli

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

\[\text{Text proposed by the Commission}\]

(c) his or her misrepresentation or omission of facts, including the use of false documents, was decisive for the granting of subsidiary protection status;

\[\text{Amendment}\]

Or. en

Justification

See justification on the deletion of Article 14 (1) c

\[\text{Amendment 581}\]

Jean Lambert
on behalf of the Verts/ALE Group

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

\[\text{Text proposed by the Commission}\]

(c) his or her misrepresentation or omission of facts, including the use of false documents, was decisive for the granting of subsidiary protection status;

\[\text{Amendment}\]

(c) his or her misrepresentation or omission of facts relevant to the merits of the application for international protection was decisive for the granting of subsidiary protection status;
Amendment 582
Jean Lambert
on behalf of the Verts/ALE Group

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

Text proposed by the Commission Amendment

(d) Article 23(2) is applied. deleted

Amendment 583
Barbara Spinelli

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

Text proposed by the Commission Amendment

(d) Article 23(2) is applied. deleted

Justification

See justification to Article 23 (2)

Amendment 584
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

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

Text proposed by the Commission Amendment

(d) Article 23(2) is applied. deleted
Amendment  585
Barbara Spinelli

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

2. Without prejudice to the duty of the third-country national or stateless person pursuant to Article 4(1) to disclose all relevant facts and provide all relevant documentation at his or her disposal, the Member State which has granted the subsidiary protection status shall, on an individual basis, demonstrate that the person concerned has ceased to be or is not eligible for subsidiary protection in accordance with paragraph 1 of this Article.

Amendment

2. The Member State which has granted the subsidiary protection status shall, on an individual basis, demonstrate that the person concerned has ceased to be or is not eligible for subsidiary protection in accordance with paragraph 1 of this Article.

Or. en

Justification

Amendment tabled for consistency with earlier amendments to Article 4 §1

Amendment  586
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Pál Csáky, Monica Macovei

Proposal for a regulation
Article 20 – paragraph 3

Text proposed by the Commission

3. Decisions of the determining authority revoking, ending or refusing to renew subsidiary protection status pursuant to paragraph 1 (a) shall only take effect three months after the decision is taken, in order to provide the third-country national or stateless person with the opportunity to apply for residence in the Member State on other grounds in

Amendment

3. Decisions of the determining authority revoking, ending or refusing to renew subsidiary protection status pursuant to paragraph 1 (a) shall take effect one month after the decision is taken, unless specified otherwise.
accordance with relevant Union and national law.

Amendment  587  
Jeroen Lenaers

Proposal for a regulation  
Article 20 – paragraph 3

*Text proposed by the Commission*  
3. Decisions of the determining authority revoking, ending or refusing to renew subsidiary protection status pursuant to paragraph 1 (a) shall only take effect three months after the decision is taken, in order to provide the third-country national or stateless person with the opportunity to apply for residence in the Member State on other grounds in accordance with relevant Union and national law.

*Amendment*  
3. Decisions of the determining authority revoking, ending or refusing to renew subsidiary protection status pursuant to paragraph 1 (a) shall only take effect immediately after the decision is adopted. Member States may decide, in specific and well-argued cases, to provide the third-country national or stateless person with an additional 3 months in order to apply for residence in the Member State on other grounds in accordance with relevant Union and national law.

Or. en

Amendment  588  
Jussi Halla-aho

Proposal for a regulation  
Article 20 – paragraph 3

*Text proposed by the Commission*  
3. Decisions of the determining authority revoking, ending or refusing to renew subsidiary protection status pursuant to paragraph 1 (a) shall only take effect three months after the decision is taken, in order to provide the third-country national or stateless person with the opportunity to apply for residence in the Member State on

*Amendment*  
3. Decisions of the determining authority revoking, ending or refusing to renew subsidiary protection status pursuant to paragraph 1 (a) shall only take effect one month after the decision is taken, in order to provide the third-country national or stateless person with the opportunity to apply for residence in the
other grounds in accordance with relevant Union and national law.

Member State on other, *especially work-related*, grounds in accordance with relevant Union and national law.

Or. en

Amendment 589
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 20 – paragraph 3

*Text proposed by the Commission*

3. Decisions of the determining authority revoking, ending or refusing to renew subsidiary protection status pursuant to paragraph 1 (a) shall only take effect *three* months after the decision is taken, in order to provide the third-country national or stateless person with the opportunity to apply for residence in the Member State on other grounds in accordance with relevant Union and national law.

*Amendment*

3. Decisions of the determining authority revoking, ending or refusing to renew subsidiary protection status pursuant to paragraph 1 (a) shall only take effect *nine* months after the decision is taken, in order to provide the third-country national or stateless person with the opportunity to apply for residence in the Member State on other grounds in accordance with relevant Union and national law.

Or. en

Amendment 590
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Barbara Matera, Salvatore Domenico Pogliese, Emil Radev, Carlos Coelho

Proposal for a regulation
Article 20 – paragraph 3

*Text proposed by the Commission*

3. Decisions of the determining authority *revoking, ending or refusing to renew* subsidiary protection status pursuant to paragraph 1 (a) shall only take effect *three months* after the decision is taken, in order to provide the third-country national or stateless person with the opportunity to

*Amendment*

3. Decisions of the determining authority *withdrawing* subsidiary protection status pursuant to paragraph 1 (a) shall only take effect *one month* after the decision is taken, in order to provide the third-country national or stateless person with the opportunity to apply for
apply for residence in the Member State on other grounds in accordance with relevant Union and national law.

residence in the Member State on other grounds in accordance with relevant Union and national law.

Amendment 591
Barbara Spinelli

Proposal for a regulation
Article 20 – paragraph 3

Text proposed by the Commission

3. Decisions of the determining authority revoking, ending or refusing to renew subsidiary protection status pursuant to paragraph 1 (a) shall only take effect three months after the decision is taken, in order to provide the third-country national or stateless person with the opportunity to apply for residence in the Member State on other grounds in accordance with relevant Union and national law.

Amendment

3. Decisions of the determining authority withdrawing subsidiary protection status pursuant to paragraph 1 (a) shall only take effect nine months after the decision is taken, in order to provide the third-country national or stateless person with the opportunity to apply for residence in the Member State on other grounds in accordance with relevant Union and national law.

Or. en

Justification

This 3-month grace period is unrealistic for beneficiaries of international protection whose status is unexpectedly withdrawn to submit a successful application, given the well-known difficulties to obtain the necessary documentation and decisions (i.e. sponsorship, recruitment, admission, proven family links). In contrast, the recast Directive 2016/801 recognises international students and researchers a minimum of 9 months to secure employment or self-employment after the long-anticipated end of their studies or research (Article 25).

Amendment 592
Barbara Spinelli, Cornelia Ernst

Proposal for a regulation
Article 21

Text proposed by the Commission

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Article 21

Review of the subsidiary protection status

In order to apply Article 20(1), the determining authority shall review the subsidiary protection status in particular

(a) where Union level country of origin information and common analysis of country of origin information as referred in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] indicate a significant change in the country of origin which is relevant for the protection needs of the applicant,

(b) when renewing, for the first and second time, the residence permit issued to a beneficiary of subsidiary protection.

Or. en

Justification

The proposed review of refugee status is a resource-consuming bureaucratic step that some Member States have not seen the purpose or need in practice to introduce. For example, France in 2016 replaced its yearly permit renewal system—with similarities to this proposal—with multiannual permits because this systematic status review was useless in 99% of cases (only 7654 refusals for 795,220 renewal requests). The previous system was found to be ineffective for fighting fraud and irregularity and counter-productive for integration outcomes.

Sources:

Matthias Fekl (May 2013) “Sécuriser les parcours des ressortissants étrangers en France”, pages 12-14


Amendment 593
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 21 – paragraph 1
In order to apply Article 20(1), the determining authority shall review the subsidiary protection status in particular.

Amendment

In order to apply Article 20(1), and without prejudice of the right of the beneficiary of subsidiary protection to appeal against a decision of the determining authority in line with Articles 14 to 17 of Regulation (EU)XXX/XXX [Procedures Regulation], the determining authority may, where necessary and proportionate and having regard to the individual circumstances of the beneficiary of subsidiary protection, review the subsidiary protection status.

Or. en

Amendment 594
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

In order to apply Article 20(1), the determining authority shall review the subsidiary protection status in particular.

Amendment

In order to apply Article 20(1), the determining authority may review the subsidiary protection status, in particular where Union-level country of origin information and common analysis of country of origin information as referred to in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] indicate a significant change in the country of origin which is relevant for the protection needs of the applicant.

Or. it

Amendment 595
Monika Hohlmeier

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

In order to apply Article 20(1), the determining authority shall review the subsidiary protection status in particular.

Amendment

The determining authorities of the Member State may review the subsidiary protection status at any time when they have reasonable grounds for considering that Article 20(1) may apply. They shall review the subsidiary protection status in particular:

Or. en

Justification

In order to apply Article 20(1), the determining authorities of the Member States must have the possibility to review the subsidiary protection status anytime and even when Article 21 (1)(a) and (b) do not apply at this specific moment.

Amendment 596
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Barbara Matera, Salvatore Domenico Pogliese, József Nagy

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

In order to apply Article 20(1), the determining authority shall review the subsidiary protection status in particular.

Amendment

In order to apply Article 20(1), the determining authority shall review the subsidiary protection status in particular where:

Or. en

Amendment 597
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

In order to apply Article 20(1), the determining authority shall review the subsidiary protection status in particular.

Amendment

In order to apply Article 20(1), the

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determining authority shall review the subsidiary protection status in particular

determining authority may review the subsidiary protection status in particular

Or. en

Amendment 598
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Article 21 – paragraph a

Text proposed by the Commission

(a) where Union level country of origin information and common analysis of country of origin information as referred in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] indicate a significant change in the country of origin which is relevant for the protection needs of the applicant,

Amendment

deleted

Or. it

Amendment 599
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 21 – paragraph a

Text proposed by the Commission

(a) where Union level country of origin information and common analysis of country of origin information as referred in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] indicate a significant change in the country of origin which is relevant for the protection needs of the applicant,
Amendment  600
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 21 – paragraph a

Text proposed by the Commission  

(a) where Union level country of origin information and common analysis of country of origin information as referred in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum ] indicate a significant change in the country of origin which is relevant for the protection needs of the applicant.

Amendment

(a) where Union-level country of origin information and common analysis of country of origin information as referred in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum ] indicate a significant change in the country of origin which is relevant for the protection needs of the beneficiary of international protection.

Justification

The definitions given in the regulation state that: a 'beneficiary of international protection’ is 'a person who has been granted refugee status or subsidiary protection status’, whereas an ‘applicant’ is ‘a third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken’.

Amendment  601
Alessandra Mussolini, Elissavet Vozenberg-Vrionidi, Barbara Matera, Salvatore Domenico Pogliese, József Nagy, Carlos Coelho

Proposal for a regulation
Article 21 – paragraph a

Text proposed by the Commission  

(a) where Union level country of origin information and common analysis of country of origin information as referred in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum ] indicate a

Amendment

(a) Union level country of origin information and common analysis of country of origin information as referred in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum ] indicate a
significant change in the country of origin which is relevant for the protection needs of the applicant,

significant change in the country of origin which is relevant for the protection needs of the applicant,

Or. en

Justification

A review of the subsidiary protection status 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 status when the European Union Agency for Asylum observes a significant relevant change in the beneficiary’s country of origin.

Amendment  602
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Article 21 – paragraph b

Text proposed by the Commission

Amendment

(b) when renewing, for the first and second time, the residence permit issued to a beneficiary of subsidiary protection.

deleted

Or. it

Amendment  603
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 21 – paragraph b

Text proposed by the Commission

Amendment

(b) when renewing, for the first and second time, the residence permit issued to a beneficiary of subsidiary protection.

deleted

Or. en
Amendment 604
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Barbara Matera, Salvatore Domenico Pogliese, Carlos Coelho

Proposal for a regulation
Article 21 – paragraph b

Text proposed by the Commission

(b) when renewing, for the first and second time, the residence permit issued to a beneficiary of subsidiary protection.

Amendment
(deleted)

Justification

A review of the subsidiary protection status 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 status when the European Union Agency for Asylum observes a significant relevant change in the beneficiary’s country of origin.

Amendment 605
Jussi Halla-aho

Proposal for a regulation
Article 21 – paragraph b

Text proposed by the Commission

(b) when renewing, for the first and second time, the residence permit issued to a beneficiary of subsidiary protection.

Amendment
(b) when renewing, for the first, second and third time, the residence permit issued to a beneficiary of subsidiary protection.

Or. en

Amendment 606
Beatrix von Storch

Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission

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1. Refugees **and persons who have been granted subsidiary protection status** shall have the rights and obligations laid down in this Chapter. This Chapter shall be without prejudice to the rights and obligations laid down in the Geneva Convention.

1. Refugees shall have the rights and obligations laid down in this Chapter. This Chapter shall be without prejudice to the rights and obligations laid down in the Geneva Convention.

**Amendment 607**
Barbara Spinelli

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

**Text proposed by the Commission**

1. **Refugees and persons who have been granted subsidiary protection status shall have** the rights and obligations laid down in **this Chapter. This Chapter shall be without prejudice to** the rights and obligations laid down in **the Geneva Convention**.

**Amendment**

1. **Without prejudice to** the rights and obligations laid down in **the Geneva Convention, beneficiaries of international protection shall have** the rights and obligations laid down in **this Chapter**.

**Amendment 608**
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

**Proposal for a regulation**
**Article 22 – paragraph 3**

**Text proposed by the Commission**

3. **Within the limits set by international obligations, granting of benefits with regard to access to employment, social security shall require the prior issuing of a residence permit.**

**Amendment**

3. deleted

Or. en
Amendment 609
Barbara Spinelli

Proposal for a regulation
Article 22 – paragraph 3

Text proposed by the Commission

Amendment

3. Within the limits set by international obligations, granting of benefits with regard to access to employment, social security shall require the prior issuing of a residence permit.

Or. en

Justification

§95 of the CJUE ruling C-373/13 states that “even without his residence permit, the person concerned remains a refugee and as such remains entitled to the benefits guaranteed by Chapter VII [Content of International Protection] of that [2004 Qualifications] directive to every refugee, including protection from refoulement, maintenance of family unity, the right to travel documents, access to employment, education, social welfare, healthcare and accommodation, freedom of movement within the Member State and access to integration facilities” and “In other words, a Member State has no discretion as to whether to continue to grant or to refuse to that refugee the substantive benefits guaranteed by the directive”. Even though the aforementioned CJUE case concerns the revocation of a residence permit, the implications logically apply also to those who have been granted international protection and have yet to receive a residence permit.

Amendment 610
Jussi Halla-aho

Proposal for a regulation
Article 22 – paragraph 4

Text proposed by the Commission

Amendment

4. When applying the provisions of this Chapter, the specific situation of persons with special needs such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with mental

4. When applying the provisions of this Chapter, the specific situation of persons with special needs in the meaning of needing special guarantees to benefit from the rights and comply with the obligations provided for herein, shall be taken into account provided an individual
disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence shall be taken into account provided an individual evaluation of their situation establishes that they have special needs.

Or. en

Amendment 611
Barbara Spinelli

Proposal for a regulation
Article 22 – paragraph 4

Text proposed by the Commission

4. When applying the provisions of this Chapter, the specific situation of persons with special needs such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence shall be taken into account provided an individual evaluation of their situation establishes that they have special needs.

Amendment

4. When applying the provisions of this Chapter, the specific situation of persons with special needs such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence shall be taken into account.

Or. en

Amendment 612
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 22 – paragraph 4

Text proposed by the Commission

4. When applying the provisions of this Chapter, the specific situation of persons with special needs such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence shall be taken into account provided an individual evaluation of their situation establishes that they have special needs.

Amendment

4. When applying the provisions of this Chapter, the specific situation of persons with special needs such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence shall be taken into account.
4. When applying the provisions of this Chapter, the specific situation of persons with special needs such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence shall be taken into account provided an individual evaluation of their situation establishes that they have special needs.

Or. en

**Amendment 613**  
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

**Proposal for a regulation**  
**Article 22 – paragraph 5**

*Text proposed by the Commission*  
5. When applying the provisions of this Chapter that involve minors the best interests of the child shall be a primary consideration to the relevant authorities.

*Amendment*  
5. When applying the provisions of this Regulation that involve minors the best interests of the child shall be a primary consideration for the relevant authorities.

Or. it

**Amendment 614**  
Barbara Spinelli

**Proposal for a regulation**  
**Article 22 – paragraph 5**

*Text proposed by the Commission*  
5. When applying the provisions of this Chapter that involve minors the best interests of the child shall be a primary consideration to the relevant authorities.

*Amendment*  
5. When applying this Regulation, the best interests of the child shall be a primary consideration for the Member States.
Justification

The shadow rapporteur agrees with the rapporteur that the reference to the best interests of the child as a primary consideration should cover the whole of the Regulation, not just the provisions of Chapter VII as stated in the article.

Amendment  615
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Frank Engel, Barbara Matera, Salvatore Domenico Pogliese, József Nagy, Carlos Coelho

Proposal for a regulation
Article 22 – paragraph 5

Text proposed by the Commission

5. When applying the provisions of this Chapter that involve minors the best interests of the child shall be a primary consideration to the relevant authorities.

Amendment

5. When applying the provisions of this Chapter that involve minors the best interests of the child shall be the primary consideration to the relevant authorities.

Justification

It is necessary to clarify that the best interest of the child should be the primary concern and not one concern amongst others to take into account when applying this Regulation.

Amendment  616
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 22 – paragraph 5

Text proposed by the Commission

5. When applying the provisions of this Chapter that involve minors the best interests of the child shall be a primary consideration to the relevant authorities.

Amendment

5. When applying this Regulation the best interests of the child shall be a primary consideration to the relevant authorities.
Amendment 617
Barbara Spinelli

Proposal for a regulation
Article 23 – paragraph 2

Text proposed by the Commission

2. Where not prohibited by the international obligations referred to in paragraph 1, refugee or a beneficiary of subsidiary protection may be refouled, whether formally recognised or not, when:

(a) there are reasonable grounds for considering him or her as a danger to the security of the Member State in which he or she is present;

(b) he or she, having been convicted by a final judgment of a particularly serious crime constitutes a danger to the community of that Member State.

In those cases the refugee status or the subsidiary protection status shall also be withdrawn in accordance with Article 14 or Article 20 respectively.

Or. en

Justification

Article 23 (1) of the Qualification Regulation is not invalid because it can be interpreted in accordance with the absolute prohibition of refoulement thanks to the words ‘in accordance with their international obligations’ in the first section. The effect of the correct interpretation is that refoulement of refugees is not allowed even in the cases formulated in paragraph 2.

Indeed, as the prohibition of refoulement is absolute in the ECHR, it should universally be interpreted to be absolute regardless of the legal context of EU law in which it appears.

Amendment 618
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 23 – paragraph 2 – subparagraph 1
Where not prohibited by the international obligations referred to in paragraph 1, refugee or a beneficiary of subsidiary protection may be refouled, whether formally recognised or not, when:

(a) there are reasonable grounds for considering him or her as a danger to the security of the Member State in which he or she is present;

(b) he or she, having been convicted by a final judgment of a particularly serious crime constitutes a danger to the community of that Member State.

Amendment  619  
Jean Lambert  
on behalf of the Verts/ALE Group

Proposal for a regulation  
Article 23 – paragraph 2 – subparagraph 1

Where not prohibited by the international obligations referred to in paragraph 1, refugee or a beneficiary of subsidiary protection may be refouled, whether formally recognised or not, when:

(a) there are reasonable grounds for considering him or her as a danger to the security of the Member State in which he or she is present;

(b) he or she, having been convicted by a final judgment of a particularly serious crime constitutes a danger to the community of that Member State.

Or. en
Amendment 620
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 23 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

(a) there are reasonable grounds for considering him or her as a danger to the security of the Member State in which he or she is present;

Amendment

deleted

Or. en

Amendment 621
Monika Hohlmeier

Proposal for a regulation
Article 23 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

(a) there are reasonable grounds for considering him or her as a danger to the security of the Member State in which he or she is present;

Amendment

(a) there are reasonable grounds for considering him or her as a danger to the public security or a danger to the individual safety of a citizen of the Member State in which he or she is present;

Or. en

Justification

This amendment is to clarify that if law enforcement authorities have reasonable grounds that a refugee or beneficiary of subsidiary protection is considered to be a danger to not only the public security of a Member State, but also the safety of individual citizens, this shall be a reason for the Member States to be able to aberrate from the principle of non-refoulement in cases where international obligations allow this.

Amendment 622
Jean Lambert
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 23 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(b) he or she, having been convicted by a final judgment of a particularly serious crime constitutes a danger to the community of that Member State.

Amendment 623
Jussi Halla-aho

Proposal for a regulation
Article 23 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(b) he or she, having been convicted by a final judgment of a serious crime constitutes a danger to the community of that Member State.

Or. en

Amendment 624
Beatrix von Storch

Proposal for a regulation
Article 23 – paragraph 2 – subparagraph 1 – point b a (new)

Text proposed by the Commission

(ba) he or she absconds outside the jurisdiction of their host Member State

Or. en
on behalf of the Verts/ALE Group

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

Text proposed by the Commission Amendment

In those cases the refugee status or the subsidiary protection status shall also be withdrawn in accordance with Article 14 or Article 20 respectively.

Or. en

Amendment 626
Barbara Spinelli

Proposal for a regulation
Article 24 – paragraph 1

Text proposed by the Commission Amendment

The competent authorities shall provide beneficiaries of international protection with information on the rights and obligations relating to refugee status or subsidiary protection status, as soon as possible after that has been granted. That information shall be provided in a language that the beneficiary can understand or is reasonably supposed to understand and shall make explicit references to the consequences of not complying with the obligations outlined in Article 28 on movement within the Union.

Or. en

Amendment 627
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 24 – paragraph 1
The competent authorities shall provide beneficiaries of international protection with information on the rights and obligations relating to refugee status or subsidiary protection status, as soon as possible after that has been granted. That information shall be provided in a language that the beneficiary can understand or is reasonably supposed to understand and shall make explicit references to the consequences of not complying with the obligations outlined in Article 28 on movement within the Union and to all the rights related to integration set out in Section III of this Regulation.

Amendment 628
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Article 24 – paragraph 1

The explicit information covered by this right of access should not be confined to the consequences of not complying with the obligations under Article 28 on movement within the Union. Explicit information of use for integration, including access to employment, education, and accommodation, could help a beneficiary to integrate in his or her host Member State.

Justification

The competent authorities shall provide beneficiaries of international protection with information on the rights and obligations relating to refugee status or subsidiary protection status, as soon as possible after that has been granted. That information shall be provided in a language that the beneficiary can understand or is reasonably supposed to understand and shall make explicit references to the consequences of not complying with the obligations outlined in Article 28 on movement within the Union.

Text proposed by the Commission

The competent authorities shall provide beneficiaries of international protection with information on the rights and obligations relating to refugee status or subsidiary protection status, as soon as possible after that has been granted. That information shall be provided in a language that the beneficiary can understand or is reasonably supposed to understand and shall make explicit references to the consequences of not complying with the obligations outlined in Article 28 on movement within the Union.
obligations outlined in Article 28 on movement within the Union.

The competent authorities shall provide beneficiaries of international protection with information on the rights and obligations relating to refugee status or subsidiary protection status, as soon as possible after that has been granted. That information shall be provided in a language that the beneficiary can understand or is reasonably supposed to understand and shall make explicit references to the consequences of not complying with the obligations outlined in Article 28 on movement within the Union.

Or. it

Amendment 629
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 24 – paragraph 1

Text proposed by the Commission

The competent authorities shall provide beneficiaries of international protection with information on the rights and obligations relating to refugee status or subsidiary protection status, as soon as possible after that has been granted. That information shall be provided in a language that the beneficiary can understand or is reasonably supposed to understand and shall make explicit references to the consequences of not complying with the obligations outlined in Article 28 on movement within the Union.

Or. en

Amendment 630
Beatrix von Storch

Proposal for a regulation
Article 24 – paragraph 1

Text proposed by the Commission

The competent authorities shall provide beneficiaries of international protection with information on the rights and obligations relating to refugee status or subsidiary protection status, as soon as possible after that has been granted. That information shall be provided

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information shall be provided in a language that the beneficiary can understand or is reasonably supposed to understand and shall make explicit references to the consequences of not complying with the obligations outlined in Article 28 on movement within the Union.

in a language that the beneficiary can understand or is reasonably supposed to understand and shall make explicit references to the consequences of not complying with the obligations outlined in Article 28 on movement within the Union.

Or. en

Amendment  631
Tanja Fajon

Proposal for a regulation
Article 24 – paragraph 2

Text proposed by the Commission

The *form and content* of that information shall *be determined by the Commission by means of implementing acts adopted in accordance with the examination procedure referred to in Article 58 (1) of Regulation (EU)XXX/XXX [Procedures regulation].*

Amendment

The content of that information shall, *as a minimum, include the elements set out in Annex II.*

(*Annex II to be discussed with the shadow rapporteurs on the basis of an informal compromise proposal.)

Or. en

Justification

The Rapporteur has been made aware of discussions in Council, where it seems likely that the content of the information to be provided to beneficiaries of international protection will be laid down in an Annex to the Regulation, rather than through implementing acts to be proposed in the future by the Commission. Since the Parliament has no role in that process the Rapporteur would like to open the way to discussion among the political groups in the hope of finding a compromise on this issue.

Amendment  632
Jean Lambert
on behalf of the Verts/ALE Group

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Proposal for a regulation
Article 24 – paragraph 2

Text proposed by the Commission

The form and content of that information shall be determined by the Commission by means of implementing acts adopted in accordance with the examination procedure referred to in Article 58 (1) of Regulation (EU)XXX/XXX [Procedures regulation].

Amendment

The form and content of that information shall be determined by the Commission by means of delegated acts adopted in accordance with the Article 59 (1) of Regulation (EU)XXX/XXX [Procedures regulation].

Or. en

Amendment 633
Jussi Halla-aho

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission

1. Family members of a beneficiary of international protection who do not individually qualify for such protection shall be entitled to claim a residence permit in accordance with national procedures and insofar as this is compatible with the personal legal status of the family member.

Amendment

1. Family members as referred to in the Article 2(9) of a beneficiary of international protection who do not individually qualify for such protection shall be entitled to apply for a residence permit in accordance with national procedures and insofar as this is compatible with the personal legal status of the family member.

Or. en

Amendment 634
Barbara Spinelli

Proposal for a regulation
Article 25 – paragraph 2

Text proposed by the Commission

2. A residence permit issued pursuant to paragraph 1 shall have the

Amendment

deleted

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duration of the residence permit issued to the beneficiary of international protection and shall be renewable. The period of validity of the residence permit granted to the family member shall in principle not extend beyond the date of expiry of the residence permit held by the beneficiary of international protection.

Amendment 635
Jussi Halla-aho

Proposal for a regulation
Article 25 – paragraph 2

Text proposed by the Commission

2. A residence permit issued pursuant to paragraph 1 shall have the duration of the residence permit issued to the beneficiary of international protection and shall be renewable. The period of validity of the residence permit granted to the family member shall in principle not extend beyond the date of expiry of the residence permit held by the beneficiary of international protection.

Amendment

2. A residence permit issued pursuant to paragraph 1 shall have the duration of the residence permit issued to the beneficiary of international protection and shall be renewable. The period of validity of the residence permit granted to the family member shall not extend beyond the date of expiry of the residence permit held by the beneficiary of international protection.

Amendment 636
Traian Ungureanu, Artis Pabriks, Kinga Gál, Pál Csáky, Tomáš Zdechovský, Monica Macovei

Proposal for a regulation
Article 25 – paragraph 2

Text proposed by the Commission

2. A residence permit issued pursuant to paragraph 1 shall have the duration of the residence permit issued to the

Amendment

2. A residence permit issued pursuant to paragraph 1 shall have the duration of the residence permit issued to the
beneficiary of international protection and shall be renewable. The period of validity of the residence permit granted to the family member shall in principle not extend beyond the date of expiry of the residence permit held by the beneficiary of international protection.

beneficiary of international protection and shall be renewable. The period of validity of the residence permit granted to the family member shall not extend beyond the date of expiry of the residence permit held by the beneficiary of international protection.

Or. en

**Amendment 637**
Barbara Spinelli

Proposal for a regulation
Article 25 – paragraph 3

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. No residence permit shall be issued for a family member where that family member is or would be excluded from international protection pursuant to Chapters III and V.</td>
<td>deleted</td>
</tr>
</tbody>
</table>

Or. en

**Amendment 638**
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Barbara Matera, Salvatore Domenico Pogliese

Proposal for a regulation
Article 25 – paragraph 3 a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>3a. No residence permit shall be issued for a spouse of a beneficiary of international protection where the competent authority assesses that there are sufficient evidences to consider that his/her relationship with the refugee or the beneficiary of subsidiary protection is the result of a forced marriage or an arranged marriage.</td>
<td></td>
</tr>
</tbody>
</table>

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Justification

Competent authorities should guarantee that victims of forced marriage are duly protected while preventing abuses against the CEAS. Residence permit to the spouse of the beneficiary of international protection should therefore be issued just when the competent authority has established that the marriage is the result of an authentic relationship.

Amendment 639
Barbara Spinelli

Proposal for a regulation
Article 25 – paragraph 4

Text proposed by the Commission

4. Where reasons of national security or public order so require, a residence permit shall not be issued for a family member and such residence permits which have already been issued shall be withdrawn or shall not be renewed.

Amendment

4. Where reasons of national security or public order so require, a residence permit shall not be issued for a family member and such residence permits which have already been issued shall be withdrawn or shall not be renewed.

Amendment 640
Jussi Halla-aho

Proposal for a regulation
Article 25 – paragraph 4

Text proposed by the Commission

4. Where reasons of national security or public order so require, a residence permit shall not be issued for a family member and such residence permits which have already been issued shall be withdrawn or shall not be renewed.

Amendment

4. Where reasons of national security or public order so require, a residence permit shall not be issued for a family member and such residence permits which have already been issued shall be withdrawn.

Amendment 641
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 25 – paragraph 4

**Text proposed by the Commission**

4. Where reasons of national security or public order so require, a residence permit shall not be issued for a family member and such residence permits which have already been issued shall be withdrawn or shall not be renewed.

**Amendment**

4. Where reasons of national security so require, a residence permit shall not be issued for a family member and such residence permits which have already been issued shall be withdrawn or shall not be renewed.

Or. en

Amendment 642
Barbara Spinelli

Proposal for a regulation
Article 25 – paragraph 5

**Text proposed by the Commission**

5. Family members who are issued a residence permit pursuant to paragraph 1 shall be entitled to the rights referred to in Articles 27 to 39.

**Amendment**

5. deleted

Or. en

Amendment 643
Jussi Halla-aho

Proposal for a regulation
Article 25 – paragraph 6

**Text proposed by the Commission**

6. Member States may decide that this article also applies to other close relatives who lived together as part of the family at the time of leaving the country.

**Amendment**

6. deleted

Or. en
of origin or before the applicant arrived on the territory of the Member States, and who were wholly or mainly dependent on the beneficiary of international protection at the time.

Or. en

Amendment 644
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Article 25 – paragraph 6

Text proposed by the Commission

6. Member States may decide that this article also applies to other close relatives who lived together as part of the family at the time of leaving the country of origin or before the applicant arrived on the territory of the Member States, and who were wholly or mainly dependent on the beneficiary of international protection at the time.

Amendment

6. Member States may decide that this Article also applies to other close relatives who lived together as part of the family before the applicant arrived on the territory of the Member States.

Or. it

Amendment 645
Barbara Spinelli

Proposal for a regulation
Article 25 – paragraph 6

Text proposed by the Commission

6. Member States may decide that this article also applies to other close relatives who lived together as part of the family at the time of leaving the country of origin or before the applicant arrived on the territory of the Member States, and who were wholly or mainly dependent on the beneficiary of international protection at the time.

Amendment

6. This Article shall apply to other close relatives who lived together as part of the family at the time of leaving the country of origin or before the applicant arrived on the territory of the Member States.
the time.

Or. en

Amendment 646
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 25 – paragraph 6

Text proposed by the Commission

6. Member States may decide that this article also applies to other close relatives who lived together as part of the family at the time of leaving the country of origin or before the applicant arrived on the territory of the Member States, and who were wholly or mainly dependent on the beneficiary of international protection at the time.

Amendment

6. Member States shall apply this article also to other close relatives who lived together as part of the family at the time of leaving the country of origin or before the applicant arrived on the territory of the Member States.

Or. en

Amendment 647
Anna Hedh

Proposal for a regulation
Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

1. No later than 30 days after international protection has been granted, a residence permit shall be issued using the uniform format as laid down in Regulation (EC) No 1030/2002.

Amendment

1. No later than 30 days after international protection has been granted, a residence permit shall be issued using the uniform format as laid down in Regulation (EC) No 1030/2002. A residence permit shall be of a duration of at least 5 years. Member States shall have the possibility to set longer duration for residence permits in national law. Temporary permits shall be renewable.
Proposal for a regulation
Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

1. No later than 30 days after international protection has been granted, a residence permit shall be issued using the uniform format as laid down in Regulation (EC) No 1030/2002.

Amendment 648
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

1. As soon as possible and in any event no later than 30 days after international protection has been granted, a residence permit shall be issued using the uniform format as laid down in Regulation (EC) No 1030/2002.

Or. en

Amendment 649
Barbara Spinelli, Cornelia Ernst

1. As soon as possible, and in any event no later than 15 days after international protection has been granted, a residence permit shall be issued using the uniform format as laid down in Regulation (EC) No 1030/2002.

Or. it

Amendment 650
Tanja Fajon

Proposal for a regulation
Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

1. No later than 30 days after international protection has been granted, a residence permit shall be issued using the uniform format as laid down in Regulation (EC) No 1030/2002.

Or. en
1. **Text proposed by the Commission**
   No later than 30 days after international protection has been granted, a residence permit shall be issued using the uniform format as laid down in Regulation (EC) No 1030/2002.

1. **Amendment**
   As soon as possible, and in any event no later than 15 days after international protection has been granted, a residence permit shall be issued using the uniform format as laid down in Regulation (EC) No 1030/2002.

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**Amendment 651**
**Jussi Halla-aho**

**Proposal for a regulation**
**Article 26 – paragraph 1 – introductory part**

**Text proposed by the Commission**
No later than 30 days after international protection has been granted, a residence permit shall be issued using the uniform format as laid down in Regulation (EC) No 1030/2002.

**Amendment**
As soon as possible after international protection has been granted, a residence permit shall be issued using the uniform format as laid down in Regulation (EC) No 1030/2002.

**Or. en**

**Justification**

*In article 26 (1) we should adhere to the text adopted in the current Qualification Directive.*

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**Amendment 652**
**Anna Hedh**

**Proposal for a regulation**
**Article 26 – paragraph 1 – point a**

**Text proposed by the Commission**
(a) For beneficiaries of refugee status, the residence permit shall have a period of validity of three years and be renewable thereafter for periods of three years.

**Amendment**
deleted

(a) For beneficiaries of refugee status, the residence permit shall have a period of validity of three years and be renewable thereafter for periods of three years.
Amendment 653
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 26 – paragraph 1 – point a

Text proposed by the Commission
(a) For beneficiaries of refugee status, the residence permit shall have a period of validity of three years and be renewable thereafter for periods of three years.

Amendment
(a) For beneficiaries of refugee status, the residence permit shall have a period of validity of at least five years and be renewable thereafter for periods of at least five years.

Or. en

Amendment 654
Barbara Spinelli, Malin Björk, Cornelia Ernst

Proposal for a regulation
Article 26 – paragraph 1 – point a

Text proposed by the Commission
(a) For beneficiaries of refugee status, the residence permit shall have a period of validity of three years and be renewable thereafter for periods of three years.

Amendment
(a) The residence permit for beneficiaries of international protection shall have a period of validity of at least five years and be renewable thereafter for periods of five years.

Or. en

Justification
There is no reason to expect the protection needs of the beneficiaries of subsidiary protection to be of shorter duration than those of refugees. Many crises today are prolonged and people are displaced on average for 17 years. Moreover, access for subsidiary protection beneficiaries to similar rights as those of refugees would be a significant element in facilitating their early participation and contribution to the host community. It can thereby support social cohesion contribute to preventing racism and xenophobia, and can play an important role in ensuring protection is effective (UNHCR, Comments to the Qualification...
Directive Recast Proposal, 2009). A number of EU Member States already provide refugees and beneficiaries of international protection with residence permits having the same duration.

Not only the duration of the residence permit of these beneficiaries should be aligned, it should also be increased. In June 2016, 7 EU Member States provided refugees with residence permits of 5 years of validity, 6 provided them with permanent residence permits, 2 with residence permits of more than 5 years of validity, 12 with residence permits of less than 5 years of validity. Only 4 EU Member States provided beneficiaries of subsidiary protection with residence permits of more than 3 years of validity, while 13 with residence permits of 1 year of validity. (AIDA, Asylum on the Clock? Duration and review of international protection status in Europe, June 2016)

Amendment 655
Sylvie Guillaume

Proposal for a regulation
Article 26 – paragraph 1 – point a

Text proposed by the Commission

(a) For beneficiaries of refugee status, the residence permit shall have a period of validity of three years and be renewable thereafter for periods of three years.

Amendment

(a) For beneficiaries of refugee status, the residence permit shall have a period of validity of minimum five years and be renewable thereafter for periods of minimum five years.

Or. en

Amendment 656
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Article 26 – paragraph 1 – point a

Text proposed by the Commission

(a) For beneficiaries of refugee status, the residence permit shall have a period of validity of three years and be renewable thereafter for periods of three years.

Amendment

(a) For beneficiaries of international protection, the residence permit shall have a period of validity of five years and be renewable thereafter for periods of five years.

Or. it
Amendment  657
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 26 – paragraph 1 – point a

Text proposed by the Commission

(a) For beneficiaries of refugee status, the residence permit shall have a period of validity of three years and be renewable thereafter for periods of three years.

Amendment

(a) For beneficiaries of refugee status, the residence permit shall have a period of validity of 5 or 10 years and be renewable thereafter for periods of 5 or 10 years.

Or. fr

Justification

To encourage refugees to integrate, their residence permits should be valid for a longer period, a standard five years. However, Member States which already have longer-term permits should not be forced to revise their level of protection downwards and should therefore be able to opt for a 10-year validity period.

Amendment  658
Jeroen Lenaers

Proposal for a regulation
Article 26 – paragraph 1 – point a

Text proposed by the Commission

(a) For beneficiaries of refugee status, the residence permit shall have a period of validity of three years and be renewable thereafter for periods of three years.

Amendment

(a) For beneficiaries of refugee status and for beneficiaries of subsidiary protection status, the residence permit shall have a period of validity of five years.

Or. en

Amendment  659
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 26 – paragraph 1 – point a

Text proposed by the Commission

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(a) For beneficiaries of refugee status, the residence permit shall have a period of validity of **three** years and be renewable thereafter for periods of **three** years.

(a) For beneficiaries of refugee status, the residence permit shall have a period of validity of **five** years and be renewable thereafter for periods of **five** years.

**Amendment 660**
Barbara Spinelli, Malin Björk, Cornelia Ernst

Proposal for a regulation
Article 26 – paragraph 1 – point a a (new)

*Text proposed by the Commission*

Amendment

(aa) Member States may issue residence permits of permanent or unlimited validity on terms that are more favourable than those laid down by this Regulation, following Article 13 of Council Directive 2003/109/EC.

**Amendment 661**
Jeroen Lenaers

Proposal for a regulation
Article 26 – paragraph 1 – point b

*Text proposed by the Commission*

Amendment

(b) For beneficiaries of subsidiary protection status, the residence permit shall have a period of validity of one year and be renewable thereafter for periods of two years.

**Amendment 662**
Barbara Spinelli, Cornelia Ernst
Proposal for a regulation

Article 26 – paragraph 1 – point b

Text proposed by the Commission

(b) For beneficiaries of subsidiary protection status, the residence permit shall have a period of validity of one year and be renewable thereafter for periods of two years.

Amendment

Or. en

Justification

For consistency with previous amendments to Article 26 (1) a

Amendment 663
Anna Hedh

Proposal for a regulation

Article 26 – paragraph 1 – point b

Text proposed by the Commission

(b) For beneficiaries of subsidiary protection status, the residence permit shall have a period of validity of one year and be renewable thereafter for periods of two years.

Amendment 664
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation

Article 26 – paragraph 1 – point b

Text proposed by the Commission

(b) For beneficiaries of subsidiary protection status, the residence permit shall have a period of validity of one year
and be renewable thereafter for periods of two years.

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

**Proposal for a regulation**
**Article 26 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) For beneficiaries of subsidiary protection status, the residence permit shall have a period of validity of *one year* and be renewable thereafter for periods of *two* years.

**Amendment**

(b) For beneficiaries of subsidiary protection status, the residence permit shall have a period of validity of *at least five years* and be renewable thereafter for periods of *at least five* years.

**Sylvie Guillaume**

**Proposal for a regulation**
**Article 26 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) For beneficiaries of subsidiary protection status, the residence permit shall have a period of validity of *one year* and be renewable thereafter for periods of *two* years.

**Amendment**

(b) For beneficiaries of subsidiary protection status, the residence permit shall have a period of validity of *minimum five years* and be renewable thereafter for periods of *minimum five* years.

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**
**Article 26 – paragraph 1 – point b**

**Text proposed by the Commission**

(b) For beneficiaries of subsidiary protection status, the residence permit shall have a period of validity of one year and be renewable thereafter for periods of two years.

**Amendment**

(b) For beneficiaries of subsidiary protection status, the residence permit shall have a period of validity of one or five years and be renewable thereafter for periods of one or five years.

Or. fr

**Justification**

*A standard period of validity should be laid down for residence permits issued to beneficiaries of subsidiary protection, namely one year. However, Member States which already have longer-term permits should not be forced to revise their level of protection downwards and should therefore be able to opt for a five-year validity period.*

**Amendment 668**

**Jussi Halla-aho**

**Proposal for a regulation**

**Article 26 – paragraph 1 – point b**

**Text proposed by the Commission**

(b) For beneficiaries of subsidiary protection status, the residence permit shall have a period of validity of one year and be renewable thereafter for periods of two years.

**Amendment**

(b) For beneficiaries of subsidiary protection status, the residence permit shall have a period of validity of one year and be renewable thereafter for periods of one year.

Or. en

**Amendment 669**

**Barbara Spinelli, Cornelia Ernst**

**Proposal for a regulation**

**Article 26 – paragraph 2 – point a**

**Text proposed by the Commission**

(a) where competent authorities revoke, end or refuse to renew the refugee status of a third-country national in accordance with Article 14 and the

**Amendment**

deleted
subsidiary protection status in accordance with Article 20;

Or. en

Justification

Deleted for consistency with previous amendments on Articles 14 and 20

Amendment 670
Barbara Spinelli, Cornelia Ernst

Proposal for a regulation
Article 26 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) where Article 23(2) is applied; deleted

Or. en

Justification

Deleted for consistency with previous amendments on Article 23 (2)

Amendment 671
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 26 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) where Article 23(2) is applied; deleted

Or. en

Amendment 672
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 26 – paragraph 2 – point b
Amendment 673
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Article 26 – paragraph 2 – point c

Text proposed by the Commission  Amendment

(b) where Article 23(2) is applied;  deleted

Or. en

Amendment 674
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 26 – paragraph 2 – point c

Text proposed by the Commission  Amendment

(c) where reasons of national security or public order so require.  (c) where imperative reasons of national security or public order so require.

Or. it

Amendment 675
Beatrix von Storch

Proposal for a regulation
Article 26 – paragraph 2 – point c a (new)

Text proposed by the Commission  Amendment

(c) where reasons of national security or public order so require.  (c) where compelling reasons of national security so require.

Or. en
(ca) where the residence permit holder absconds outside the jurisdiction of their host Member State

Or. en

Amendment 676
Barbara Spinelli, Cornelia Ernst

Proposal for a regulation
Article 26 – paragraph 2 a (new)

Text proposed by the Commission

2a. Even without his or her residence permit, the person concerned remains a beneficiary of international protection and as such remains entitled to the benefits guaranteed by Chapter VII [Content of International Protection] to every international protection beneficiary, including protection from refoulement, maintenance of family unity, the right to travel documents, access to employment, education, social welfare, healthcare and accommodation, freedom of movement within the Member State and access to integration facilities

Or. en

Justification

Amendment in line with §95 of the CJUE ruling C-373/13

Amendment 677
Jeroen Lenaers

Proposal for a regulation
Article 26 – paragraph 3

Text proposed by the Commission

3. When applying Article 14(5) and 20(3), the residence permit shall only be deleted

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revoked after the expiry of the three month period referred to in those provisions.

Amendment 678
Barbara Spinelli, Cornelia Ernst

Proposal for a regulation
Article 26 – paragraph 3

3. When applying Article 14(5) and 20(3), the residence permit shall only be revoked after the expiry of the three month period referred to in those provisions.

Justification

Deleted for consistency with previous amendments on Articles 14 and 20

Amendment 679
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 26 – paragraph 3

3. When applying Article 14(5) and 20(3), the residence permit shall only be revoked after the expiry of the three month period referred to in those provisions.

3. When applying Article 14(5) and 20(3), the residence permit shall only be revoked after the expiry of the nine month period referred to in those provisions.

Or. en
Amendment 680
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Pál Csáky, Monica Macovei

Proposal for a regulation
Article 26 – paragraph 3

Text proposed by the Commission

3. When applying Article 14(5) and 20(3), the residence permit shall only be revoked after the expiry of the three month period referred to in those provisions.

Amendment

3. When applying Article 14(5) and 20(3), the residence permit shall only be revoked after the expiry of the one month period referred to in those provisions.

Or. en

Amendment 681
Jussi Halla-aho

Proposal for a regulation
Article 26 – paragraph 3

Text proposed by the Commission

3. When applying Article 14(5) and 20(3), the residence permit shall only be revoked after the expiry of the three month period referred to in those provisions.

Amendment

3. When applying Article 14(5) and 20(3), the residence permit shall only be revoked after the expiry periods referred to in those provisions.

Or. en

Amendment 682
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 27 – paragraph 1

Text proposed by the Commission

1. Competent authorities shall issue travel documents to beneficiaries of refugee status, in the form set out in the Schedule to the Geneva Convention and with the minimum security features and biometrics outlined in Council Regulation

Amendment

1. Competent authorities shall issue travel documents to beneficiaries of refugee status, in the form set out in the Schedule to the Geneva Convention and with the minimum security features and biometrics outlined in Council Regulation
(EC) No 2252/2004\(^{45}\). Those travel documents shall be valid for at least *one year*.


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**Amendment 683**

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

**Proposal for a regulation**  
**Article 27 – paragraph 1**

*Text proposed by the Commission*

1. Competent authorities shall issue travel documents to beneficiaries of refugee status, in the form set out in the Schedule to the Geneva Convention and with the minimum security features and biometrics outlined in Council Regulation (EC) No 2252/2004\(^{45}\). Those travel documents shall be valid for at least *one year*.


---

**Amendment**

1. Competent authorities shall issue travel documents to beneficiaries of refugee status, in the form set out in the Schedule to the Geneva Convention and with the minimum security features and biometrics outlined in Council Regulation (EC) No 2252/2004\(^{45}\). Those travel documents shall be valid for at least *five years*.


---

**Amendment 684**

**Barbara Spinelli, Cornelia Ernst**
Proposal for a regulation
Article 27 – paragraph 1

Text proposed by the Commission

1. Competent authorities shall issue travel documents to beneficiaries of refugee status, in the form set out in the Schedule to the Geneva Convention and with the minimum security features and biometrics outlined in Council Regulation (EC) No 2252/200445. Those travel documents shall be valid for at least one year.

Amendment

1. Competent authorities shall issue travel documents to beneficiaries of refugee status, in the form set out in the Schedule to the Geneva Convention and with the minimum security features and biometrics outlined in Council Regulation (EC) No 2252/200445. Those travel documents shall be valid for at least five years.


Justification

In line with the amendments proposed to the length of residence permits granted to beneficiaries of international protection, the validity of the travel documents issued to beneficiaries of international protection should also be extended. The validity period of such documents should take account of standard periods of validity for travel documents issued by Member States.

Amendment 685
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Article 27 – paragraph 1

Text proposed by the Commission

1. Competent authorities shall issue travel documents to beneficiaries of refugee status, in the form set out in the Schedule to the Geneva Convention and with the minimum security features and biometrics outlined in Council Regulation (EC) No 2252/200445. Those travel

Amendment

1. Competent authorities shall issue travel documents to beneficiaries of refugee status, in the form set out in the Schedule to the Geneva Convention and with the minimum security features and biometrics outlined in Council Regulation (EC) No 2252/200445. Those travel
documents shall be valid for at least **one year**.


documents shall be valid for at least **five years**.


Or. it

**Amendment 686**

Barbara Spinelli, Cornelia Ernst

Proposal for a regulation

Article 27 – paragraph 2

*Text proposed by the Commission*

2. Competent authorities shall issue travel documents with the minimum security features and biometrics outlined in Regulation (EC) No 2252/2004 to beneficiaries of subsidiary protection status who are unable to obtain a national passport. Those documents shall be valid for at least **one year**.

*Amendment*

2. Competent authorities shall issue travel documents with the minimum security features and biometrics outlined in Regulation (EC) No 2252/2004 to beneficiaries of subsidiary protection status who are unable to obtain a national passport. Those documents shall be valid for at least **five years**.

Or. en

*Justification*

*In line with the amendments proposed to the length of residence permits granted to beneficiaries of international protection, the validity of the travel documents issued to beneficiaries of international protection should also be extended. The validity period of such documents should take account of standard periods of validity for travel documents issued by Member States.*

**Amendment 687**

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 27 – paragraph 2

Text proposed by the Commission

2. Competent authorities shall issue travel documents with the minimum security features and biometrics outlined in Regulation (EC) No 2252/2004 to beneficiaries of subsidiary protection status who are unable to obtain a national passport. Those documents shall be valid for at least one year.

Amendment

2. Competent authorities shall issue travel documents with the minimum security features and biometrics outlined in Regulation (EC) No 2252/2004 to beneficiaries of subsidiary protection status who are unable to obtain a national passport. Those documents shall be valid for at least five years.

Or. en

Amendment 688
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Article 27 – paragraph 2

Text proposed by the Commission

2. Competent authorities shall issue travel documents with the minimum security features and biometrics outlined in Regulation (EC) No 2252/2004 to beneficiaries of subsidiary protection status who are unable to obtain a national passport. Those documents shall be valid for at least one year.

Amendment

2. Competent authorities shall issue travel documents with the minimum security features and biometrics outlined in Regulation (EC) No 2252/2004 to beneficiaries of subsidiary protection status who are unable to obtain a national passport. Those documents shall be valid for at least five years.

Or. it

Amendment 689
Barbara Spinelli, Cornelia Ernst

Proposal for a regulation
Article 27 – paragraph 3

Text proposed by the Commission

3. The documents referred to in paragraphs 1 and 2 shall not be issued where compelling reasons of national deleted

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security or public order so require.

Amendment 690
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 27 – paragraph 3

Text proposed by the Commission

3. The documents referred to in paragraphs 1 and 2 shall not be issued where compelling reasons of national security or public order so require.

Amendment

3. The documents referred to in paragraphs 1 and 2 shall not be issued where compelling reasons of national security so require.

Or. en

Amendment 691
Barbara Spinelli, Cornelia Ernst

Proposal for a regulation
Article 27 – paragraph 3 a (new)

Text proposed by the Commission

3a. Directive 2003/86/EC shall apply to the family members of persons with subsidiary protection, on the same basis as that Directive applies to the family members of refugees

Amendment

Justification

This amendment ensures family reunification for beneficiaries of subsidiary protection in the same position as family reunification for persons with refugee status, in order to assist the integration and secure the family life of the persons concerned, while treating the two groups equally in accordance with most CEAS legislation.
The drafting technique of conferring rights on family members by referring to the family reunification Directive, but not amending it directly, is also used in the Blue Card Directive, the ICT directive and researchers/students Directive.

**Amendment 692**  
Barbara Spinelli, Cornelia Ernst

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

**Text proposed by the Commission**

1. Beneficiaries of international protection shall enjoy freedom of movement within the territory of the Member State that granted international protection, including the right to choose their place of residence in that territory, under the same conditions and restrictions as those provided for other third-country nationals legally resident in their territories who are in a comparable situation.

**Amendment**

1. Beneficiaries of international protection shall enjoy freedom of movement within the territory of the Member State that granted international protection, including the right to choose their place of residence in that territory, under the same conditions and restrictions as those provided for other third-country nationals legally resident in their territories.

**Or. en**

**Justification**

It is not clear what “third-country nationals legally resident in that Member State who are in a comparable situation” actually means. The change proposed is intended to overcome this ambiguity and ensure adequate accommodation to the beneficiaries of international protection.

**Amendment 693**  
Barbara Spinelli, Cornelia Ernst

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

**Text proposed by the Commission**

2. Within the limits set by international obligations, residence conditions may be imposed on a beneficiary of international protection who receives certain specific social

**Amendment**

2. deleted

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security or social assistance benefits only where those residence conditions are necessary to facilitate the integration of the beneficiary in the Member State that has granted that protection.

Or. en

Justification

As the Meijers Committee rightfully points out: “Joined Cases C-443/14 and C-444/14), allows for the imposition of a residence condition on international protection beneficiaries who receive social assistance, where such a condition is necessary to facilitate integration. (...) In Alo and Osso, the residence condition imposed by Germany aimed to prevent the concentration in certain areas of third country nationals as this could lead to the emergence of social tension, but also to ensure availability of integration services. (...) Crucially, the CJEU in Alo and Osso did not say that a residence condition with the objective of facilitating the integration of third-country nationals in the Member State is always allowed, but that it was for the national judge to verify whether such a condition did not amount to discrimination of subsidiary protection beneficiaries compared to other categories of third country nationals.

In these various ways, the new Article 28(2) oversimplifies and widens the scope of the judgment in Alo and Osso”.

Source: http://www.commissie-meijers.nl/sites/all/files/cm1614_comments_.pdf

Amendment 694
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 28 – paragraph 2

Text proposed by the Commission

Amendment

2. Within the limits set by international obligations, residence conditions may be imposed on a beneficiary of international protection who receives certain specific social security or social assistance benefits only where those residence conditions are

deleted
necessary to facilitate the integration of the beneficiary in the Member State that has granted that protection.

Amendment 695
Jussi Halla-aho

Proposal for a regulation
Article 28 – paragraph 2

Text proposed by the Commission

2. Within the limits set by international obligations, residence conditions may be imposed on a beneficiary of international protection who receives certain specific social security or social assistance benefits only where those residence conditions are necessary to facilitate the integration of the beneficiary in the Member State that has granted that protection.

Amendment

2. Within the limits set by international obligations, residence conditions may be imposed on a beneficiary of international protection who receives certain specific social security or social assistance benefits.

Amendment 696
Barbara Spinelli, Jean Lambert, Cornelia Ernst

Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

1. Beneficiaries of international protection shall not have the right to reside in Member States other than the one which granted protection. This is without prejudice to their right to apply and be admitted to reside in other Member States pursuant to relevant provisions of Union and national law and their right to move freely in accordance with the

Amendment

deleted
conditions of Article 21 of the Convention Implementing the Schengen Agreement.

Justification

Deleted for consistency with annex on mutual recognition of asylum decisions

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<th>Amendment</th>
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admitted to reside in other Member States pursuant to relevant provisions of Union and national law and their right to move freely in accordance with the conditions of Article 21 of the Convention Implementing the Schengen Agreement.

admitted to reside in other Member States pursuant to relevant provisions of Union, including Council Directive 2009/50/EC\textsuperscript{1a} or Directive (EU) 2016/801 of the European Parliament and of the Council \textsuperscript{1b}, and national law and their right to move freely in accordance with the conditions of Article 21 of the Convention Implementing the Schengen Agreement.


Or. en

Amendment 699
Emil Radev

Proposal for a regulation
Article 29 – paragraph 2

\textit{Text proposed by the Commission} Amendment

2. Where a beneficiary is found in a Member State other the one that him or her granted protection without a right stay or the right to reside there in accordance with relevant Union or national law, he will be subject to a take back procedure as defined under Article 20(1)(e) of the
Dublin Regulation (EU) no. xxx/xxx.

Justification

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

Amendment 700
Barbara Spinelli, Jean Lambert, Cornelia Ernst

Proposal for a regulation
Article 29 – paragraph 2

Text proposed by the Commission

Amendment

2. Where a beneficiary is found in a Member State other the one that him or her granted protection without a right stay or the right to reside there in accordance with relevant Union or national law, he will be subject to a take back procedure as defined under Article 20(1)(e) of the Dublin Regulation (EU) no. xxx/xxx.

Or. en

Amendment 701
Jussi Halla-aho, Helga Stevens

Proposal for a regulation
Article 29 – paragraph 2

Text proposed by the Commission

Amendment

2. Where a beneficiary is found in a Member State other the one that him or her granted protection without a right stay or the right to reside there in accordance with relevant Union or national law, he will be subject to a take back procedure as defined under Article 20(1)(e) of the Dublin Regulation (EU) no. xxx/xxx at his or her own expense, deductible from the financial allowances received from the
Member State granting the protection. The person subject to a take back procedure shall also be penalised by withdrawal of relevant rights in Section III for a limited period of time.

Or. en

Amendment 702
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 29 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where an unaccompanied minor who is a beneficiary of international protection is found in a Member State other than the one that him or her granted protection without a right stay or the right to reside there in accordance with relevant Union or national law, the Member State where the minor is present shall promptly carry out a multidisciplinary assessment of the child’s best interests in order to determine whether the minor shall be subject to a take back procedure as defined under Article 20(1)(e) of the Dublin Regulation (EU) no. xxx/xxx. The transferring Member State shall obtain individual guarantees that the Member State responsible according to the outcome of the assessment takes the measures referred to in Articles 14 and 24 of Directive 2013/33/EU and Article 25 of Directive 2013/32/EU without delay.

The multidisciplinary assessment shall be based on the following factors:

(a) family reunification possibilities;
(b) the minor’s well-being and social development;
(c) safety and security considerations, in particular where there is a risk of the minor being a victim of human trafficking;

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

The assessment shall be done swiftly by staff with the qualifications and expertise in child rights to ensure that the best interests of the child are taken into consideration, it shall involve at least the guardian and legal advisor or counsellor and the child’s right to be heard must be guaranteed.

Or. en

Amendment 703
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Pál Csáky, Monica Macovei

Proposal for a regulation
Chapter 7 – section 3 – title

Text proposed by the Commission Amendment

Rights related to integration Rights and obligations related to integration

Or. en

Amendment 704
Lorenzo Fontana

Proposal for a regulation
Article 30 – paragraph 1

Text proposed by the Commission Amendment

1. Beneficiaries of international protection shall have the right to engage in employed or self-employed activities subject to the rules generally applicable to

1. Beneficiaries of international protection shall have the right and the duty, in the same way as all citizens living in host countries, to seek work in an
the profession and to the public service, immediately after protection has been granted.

employed or self-employed capacity.

Or. it

Amendment 705
Jussi Halla-aho

Proposal for a regulation
Article 30 – paragraph 2 – introductory part

Text proposed by the Commission

2. Beneficiaries of international protection shall enjoy equal treatment with nationals of the Member State that has granted protection as regards:

Amendment

2. Beneficiaries of international protection shall enjoy equal treatment with other third-country nationals residing in the Member State that has granted protection as regards:

Or. en

Amendment 706
Jussi Halla-aho

Proposal for a regulation
Article 30 – paragraph 2 – point d

Text proposed by the Commission

(d) advice services afforded by employment offices.

Amendment

(d) advice services afforded by employment offices in the customary languages of such services in the Member State concerned.

Or. en

Amendment 707
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Article 30 – paragraph 3
Text proposed by the Commission

3. Competent authorities, where necessary shall facilitate the full access to the activities referred to in paragraph (2)(c) and (d).

Amendment

3. Competent authorities shall facilitate full access to the activities referred to in paragraph (2)(c) and (d).

Or. it

Amendment 708
Barbara Spinelli

Proposal for a regulation
Article 30 – paragraph 3

Text proposed by the Commission

3. Competent authorities, where necessary shall facilitate the full access to the activities referred to in paragraph (2)(c) and (d).

Amendment

3. Competent authorities, shall facilitate the full access to the activities referred to in paragraph (2)(c) and (d).

Or. en

Amendment 709
Jussi Halla-aho

Proposal for a regulation
Article 31 – paragraph 1

Text proposed by the Commission

1. Minors granted international protection shall have full access to the education system, under the same conditions as nationals of the Member State that has granted protection.

Amendment

1. Minors granted international protection shall have full access to the education system, under the same conditions as other third-country nationals residing in the Member State that has granted protection. Though Member States should be left the discretion to assign special school facilities for minors, who are granted international protection, in order to safeguard an orderly school environment.
Proposal for a regulation
Article 31 – paragraph 2

Text proposed by the Commission

2. Adults granted international protection shall have access to the general education system, further training or retraining, under the same conditions as third-country nationals legally resident in that Member State who are in a comparable situation.

Amendment

2. Adults granted international protection shall have access to the general education system, further training or retraining, under the same conditions as nationals.

Justification

It is not clear what “third-country nationals legally resident in that Member State who are in a comparable situation” actually means. The change proposed is intended to overcome this ambiguity and ensure that the transition between being children and adults is more gentle.

Many unaccompanied children turn 18 before they receive a decision on their application for...
international protection. Moreover, those who receive a residence permit need to have guarantees in order to complete their secondary education.

Amendment 712
Jussi Halla-aho

Proposal for a regulation
Article 32 – paragraph 1

Text proposed by the Commission

1. Beneficiaries of international protection shall enjoy equal treatment with nationals of the Member State that has granted protection in the context of the existing recognition procedures for foreign diplomas, certificates and other evidence of formal qualifications.

Amendment

1. Beneficiaries of international protection shall enjoy equal treatment with other third-country nationals residing in the Member State that has granted protection in the context of the existing recognition procedures for foreign diplomas, certificates and other evidence of formal qualifications.

Or. en

Amendment 713
Jussi Halla-aho

Proposal for a regulation
Article 32 – paragraph 2

Text proposed by the Commission

2. Competent authorities shall facilitate full access to the procedures mentioned in paragraph 1 to those beneficiaries of international protection who cannot provide documentary evidence of their qualifications without prejudice to Articles 2(2) and 3(3) of Directive 2005/36/EC of the European Parliament and of the Council46.

Amendment

deleted

3. Beneficiaries of international protection shall enjoy equal treatment with nationals of the Member State that has granted protection as regards access to appropriate schemes for the assessment, validation and accreditation of their prior learning and experience.

Or. en

Amendment 715
Kristina Winberg

Proposal for a regulation
Article 33

Text proposed by the Commission  

Article 33 deleted  

Social security

Beneficiaries of international protection shall enjoy equal treatment with nationals of the Member State that has granted protection with regard to social security.

Or. en
Traian Ungureanu, Artis Pabriks, Kinga Gál, Pál Csáky, Tomáš Zdechovský, Monica Macovei

Proposal for a regulation
Article 33

Text proposed by the Commission

Amendment

Article 33 deleted

Social security

Beneficiaries of international protection shall enjoy equal treatment with nationals of the Member State that has granted protection with regard to social security.

Or. en

Amendment 717
Jussi Halla-aho, Helga Stevens

Proposal for a regulation
Article 33 – paragraph 1

Text proposed by the Commission

Amendment

Beneficiaries of international protection shall enjoy equal treatment with nationals of the Member State that has granted protection with regard to social security.

Beneficiaries of international protection shall enjoy equal treatment with other third-country nationals residing in the Member State that has granted protection with regard to social security.

Or. en

Justification

Until the residence status of the beneficiary of international protection can be considered permanent the Member States need not grant the same level of social protection as to their own nationals.

Amendment 718
Kristina Winberg

Proposal for a regulation
Article 34
1. Beneficiaries of international protection shall enjoy equal treatment with nationals of the Member State that has granted protection as regards social assistance.

Access to certain social assistance specified in national law may be made conditional on the effective participation of the beneficiary of international protection in integration measures.

2. For beneficiaries of subsidiary protection status Member States may limit social assistance to core benefits.

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Amendment 719
Jussi Halla-aho, Helga Stevens

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

Beneficiaries of international protection shall enjoy equal treatment with nationals of the Member State that has granted protection as regards social assistance.

Beneficiaries of international protection shall enjoy equal treatment with other third-country nationals residing in the Member State that has granted protection as regards social assistance.

Justification

Until the residence status of the beneficiary of international protection can be considered permanent the Member States need not grant the same level of social assistance as to their own nationals.
Amendment 720
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 34 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Access to certain social assistance specified in national law may be made conditional on the effective participation of the beneficiary of international protection in integration measures.

Amendment

Access to certain social assistance deleted
specified in national law may be made conditional on the effective participation of the beneficiary of international protection in integration measures.

Or. en

Amendment 721
Barbara Spinelli

Proposal for a regulation
Article 34 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Access to certain social assistance deleted
specified in national law may be made conditional on the effective participation of the beneficiary of international protection in integration measures.

Or. en

Amendment 722
Jussi Halla-aho, Helga Stevens

Proposal for a regulation
Article 34 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Access to certain social assistance specified in national law may be made conditional on the effective participation of the beneficiary of international protection

Amendment

Access to social assistance specified in national law shall be made conditional on the effective participation and successful conclusion of the beneficiary of
in integration measures. international protection and his or her family members as referred to in the Article 2(9) in integration measures.

Amendment 723
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao
Proposal for a regulation
Article 34 – paragraph 2

2. For beneficiaries of subsidiary protection status Member States may limit social assistance to core benefits.

Amendment 724
Jean Lambert
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 34 – paragraph 2

2. For beneficiaries of subsidiary protection status Member States may limit social assistance to core benefits.

Amendment 725
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz
Proposal for a regulation
Article 34 – paragraph 2
Text proposed by the Commission

2. For beneficiaries of subsidiary protection status Member States may limit social assistance to core benefits.

Amendment

726
Jussi Halla-aho

Proposal for a regulation
Article 34 – paragraph 2

Text proposed by the Commission

2. For beneficiaries of subsidiary protection status Member States may limit social assistance to core benefits.

Or. en

Amendment 727
Barbara Spinelli

Proposal for a regulation
Article 34 – paragraph 2

Text proposed by the Commission

2. For beneficiaries of subsidiary protection status Member States may limit social assistance to core benefits.

Or. en

Justification

Like the rapporteur, the shadow rapporteur believes 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 728
Beatrix von Storch

Proposal for a regulation
Article 34 – paragraph 2

*Text proposed by the Commission*

2. For beneficiaries of subsidiary protection status Member States may limit social assistance to core benefits.

*Amendment*

2. For beneficiaries of subsidiary protection status Member States may limit social assistance.

Or. en

Amendment 729
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Pál Csáky

Proposal for a regulation
Article 35 – title

*Text proposed by the Commission*

Healthcare

*Amendment*

Basic Healthcare

Or. en

Amendment 730
Jussi Halla-aho, Helga Stevens

Proposal for a regulation
Article 35 – paragraph 1

*Text proposed by the Commission*

1. Beneficiaries of international protection shall have access to healthcare under the same eligibility conditions as nationals of the Member State that has granted such protection.

*Amendment*

1. Beneficiaries of international protection shall have access to healthcare under the same eligibility conditions as other third-country nationals residing in the Member State that has granted such protection.

Or. en
Justification

Until the residence status of the beneficiary of international protection can be considered permanent the Member States need not grant the same access to healthcare as to their own nationals.

Amendment 731
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Pál Csáky

Proposal for a regulation
Article 35 – paragraph 1

Text proposed by the Commission

1. Beneficiaries of international protection shall have access to healthcare under the same eligibility conditions as nationals of the Member State that has granted such protection.

Amendment

1. Beneficiaries of international protection shall have access to basic healthcare under the same eligibility conditions as nationals of the Member State that has granted such protection.

Or. en

Amendment 732
Barbara Spinelli

Proposal for a regulation
Article 35 – paragraph 2

Text proposed by the Commission

2. Beneficiaries of international protection who have special needs, such as pregnant women, disabled people, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence or minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered from armed conflict shall be provided adequate healthcare, including treatment of mental disorders when needed, under the same eligibility conditions as nationals of the Member State that has granted protection.

Amendment

2. Beneficiaries of international protection who have special needs, such as pregnant women, disabled people, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence or minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered from armed conflict shall be provided adequate healthcare, including treatment of mental disorders when needed, under the same eligibility conditions as nationals of the Member State that has granted protection.
Former international protection applicants in need of special procedural needs who were receiving medical assistance under Art 19 (2) of the [Recast Procedures Regulation] shall continue receiving treatment after the recognition of their status, for as long as needed.

Amendment 733
Jussi Halla-aho

Proposal for a regulation
Article 35 – paragraph 2

Text proposed by the Commission
2. Beneficiaries of international protection who have special needs, such as pregnant women, disabled people, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence or minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered from armed conflict shall be provided adequate healthcare, including treatment of mental disorders when needed, under the same eligibility conditions as nationals of the Member State that has granted protection.

Amendment
2. Beneficiaries of international protection who have special needs shall be provided assistance in accessing adequate healthcare, including treatment of mental disorders when needed, under the same eligibility conditions as other third-country nationals residing in the Member State that has granted protection.

Justification

It goes without saying that the health related needs of any individual should be assessed by and remain at the discretion of the healthcare professionals attending to their individual case. The listing of persons who could be eligible for adequate healthcare is therefore unnecessary and discriminative. In the context of this Chapter, a person with special needs means someone who is in need of special guarantees in order to benefit from the rights and comply with the obligations provided for herein.
Amendment 734  
Barbara Spinelli

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

Text proposed by the Commission

2a. Access to healthcare under the same eligibility conditions as nationals of the Member State shall be provided also for international protection seekers in case their application for international protection is refused. In case there is a risk that that person’s health will deteriorate if returned to his or her country of origin or that the person will risk death because of being deprived of healthcare, Member State shall not return that person and offer him or her assistance and healthcare according to the right to life and the prohibition of torture and inhuman or degrading treatment or punishment stated by articles 2 and 3 of Charter of fundamental rights of the European Union.

Or. en

Justification

Amendment inspired by the recent ECHR ruling Paposhvili v. Belgium (13 December 2016),

Amendment 735  
Kristina Winberg

Proposal for a regulation
Article 36

Text proposed by the Commission

[...]

Amendment

deleted

Or. en
Amendment 736
Barbara Spinelli

Proposal for a regulation
Article 36 – paragraph 1 – subparagraph 1

Text proposed by the Commission
As soon as possible after international protection is granted and within five working days at the latest, as outlined in Article 22(1) of Regulation EU no xxx/xxx[Procedures regulation], competent authorities shall take the necessary measures to ensure the representation of unaccompanied minors by a legal guardian or, where necessary, by an organisation responsible for the care and well-being of minors, or by any other appropriate representation including that based on legislation or court order.

Amendment
As soon as possible after international protection is granted, as outlined in Article 22(1) of Regulation EU no xxx/xxx[Procedures regulation], competent authorities shall take the necessary measures to ensure the representation of unaccompanied minor(s) by a legal guardian or, where necessary, by an organisation responsible for the care and well-being of minors, or by any other appropriate representation including that based on legislation or court order.

Where an organisation is appointed as guardian, it shall as soon as possible designate a person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with this Regulation.

Or. en

Amendment 737
Jussi Halla-aho

Proposal for a regulation
Article 36 – paragraph 1 – subparagraph 1

Text proposed by the Commission
As soon as possible after international protection is granted and within five working days at the latest, as outlined in Article 22(1) of Regulation EU no xxx/xxx[Procedures regulation], competent authorities shall take the necessary measures to ensure the representation of unaccompanied minors by a legal guardian.

Amendment
As soon as possible after international protection is granted, as outlined in Article 22(1) of Regulation EU no xxx/xxx[Procedures regulation], competent authorities shall take the necessary measures to ensure the representation of unaccompanied minors by a legal guardian.
or, where necessary, by an organisation responsible for the care and well-being of minors, or by any other appropriate representation including that based on legislation or court order.

Amendment 738
Anna Maria Corazza Bildt

Proposal for a regulation
Article 36 – paragraph 1 – subparagraph 1

Text proposed by the Commission

As soon as possible after international protection is granted and within five working days at the latest, as outlined in Article 22(1) of Regulation EU no xxx/xxx [Procedures regulation], competent authorities shall take the necessary measures to ensure the representation of unaccompanied minors by a legal guardian or, where necessary, by an organisation responsible for the care and well-being of minors, or by any other appropriate representation including that based on legislation or court order.

Amendment

As soon as possible after international protection is granted and in any case no later than five days from the moment when an unaccompanied minor arrives in the Member State, as outlined in Article 22(1) of Regulation EU no xxx/xxx [Procedures regulation], competent authorities shall take the necessary measures to ensure the representation of unaccompanied minors by a qualified legal guardian or, where necessary, by an organisation responsible for the care and well-being of minors, or by any other appropriate representation including that based on legislation or court order.

Amendment 739
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 36 – paragraph 1 – subparagraph 1

Text proposed by the Commission

As soon as possible after international

Amendment

As soon as possible after international
protection is granted and within five working days at the latest, as outlined in Article 22(1) of Regulation EU no xxx/xxx [Procedures regulation], competent authorities shall take the necessary measures to ensure the representation of unaccompanied minors by a legal guardian or, where necessary, by an organisation responsible for the care and well-being of minors, or by any other appropriate representation including that based on legislation or court order.

Amendment 740
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Frank Engel, Barbara Matera, Salvatore Domenico Pogliese, Carlos Coelho

Proposal for a regulation
Article 36 – paragraph 1 – subparagraph 1

Text proposed by the Commission

As soon as possible after international protection is granted and within five working days at the latest, as outlined in Article 22(1) of Regulation EU no xxx/xxx [Procedures regulation], competent authorities shall take the necessary measures to ensure the representation of unaccompanied minors by a legal guardian or, where necessary, by an organisation responsible for the care and well-being of minors, or by any other appropriate representation including that based on legislation or court order.

Amendment

Where there is not possibility of keeping the same guardian appointed after the arrival of the unaccompanied minor in the territory of the Union, as soon as possible after international protection is granted and within five days at the latest, competent authorities shall take the necessary measures to ensure the representation of unaccompanied minors by a legal guardian or, where necessary, by an organisation responsible for the care and well-being of minors, or by any other appropriate representation including that based on legislation or court order.

Justification

As general rule, it should be preferable to maintain the same guardian appointed after the unaccompanied minor had reached the territory of the Union, also after the international protection has been granted. Nevertheless, in those cases in which the guardian cannot keep
his/her role (due to his or her noncompliance with rules, or due to a transfer of the minor), competent authorities should appoint a new guardian in the shortest possible time.

Amendment 741
Kati Piri, Tanja Fajon, Juan Fernando López Aguilar

Proposal for a regulation
Article 36 – paragraph 1 – subparagraph 1

Text proposed by the Commission

As soon as possible after international protection is granted and within five working days at the latest, as outlined in Article 22(1) of Regulation EU no xxx/xxx[Procedures regulation], competent authorities shall take the necessary measures to ensure the representation of unaccompanied minors by a legal guardian or, where necessary, by an organisation responsible for the care and well-being of minors, or by any other appropriate representation including that based on legislation or court order.

Amendment

As soon as possible after international protection is granted and within five days at the latest, competent authorities shall take the necessary measures to ensure the representation of unaccompanied minors by a legal guardian or, where necessary, by an organisation responsible for the care and well-being of minors, or by any other appropriate representation including that based on legislation or court order.

Justification

This is in line with the proposed changes to the Reception Conditions Directive. Guardians should be appointed as soon as possible. The unaccompanied minors do not stop being unaccompanied minors at the weekend, so the five-day time limit should be five days only and not five working days.

Amendment 742
Kati Piri, Tanja Fajon, Juan Fernando López Aguilar

Proposal for a regulation
Article 36 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Member States shall ensure that a guardian is placed in charge of a limited number of not more than 20
unaccompanied minors at the same time to ensure that the guardian is able to perform his or her tasks effectively. Member States shall appoint entities or persons responsible for monitoring at regular intervals that guardians perform their tasks in a satisfactory manner. Those entities or persons shall also have the competence to review complaints lodged by unaccompanied minors against their guardian. To this end, unaccompanied minors shall be given information in a child-friendly manner and in a language they understand, about who these entities or persons are and how to report complaints against their guardians in confidence and safety.

Justification

This is in line with the proposed changes to the Reception Conditions Directive. To ensure that guardians are able to adequately perform their role, they should not be responsible for more than 20 unaccompanied minors at any one time. This upper limit will also provide legal clarity. The maximum of 20 unaccompanied minors is regarded as good practice by experts in the field of guardianship of minors, such as NIDOS and UNHCR

Amendment 743
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 36 – paragraph 1 – subparagraph 2

Text proposed by the Commission
Where an organisation is appointed as guardian, it shall as soon as possible designate a person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with this Regulation.

Amendment
Where an organisation is appointed as guardian, it shall as soon as possible designate a person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with this Directive.
Proposal for a regulation
Article 36 – paragraph 2

Text proposed by the Commission

2. The appointed guardian shall have the duty of ensuring that the minor can access all rights stemming from this Regulation. The appropriate authorities shall regularly assess the performance of the appointed guardian.

Amendment

2. The appointed guardian shall have the duty of ensuring that the minor can access all rights stemming from this Regulation. The responsible authorities shall assess the performance of the guardian within the first month after his/her appointment, and then regularly.

Or. en

Justification

The reason why the assessment of the guardian’s performance should be carried out within the first month after his/her appointment lies in the idea according to which it is during the first period of relationship between the guardian and the minor that the basis for a durable trust are set.

Proposal for a regulation
Article 36 – paragraph 3 – subparagraph 1 – point c

Text proposed by the Commission

(c) in centres specialised in accommodation for minors;

Amendment

(c) in open centres specialised in accommodation for minors, which take account of their vulnerability and ensures their safety;

Or. en

Amendment

746

PE602.740v01-00 160/189 AM\1121330EN.docx
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 36 – paragraph 3 – subparagraph 1 – point d

Text proposed by the Commission

(d) in other accommodation suitable for minors.

Amendment

(d) in other open accommodation suitable for minors which take account of their vulnerability and ensures their safety.

Or. en

Amendment 747
Jussi Halla-aho

Proposal for a regulation
Article 36 – paragraph 5

Text proposed by the Commission

5. If an unaccompanied minor is granted international protection and the tracing of his or her family members has not already started, competent authorities shall start tracing them as soon as possible after the granting of international protection, whilst protecting the minor’s best interests. If tracing has already started, it shall be continued where appropriate. In cases where there may be a threat to the life or integrity of the minor or his or her close relatives, particularly if they have remained in the country of origin, care must be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis.

Amendment

deleted

Or. en
Justification

The legal basis for reuniting families should lie primarily in Family Reunification Directive. Furthermore the encouragement to reunite families can increase the pressure on social cohesion and public sector in Member States.

Amendment 748
Barbara Spinelli

Proposal for a regulation
Article 36 – paragraph 5

Text proposed by the Commission

5. If an unaccompanied minor is granted international protection and the tracing of his or her family members has not already started, competent authorities shall start tracing them as soon as possible after the granting of international protection, whilst protecting the minor’s best interests. If tracing has already started, it shall be continued where appropriate. In cases where there may be a threat to the life or integrity of the minor or his or her close relatives, particularly if they have remained in the country of origin, care must be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis.

Amendment

5. Tracing of family members of unaccompanied minors shall start as soon as he or she registers his or her request for international protection. In cases where there may be a threat to the life or integrity of the minor or his or her close relatives, particularly if they have remained in the country of origin, care must be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis so as to avoid jeopardising their safety.

Or. en

Amendment 749
Kati Piri, Tanja Fajon, Juan Fernando López Aguilar

Proposal for a regulation
Article 36 – paragraph 6

Text proposed by the Commission

6. The persons and organisations working with unaccompanied minors shall receive continuous appropriate training

Amendment

6. The persons and organisations working with unaccompanied minors shall receive continuous appropriate training
concerning the rights and needs of minors and child safeguarding standards will be respected as referred to in Art 22 of Regulation EU No xxx/xxx[Procedures regulation]. Where an organisation is appointed as guardian, it shall designate a person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with this Directive. The guardian shall perform his or her duties in accordance with the principle of the best interests of the child, shall have the necessary qualifications and expertise to that end and shall not have a verified record of child-related crimes or offences. In order to ensure the minor’s well-being and social development, the person acting as guardian shall be changed only when necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be appointed as guardians.

Or. en

Justification

This is in line with the proposed changes to the Reception Conditions Directive. Guardians should be properly qualified and the best interests of the child should have priority.

Amendment 750
Jussi Halla-aho

Proposal for a regulation
Article 36 – paragraph 6

Text proposed by the Commission

6. The persons and organisations working with unaccompanied minors shall receive continuous appropriate training concerning the rights and needs of minors and child safeguarding standards will be respected as referred to in Art 22 of Regulation EU No xxx/xxx[Procedures regulation].

Amendment

6. The persons and organisations working with unaccompanied minors shall receive appropriate training concerning the rights and needs of minors and child safeguarding standards will be respected as referred to in Art 22 of Regulation EU No xxx/xxx[Procedures regulation].
Amendment 751  
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Pál Csáky, Monica Macovei

Proposal for a regulation  
Article 37 – paragraph 1

**Text proposed by the Commission**

1. Beneficiaries of international protection shall have access to accommodation under conditions equivalent to those applicable to other third-country nationals legally resident in the territories of the Member States who are in a comparable situation.

**Amendment**

1. Beneficiaries of international protection shall have access to accommodation under the conditions laid down by the host country.

Or. en

Amendment 752  
Lorenzo Fontana

Proposal for a regulation  
Article 37 – paragraph 1

**Text proposed by the Commission**

1. Beneficiaries of international protection shall have access to accommodation under conditions equivalent to those applicable to other third-country nationals legally resident in the territories of the Member States who are in a comparable situation.

**Amendment**

1. Beneficiaries of international protection shall have access to accommodation under the conditions laid down by the host country.

Or. it
Amendment 753
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 37 – paragraph 1

Text proposed by the Commission
1. Beneficiaries of international protection shall have access to accommodation under conditions equivalent to those applicable to other third-country nationals legally resident in the territories of the Member States who are in a comparable situation.

Amendment
1. Beneficiaries of international protection shall have access to accommodation under conditions equivalent to those applicable to other third-country nationals legally resident in the territories of the Member States who are in a comparable situation.

Or. en

Amendment 754
Barbara Spinelli

Proposal for a regulation
Article 37 – paragraph 1

Text proposed by the Commission
1. Beneficiaries of international protection shall have access to accommodation under conditions equivalent to those applicable to other third-country nationals legally resident in the territories of the Member States who are in a comparable situation.

Amendment
1. Beneficiaries of international protection shall have access to accommodation under conditions equivalent to those applicable to other third-country nationals legally resident in the territories of the Member States.

Or. en

Justification
It is not clear what “third-country nationals legally resident in that Member State who are in a comparable situation” actually means. The change proposed is intended to overcome this ambiguity and ensure adequate accommodation to the beneficiaries of international protection.

Amendment 755
Jussi Halla-aho

Proposal for a regulation  
Article 37 – paragraph 2

Text proposed by the Commission

2. National dispersal practices of beneficiaries of international protection shall be carried out to the extent possible without discrimination of beneficiaries of international protection and shall ensure equal opportunities regarding access to accommodation.

Amendment

2. National dispersal practices of beneficiaries of international protection shall be carried out to in an appropriate and cost-effective manner.

Or. en

Amendment 756
Barbara Spinelli

Proposal for a regulation  
Article 37 – paragraph 2

Text proposed by the Commission

2. National dispersal practices of beneficiaries of international protection shall be carried out to the extent possible without discrimination of beneficiaries of international protection and shall ensure equal opportunities regarding access to accommodation.

Amendment

2. National dispersal practices of beneficiaries of international protection shall be carried out without discrimination of beneficiaries of international protection and shall ensure equal opportunities regarding access to accommodation.

Or. en

Justification

See comments to Article. 28 (2)

Amendment 757
Barbara Spinelli

Proposal for a regulation  
Article 38 – paragraph 1
Text proposed by the Commission

1. In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular language courses, civic orientation and integration programs and vocational training which take into account their specific needs.

Amendment 758
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission

1. In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular language courses, civic orientation and integration programs and vocational training which take into account their specific needs.

Amendment 759
Jussi Halla-aho

Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission

1. In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular language courses, civic orientation and integration programs and vocational training which take into account their specific needs.

Amendment 758
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission

1. In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular language courses, civic orientation and integration programs and vocational training which take into account their specific needs.

Amendment 759
Jussi Halla-aho

Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission

1. In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular language courses, civic orientation and integration programs and vocational training which take into account their specific needs.

Amendment 758
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission

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Amendment 759
Jussi Halla-aho

Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission

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Amendment 758
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 38 – paragraph 1

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Amendment 759
Jussi Halla-aho

Proposal for a regulation
Article 38 – paragraph 1

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Amendment 759
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Text proposed by the Commission

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Amendment 759
Jussi Halla-aho

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Article 38 – paragraph 1

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Amendment 758
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Amendment 759
Jussi Halla-aho

Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission

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Amendment 759
Jussi Halla-aho

Proposal for a regulation
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Amendment 758
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Proposal for a regulation
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Amendment 759
Jussi Halla-aho

Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission

1. In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular language courses, civic orientation and integration programs and vocational training which take into account their specific needs.

Amendment 758
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission

1. In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular language courses, civic orientation and integration programs and vocational training which take into account their specific needs.

Amendment 759
Jussi Halla-aho

Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission

1. In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular language courses, civic orientation and integration programs and vocational training which take into account their specific needs.

Amendment 758
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission

1. In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular language courses, civic orientation and integration programs and vocational training which take into account their specific needs.

Amendment 759
Jussi Halla-aho

Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission

1. In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular language courses, civic orientation and integration programs and vocational training which take into account their specific needs.
1. In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular language courses, civic orientation and integration programs and vocational training which take into account their specific needs.

Amendment 760
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission

1. In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular language courses, civic orientation and integration programs and vocational training which take into account their specific needs.

Amendment

1. In order to facilitate the integration into society, beneficiaries of international protection and their family members as referred to in the Article 2(9) shall have access to integration measures provided by the Member States, in particular language courses, civic orientation and integration programs.

Or. en

Amendment 761
Beatrix von Storch

Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission

1. In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular language courses, civic orientation and integration programs and vocational training which take into account their specific needs.

Amendment

1. 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 provided by the Member States, in particular language courses, civic orientation and integration programs and vocational training which take into account their specific needs.

Or. en
of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular language courses, civic orientation and integration programs and vocational training which take into account their specific needs.

Or. en

Amendment  762
Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 38 – paragraph 1 – point 1 (new)

Text proposed by the Commission

(1) The public authorities shall work in conjunction with NGOs to develop integration measures that take into account the needs directly expressed by beneficiaries of international protection. Account shall also be taken of the special circumstances of beneficiaries of international protection with special requirements, women and unaccompanied minors.

Or. es

Amendment  763
Angelika Mlinar, Sophia in 't Veld, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 38 – paragraph 1 a (new)

Text proposed by the Commission

1a. Member States shall provide beneficiaries of international protection effective access to language courses free of charge from the date when international protection was granted. However, Member States may require
beneficiaries to cover or contribute to the cost of such courses, if beneficiaries have sufficient resources.

Amendment 764
Barbara Spinelli

Proposal for a regulation
Article 38 – paragraph 1 a (new)

Text proposed by the Commission  

1a. Member States shall provide beneficiaries of international protection with effective access to language courses, which shall be free of charge, from the date on which they are granted international protection.

Amendment 765
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 38 – paragraph 2

Text proposed by the Commission  

2. Member States may make participation in integration measures compulsory.

Amendment 766
Jussi Halla-aho, Helga Stevens

Proposal for a regulation
Article 38 – paragraph 2

Text proposed by the Commission

2. Member States may make participation in integration measures compulsory.

Amendment

2. Member States shall make participation in integration measures compulsory. Access to the social benefits shall depend on the effective participation and successful conclusion of the beneficiaries of international protection in integration programs.

Or. en

Amendment  767
Fabio Massimo Castaldo, Laura Ferrara, Ignazio Corrao

Proposal for a regulation
Article 38 – paragraph 2

Text proposed by the Commission

2. Member States may make participation in integration measures compulsory.

Amendment

2. Member States may make participation in integration measures compulsory, provided that these actually readily accessible and free of charge and allow for the specific needs of beneficiaries of international protection.

Or. it

Amendment  768
Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 38 – paragraph 2

Text proposed by the Commission

2. Member States may make participation in integration measures compulsory.

Amendment

2. Member States may make participation in integration measures compulsory, provided that the integration measures in question are easily accessible, free of charge and take account of specific needs.
Amendment  769
Barbara Spinelli

Proposal for a regulation
Article 38 – paragraph 2

Text proposed by the Commission  
2. Member States *may make* participation in integration measures compulsory.

Amendment
2. Member States *shall make* integration measures easily accessible, free of charge and take account of the specific needs of the beneficiary of international protection in question.

Or. en

Amendment  770
Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Pál Csáky, Monica Macovei

Proposal for a regulation
Article 38 a (new)

Text proposed by the Commission

Amendment

*Article 38a*

**Obligations**

1. Beneficiaries of international protection shall have the obligation to respect and comply with the Union and national law of the Member State.

2. Beneficiaries of international protection shall have the obligation to respect the culture, language and social norms of the Member State.

3. Beneficiaries of international protection shall have the obligation to do their utmost to integrate in the Member State and use the integration possibilities provided, such as learning the official
language of the Member State.

Or. en

Amendment 771
Jussi Halla-aho

Proposal for a regulation
Article 39 – paragraph 1

Text proposed by the Commission

Assistance shall be provided to beneficiaries of international protection who wish to be repatriated.

Amendment

Only non-monetary assistance shall be provided to beneficiaries of international protection who wish to be repatriated and voluntary emigration of beneficiaries of international protection should be encouraged actively by wide array of national policies.

Or. en

Amendment 772
Beatrix von Storch

Proposal for a regulation
Article 39 – paragraph 1

Text proposed by the Commission

Assistance shall be provided to beneficiaries of international protection who wish to be repatriated.

Amendment

Assistance may be provided to beneficiaries of international protection who wish to be repatriated.

Or. en

Amendment 773
Jussi Halla-aho

Proposal for a regulation
Article 41 – paragraph 1
Authorities and other organisations applying the provisions of this Regulation shall have received or shall receive the necessary training and shall be bound by the confidentiality principle, as defined in national law, in relation to any information they obtain in the course of their work.

Amendment

Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 41 – paragraph 1

Text proposed by the Commission

Authorities and other organisations applying the provisions of this Regulation shall have received or shall receive the necessary training and shall be bound by the confidentiality principle, as defined in national law, in relation to any information they obtain in the course of their work.

Amendment

Authorities and other organisations applying the provisions of this Regulation shall have received or shall receive the necessary training and shall be bound by the confidentiality principle, as defined in national law, in relation to any information about any individual case that they obtain in the course of their work without prejudice to sufficiently anonymised data for the purposes of public scrutiny.

Or. en

Amendment 774

Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 42 a (new)

Text proposed by the Commission

Authority and other organisations applying the provisions of this Directive shall have received or shall receive the necessary training and shall be bound by the confidentiality principle, as defined in national law, in relation to any information they obtain in the course of their work.

Amendment

Authority and other organisations applying the provisions of this Directive shall have received or shall receive the necessary training and shall be bound by the confidentiality principle, as defined in national law, in relation to any information they obtain in the course of their work.
Transposition

1. The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before XX/XX/XXXX. They shall forthwith inform the Commission thereof.

When the Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field covered by this Directive.

Amendment 776
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 43 – paragraph 1

Text proposed by the Commission

By no later than two years from entry into force of this Regulation and every five years thereafter, the Commission shall report to the European Parliament and the Council on the application of this Regulation and shall, where appropriate, propose the necessary amendments.

Amendment

By no later than two years from the deadline for transposition of this Directive and every three years thereafter, the Commission shall report to the European Parliament and the Council on the application of this Directive and shall, where appropriate, propose the necessary amendments.

Amendment 777
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 44
Article 4
paragraph 3

Text proposed by the Commission

Amendment

Article 44
Amendment to Directive 2003/109/EU

1. In Article 4 of Directive 2003/109/EU, the following paragraph 3 a is inserted:

‘3a. Where a beneficiary of international protection 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, the period of legal stay preceding such a situation shall not be taken into account in the calculation of the period referred to in paragraph 1.’

‘Article 26a

Transposition of Article 4(3a)
The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 4(3a) of this Directive by [six months after the entry into force of this Regulation] at the latest. They shall forthwith inform the Commission thereof.’

Or. en

Amendment 778
Barbara Spinelli

Proposal for a regulation
Article 44 – paragraph 1

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1. In Article 4 of Directive 2003/109/EU, the following paragraph 3a is inserted:

‘3a. Where a beneficiary of international protection 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, the period of legal stay preceding such a situation shall not be taken into account in the calculation of the period referred to in paragraph 1.’

Proposal for a regulation
Article 44 – paragraph 1
Article 4
paragraph 3

Text proposed by the Commission

Amendment

Or. en

Jean Lambert
on behalf of the Verts/ALE Group

Amendment 779

Text proposed by the Commission

Amendment
Amendment  780
Anna Maria Corazza Bildt

Proposal for a regulation
Article 44 – paragraph 1 – introductory part

Text proposed by the Commission

1. In Article 4 of Directive 2003/109/EU, the following paragraph 3 a is inserted:

Amendment

1. In Article 4 of Directive 2003/109/EU, the following paragraph 3 a is inserted:
This procedure shall not apply to unaccompanied minors.

Justification

Secondary movements of unaccompanied minors, which are not in their best interests, are often operated by smugglers and traffickers, therefore they should be punished for a failure that is due to circumstances beyond their control.

Amendment  781
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 44 – paragraph 1
Article 4 paragraph 3

Text proposed by the Commission

3a.Where a beneficiary of international protection 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, the period of legal stay preceding such a situation shall not be taken into account in the calculation of the period referred to in

Amendment

deleted
paragraph 1.

Amendment 782
Kati Piri

Proposal for a regulation
Article 44 – paragraph 1
Directive 2003/109/EU
Article 4, paragraph 3a (new)

Text proposed by the Commission

3a. Where a beneficiary of international protection 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, the period of legal stay preceding such a situation shall not be taken into account in the calculation of the period referred to in paragraph 1.

Amendment

3a. Where a beneficiary of international protection is found in a Member State, other than the one that granted international protection, and the authorities of that Member State have established that the beneficiary did stay or reside there without a right to stay or to reside there in accordance with relevant Union or national law for more than two weeks and without serious and urgent justification, the period of legal stay preceding such a situation shall not be taken into account in the calculation of the period referred to in paragraph 1.

Or. en

Amendment 783
Alessandra Mussolini, Elissavet Vozemberg-Vrionidi, Frank Engel, Barbara Matera, Salvatore Domenico Pogliese, Carlos Coelho

Proposal for a regulation
Article 44 – paragraph 1
Directive 2003/109/EU
Article 4 paragraph 3a

Text proposed by the Commission

3a. Where a beneficiary of international protection is found in a Member State,

Amendment

3a. Where a beneficiary of international protection 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, the period of legal stay preceding such a situation shall not be taken into account in the calculation of the period referred to in paragraph 1.

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, the period of legal stay preceding such a situation shall not be taken into account in the calculation of the period referred to in paragraph 1, unless he or she demonstrates that the reason for the movement was due to circumstances beyond his/her control.

Or. en

Justification

Despite the reasoning behind this provision is sharable, there are some doubts on whether such a sanction, without any exceptions, is compatible with the principle of proportionality. There could be in fact cases in which the beneficiary of international protection has moved to a Member State, other than the one that granted international protection, due to reasons which are not imputable to his/her will.

Amendment 784
Barbara Spinelli

Proposal for a regulation
Article 44 – paragraph 1 a (new)
Directive 2003/109/EC
Article 4 §2, third subparagraph

Text proposed by the Commission

Amendment

1a. -1. In Article 4 of Directive 2003/109/EC, the third subparagraph of paragraph 2 is replaced by the following:

“Regarding persons to whom international protection has been granted, the period between the date of the lodging of the application for international protection on the basis of which that international protection was granted and the date of the granting of the residence permit referred to in Article 26 of Regulation (EU) .../... [Qualifications Regulation], shall be taken into account in the calculation of the period referred to
in paragraph 1”.

Or. en

Amendment 785
Barbara Spinelli

Proposal for a regulation
Article 44 – paragraph 1 b (new)
Directive 2003/109/EU
Article 4 §1(a)

Text proposed by the Commission

Amendment

1b. In Article 4 of Directive 2003/109/EU, paragraph 1a is amended as follows:

1. Member States shall grant long-term resident status to third-country nationals who have resided legally and continuously within their territory for five years immediately prior to the submission of the relevant application.

1(a). By way of derogation from paragraph 1, Member States shall grant long-term resident status to beneficiaries of international protection who have resided legally and continuously within their territory for two years immediately prior to the submission of the relevant application.

Or. en

Amendment 786
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 44 – paragraph 2
Article 4
paragraph 3
Text proposed by the Commission

2. The following Article 26a is deleted

‘Article 26a

Transposition of Article 4(3a)

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 4(3a) of this Directive by [six months after the entry into force of this Regulation] at the latest. They shall forthwith inform the Commission thereof.’

Amendment 787
Barbara Spinelli

Proposal for a regulation
Article 44 – paragraph 2
2003/109/EC
Article 26a

Text proposed by the Commission

2. The following Article 26a is deleted

‘Article 26a

Transposition of Article 4(3a)

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 4(3a) of this Directive by [six months after the entry into force of this Regulation] at the latest. They shall forthwith inform the Commission thereof.’

Or. en
Amendment 788  
Jean Lambert  
on behalf of the Verts/ALE Group  

Proposal for a regulation  
Article 44 – paragraph 2  
article 4  
paragraph 3  

*Text proposed by the Commission*  

*Article 26a*  
deleted  

*Amendment*  

Or. en  

Amendment 789  
Jean Lambert  
on behalf of the Verts/ALE Group  

Proposal for a regulation  
Article 44 – paragraph 2  
article 4  
paragraph 3  

*Text proposed by the Commission*  

*Transposition of Article 4(3a)*  
deleted  

Or. en  

Amendment 790  
Jean Lambert  
on behalf of the Verts/ALE Group  

Proposal for a regulation  
Article 44 – paragraph 2  
article 4  
paragraph 3  

*Text proposed by the Commission*  

*The Member States shall bring into force deleted*  
the laws, regulations and administrative provisions necessary to comply with  
*Article 4(3a) of this Directive by [six*  

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months after the entry into force of this Regulation] at the latest. They shall forthwith inform the Commission thereof.

Or. en

Amendment  791
Jussi Halla-aho

Proposal for a regulation
Article 44 – paragraph 2
2003/109
26

Text proposed by the Commission

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 4(3a) of this Directive by [six months after the entry into force of this Regulation] at the latest. They shall forthwith inform the Commission thereof.

Amendment

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 4(3a) of this Directive by [one month after the entry into force of this Regulation] at the latest. They shall forthwith inform the Commission thereof.

Or. en

Amendment  792
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 45 – paragraph 1

Text proposed by the Commission

Directive 2011/95/EC is repealed with effect from the date of entry into force of this Regulation. References to the repealed Directive should be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

Amendment

Directive 2011/95/EC is repealed with effect from the date of entry into force of this Directive. References to the repealed Directive should be construed as references to this Directive and shall be read in accordance with the correlation table in Annex II.

Or. en
Amendment 793
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 46 – paragraph 1

Text proposed by the Commission

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Amendment

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Or. en

Amendment 794
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 46 – paragraph 2

Text proposed by the Commission

This Regulation shall start to apply from [six months from its entry into force].

Amendment

deleted

Or. en

Amendment 795
Kinga Gál

Proposal for a regulation
Article 46 – paragraph 2

Text proposed by the Commission

This Regulation shall start to apply from [six months from its entry into force].

Amendment

This Regulation shall start to apply from [twelve months from its entry into force].

Or. en
Amendment 796
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 46 – paragraph 3

Text proposed by the Commission

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Amendment

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Or. en

Amendment 797
Beatrix von Storch

Proposal for a regulation
Article 46 – paragraph 3

Text proposed by the Commission

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Amendment

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties. Member States may refuse to enforce laws, regulations and administrative provisions transposed that they deem to be in violation of the principle of subsidiarity or the spirit of the treaties.

Or. en

Amendment 798
Barbara Spinelli, Jean Lambert

Proposal for a regulation
Annex I a (new)
ANNEX II

Mutual Recognition and the transfer of responsibility of Asylum decisions

Mutual recognition of positive asylum decisions, based upon harmonised legal standards and practice, has been described as an important step in the further development of the CEAS. The Lisbon Treaty also foresees a closer union. Article 78 (1) of the TFEU provides that the Union will develop a common policy on asylum, subsidiary protection and temporary protection in accordance with the 1951 Refugee Convention and its Protocol. In order to achieve this, measures should be adopted that would enable a “uniform status of asylum for nationals of third countries, valid throughout the Union” and a uniform status of subsidiary protection for nationals of third countries. The first step is to ensure that there is the mutual recognition of positive asylum decisions, which would ensure there is common consensus amongst Member States regarding the effect of another Member State’s positive asylum decision, which would avoid cases like M.C. v Bulgaria, and the risk of onward refoulement.

Secondly, in order for the status to be truly valid, it must comprise all the rights and entitlements that are attached to the status. Under the 1951 Refugee Convention, refugees must be treated as the most favoured foreigner in terms of wage earning employment, which in the case of the EU is fellow EU citizens who have the right to work and travel in other Member States should they meet some basic criteria.

Thirdly, there is also an obligation to put in place a framework which regulates under which circumstances a beneficiary can transfer their status to a second
Member State. As highlighted in recital 42 of the Regulation, beneficiaries of international protection can apply to reside in a Member State other than the Member State which granted protection, in accordance with relevant EU rules, notably, under the Long Term Residence and the proposed Blue Card Directive\textsuperscript{1a}, but this does not imply any transfer of the international protection status and related rights. Given the problems and concerns beneficiaries will encounter when moving to another Member State under these Directives, an instrument is required at the EU level which sets out which Member States is responsible for the applicant’s status, and at what stage does another Member State become responsible.

In order to achieve this, the following shall be taken into account:

a) Article 78, 2 (a) TFEU\textsuperscript{1b} which provides a uniform status that is valid throughout the Union; in order to ensure that the Common European Asylum System is truly based on Common systems and standards, and in order to ensure that the principle of non-refoulement is upheld, Member States must mutually recognises a positive asylum decision made by the respective national authorities in another Member State.

b) in order to ensure that the status is truly valid, Member States should recognise the rights and entitlements attached thereto. The 1951 Refugee Convention provides that refugees must be treated as the most favoured foreigner in terms of wage earning employment. This places an obligation on States to extend full rights and responsibilities to a beneficiary of international protection recognised in another Member States under the same conditions as lawfully resident EU citizens.

c) The development of a comprehensive framework which stipulates when and
under what circumstances a transfer of international protection status can take place. It should also clarify what aspects of the protection claim is covered, and address the data protection concerns that may arise in respect of such a transfer. It should also cover both refugees and subsidiary protection beneficiaries. Mutual recognition of asylum decisions, which would provide the conditions for residence in a Member State have to be considered as “uniform status of asylum” valid throughout the Union can entail the possibility of settling in another Member State, the conditions should be equivalent to those imposed on European Union citizens.

A status that is “valid throughout the Union” entails rights to beneficiaries to move and settle in another Member State. Beneficiaries of international protection should be given the same rights as EU citizens upon receipt of their status and all rights and entitlements that are attached to their status.


1b For the purposes of paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures for a common European asylum system comprising: (a) a uniform status of asylum for nationals of third countries, valid throughout the Union.