



2016/0133(COD)

5.5.2017

AMENDMENTS

772 - 1021

Draft report
Cecilia Wikström
(PE599.751v02-00)

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

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

Amendment 772

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson, Kostas Chrysogonos

Proposal for a regulation

Chapter 7 – title

Text proposed by the Commission

Amendment

Corrective *allocation* mechanism

Corrective mechanism

Or. en

Amendment 773

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Rosa D'Amato, David Borrelli, Marco Zullo, Marco Valli, Daniela Aiuto, Eleonora Evi, Piernicola Pedicini, Isabella Adinolfi, Dario Tamburrano, Laura Agea, Tiziana Beghin

Proposal for a regulation

Chapter 7 – title

Text proposed by the Commission

Amendment

Corrective allocation mechanism

Allocation mechanism

Or. it

Amendment 774

József Nagy, Anna Záborská, Richard Sulík, Jana Žitňanská, Artis Pabriks

Proposal for a regulation

Article 34

Text proposed by the Commission

Amendment

Article 34

deleted

General Principle

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

for international protection for which it is the Member State responsible under this Regulation.

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

3. The reference number of a Member State shall be determined by applying the key referred to in Article 35 to the total number of applications as well as the total number of resettled persons that have been entered by the respective Member States responsible in the automated system during the preceding 12 months.

4. The automated system shall inform Member States, the Commission and the European Union Agency for Asylum once per week of the Member States' respective shares in applications for which they are the Member State responsible.

5. The automated system shall continuously monitor whether any of the Member States is above the threshold referred to in paragraph 2, and if so, notify the Member States and the Commission of this fact, indicating the number of applications above this threshold.

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

Or. en

Amendment 775

Kristina Winberg, Beatrix von Storch

Proposal for a regulation
Article 34

Text proposed by the Commission

Amendment

Article 34

deleted

General Principle

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

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

3. The reference number of a Member State shall be determined by applying the key referred to in Article 35 to the total number of applications as well as the total number of resettled persons that have been entered by the respective Member States responsible in the automated system during the preceding 12 months.

4. The automated system shall inform Member States, the Commission and the European Union Agency for Asylum once per week of the Member States' respective shares in applications for which they are the Member State responsible.

5. The automated system shall continuously monitor whether any of the Member States is above the threshold referred to in paragraph 2, and if so,

notify the Member States and the Commission of this fact, indicating the number of applications above this threshold.

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

Or. en

Amendment 776

Artis Pabriks, Tomáš Zdechovský, Traian Ungureanu, Kinga Gál, Andrea Bocskor, Pál Csáky, Brice Hortefeux, Krišjānis Kariņš, Roberts Zīle, Jussi Halla-aho, Anders Primdahl Vistisen, József Nagy, Anna Záborská

Proposal for a regulation Article 34

Text proposed by the Commission

Amendment

Article 34

deleted

General Principle

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

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

3. The reference number of a Member State shall be determined by applying the key referred to in Article 35 to the total

number of applications as well as the total number of resettled persons that have been entered by the respective Member States responsible in the automated system during the preceding 12 months.

4. The automated system shall inform Member States, the Commission and the European Union Agency for Asylum once per week of the Member States' respective shares in applications for which they are the Member State responsible.

5. The automated system shall continuously monitor whether any of the Member States is above the threshold referred to in paragraph 2, and if so, notify the Member States and the Commission of this fact, indicating the number of applications above this threshold.

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

Or. en

Justification

In line with the deletion of Chapter VII. Solidarity with the Member States that face unprecedented migratory pressure cannot be expressed through an automatic, centralised and binding mechanism, without taking into account the capacity of MS to receive, accommodate and integrate asylum seekers. Proposed scheme does not set any limitations in terms of time or capacity of the EU or MS. The suggested mechanism creates additional pull-factor as the asylum seeker just need to reach the EU border to be sent further in the EU. It limits the incentive of border countries to protect their borders as they need to reach 150% share and the rest of asylum seekers will be sent for relocation to other MS automatically. Furthermore, solidarity cannot be enforced and coupled with financial penalties.

Amendment 777
Gilles Lebreton

Proposal for a regulation
Article 34

Text proposed by the Commission

Amendment

Article 34

deleted

General Principle

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

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

3. The reference number of a Member State shall be determined by applying the key referred to in Article 35 to the total number of applications as well as the total number of resettled persons that have been entered by the respective Member States responsible in the automated system during the preceding 12 months.

4. The automated system shall inform Member States, the Commission and the European Union Agency for Asylum once per week of the Member States' respective shares in applications for which they are the Member State responsible.

5. The automated system shall continuously monitor whether any of the Member States is above the threshold referred to in paragraph 2, and if so, notify the Member States and the Commission of this fact, indicating the number of applications above this threshold.

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

Amendment 778

Marek Jurek

Proposal for a regulation

Article 34

Text proposed by the Commission

Amendment

Article 34

deleted

General Principle

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

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

3. The reference number of a Member State shall be determined by applying the key referred to in Article 35 to the total number of applications as well as the total number of resettled persons that have been entered by the respective Member States responsible in the automated system during the preceding 12 months.

4. The automated system shall inform Member States, the Commission and the European Union Agency for Asylum once per week of the Member States' respective shares in applications for which they are

the Member State responsible.

5. The automated system shall continuously monitor whether any of the Member States is above the threshold referred to in paragraph 2, and if so, notify the Member States and the Commission of this fact, indicating the number of applications above this threshold.

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

Or. pl

Justification

This amendment is part of a package of amendments that removes the corrective allocation mechanism from the proposal. The proposed corrective allocation mechanism constitutes misapplication of the principle of solidarity, which cannot be subject to any administrative automatism. Intergovernmental arrangements, if any, may relate to assistance to countries struggling with large numbers of applications for international protection.

Amendment 779

Maria Grapini

Proposal for a regulation Article 34

Text proposed by the Commission

Amendment

Article 34

deleted

General Principle

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

2. Paragraph 1 applies where the automated system referred to in Article 44(1) indicates that the number of applications for international protection

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

3. The reference number of a Member State shall be determined by applying the key referred to in Article 35 to the total number of applications as well as the total number of resettled persons that have been entered by the respective Member States responsible in the automated system during the preceding 12 months.

4. The automated system shall inform Member States, the Commission and the European Union Agency for Asylum once per week of the Member States' respective shares in applications for which they are the Member State responsible.

5. The automated system shall continuously monitor whether any of the Member States is above the threshold referred to in paragraph 2, and if so, notify the Member States and the Commission of this fact, indicating the number of applications above this threshold.

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

Or. ro

Amendment 780

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Kati Piri, Miriam Dalli, Péter Niedermüller

**Proposal for a regulation
Article 34 – paragraph 1**

Text proposed by the Commission

Amendment

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

1. The allocation mechanism referred to in this Chapter shall be applied for ***all the applications for which*** a Member state ***responsible could not be determined according to the criteria set out in Chapter III and IV of this Regulation, and also in the cases in which Article 24a applies.***

Or. en

Justification

In order to be coherent with the Resolution on the situation in the Mediterranean and the need for a holistic EU approach to migration approved by the Parliament in April 2016, and with the Resolution on migration and refugees in Europe approved in September 2015, the shadow rapporteur is proposing a centralised, permanent and automatic mechanism of fair distribution of responsibilities among Member States.

Amendment 781

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson, Kostas Chrysogonos

**Proposal for a regulation
Article 34 – paragraph 1**

Text proposed by the Commission

Amendment

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

1. The ***corrective*** mechanism referred to in this Chapter shall be applied for the benefit of a Member State, where that Member State is ***responsible for a*** number of applications for international protection ***under this Regulation that is higher than the reference number for that Member State.***

Or. en

Amendment 782

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Rosa D'Amato, David Borrelli, Marco Zullo, Marco Valli, Daniela Aiuto, Eleonora Evi, Piernicola Pedicini, Isabella Adinolfi, Dario Tamburrano, Laura Agea, Tiziana Beghin

Proposal for a regulation
Article 34 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The allocation mechanism referred to in this Chapter shall be applied for the benefit of a Member State, where *an applicant is present, in which he or she has submitted an application* for international protection *and who has no family ties in any EU Member State.*

Or. it

Amendment 783

Tomáš Zdechovský, József Nagy, Artis Pabriks, Pál Csáky, Kinga Gál, Pavel Poc, Miroslav Poche, Olga Sehnalová, Andrea Bocskor, Vladimír Maňka, Monika Smolková, Jan Keller

Proposal for a regulation
Article 34 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Since the obligatory corrective allocation mechanism did not prove to be working, the mechanism should operate on voluntary basis.

Amendment 784

Daniel Dalton, Ryszard Antoni Legutko, Branislav Škripek

Proposal for a regulation
Article 34 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The allocation of refugees needs to be done on a voluntary basis, where Member States can instead pledge resources, and/or to take a certain number of refugees based on suggested guidelines.

Amendment 785
Branislav Škripek

Proposal for a regulation
Article 34 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The implementation of the 2015 Council relocation decisions has revealed that such instruments do not work, whilst petrifying the crisis situations and strengthening pull factors. The Commission proposal that centre on the permanent and automatic mechanisms will create a constant incentive for migration in the EU. At the same time, this will infringe national competence and limit sovereignty. Transferring the burden of responsibility to other

Member States by redistributing migrants cannot be in fact regarded as a proper solution to the current crisis.

Amendment 786

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson, Kostas Chrysogonos

Proposal for a regulation

Article 34 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. During the application of the mechanism in accordance with paragraph 1, the benefitting Member State shall be relieved of its obligations under Article 20. The determining Member State shall continue to examine the criteria set out in Chapter III in order to establish whether another Member State can be designated as responsible.

Or. en

Amendment 787

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Kati Piri, Miriam Dalli, Péter Niedermüller, Dietmar Köster

Proposal for a regulation

Article 34 – paragraph 2

Text proposed by the Commission

Amendment

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

Justification

In order to be coherent with the Resolution on the situation in the Mediterranean and the need for a holistic EU approach to migration approved by the Parliament in April 2016, and with the Resolution on migration and refugees in Europe approved in September 2015, the shadow rapporteur is proposing a centralised, permanent and automatic mechanism of fair distribution of responsibilities among Member States. Therefore it doesn't need to be triggered by a particular threshold, but should always be operating as a last resort if no other criteria under Chapter III and IV is applicable to determine a Member State responsible.

Amendment 788

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Rosa D'Amato, David Borrelli, Marco Zullo, Marco Valli, Daniela Aiuto, Eleonora Evi, Piernicola Pedicini, Isabella Adinolfi, Dario Tamburrano, Laura Agea, Tiziana Beghin

**Proposal for a regulation
Article 34 – paragraph 2**

Text proposed by the Commission

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

Amendment

2. Paragraph 1 applies *automatically on the basis of the* automated system referred to in Article 44(1).

**Amendment 789
Jeroen Lenaers**

**Proposal for a regulation
Article 34 – paragraph 2**

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 790

Mariya Gabriel, Emil Radev

Proposal for a regulation

Article 34 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 791

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson, Kostas Chrysogonos

Proposal for a regulation

Article 34 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 792
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 34 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Paragraph 1 applies where the automated system referred to in Article 44(1) indicates that the number of applications for international protection for which a Member State is responsible under the criteria in Chapter III, Articles 3(2) or (3), 18 and 19, in addition to the number of persons effectively resettled, is higher than **80%** of the reference number for that Member State as determined by the key referred to in Article 35.

Or. en

Justification

The asylum services of the MSs of entry would be under enormous pressure or could eventually collapse if they should deal with requests that would continuously exceed these MSs' capacities. If the purpose of the allocation mechanism is indeed to be a 'corrective' one it would make no sense to be triggered only once a MS is over its capacity. A fair distribution would mean that the mechanism is triggered in a way that it would guarantee a share of responsibility. The percentage of 80% already shows that a MS would be alleviated by the

time that it shall have already reached a high percentage of its share of responsibility while at the same time other MS could be at 0%.

Amendment 793

Jean Lambert, Judith Sargentini

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 34 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Paragraph 1 applies where the automated system referred to in Article 44(1) indicates that the number of applications for international protection for which a Member State is responsible under the criteria in Chapter III, Articles 3(2) or (3), 18 and 19, in addition to the number of persons effectively resettled, is higher than **80%** of the reference number for that Member State as determined by the key referred to in Article 35.

Or. en

Amendment 794

Filiz Hyusmenova

Proposal for a regulation

Article 34 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Paragraph 1 applies where the automated system referred to in Article 44(1) indicates that the number of applications for international protection for which a Member State is responsible under the criteria in Chapter III, Articles 3(2) or (3), 18 and 19, in addition to the number of persons effectively resettled, is higher than **85%** of the reference number for that Member State as determined by the key referred to in Article 35.

Justification

The geographical position of frontline Member States should also be kept in mind when calculating the reference key-naturally, the biggest portion of asylum seekers will enter through a few Member States; while the other Member States will know what numbers to expect based on the information from the frontline Members, the first countries of entry will often be in the dark regarding the upcoming numbers they will have to register, so an additional marge should be provided for them to react in cases of sudden influx. Reacting only after 150% of the reference key is reached is too late. By then, the asylum system of the Member State in question would be already collapsing, triggering negative consequences for the entire European asylum system. Such collapse should be avoided in a proactive way, the corrective allocation should serve as prevention, not post factum as damage control measure.

Amendment 795

Anna Maria Corazza Bildt

Proposal for a regulation Article 34 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Paragraph 1 applies where the automated system referred to in Article 44(1) indicates that the number of applications for international protection for which a Member State is responsible under the criteria in Chapter III, Articles 3(2) or (3), 18 and 19, in addition to the number of persons *already beneficiary of international protection*, resettled *and relocated*, is higher than **100%** of the reference number for that Member State as determined by the key referred to in Article 35.

Or. en

Amendment 796

Gérard Deprez

Proposal for a regulation Article 34 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Paragraph 1 applies where the automated system referred to in Article 44(1) indicates that the number of applications for international protection for which a Member State is responsible under the criteria in Chapter III, Articles 3(2) or (3), 18 and 19, in addition to the number of persons effectively resettled, is higher than **100%** of the reference number for that Member State as determined by the key referred to in Article 35.

Or. en

Amendment 797

Heinz K. Becker

Proposal for a regulation

Article 34 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Paragraph 1 applies where the automated system referred to in Article 44(1) indicates that the number of applications for international protection for which a Member State is responsible under the criteria in Chapter III, Articles 3(2) or (3), 18 and 19, in addition to the number of persons effectively resettled, is higher than **120%** of the reference number for that Member State as determined by the key referred to in Article 35.

Or. en

Amendment 798

Sergei Stanishev

Proposal for a regulation

Article 34 – paragraph 2 a (new)

2a. Where a Member State is located at external land or sea borders on the Western Mediterranean, Central Mediterranean and Eastern Mediterranean routes this Member State should be exempted from obligations of taking responsibility for allocated applications under the corrective mechanism from any other Member State.

Or. en

Justification

The application of the corrective mechanism should be adjusted in order for the additional responsibilities, related to administrative capacity, of frontline Member States to be taken into account. Exempting frontline Member States on the key migratory routes as identified by Frontex, responsible for the majority of the cases of first irregular entry due to their geographic location, from allocated applications would provide for stronger safeguards against disproportionate pressure.

Amendment 799

Jean Lambert, Judith Sargentini, Ska Keller
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 34 – paragraph 2 a (new)

2a. Paragraph 1 does not apply to applicants falling under the cases referred to in Articles 10-14ANEW and 18ANEW.

Or. en

Justification

This amendment is needed to maintain the logic of the text as it should serve to ensure the realisation of the applicant's right to family life and enhance the system's capacity to determine efficiently and effectively a single Member State responsible for examining the application for international protection as the European Commission highlights in its explanatory memorandum accompanying the proposed recast Regulation. This amendment is inextricably linked to the admissible amendments to Recital 19 and Article 41(2).

Amendment 800
Sergei Stanishev

Proposal for a regulation
Article 34 – paragraph 3

Text proposed by the Commission

3. The reference number of a Member State shall be determined by applying the key referred to in Article 35 to the total number of **applications** as well as the total number of resettled persons **that have been** entered by the respective Member States responsible in the automated system during the preceding 12 months.

Amendment

3. The reference number of a Member State shall be determined ***immediately after all Member States have entered the data referred to in Article 34 a*** by applying the key referred to in Article 35 to the total number of ***arrivals*** as well as the total number of resettled persons ***and updated annually on the basis of data*** entered by the respective Member States responsible in the automated system during the preceding 12 months.

Or. en

Justification

Immediate entry of all necessary data and determination of the reference number for Members States would take into account existing migratory pressure and contribute to quick triggering of the corrective allocation mechanism if necessary. The reference number should thereafter be updated on an annual basis to account for a change of the relative circumstances.

Amendment 801
Jeroen Lenaers

Proposal for a regulation
Article 34 – paragraph 3

Text proposed by the Commission

3. The reference number of a Member State shall be determined by applying the key referred to in Article 35 to the total number of applications ***as well as the total number of resettled persons*** that have been entered by the respective Member States responsible in the automated system during the preceding 12 months.

Amendment

3. The reference number of a Member State shall be determined by applying the key referred to in Article 35 to the total number of applications that have been entered by the respective Member States responsible in the automated system during the preceding 12 months. ***The number of persons effectively resettled to a Member State shall be deducted from the number of applications for which a Member State***

is responsible according to the reference key.

Or. en

Amendment 802

Daniel Dalton, Ryszard Antoni Legutko, Branislav Škripek

Proposal for a regulation

Article 34 – paragraph 3

Text proposed by the Commission

3. *The reference* number of a *Member State shall be* determined by *applying* the key referred to in Article 35 to the total number of applications as well as the total number of resettled persons that have been entered by the respective Member States responsible in the automated system during the preceding 12 months.

Amendment

3. *Member States participating in the voluntary allocation mechanism shall pledge a* number of *places for allocation with reference to, but not* determined by, *the reference number that is determined by* the key referred to in Article 35 to the total number of applications as well as the total number of resettled persons that have been entered by the respective Member States responsible in the automated system during the preceding 12 months.

Or. en

Justification

The allocation of refugees needs to be done on a voluntary basis, where Member States can instead pledge resources, and/or to take a certain number of refugees based on suggested guidelines.

Amendment 803

Emil Radev

Proposal for a regulation

Article 34 – paragraph 3

Text proposed by the Commission

3. The reference number of a Member State shall be determined by applying the key referred to in Article 35 to the total number of applications as well as the total number of resettled persons that have been

Amendment

3. The reference number of a Member State shall be determined by applying the key referred to in Article 35 to the total number of applications as well as the total number of resettled persons that have been

entered by the respective Member States responsible in the automated system during the preceding **12** months.

entered by the respective Member States responsible in the automated system during the preceding **36** months.

Or. en

Justification

Given that very often asylum seekers remain in a recipient country for longer than a year or that, in cases of mass influx of refugees, the procedures sometimes can take up to a year, it is recommended to extend the period of consideration of the help provided by Member States to relocated or resettled asylum seekers.

Amendment 804

Salvatore Domenico Pogliese

Proposal for a regulation

Article 34 – paragraph 3

Text proposed by the Commission

3. The reference number of a Member State shall be determined by applying the key referred to in Article 35 to the total number of applications as well as the total number of resettled persons that have been entered by the respective Member States responsible in the automated system during the preceding **12** months.

Amendment

3. The reference number of a Member State shall be determined by applying the key referred to in Article 35 to the total number of applications as well as the total number of resettled persons that have been entered by the respective Member States responsible in the automated system during the preceding **24** months.

Or. it

Amendment 805

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Rosa D'Amato, David Borrelli, Marco Zullo, Marco Valli, Daniela Aiuto, Eleonora Evi, Piernicola Pedicini, Isabella Adinolfi, Dario Tamburrano, Laura Agea, Tiziana Beghin

Proposal for a regulation

Article 34 – paragraph 4

Text proposed by the Commission

4. The automated system shall inform Member States, the Commission and the European Union Agency for Asylum once per **week** of the Member States' respective

Amendment

4. The automated system shall inform Member States, the Commission and the European Union Agency for Asylum once per **year** of the Member States' respective

shares *in applications for which they are the Member State responsible.*

shares.

Or. it

Amendment 806

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Rosa D'Amato, David Borrelli, Marco Zullo, Marco Valli, Daniela Aiuto, Eleonora Evi, Piernicola Pedicini, Isabella Adinolfi, Dario Tamburrano, Laura Agea, Tiziana Beghin

Proposal for a regulation Article 34 – paragraph 5

Text proposed by the Commission

Amendment

5. *The automated system shall continuously monitor whether any of the Member States is above the threshold referred to in paragraph 2, and if so, notify the Member States and the Commission of this fact, indicating the number of applications above this threshold.*

deleted

Or. it

Amendment 807

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Kati Piri, Birgit Sippel, Miriam Dalli, Dietmar Köster, Marju Lauristin, Péter Niedermüller

Proposal for a regulation Article 34 – paragraph 5

Text proposed by the Commission

Amendment

5. The automated system shall continuously monitor *whether any of the Member States is above the threshold referred to in paragraph 2, and* if so, notify the Member States and the Commission of this fact, indicating the number of applications above this threshold.

5. The automated system shall continuously monitor *the number of applications for which a Member State is responsible, to which the number of people effectively resettled to that Member State should be added, and check whether for any of the Member States this number is higher than the respective reference*

number. If so, the automated system shall notify the Member States and the Commission of this fact, indicating the number of applications above this threshold. No further allocation should be made towards these Member States until the number of applications for which they are responsible (including resettled persons) is below their reference number.

Or. en

Amendment 808

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Kati Piri, Péter Niedermüller

Proposal for a regulation

Article 34 – paragraph 6

Text proposed by the Commission

Amendment

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

Or. en

Amendment 809

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Rosa D'Amato, David Borrelli, Marco Zullo, Marco Valli, Daniela Aiuto, Eleonora Evi, Piernicola Pedicini, Isabella Adinolfi, Dario Tamburrano, Laura Agea, Tiziana Beghin

Proposal for a regulation

Article 34 – paragraph 6

Text proposed by the Commission

Amendment

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

Or. it

Amendment 810

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson, Kostas Chrysogonos

Proposal for a regulation

Article 34 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 811

Sergei Stanishev

Proposal for a regulation

Article 34 a (new)

Text proposed by the Commission

Amendment

Article 34 a

Upon first use of the system Member States should enter, at the latest by the end of the transitional period referred to in Article 53, their current total number of applicants, as well as third-country nationals or stateless persons who have irregularly entered the territory of a Member State and have not made an application for international protection. Subsequently Member States shall enter the total number of irregular arrivals on a continuous basis.

Or. en

Justification

As it stands, the Proposal doesn't make clear whether only information related to new arrivals should be entered upon first use, or applicants or arrivals already present on the territory of a Member State should be accounted for. Therefore it's prudent to introduce a requirement for immediate entry of data, so that the corrective allocation mechanism can be triggered as soon as needed.

Amendment 812

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Laura Agea, Tiziana Beghin, Rosa D'Amato, David Borrelli, Marco Zullo, Marco Valli, Daniela Aiuto, Eleonora Evi, Piernicola Pedicini, Isabella Adinolfi, Dario Tamburrano

Proposal for a regulation

Article 34 a (new)

Text proposed by the Commission

Amendment

Article 34 a

Family reunification procedure

1. Where the applicant states that he or she has family links in one of the Member States, the Member State which has received the application for international protection shall, within 30 days of the registration of the application for international protection, carry out a check on the information provided by the applicant, before applying the allocation mechanism referred to in Article 34(1).

2. If, on the basis of that check, the applicant's statements prove to be well-founded, the relevant Member State shall transfer the applicant to the Member State in which he or she has declared he or she has family links.

3. If the Member State to which the applicant is transferred ascertains that the applicant has made false declarations, that Member State shall apply the allocation mechanism referred to in Article 34(1).

Or. it

Amendment 813

Kristina Winberg, Beatrix von Storch

Proposal for a regulation

Article 35

Article 35

deleted

Reference key

1. For the purpose of the corrective mechanism, the reference number for each Member State shall be determined by a key.

2. The reference key referred to in paragraph 1 shall be based on the following criteria for each Member State, according to Eurostat figures:

(a) the size of the population (50 % weighting);

(b) the total GDP (50% weighting);

3. The criteria referred to in paragraph 2 shall be applied by the formula as set out in Annex I.

4. The European Union Agency for Asylum shall establish the reference key and adapt the figures of the criteria for the reference key as well as the reference key referred to in paragraph 2 annually, based on Eurostat figures.

Or. en

Amendment 814

József Nagy, Anna Záborská, Richard Sulík, Jana Žitňanská, Artis Pabriks

Proposal for a regulation

Article 35

Article 35

deleted

Reference key

1. For the purpose of the corrective mechanism, the reference number for each Member State shall be determined by a key.

2. The reference key referred to in paragraph 1 shall be based on the

following criteria for each Member State, according to Eurostat figures:

(a) the size of the population (50 % weighting);

(b) the total GDP (50% weighting);

3. The criteria referred to in paragraph 2 shall be applied by the formula as set out in Annex I.

4. The European Union Agency for Asylum shall establish the reference key and adapt the figures of the criteria for the reference key as well as the reference key referred to in paragraph 2 annually, based on Eurostat figures.

Or. en

Amendment 815

Artis Pabriks, Tomáš Zdechovský, Traian Ungureanu, Kinga Gál, Andrea Bocskor, Pál Csáky, Brice Hortefeux, Krišjānis Kariņš, Roberts Zīle, Jussi Halla-aho, Anders Primdahl Vistisen, József Nagy, Anna Záborská

Proposal for a regulation

Article 35

Text proposed by the Commission

Amendment

Article 35

deleted

Reference key

1. For the purpose of the corrective mechanism, the reference number for each Member State shall be determined by a key.

2. The reference key referred to in paragraph 1 shall be based on the following criteria for each Member State, according to Eurostat figures:

(a) the size of the population (50 % weighting);

(b) the total GDP (50% weighting);

3. The criteria referred to in paragraph 2 shall be applied by the formula as set out

in Annex I.

4. The European Union Agency for Asylum shall establish the reference key and adapt the figures of the criteria for the reference key as well as the reference key referred to in paragraph 2 annually, based on Eurostat figures.

Or. en

Justification

In line with the deletion of Chapter VII. Solidarity with the Member States that face unprecedented migratory pressure cannot be expressed through an automatic, centralised and binding mechanism, without taking into account the capacity of MS to receive, accommodate and integrate asylum seekers. Proposed scheme does not set any limitations in terms of time or capacity of the EU or MS. The suggested mechanism creates additional pull-factor as the asylum seeker just need to reach the EU border to be sent further in the EU. It limits the incentive of border countries to protect their borders as they need to reach 150% share and the rest of asylum seekers will be sent for relocation to other MS automatically. Furthermore, solidarity cannot be enforced and coupled with financial penalties.

**Amendment 816
Gilles Lebreton**

**Proposal for a regulation
Article 35**

Text proposed by the Commission

Amendment

Article 35

deleted

Reference key

1. For the purpose of the corrective mechanism, the reference number for each Member State shall be determined by a key.

2. The reference key referred to in paragraph 1 shall be based on the following criteria for each Member State, according to Eurostat figures:

(a) the size of the population (50% weighting);

(b) the total GDP (50% weighting);

3. The criteria referred to in paragraph 2

shall be applied by the formula as set out in Annex I.

4. The European Union Agency for Asylum shall establish the reference key and adapt the figures of the criteria for the reference key as well as the reference key referred to in paragraph 2 annually, based on Eurostat figures.

Or. fr

Amendment 817
Marek Jurek

Proposal for a regulation
Article 35

Text proposed by the Commission

Amendment

Article 35

deleted

Reference key

1. For the purpose of the corrective mechanism, the reference number for each Member State shall be determined by a key.

2. The reference key referred to in paragraph 1 shall be based on the following criteria for each Member State, according to Eurostat figures:

(a) the size of the population (50 % weighting);

(b) the total GDP (50% weighting);

3. The criteria referred to in paragraph 2 shall be applied by the formula as set out in Annex I.

4. The European Union Agency for Asylum shall establish the reference key and adapt the figures of the criteria for the reference key as well as the reference key referred to in paragraph 2 annually, based on Eurostat figures.

Or. pl

Justification

This amendment is part of a package of amendments that removes the corrective allocation mechanism from the proposal. The proposed corrective allocation mechanism constitutes misapplication of the principle of solidarity, which cannot be subject to any administrative automatism. Under these circumstances the reference key is not necessary.

Amendment 818

Maria Grapini

Proposal for a regulation

Article 35

Text proposed by the Commission

Amendment

Article 35

deleted

Reference key

1. For the purpose of the corrective mechanism, the reference number for each Member State shall be determined by a key.

2. The reference key referred to in paragraph 1 shall be based on the following criteria for each Member State, according to Eurostat figures:

(a) the size of the population (50 % weighting);

(b) the total GDP (50 % weighting);

3. The criteria referred to in paragraph 2 shall be applied by the formula as set out in Annex I.

4. The European Union Agency for Asylum shall establish the reference key and adapt the figures of the criteria for the reference key as well as the reference key referred to in paragraph 2 annually, based on Eurostat figures.

Or. ro

Amendment 819

Daniel Dalton, Ryszard Antoni Legutko, Branislav Škripek

Proposal for a regulation
Article 35 – paragraph 1

Text proposed by the Commission

1. For the purpose of the corrective mechanism, **the** reference number for each Member State shall be determined by a key.

Amendment

1. For the purpose of the corrective mechanism, **a non-binding** reference number for each Member State shall be determined by a key.

Or. en

Justification

The allocation of refugees needs to be done on a voluntary basis, where Member States can instead pledge resources, and/or to take a certain number of refugees based on suggested guidelines.

Amendment 820

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Kati Piri, Dietmar Köster, Péter Niedermüller

Proposal for a regulation
Article 35 – paragraph 1

Text proposed by the Commission

1. For the purpose of the **corrective** mechanism, the reference number for each Member State shall be determined by a key.

Amendment

1. For the purpose of the **allocation** mechanism, the reference number for each Member State shall be determined by a key.

Or. en

Amendment 821

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Dario Tamburrano, Isabella Adinolfi, Laura Agea, Tiziana Beghin, Rosa D'Amato, David Borrelli, Marco Zullo, Marco Valli, Daniela Aiuto, Eleonora Evi, Piernicola Pedicini

Proposal for a regulation
Article 35 – paragraph 1

Text proposed by the Commission

Amendment

1. For the purpose of the **corrective** mechanism, the reference number for each Member State shall be determined by a key.

1. For the purpose of the **allocation** mechanism, the reference number for each Member State shall be determined by a key.

Or. it

Amendment 822

Artis Pabriks, Tomáš Zdechovský, Pál Csáky, Brice Hortefeux, Roberts Zīle, Anders Primdahl Vistisen, Anna Záborská

Proposal for a regulation

Article 35 – paragraph 2 – introductory part

Text proposed by the Commission

2. The reference key referred to in paragraph 1 shall be based on the following criteria for each Member State, **according to Eurostat figures**:

Amendment

2. The reference key referred to in paragraph 1 shall be based on the following criteria for each Member State:

Or. en

Amendment 823

Emil Radev, Mariya Gabriel

Proposal for a regulation

Article 35 – paragraph 2 – point a

Text proposed by the Commission

(a) the size of the population (**50 %** weighting);

Amendment

(a) the size of the **active** population (**25%** weighting);

Or. en

Justification

Given that it is the actively working population that pays into the state coffers that afterwards pays for the assistance given to asylum seekers, it is important this segment of society is taken into consideration. In addition, aging societies have additional financial burdens for their own population that have to be prioritised and respected.

Amendment 824

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Dario Tamburrano, Isabella Adinolfi, Laura Agea, Tiziana Beghin, Rosa D'Amato, David Borrelli, Marco Zullo, Marco Valli, Daniela Aiuto, Eleonora Evi, Piernicola Pedicini

Proposal for a regulation

Article 35 – paragraph 2 – point a

Text proposed by the Commission

(a) the size of the population (**50 %** weighting);

Amendment

(a) the size of the population (**40 %** weighting);

Or. it

Amendment 825

Artis Pabriks, Tomáš Zdechovský, Pál Csáky, Brice Hortefeux, Roberts Zīle, Anders Primdahl Vistisen, Anna Záborská

Proposal for a regulation

Article 35 – paragraph 2 – point a

Text proposed by the Commission

(a) the size of the population (**50 % weighting**);

Amendment

(a) the size of the population;

Or. en

Amendment 826

Heinz K. Becker

Proposal for a regulation

Article 35 – paragraph 2 – point b

Text proposed by the Commission

(b) the total GDP (**50% weighting**);

Amendment

(b) the total GDP (**25% weighting**);

Or. en

Amendment 827

Emil Radev, Mariya Gabriel

Proposal for a regulation
Article 35 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the total GDP (**50%** weighting);

(b) the total GDP (**25%** weighting);

Or. en

Amendment 828

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Dario Tamburrano, Isabella Adinolfi, Laura Agea, Tiziana Beghin, Rosa D'Amato, David Borrelli, Marco Zullo, Marco Valli, Daniela Aiuto, Eleonora Evi, Piernicola Pedicini

Proposal for a regulation
Article 35 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the total GDP (**50%** weighting);

(b) the total GDP (**40%** weighting);

Or. it

Amendment 829

Artis Pabriks, Tomáš Zdechovský, Pál Csáky, Brice Hortefeux, Roberts Zīle, Anders Primdahl Vistisen, Anna Záborská

Proposal for a regulation
Article 35 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the total GDP (**50% weighting**);

(b) the total GDP;

Or. en

Amendment 830

Anna Maria Corazza Bildt

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

Text proposed by the Commission

Amendment

(ba) the number of beneficiaries of internal protection, persons resettled from third countries and persons received in the framework of EU relocation programmes.

Or. en

Justification

This amendment aims at extending the number of beneficiaries of international protection to access the healthcare.

Amendment 831

Heinz K. Becker

Proposal for a regulation

Article 35 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) 2. (c) the number of asylum applications in the last 3 years (25% weighting)

Or. en

Amendment 832

Artis Pabriks, Tomáš Zdechovský, Pál Csáky, Brice Hortefeux, Roberts Zīle, Anders Primdahl Vistisen, Mariya Gabriel, Anna Záborská

Proposal for a regulation

Article 35 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) number of migrants already living in the Member State;

Or. en

Amendment 833

Alessandra Mussolini, Salvatore Domenico Pogliese, Carlos Coelho, Barbara Matera

Proposal for a regulation

Article 35 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) *the unemployment rate*

Or. en

Justification

For the purpose of the corrective mechanism, the reference number for each Member State should be determined by a key which is based not only on the size of its population and of its economy, but also on its unemployment rate, on the expenses that the Member State has already faced for the management of migration, and on the number of beneficiaries of international protection who are present in the Member State. This proposal aims at creating the condition for a fairer system which considers peculiarities of all Member States.

Amendment 834

Miltiadis Kyrkos

Proposal for a regulation

Article 35 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) *the unemployment rate*

Or. en

Justification

Unemployment is an important parameter adding to a member state's situation especially in recent years of the financial crisis in Europe therefore it should be also be taken into account.

Amendment 835

Kostas Chrysogonos, Sofia Sakorafa, Kostadinka Kuneva, Stelios Kouloglou, Dimitrios Papadimoulis

Proposal for a regulation

Article 35 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the unemployment rate

Or. en

Justification

Unemployment is an important parameter adding to a MS's situation especially in recent years of the financial crisis in Europe therefore it should be also be taken into account.

Amendment 836

Elissavet Vozemberg-Vrionidi

Proposal for a regulation

Article 35 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the unemployment rate

Or. en

Justification

Unemployment is an important parameter adding to a MS's situation especially in recent years of the financial crisis in Europe therefore it should be also be taken into account.

Amendment 837

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Dario Tamburrano, Isabella Adinolfi, Laura Agea, Tiziana Beghin, Rosa D'Amato, David Borrelli, Marco Zullo, Marco Valli, Daniela Aiuto, Eleonora Evi, Piernicola Pedicini

Proposal for a regulation

Article 35 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) unemployment rate (20 %)

Or. it

Amendment 838

Emil Radev, Mariya Gabriel

Proposal for a regulation

Article 35 – paragraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(bb) the average unemployment rate during the preceding 12 months (25% weighting)

Or. en

Justification

The unemployment rate is an important factor to be included given the financial burden on a state deriving from reduced tax income and increased unemployment benefits payments.

Amendment 839

Alessandra Mussolini, Salvatore Domenico Pogliese, Carlos Coelho, Barbara Matera

Proposal for a regulation

Article 35 – paragraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(bb) the percentage of expenditure linked to migration when compared to the overall GDP

Or. en

Justification

Justification for the purpose of the corrective mechanism, the reference number for each Member State should be determined by a key which is based not only on the size of its population and of its economy, but also on its unemployment rate, on the expenses that the Member State has already faced for the management of migration, and on the number of beneficiaries of international protection who are present in the Member State. This proposal aims at creating the condition for a fairer system which considers peculiarities of all Member States.

Amendment 840

Emil Radev, Mariya Gabriel

Proposal for a regulation

Article 35 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) GDP growth rate during the preceding 12 months (25% weighting)

Or. en

Justification

The GDP growth is an important factor for the economic stability and prosperity of a country including its finances.

Amendment 841

Artis Pabriks, Tomáš Zdechovský, Pál Csáky, Brice Hortefeux, Roberts Zīle, Anders Primdahl Vistisen, Anna Záborská

Proposal for a regulation

Article 35 – paragraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(bb) integration capacity of the Member State;

Or. en

Amendment 842

Alessandra Mussolini, Salvatore Domenico Pogliese, Carlos Coelho, Barbara Matera

Proposal for a regulation

Article 35 – paragraph 2 – point b c (new)

Text proposed by the Commission

Amendment

(bc) the number of beneficiaries of international protection who are present in the territory of the Member State

Or. en

Justification

For the purpose of the corrective mechanism, the reference number for each Member State should be determined by a key which is based not only on the size of its population and of its economy, but also on its unemployment rate, on the expenses that the Member State has already faced for the management of migration, and on the number of beneficiaries of

international protection who are present in the Member State. This proposal aims at creating the condition for a fairer system which considers peculiarities of all Member States.

Amendment 843
Sergei Stanishev

Proposal for a regulation
Article 35 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

The reference key shall be corrected by reducing the share for the following year by 20% of the difference between the share based on GDP and population and the average number of irregular arrivals recorded by the Member State over the last three years, for countries which in the last three years have received an average share of irregular arrivals higher than that determined on the basis of (a) and (b).

Or. en

Justification

Considering the number of arrivals in relation to the reference key would account for the number of persons already present at the territory of a Member State, i.e. the overall impact of migration as a whole on the respective Member State.

Amendment 844
Daniel Dalton, Ryszard Antoni Legutko, Helga Stevens, Branislav Škripek

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

Text proposed by the Commission

Amendment

2a. *The reference number for a Member State shall take into account the number of persons already granted international protection in the Member State and the resources and expertise pledged and delivered by the Member*

State.

Or. en

Justification

The allocation of refugees needs to be done on a voluntary basis, where Member States can instead pledge resources, and/or to take a certain number of refugees based on suggested guidelines.

Amendment 845
Filiz Hyusmenova

Proposal for a regulation
Article 35 – paragraph 3

Text proposed by the Commission

3. The criteria referred to in paragraph 2 shall be applied by the formula as set out in Annex I.

Amendment

3. The criteria referred to in paragraph 2 shall be applied by the formula as set out in Annex I, ***taking into account additionally the first entry position of the frontline Member States***

Or. en

Justification

The geographical position of frontline Member States should also be kept in mind when calculating the reference key-naturally, the biggest portion of asylum seekers will enter through a few Member States; while the other Member States will know what numbers to expect based on the information from the frontline Members, the first countries of entry will often be in the dark regarding the upcoming numbers they will have to register, so an additional marge should be provided for them to react in cases of sudden influx.

Amendment 846
Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Maria Grapini, Kati Piri, Péter Niedermüller

Proposal for a regulation
Article 36

Text proposed by the Commission

Amendment

Application of the reference key

- 1. Where the threshold referred to in Article 34(2) is reached, the automated system referred to in Article 44(1) shall apply the reference key referred to in Article 35 to those Member States with a number of applications for which they are the Member States responsible below their share pursuant to Article 35(1) and notify the Member States thereof.*
- 2. Applicants who lodged their application in the benefitting Member State after notification of allocation referred to in Article 34(5) shall be allocated to the Member States referred to in paragraph 1, and these Member States shall determine the Member State responsible;*
- 3. Applications declared inadmissible or examined in accelerated procedure in accordance with Article 3(3) shall not be subject to allocation.*
- 4. On the basis of the application of the reference key pursuant to paragraph 1, the automated system referred to in Article 44(1) shall indicate the Member State of allocation and communicate this information not later than 72 hours after the registration referred to in Article 22(1) to the benefitting Member State and to the Member State of allocation, and add the Member State of allocation in the electronic file referred to in Article 23(2).*

Or. en

Amendment 847

Artis Pabriks, Tomáš Zdechovský, Traian Ungureanu, Kinga Gál, Andrea Bocskor, Pál Csáky, Brice Hortefeux, Krišjānis Kariņš, Roberts Zīle, Jussi Halla-aho, Anders Primdahl Vistisen, József Nagy, Anna Záborská

**Proposal for a regulation
Article 36**

Article 36

deleted

Application of the reference key

- 1. Where the threshold referred to in Article 34(2) is reached, the automated system referred to in Article 44(1) shall apply the reference key referred to in Article 35 to those Member States with a number of applications for which they are the Member States responsible below their share pursuant to Article 35(1) and notify the Member States thereof.***
- 2. Applicants who lodged their application in the benefitting Member State after notification of allocation referred to in Article 34(5) shall be allocated to the Member States referred to in paragraph 1, and these Member States shall determine the Member State responsible;***
- 3. Applications declared inadmissible or examined in accelerated procedure in accordance with Article 3(3) shall not be subject to allocation.***
- 4. On the basis of the application of the reference key pursuant to paragraph 1, the automated system referred to in Article 44(1) shall indicate the Member State of allocation and communicate this information not later than 72 hours after the registration referred to in Article 22(1) to the benefitting Member State and to the Member State of allocation, and add the Member State of allocation in the electronic file referred to in Article 23(2).***

Or. en

Justification

In line with the deletion of Chapter VII. Solidarity with the Member States that face unprecedented migratory pressure cannot be expressed through an automatic, centralised and binding mechanism, without taking into account the capacity of MS to receive, accommodate and integrate asylum seekers. Proposed scheme does not set any limitations in terms of time or capacity of the EU or MS. The suggested mechanism creates additional pull-factor as the asylum seeker just need to reach the EU border to be sent further in the EU. It limits the incentive of border countries to protect their borders as they need to reach 150% share and

the rest of asylum seekers will be sent for relocation to other MS automatically. Furthermore, solidarity cannot be enforced and coupled with financial penalties.

Amendment 848

Kristina Winberg, Beatrix von Storch

Proposal for a regulation

Article 36

Text proposed by the Commission

Amendment

Article 36

deleted

Application of the reference key

1. Where the threshold referred to in Article 34(2) is reached, the automated system referred to in Article 44(1) shall apply the reference key referred to in Article 35 to those Member States with a number of applications for which they are the Member States responsible below their share pursuant to Article 35(1) and notify the Member States thereof.

2. Applicants who lodged their application in the benefitting Member State after notification of allocation referred to in Article 34(5) shall be allocated to the Member States referred to in paragraph 1, and these Member States shall determine the Member State responsible;

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

4. On the basis of the application of the reference key pursuant to paragraph 1, the automated system referred to in Article 44(1) shall indicate the Member State of allocation and communicate this information not later than 72 hours after the registration referred to in Article 22(1) to the benefitting Member State and to the Member State of allocation, and add the Member State of allocation in the electronic file referred to in Article 23(2).

Amendment 849

József Nagy, Anna Záborská, Richard Sulík, Tomáš Zdechovský, Jana Žitňanská, Artis Pabriks

**Proposal for a regulation
Article 36**

Text proposed by the Commission

Amendment

Article 36

deleted

Application of the reference key

1. Where the threshold referred to in Article 34(2) is reached, the automated system referred to in Article 44(1) shall apply the reference key referred to in Article 35 to those Member States with a number of applications for which they are the Member States responsible below their share pursuant to Article 35(1) and notify the Member States thereof.

2. Applicants who lodged their application in the benefitting Member State after notification of allocation referred to in Article 34(5) shall be allocated to the Member States referred to in paragraph 1, and these Member States shall determine the Member State responsible;

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

4. On the basis of the application of the reference key pursuant to paragraph 1, the automated system referred to in Article 44(1) shall indicate the Member State of allocation and communicate this information not later than 72 hours after the registration referred to in Article 22(1) to the benefitting Member State and to the Member State of allocation, and add the Member State of allocation in the electronic file referred to in Article 23(2).

Amendment 850
Gilles Lebreton

Proposal for a regulation
Article 36

Text proposed by the Commission

Amendment

Article 36

deleted

Application of the reference key

1. Where the threshold referred to in Article 34(2) is reached, the automated system referred to in Article 44(1) shall apply the reference key referred to in Article 35 to those Member States with a number of applications for which they are the Member States responsible below their share pursuant to Article 35(1) and notify the Member States thereof.

2. Applicants who lodged their application in the benefitting Member State after notification of allocation referred to in Article 34(5) shall be allocated to the Member States referred to in paragraph 1, and these Member States shall determine the Member State responsible.

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

4. On the basis of the application of the reference key pursuant to paragraph 1, the automated system referred to in Article 44(1) shall indicate the Member State of allocation and communicate this information not later than 72 hours after the registration referred to in Article 22(1) to the benefitting Member State and to the Member State of allocation, and add the Member State of allocation in the electronic file referred to in Article 23(2).

Proposal for a regulation
Article 36

Text proposed by the Commission

Amendment

Article 36

deleted

Application of the reference key

- 1. Where the threshold referred to in Article 34(2) is reached, the automated system referred to in Article 44(1) shall apply the reference key referred to in Article 35 to those Member States with a number of applications for which they are the Member States responsible below their share pursuant to Article 35(1) and notify the Member States thereof.***
- 2. Applicants who lodged their application in the benefitting Member State after notification of allocation referred to in Article 34(5) shall be allocated to the Member States referred to in paragraph 1, and these Member States shall determine the Member State responsible;***
- 3. Applications declared inadmissible or examined in accelerated procedure in accordance with Article 3(3) shall not be subject to allocation.***
- 4. On the basis of the application of the reference key pursuant to paragraph 1, the automated system referred to in Article 44(1) shall indicate the Member State of allocation and communicate this information not later than 72 hours after the registration referred to in Article 22(1) to the benefitting Member State and to the Member State of allocation, and add the Member State of allocation in the electronic file referred to in Article 23(2).***

Or. pl

Justification

This amendment is part of a package of amendments that removes the corrective allocation mechanism from the proposal. The proposed corrective allocation mechanism constitutes misapplication of the principle of solidarity, which cannot be subject to any administrative automatism. Under these circumstances it is not necessary to apply the reference key.

Amendment 852

Maria Grapini

Proposal for a regulation

Article 36

Text proposed by the Commission

Amendment

Article 36

deleted

Application of the reference key

1. Where the threshold referred to in Article 34(2) is reached, the automated system referred to in Article 44(1) shall apply the reference key referred to in Article 35 to those Member States with a number of applications for which they are the Member States responsible below their share pursuant to Article 35(1) and notify the Member States thereof.

2. Applicants who lodged their application in the benefiting Member State after notification of allocation referred to in Article 34(5) shall be allocated to the Member States referred to in paragraph 1, and these Member States shall determine the Member State responsible;

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

4. On the basis of the application of the reference key pursuant to paragraph 1, the automated system referred to in Article 44(1) shall indicate the Member State of allocation and communicate this information not later than 72 hours after the registration referred to in Article 22(1) to the benefiting Member State and to the

Member State of allocation, and add the Member State of allocation in the electronic file referred to in Article 23(2).

Or. ro

Amendment 853

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson, Kostas Chrysogonos

**Proposal for a regulation
Article 36 – paragraph 1**

Text proposed by the Commission

1. Where the threshold referred to in Article 34(2) is reached, the *automated system referred to in Article 44(1)* shall *apply the reference key referred to in Article 35 to those Member States with a number of applications for which they are the Member States responsible below their share pursuant to Article 35(1) and notify the Member States thereof.*

Amendment

1. Where the threshold referred to in Article 34(2) is reached, the *attribution of competences under Articles 10a and 14a* shall *be adjusted in the following terms:*
- if more Member States would be responsible under Article 10a or 14a, applicants shall be able to choose the Member State responsible.
- if there is not another Member State that could be responsible under Article 10a or 14a, the responsible Member State shall be awarded a financial contribution under Article 37.

Or. en

Amendment 854

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Dario Tamburrano, Isabella Adinolfi, Laura Agea, Tiziana Beghin, Rosa D'Amato, David Borrelli, Marco Zullo, Marco Valli, Daniela Aiuto, Eleonora Evi, Piernicola Pedicini

**Proposal for a regulation
Article 36 – paragraph 1**

Text proposed by the Commission

1. *Where the threshold referred to in Article 34(2) is reached,* the automated system referred to in Article 44(1) shall apply the reference key referred to in

Amendment

1. The automated system referred to in Article 44(1) shall apply the reference key referred to in Article 35 to those Member States with a number of applications for

Article 35 to those Member States with a number of applications for which they are the Member States responsible below their share pursuant to Article 35(1) and notify the Member States thereof.

which they are the Member States responsible below their share pursuant to Article 35(1) and notify the Member States thereof.

Or. it

Amendment 855

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson, Kostas Chrysogonos

Proposal for a regulation

Article 36 – paragraph 2

Text proposed by the Commission

2. *Applicants who lodged their application in the benefitting Member State after notification of allocation referred to in Article 34(5) shall be allocated to the Member States referred to in paragraph 1, and these Member States shall determine the Member State responsible;*

Amendment

2. *Where the threshold referred to in Article 34(2) is reached, the attribution of competence under Article 11a shall be adjusted in the following terms:*
- if more Member States would be responsible under Article 11a, the one which is under its share shall become the competent State;
- if there is not another Member State that could be responsible under Article 11a, the responsible Member State shall be awarded a financial contribution under Article 37.

Or. en

Amendment 856

Heinz K. Becker

Proposal for a regulation

Article 36 – paragraph 2

Text proposed by the Commission

2. Applicants who lodged their application in the benefitting Member State after notification of allocation referred to in Article 34(5) shall be allocated to the

Amendment

2. Applicants who lodged their application in the benefitting Member State after notification of allocation referred to in Article 34(5) shall be allocated to the

Member States referred to in paragraph 1,
*and these Member States shall determine
the Member State responsible;*

Member States referred to in paragraph 1,
*which becomes the Member State
responsible unless according to the
criteria set out in Articles 10 to 14 and 18
a different Member State is responsible for
examining the application.*

Or. en

Amendment 857

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Dario Tamburrano, Isabella Adinolfi, Laura Agea, Tiziana Beghin, Rosa D'Amato, David Borrelli, Marco Zullo, Marco Valli, Daniela Aiuto, Eleonora Evi, Piernicola Pedicini

Proposal for a regulation Article 36 – paragraph 2

Text proposed by the Commission

2. Applicants who lodged their application in the benefitting Member State *after notification of allocation referred to in Article 34(5)* shall be allocated to the Member States referred to in paragraph 1, and these Member States shall *determine the Member State responsible*.

Amendment

2. Applicants who lodged their application in the benefitting Member State shall be allocated to the Member States referred to in paragraph 1, and these Member States shall *become responsible for examining the application for international protection*.

Or. it

Amendment 858

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson, Kostas Chrysogonos

Proposal for a regulation Article 36 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where the threshold referred to in Article 34(2) is reached, the attribution of competence under Article 12a shall be adjusted in the following terms:
- if the minor expressed the desire to be allocated to another Member State which is under its share and this is not against

his/her best interest, this State becomes the competent State;

- if the minor does not express any preference, the State competent under Article 12a shall be awarded a financial contribution under Article 37.

Or. en

Amendment 859

Heinz K. Becker

Proposal for a regulation

Article 36 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. 3. The examination of the criteria in Articles 10 to 14 and 18 may be conducted in the Member State benefitting from allocation in case there are clear indications that another Member State than the Member State of allocation is responsible for examining the application.

Or. en

Amendment 860

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson, Kostas Chrysogonos

Proposal for a regulation

Article 36 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Where the threshold referred to in Article 34(2) is reached, the attribution of competence under Article 14a shall be adjusted in the following terms:

- if more Member States would be responsible under Article 14a, applicants shall be able to choose the Member State

responsible among Member States who are under their share;

- if there is not another competent State under Article 14, the designed one shall receive a financial contribution under Article 37. Nevertheless, the responsible Member State may refuse to assume competence if the number of applications for international protection for which such Member State is responsible under the criteria laid down in Articles 10, 11 and 13 exceeds or has already exceeded 50% of the assigned share.

Or. en

Amendment 861

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson, Kostas Chrysogonos

Proposal for a regulation

Article 36 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. Where according to 36(2b) the benefiting State refuses to assume competence, and no other Member State could be responsible or accepts responsibility under Article 19 (2a), Article 16 shall apply.

Or. en

Amendment 862

Judith Sargentini, Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 36 – paragraph 3

Text proposed by the Commission

Amendment

3. Applications declared inadmissible or examined in accelerated procedure in *deleted*

accordance with Article 3(3) shall not be subject to allocation.

Or. en

Amendment 863

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson, Kostas Chrysogonos

Proposal for a regulation

Article 36 – paragraph 3

Text proposed by the Commission

Amendment

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

Or. en

Amendment 864

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Dario Tamburrano, Isabella Adinolfi, Laura Agea, Tiziana Beghin, Rosa D'Amato, David Borrelli, Marco Zullo, Marco Valli, Daniela Aiuto, Eleonora Evi, Piernicola Pedicini

Proposal for a regulation

Article 36 – paragraph 3

Text proposed by the Commission

Amendment

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

3. Applications examined in
accelerated procedure in accordance with
Article 3(3) shall not be subject to
allocation.

Or. it

Amendment 865

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson, Kostas Chrysogonos

Proposal for a regulation

Article 36 – paragraph 4

Text proposed by the Commission

4. On the basis of the application of the reference key pursuant to paragraph 1, the automated system referred to in Article 44(1) shall indicate the Member State of allocation and communicate this information not later than 72 hours after the registration referred to in Article 22(1) to the benefitting Member State and to the Member State of allocation, and add the Member State of allocation in the electronic file referred to in Article 23(2).

Amendment

deleted

Or. en

Amendment 866

Jean Lambert, Judith Sargentini
on behalf of the Verts/ALE Group

Proposal for a regulation Article 36 – paragraph 4

Text proposed by the Commission

4. On the basis of the application of the reference key pursuant to paragraph 1, the automated system referred to in Article 44(1) shall indicate *the* Member State of allocation and communicate this information not later than 72 hours after the registration referred to in Article 22(1) to the benefitting Member State and to the Member State of allocation, and add the Member State of allocation in the electronic file referred to in Article 23(2).

Amendment

4. On the basis of the application of the reference key pursuant to paragraph 1, the automated system referred to in Article 44(1) shall indicate *three Member States of possible allocation and promptly communicate this information to the applicant, who will be entitled to choose one responsible Member State among the three possible options as indicated by the automated system. The applicant shall have the possibility to express his or her preference not later than three working days after the notification of this information. Shall the applicant fail to communicate his or her preference within three working days from the notification of the possible Member States of allocation, the automated system shall indicate the final responsible Member State* and communicate this information

not later than 72 hours after the registration referred to in Article 22(1) to the benefitting Member State and to the Member State of allocation, and add the Member State of allocation in the electronic file referred to in Article 23(2).

Or. en

Amendment 867

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Kati Piri, Dietmar Köster, Péter Niedermüller

**Proposal for a regulation
Article 36 a (new)**

Text proposed by the Commission

Amendment

Article 36 a

Application of the allocation mechanism

- 1. When it was not possible to determine a Member State responsible according to the criteria set out in Chapters III and IV of this regulation, the determining Member State shall communicate to the applicant that he will be allocated.***
- 2. If the applicant has meaningful links with a Member State, the determining Member State should follow the procedure laid down in Article 36b.***
- 3. When the procedure laid down in Article 36b does not apply, the determining Member State should follow the procedure of Article 36c.***

Or. en

Amendment 868

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Dario Tamburrano, Isabella Adinolfi, Laura Agea, Tiziana Beghin, Rosa D'Amato, David Borrelli, Marco Zullo, Marco Valli, Daniela Aiuto, Eleonora Evi, Piernicola Pedicini

Proposal for a regulation
Article 36 a (new)

Text proposed by the Commission

Amendment

Article 36 a

Determination of the Member State of allocation

1. On the basis of the reference key referred to in Article 35, the automatic system referred to in Article 44(1) shall indicate the Member State of allocation responsible for examining the application for international protection, taking into account the following criteria:

(a) Member States which have received the lowest number of applications for international protection;

(b) Applicant's skills, including spoken language skills;

(c) Applicant's cultural and social ties.

Or. it

Amendment 869

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Cécile Kashetu Kyenge, Caterina Chinnici, Kati Piri, Dietmar Köster, Marju Lauristin, Péter Niedermüller

Proposal for a regulation
Article 36 b (new)

Text proposed by the Commission

Amendment

Article 36 b

Meaningful links

1. In the framework of the allocation mechanism, and with a view to facilitate integration of the applicants into the Member States of allocation, their existing ties, needs, preferences and specific qualification should be taken into account to the extent possible.

2. An applicant for international protection has a meaningful link with a Member State under at least one of these conditions:

a) the applicant has previously resided in the Member State on the basis of a valid residence document, for a period of at least one year, for work, study or research purposes;

b) the applicant holds academic or professional qualifications or diplomas released by the Member State, or by a third country in the framework of programs of international cooperation in the field of education or training that were managed, promoted or financed by the Member State, including but not limited to bilateral agreements on mutual recognition of diplomas or qualifications;

c) the applicant has a previous work experience with a company or an organisation of the Member State;

d) relatives or other family ties beyond the definition of family members under Article 2(g) of the applicant who are legally residing in the Member State for a period of at least one year;

e) the applicant holds a satisfactory knowledge of one of the official languages of a Member State, to be ascertained through certificates or a linguistic test;

3. When an applicant can demonstrate a meaningful link with a Member State, the determining Member State should make a take charge request to that Member State. That Member State should reply within two weeks, duly motivating in case of rejection. If the Member States accepts to take charge of the applicant, it should become the Member State responsible and the application should be counted within its reference number as defined in Article 34. In any other case the procedure set

out in Article 36c shall apply.

4. It shall be in any case possible for Member States to accept applicants with meaningful links even beyond their reference number.

Or. en

Amendment 870

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Birgit Sippel, Dietmar Köster, Péter Niedermüller

**Proposal for a regulation
Article 36 c (new)**

Text proposed by the Commission

Amendment

Article 36 c

Determination of the Member State of allocation

- 1. On the basis of the reference key referred to in Article 35, the automated system referred to in Article 44(1) shall indicate the six Member States with the lowest number of applicants relative to their share of the fair distribution.***
- 2. The determining Member State shall consult the automated system and communicate the short list of six Member States to the applicant. The applicant shall be enabled to choose among the six Member States included in the list, within 7 days. For this purpose, the applicant shall receive information on the possible Member States of allocation. The determining Member State shall communicate immediately the choice to the automated system and the Member State of allocation, and add the Member State of allocation in the electronic file referred to in Article 23(2).***
- 3. When Article 24a applies, the applicant will not be able to make the choice provided by paragraph 2, and the Member***

State responsible will be determined randomly by the automated system. The automated system shall communicate that information to the determining Member State and to the Member State of allocation, and add the Member State of allocation in the electronic file referred to in Article 23(2).

4. In cases of allocation of a minor, under the conditions set by Article 10, the choice provided by paragraph 2 shall always be granted and shall be accompanied by a multidisciplinary assessment of the best interests of the minor.

Or. en

Amendment 871

József Nagy, Anna Záborská, Richard Sulík, Tomáš Zdechovský, Jana Žitňanská, Artis Pabriks

**Proposal for a regulation
Article 37**

Text proposed by the Commission

Amendment

Article 37

deleted

Financial solidarity

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

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

share pursuant to Article 35(1), with the exception of the Member State which entered the information, as well as the benefitting Member State. The automated system referred to in Article 44(1) shall count each application which would have otherwise been allocated to the Member State which entered the information pursuant to Article 36(4) for the share of that Member State.

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

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

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

Or. en

Amendment 872

Artis Pabriks, Tomáš Zdechovský, Traian Ungureanu, Kinga Gál, Andrea Bocskor, Pál Csáky, Brice Hortefeux, Krišjānis Kariņš, Roberts Zīle, Jussi Halla-aho, Anders Primdahl Vistisen, Mariya Gabriel, József Nagy, Anna Záborská

Proposal for a regulation
Article 37

Text proposed by the Commission

Amendment

Article 37

deleted

Financial solidarity

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

contribution shall be paid to the Member State determined as responsible for examining the respective applications.

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

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

Or. en

Justification

In line with the deletion of Chapter VII. Solidarity with the Member States that face unprecedented migratory pressure cannot be expressed through an automatic, centralised and binding mechanism, without taking into account the capacity of MS to receive, accommodate and integrate asylum seekers. Proposed scheme does not set any limitations in terms of time or capacity of the EU or MS. The suggested mechanism creates additional pull-factor as the asylum seeker just need to reach the EU border to be sent further in the EU. It limits the incentive of border countries to protect their borders as they need to reach 150% share and the rest of asylum seekers will be sent for relocation to other MS automatically. Furthermore, solidarity cannot be enforced and coupled with financial penalties.

Amendment 873

Kristina Winberg, Beatrix von Storch

Proposal for a regulation

Article 37

Text proposed by the Commission

Amendment

Article 37

deleted

Financial solidarity

1. A Member State may, at the end of the three-month period after the entry into force of this Regulation and at the end of each twelve-month period thereafter, enter in the automated system that it will temporarily not take part in the corrective allocation mechanism set out in Chapter

VII of this Regulation as a Member State of allocation and notify this to the Member States, the Commission and the European Union Agency for Asylum.

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

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

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

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

Amendment 874
Branislav Škripek

Proposal for a regulation
Article 37

Text proposed by the Commission

Amendment

Article 37

deleted

Financial solidarity

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

allocation. That Member State shall thereafter make a solidarity contribution of EUR 250,000 per each applicant who would have otherwise been allocated to that Member State during the respective twelve-month period. The solidarity contribution shall be paid to the Member State determined as responsible for examining the respective applications.

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

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

Or. en

Justification

Justification: a strong objection to establishing financial penalties as a means of coercion to participate in the allocation. The proposed amendment that provides for financial sanctions has to been seen as an attempt to exert pressure on Member States reluctant to accept refugees within the imposed legal frames. This is contrary to the principle of solidarity and democracy and violates mutual trust. In addition, the proposal gives rise to a number of concerns about the legal basis and the form of the so-called 'solidarity contribution', as well as about how to calculate this contribution.

Amendment 875

Elly Schlein, Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Josef Weidenholzer, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Péter Niedermüller

Proposal for a regulation Article 37

Text proposed by the Commission

Amendment

Article 37

deleted

Financial solidarity

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

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

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

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

implementation of paragraph 3.

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

Or. en

Amendment 876

Anna Maria Corazza Bildt

**Proposal for a regulation
Article 37**

Text proposed by the Commission

Amendment

Article 37

deleted

Financial solidarity

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

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

that Member State.

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

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

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

Or. en

Amendment 877

Daniel Dalton, Ryszard Antoni Legutko, Branislav Škripek

Proposal for a regulation

Article 37

Text proposed by the Commission

Amendment

Article 37

deleted

Financial solidarity

1. A Member State may, at the end of the three-month period after the entry into force of this Regulation and at the end of each twelve-month period thereafter,

enter in the automated system that it will temporarily not take part in the corrective allocation mechanism set out in Chapter VII of this Regulation as a Member State of allocation and notify this to the Member States, the Commission and the European Union Agency for Asylum.

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

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

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

5. The European Union Agency for Asylum shall monitor and report to the

Commission on a yearly basis on the application of the financial solidarity mechanism.

Or. en

Justification

Firstly, attaching a sum of money to a person does not send the right signal about what this crisis is about. You should not put a price on an asylum seeker, much as you shouldn't make it seem that you can buy your way out of your responsibility. Secondly, the distribution of newly arrived asylum seekers should be done on a voluntary basis, not a mandatory one, and therefore there should be no financial penalty.

Amendment 878

Jean Lambert, Judith Sargentini
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 37

Text proposed by the Commission

Amendment

Article 37

deleted

Financial solidarity

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

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

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

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

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

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

Or. en

Amendment 879
Marek Jurek

Proposal for a regulation
Article 37

Text proposed by the Commission

Amendment

Article 37

deleted

Financial solidarity

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

procedure referred to in Article 56, lay down the modalities for the implementation of paragraph 3.

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

Or. pl

Justification

This amendment is part of a package of amendments that removes the corrective allocation mechanism from the proposal. The proposed corrective allocation mechanism constitutes misapplication of the principle of solidarity, which cannot be subject to any administrative automatism. Under these circumstances financial solidarity is not necessary.

Amendment 880

Maria Grapini, Emilian Pavel

Proposal for a regulation

Article 37

Text proposed by the Commission

Amendment

Article 37

deleted

Financial solidarity

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

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

share pursuant to Article 35(1), with the exception of the Member State which entered the information, as well as the benefiting Member State. The automated system referred to in Article 44(1) shall count each application which would have otherwise been allocated to the Member State which entered the information pursuant to Article 36(4) for the share of that Member State.

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

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

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

Or. ro

Justification

By applying the reference key, the number of asylum seekers which certain Member States should receive would be disproportionately high in relation to their current capacity to register and process applications for international protection.

Amendment 881

Petr Ježek

Proposal for a regulation

Article 37 – title

Text proposed by the Commission

Amendment

Financial solidarity

Member State Opt-out

Or. en

Amendment 882

Mariya Gabriel, Artis Pabriks, Emil Radev

Proposal for a regulation

Article 37 – title

Text proposed by the Commission

Amendment

Financial solidarity

Opt-out mechanism

Or. en

Amendment 883

Raymond Finch, Beatrix von Storch

Proposal for a regulation

Article 37 – title

Text proposed by the Commission

Amendment

Financial solidarity

Opt-out

Or. en

Amendment 884

Tomáš Zdechovský, József Nagy, Artis Pabriks, Pál Csáky, Kinga Gál, Pavel Poc, Olga Sehnalová, Miroslav Poche, Monika Smolková, Jan Keller, Vladimír Maňka, Andrea Bocskor

Proposal for a regulation

Article 37 – title

Text proposed by the Commission

Amendment

Financial solidarity

Solidarity

Or. en

Justification

There should not be any kind of financial compensation paid by a Member State that does not take the applicants.

Amendment 885

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Dario Tamburrano, Isabella Adinolfi, Laura Agea, Tiziana Beghin, Rosa D'Amato, David Borrelli, Marco Zullo, Marco Valli, Daniela Aiuto, Eleonora Evi, Piernicola Pedicini

Proposal for a regulation

Article 37 – title

Text proposed by the Commission

Amendment

Financial solidarity

Consequences of failure to comply with the allocation mechanism

Or. it

Amendment 886

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson, Kostas Chrysogonos

Proposal for a regulation

Article 37 – paragraph 1

Text proposed by the Commission

Amendment

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

1. A Member State *which under Article 35 is obliged to retain competence or voluntarily assumes it, notwithstanding the fulfilment of its share, shall receive a lump sum of 10.000 euros by the general budget of the Union for any applicant exceeding its share.*

Amendment 887

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Dario Tamburrano, Isabella Adinolfi, Laura Agea, Tiziana Beghin, Rosa D'Amato, David Borrelli, Marco Zullo, Marco Valli, Daniela Aiuto, Eleonora Evi, Piernicola Pedicini

Proposal for a regulation

Article 37 – paragraph 1

Text proposed by the Commission

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

Amendment

1. *The* allocation mechanism set out in Chapter VII of this Regulation *shall apply on a mandatory basis to all* Member States.

Amendment 888

Gérard Deprez

Proposal for a regulation

Article 37 – paragraph 1

Text proposed by the Commission

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

Amendment

1. A Member State may, at the end of the three-month period after the entry into force of this Regulation and at the end of each twelve-month period thereafter, enter in the automated system that, *- either* it will take part in the corrective allocation mechanism set out in Chapter VII of this Regulation as a Member State of allocation and notify this to the Member

States, the Commission and the European Union Agency for Asylum.

States, the Commission and the European Union Agency for Asylum;
- either it will temporarily opt for a solidarity financial contribution in accordance with the procedures set out in paragraph 3.

Or. en

Amendment 889

Raymond Finch, Beatrix von Storch

Proposal for a regulation

Article 37 – paragraph 1

Text proposed by the Commission

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

Amendment

1. A Member State may enter in the automated system that it will not take part in the corrective allocation mechanism set out in Chapter VII of this Regulation as a Member State of allocation and notify this to the Member States, the Commission and the European Union Agency for Asylum.

Or. en

Amendment 890

Emil Radev, Mariya Gabriel

Proposal for a regulation

Article 37 – paragraph 1

Text proposed by the Commission

1. A Member State may, ***at the end of the three-month period after the entry into force of this Regulation and at the end of each twelve-month period thereafter***, enter in the automated system that it will temporarily not take part in the corrective

Amendment

1. ***If there is an immediate threat to its national security, a Member State may*** enter in the automated system that it will temporarily not take part in the corrective allocation mechanism set out in Chapter VII of this Regulation as a Member State

allocation mechanism set out in Chapter VII of this Regulation as a Member State of allocation and notify this to the Member States, the Commission and the European Union Agency for Asylum.

of allocation and notify this to the Member States, the Commission and the European Union Agency for Asylum.

Or. en

Justification

All Member States should participate in the relocation mechanism for the system to work. Exemptions can be granted only in cases of immediate threat to national security when the resources of the state are needed to deal with it.

Amendment 891 **Petr Ježek**

Proposal for a regulation **Article 37 – paragraph 1**

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 892 **Raymond Finch, Beatrix von Storch**

Proposal for a regulation **Article 37 – paragraph 2**

Text proposed by the Commission

2. ***The automated system referred to in Article 44(1) shall in that case apply***

Amendment

deleted

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

Or. en

Amendment 893

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson, Kostas Chrysogonos

Proposal for a regulation Article 37 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The *costs to transfer an applicant to the Member State under the corrective mechanism by the European Union Agency for Asylum shall be met by the general budget of the Union and be refunded by a lump sum of EUR 300 for each person transferred pursuant to Article 38(c).*

Or. en

Amendment 894

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Dario Tamburrano, Isabella Adinolfi, Laura Agea, Tiziana Beghin, Rosa D'Amato, David Borrelli, Marco Zullo, Marco Valli, Daniela Aiuto, Eleonora Evi, Piernicola Pedicini

Proposal for a regulation

Article 37 – paragraph 2

Text proposed by the Commission

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

Amendment

2. *Failure to comply with the obligations arising from the application of the allocation mechanism referred to in Chapter VII shall result in the suspension of commitments and payments in relation to the national and regional operating programmes of the Member State involved.*

Or. it

Amendment 895

Emil Radev, Mariya Gabriel

Proposal for a regulation

Article 37 – paragraph 2

Text proposed by the Commission

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

Amendment

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

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

Or. en

Amendment 896

Gérard Deprez

Proposal for a regulation

Article 37 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The automated system referred to in Article 44(1) shall in ***case of a Member State does not take part in the corrective allocation mechanism*** apply the reference key during this twelve-month period to those Member States with a number of applications for which they are the Member States responsible below their share pursuant to Article 35(1), with the exception of the Member State which ***opted for the financial solidarity***, as well as the benefitting Member State. The automated system referred to in Article 44(1) shall count each application which would have otherwise been allocated to the Member State which ***opted for the financial solidarity*** pursuant to Article 36(4) for the share of that Member State

Or. en

Amendment 897

Raymond Finch, Beatrix von Storch

Proposal for a regulation

Article 37 – paragraph 3

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

Or. en

Amendment 898

Tomáš Zdechovský, József Nagy, Artis Pabriks, Pavel Poc, Olga Sehnalová, Miroslav Poche, Monika Smolková, Jan Keller, Vladimír Maňka, Andrea Bocskor, Pál Csáky, Kinga Gál

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

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

Justification

There should not be any kind of financial compensation paid by a Member State that does not take the applicants.

Amendment 899

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson, Kostas Chrysogonos

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

Text proposed by the Commission

Amendment

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

deleted

Amendment 900

Petr Ježek

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

Text proposed by the Commission

Amendment

3. At the end of the twelve-month period referred to in paragraph 2, the automated system shall communicate to

deleted

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

Or. en

Amendment 901

Mariya Gabriel, Artis Pabriks, Emil Radev

Proposal for a regulation

Article 37 – paragraph 3

Text proposed by the Commission

Amendment

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

Or. en

Amendment 902

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Dario Tamburrano, Isabella Adinolfi, Laura Agea, Tiziana Beghin, Rosa D'Amato, David Borrelli, Marco Zullo, Marco Valli, Daniela Aiuto, Eleonora Evi, Piernicola Pedicini

Proposal for a regulation
Article 37 – paragraph 3

Text proposed by the Commission

Amendment

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

deleted

Or. it

Amendment 903
Gérard Deprez

Proposal for a regulation
Article 37 – paragraph 3

Text proposed by the Commission

Amendment

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

3. At the end of the twelve-month period referred to in paragraph 2, the automated system shall communicate to the Member State not taking part in the corrective allocation mechanism the number of applicants for whom it would have otherwise been the Member State of allocation. That Member State shall thereafter *pay, into a fund (the "Dublin Reserve Fund") to be established*, per each applicant who would have been

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

allocated to it, the first and the second years EUR 50 000, the third and the fourth years EUR 75 000, the fifth and the following years EUR 100 000. The funding under this 'Dublin reserve' is intended to cover the granting of a lump sum per asylum seeker, distributed proportionally between the Member States that participate in the corrective allocation mechanism. If a Member State fails to pay, the Commission shall withhold the same amount from the payments due to that Member State from other Union funds.

Or. en

Amendment 904
Monika Hohlmeier

Proposal for a regulation
Article 37 – paragraph 3

Text proposed by the Commission

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

Amendment

3. At the end of the twelve-month period referred to in paragraph 2, the automated system shall communicate to the Member State not taking part in the corrective allocation mechanism the number of applicants for whom it would have otherwise been the Member State of allocation. That Member State shall thereafter make a solidarity contribution of EUR **50,000** per each applicant who would have otherwise been allocated to that Member State during the respective twelve-month period.

Or. en

Justification

This amendment shall replace the COM proposal for financial solidarity with a new mechanism.

Amendment 905

Jeroen Lenaers

Proposal for a regulation

Article 37 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 906

Jeroen Lenaers

Proposal for a regulation

Article 37 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In case of non-payment of solidarity contributions, as a measure of last resort, the Commission shall deduct the

amount due from European funds to which the Member State in question is entitled

Or. en

Amendment 907
Monika Hohlmeier

Proposal for a regulation
Article 37 – paragraph 4

Text proposed by the Commission

Amendment

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

Or. en

Justification

This amendment shall replace the COM proposal for financial solidarity with a new mechanism.

Amendment 908
Mariya Gabriel, Emil Radev, Artis Pabriks

Proposal for a regulation
Article 37 – paragraph 4

Text proposed by the Commission

Amendment

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

Or. en

Amendment 909

Petr Ježek

Proposal for a regulation

Article 37 – paragraph 4

Text proposed by the Commission

Amendment

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

Or. en

Amendment 910

Tomáš Zdechovský, Artis Pabriks, József Nagy, Pál Csáky, Kinga Gál, Andrea Bocskor, Vladimír Maňka, Jan Keller, Monika Smolková, Miroslav Poche, Olga Sehnalová, Pavel Poc

Proposal for a regulation

Article 37 – paragraph 4

Text proposed by the Commission

Amendment

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

Or. en

Justification

There should not be any kind of financial compensation paid by a Member State that does not take the applicants.

Amendment 911

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Dario Tamburrano, Isabella Adinolfi, Laura Agea, Tiziana Beghin, Rosa D'Amato, David Borrelli, Marco Zullo, Marco Valli, Daniela Aiuto, Eleonora Evi, Piernicola Pedicini

**Proposal for a regulation
Article 37 – paragraph 4**

Text proposed by the Commission

Amendment

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

Or. it

**Amendment 912
Raymond Finch, Beatrix von Storch**

**Proposal for a regulation
Article 37 – paragraph 4**

Text proposed by the Commission

Amendment

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

Or. en

**Amendment 913
Jeroen Lenaers**

**Proposal for a regulation
Article 37 – paragraph 4**

Text proposed by the Commission

Amendment

4. The Commission shall, by means of implementing acts, adopt a decision in accordance with the examination procedure

4. The Commission shall, by means of implementing acts, adopt a decision in accordance with the examination procedure

referred to in Article 56, lay down the modalities for the implementation of paragraph 3.

referred to in Article 56, lay down the modalities for the implementation of paragraph 3 **and 3a(new)**.

Or. en

Justification

This amendment should be read together with the amendment adding a new element (37 (3a new)) to Article 37 - paragraph 3, regarding the non-compliance to the solidarity contribution.

Amendment 914

Tomáš Zdechovský, Artis Pabriks, József Nagy, Pál Csáky, Kinga Gál, Pavel Poc, Andrea Bocskor, Vladimír Maňka, Jan Keller, Monika Smolková, Miroslav Poche, Olga Sehnalová

**Proposal for a regulation
Article 37 – paragraph 5**

Text proposed by the Commission

Amendment

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

Or. en

Justification

There should not be any kind of financial compensation paid by a Member State that does not take the applicants.

Amendment 915

Raymond Finch, Beatrix von Storch

**Proposal for a regulation
Article 37 – paragraph 5**

Text proposed by the Commission

Amendment

5. The European Union Agency for Asylum shall monitor and report to the Commission on a yearly basis on the **deleted**

application of the financial solidarity mechanism.

Or. en

Amendment 916

Petr Ježek

Proposal for a regulation

Article 37 – paragraph 5

Text proposed by the Commission

Amendment

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

Or. en

Amendment 917

Monika Hohlmeier

Proposal for a regulation

Article 37 – paragraph 5

Text proposed by the Commission

Amendment

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

Or. en

Justification

This amendment shall replace the COM proposal for financial solidarity with a new mechanism.

Amendment 918

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Dario Tamburrano, Isabella Adinolfi, Laura Agea, Tiziana Beghin, Rosa D'Amato, David Borrelli, Marco Zullo, Marco Valli, Daniela Aiuto, Eleonora Evi, Piernicola Pedicini

**Proposal for a regulation
Article 37 – paragraph 5**

Text proposed by the Commission

Amendment

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

Or. it

**Amendment 919
Mariya Gabriel, Emil Radev, Artis Pabriks**

**Proposal for a regulation
Article 37 – paragraph 5**

Text proposed by the Commission

Amendment

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

5. The European Union Agency for Asylum shall monitor and report to the Commission on a yearly basis on the application of the *opt-out* mechanism.

Or. en

**Amendment 920
Monika Hohlmeier**

**Proposal for a regulation
Article 37 – paragraph 5 a (new)**

Text proposed by the Commission

Amendment

5a. The Commission shall establish a European solidarity fund in order to ensure financial solidarity between Member States. A Member State who benefits from the corrective allocation

mechanism shall pay a compensation amount of 50.000 Euro per relocated applicant into the European solidarity fund.

Or. en

Justification

This amendment shall replace the COM proposal for financial solidarity with a new mechanism.

Amendment 921
Monika Hohlmeier

Proposal for a regulation
Article 37 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. The Member State of relocation shall benefit from the European solidarity fund by receiving a payment of 50 000 Euro per relocated applicant to cover all expenses which arise from taking over the relocated person, such as costs for accommodation, language courses, health care.

Or. en

Justification

This amendment shall replace the COM proposal for financial solidarity with a new mechanism.

Amendment 922
Monika Hohlmeier

Proposal for a regulation
Article 37 – paragraph 5 c (new)

Text proposed by the Commission

Amendment

5c. If a Member State does not fulfil its obligations under Chapter VII,

solidarity among Member States, as enshrined in Article 80 of the Lisbon Treaty, will be reinstalled by following the procedure as provided for by Article XXX of Regulation (EU) Nr 1303/2013 as modified by Regulation (EU) Nr XXX, will apply.

Or. en

Justification

This amendment shall replace the COM proposal for financial solidarity with a new mechanism.

Amendment 923

József Nagy, Anna Záborská, Richard Sulík, Tomáš Zdechovský, Jana Žitňanská, Artis Pabriks

**Proposal for a regulation
Article 38**

Text proposed by the Commission

Amendment

Article 38

deleted

Obligations of the benefitting Member State

The benefitting Member State shall:

(a) take a decision at the latest within one week from the communication referred to in Article 36(4) to transfer the applicant to the Member State of allocation, unless the benefitting Member State can accept within the same time limit responsibility for examining the application pursuant to the criteria set out in Articles 10 to 13 and Article 18;

(b) notify without delay the applicant of the decision to transfer him or her to the Member State of allocation;

(c) transfer the applicant to the Member State of allocation, at the latest within four weeks from the final transfer decision.

Amendment 924

Artis Pabriks, Tomáš Zdechovský, Traian Ungureanu, Kinga Gál, Andrea Bocskor, Pál Csáky, Brice Hortefeux, Krišjānis Kariņš, Roberts Zīle, Jussi Halla-aho, Anders Primdahl Vistisen, József Nagy, Anna Záborská

Proposal for a regulation**Article 38**

Text proposed by the Commission

Amendment

Article 38

deleted

Obligations of the benefitting Member State

The benefitting Member State shall:

(a) take a decision at the latest within one week from the communication referred to in Article 36(4) to transfer the applicant to the Member State of allocation, unless the benefitting Member State can accept within the same time limit responsibility for examining the application pursuant to the criteria set out in Articles 10 to 13 and Article 18;

(b) notify without delay the applicant of the decision to transfer him or her to the Member State of allocation;

(c) transfer the applicant to the Member State of allocation, at the latest within four weeks from the final transfer decision.

Or. en

Justification

In line with the deletion of Chapter VII. Solidarity with the Member States that face unprecedented migratory pressure cannot be expressed through an automatic, centralised and binding mechanism, without taking into account the capacity of MS to receive, accommodate and integrate asylum seekers. Proposed scheme does not set any limitations in terms of time or capacity of the EU or MS. The suggested mechanism creates additional pull-factor as the asylum seeker just need to reach the EU border to be sent further in the EU. It limits the incentive of border countries to protect their borders as they need to reach 150% share and

the rest of asylum seekers will be sent for relocation to other MS automatically. Furthermore, solidarity cannot be enforced and coupled with financial penalties.

Amendment 925
Marek Jurek

Proposal for a regulation
Article 38

Text proposed by the Commission

Amendment

Article 38

deleted

Obligations of the benefitting Member State

The benefitting Member State shall:

(a) take a decision at the latest within one week from the communication referred to in Article 36(4) to transfer the applicant to the Member State of allocation, unless the benefitting Member State can accept within the same time limit responsibility for examining the application pursuant to the criteria set out in Articles 10 to 13 and Article 18;

(b) notify without delay the applicant of the decision to transfer him or her to the Member State of allocation;

(c) transfer the applicant to the Member State of allocation, at the latest within four weeks from the final transfer decision.

Or. pl

Justification

This amendment is part of a package of amendments that removes the corrective allocation mechanism from the proposal. The proposed corrective allocation mechanism constitutes misapplication of the principle of solidarity, which cannot be subject to any administrative automatism. Under these circumstances Member States are not benefiting.

Amendment 926

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Dietmar Köster, Péter Niedermüller

**Proposal for a regulation
Article 38 – title**

Text proposed by the Commission

Amendment

Obligations of the *benefitting* Member State

Obligations of the *determining* Member State *under the allocation mechanism*

Or. en

Amendment 927

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici

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

Text proposed by the Commission

Amendment

The *benefitting* Member State shall:

The *determining* Member State shall:

Or. en

**Amendment 928
Heinz K. Becker**

**Proposal for a regulation
Article 38 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

(b) detain the applicant according to Article 29.

Or. en

Amendment 929

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Péter Niedermüller

Proposal for a regulation
Article 38 – paragraph a

Text proposed by the Commission

(a) take a decision at the latest within one week from the communication referred to in Article **36(4)** to transfer the applicant to the Member State of allocation, unless the **benefitting** Member State can accept within the same time limit responsibility for examining the application pursuant to the criteria set out in Articles 10 to 13 and Article 18;

Amendment

(a) take a decision at the latest within one week from the communication referred to in Article **36c(2) or (3)** to transfer the applicant to the Member State of allocation, unless the **determining** Member State can accept within the same time limit responsibility for examining the application pursuant to the criteria set out in Articles 10 to 13 and Article 18 **or 19**;

Or. en

Amendment 930
Péter Niedermüller

Proposal for a regulation
Article 38 – paragraph c

Text proposed by the Commission

(c) transfer the applicant to the Member State of allocation, at the latest within four weeks from the final transfer decision.

Amendment

(c) transfer the applicant to the Member State of allocation, at the latest within four weeks from the final transfer decision **with the assistance of the Asylum Agency**.

Or. en

Justification

The European Union Agency of Asylum should assist and coordinate transfers related to this article, but cannot take the responsibility from the Member States, due its lack of capacities and experience in this field.

Amendment 931
Jean Lambert, Judith Sargentini
On behalf of the Verts/ALE Group

Proposal for a regulation
Article 38 – paragraph c

Text proposed by the Commission

(c) transfer the applicant to the Member State of allocation, at the latest within **four** weeks from the final transfer decision.

Amendment

(c) transfer the applicant to the Member State of allocation, at the latest within **two** weeks from the final transfer decision.

Or. en

Amendment 932
Kristina Winberg, Beatrix von Storch

Proposal for a regulation
Article 39

Text proposed by the Commission

Amendment

Article 39

deleted

Obligations of the Member State of allocation

The Member State of allocation shall:

(a) confirm to the benefitting Member State the receipt of the allocation communication and indicate the competent authority to which the applicant shall report following his or her transfer;

(b) communicate to the benefitting Member State the arrival of the applicant or the fact that he or she did not appear within the set time limit;

(c) receive the applicant and carry out the personal interview pursuant to Article 7, where applicable;

(d) examine his or her application for international protection as Member State responsible, unless, according to the criteria set out in Articles 10 to 13 and 16 to 18, a different Member State is responsible for examining the

application;

(e) where, according to the criteria set out in Articles 10 to 13 and 16 to 18 a different Member State is responsible for examining the application, the Member State of allocation shall request that other Member State to take charge of the applicant;

(f) where applicable, communicate to the Member State responsible the transfer to that Member State;

(g) where applicable, transfer the applicant to the Member State responsible;

(h) where applicable, enter in the electronic file referred to in Article 23(2) that it will examine the application for international protection as Member State responsible.

Or. en

Amendment 933

József Nagy, Anna Záborská, Richard Sulík, Tomáš Zdechovský, Jana Žitňanská, Artis Pabriks

Proposal for a regulation Article 39

Text proposed by the Commission

Amendment

Article 39

deleted

Obligations of the Member State of allocation

The Member State of allocation shall:

(a) confirm to the benefitting Member State the receipt of the allocation communication and indicate the competent authority to which the applicant shall report following his or her transfer;

(b) communicate to the benefitting Member State the arrival of the applicant or the fact that he or she did not appear

within the set time limit;

(c) receive the applicant and carry out the personal interview pursuant to Article 7, where applicable;

(d) examine his or her application for international protection as Member State responsible, unless, according to the criteria set out in Articles 10 to 13 and 16 to 18, a different Member State is responsible for examining the application;

(e) where, according to the criteria set out in Articles 10 to 13 and 16 to 18 a different Member State is responsible for examining the application, the Member State of allocation shall request that other Member State to take charge of the applicant;

(f) where applicable, communicate to the Member State responsible the transfer to that Member State;

(g) where applicable, transfer the applicant to the Member State responsible;

(h) where applicable, enter in the electronic file referred to in Article 23(2) that it will examine the application for international protection as Member State responsible.

Or. en

Amendment 934

Artis Pabriks, Tomáš Zdechovský, Traian Ungureanu, Kinga Gál, Andrea Bocskor, Pál Csáky, Brice Hortefeux, Krišjānis Kariņš, Roberts Zīle, Jussi Halla-aho, Anders Primdahl Vistisen, József Nagy, Anna Záborská

Proposal for a regulation Article 39

Text proposed by the Commission

Amendment

Article 39

deleted

Obligations of the Member State of

allocation

The Member State of allocation shall:

(a) confirm to the benefitting Member State the receipt of the allocation communication and indicate the competent authority to which the applicant shall report following his or her transfer;

(b) communicate to the benefitting Member State the arrival of the applicant or the fact that he or she did not appear within the set time limit;

(c) receive the applicant and carry out the personal interview pursuant to Article 7, where applicable;

(d) examine his or her application for international protection as Member State responsible, unless, according to the criteria set out in Articles 10 to 13 and 16 to 18, a different Member State is responsible for examining the application;

(e) where, according to the criteria set out in Articles 10 to 13 and 16 to 18 a different Member State is responsible for examining the application, the Member State of allocation shall request that other Member State to take charge of the applicant;

(f) where applicable, communicate to the Member State responsible the transfer to that Member State;

(g) where applicable, transfer the applicant to the Member State responsible;

(h) where applicable, enter in the electronic file referred to in Article 23(2) that it will examine the application for international protection as Member State responsible.

Or. en

Justification

In line with the deletion of Chapter VII. Solidarity with the Member States that face unprecedented migratory pressure cannot be expressed through an automatic, centralised and binding mechanism, without taking into account the capacity of MS to receive, accommodate and integrate asylum seekers. Proposed scheme does not set any limitations in terms of time or capacity of the EU or MS. The suggested mechanism creates additional pull-factor as the asylum seeker just need to reach the EU border to be sent further in the EU. It limits the incentive of border countries to protect their borders as they need to reach 150% share and the rest of asylum seekers will be sent for relocation to other MS automatically. Furthermore, solidarity cannot be enforced and coupled with financial penalties.

Amendment 935

Marek Jurek

Proposal for a regulation

Article 39

Text proposed by the Commission

Amendment

Article 39

deleted

Obligations of the Member State of allocation

The Member State of allocation shall:

- (a) confirm to the benefitting Member State the receipt of the allocation communication and indicate the competent authority to which the applicant shall report following his or her transfer;***
- (b) communicate to the benefitting Member State the arrival of the applicant or the fact that he or she did not appear within the set time limit;***
- (c) receive the applicant and carry out the personal interview pursuant to Article 7, where applicable;***
- (d) examine his or her application for international protection as Member State responsible, unless, according to the criteria set out in Articles 10 to 13 and 16 to 18, a different Member State is responsible for examining the application;***

(e) where, according to the criteria set out in Articles 10 to 13 and 16 to 18 a different Member State is responsible for examining the application, the Member State of allocation shall request that other Member State to take charge of the applicant;

(f) where applicable, communicate to the Member State responsible the transfer to that Member State;

(g) where applicable, transfer the applicant to the Member State responsible;

(h) where applicable, enter in the electronic file referred to in Article 23(2) that it will examine the application for international protection as Member State responsible.

Or. pl

Justification

This amendment is part of a package of amendments that removes the corrective allocation mechanism from the proposal. The proposed corrective allocation mechanism constitutes misapplication of the principle of solidarity, which cannot be subject to any administrative automatism. Under these circumstances there are no obligations of the Member State of allocation.

Amendment 936

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Ana Gomes, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Caterina Chinnici, Dietmar Köster, Péter Niedermüller

Proposal for a regulation

Article 39 – paragraph 1 – point a

Text proposed by the Commission

(a) confirm to the ***benefitting*** Member State the receipt of the allocation communication and indicate the competent authority to which the applicant shall report following his or her transfer;

Amendment

(a) confirm to the ***determining*** Member State the receipt of the allocation communication and indicate the competent authority to which the applicant shall report following his or her transfer;

Or. en

Amendment 937

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Dietmar Köster

Proposal for a regulation

Article 39 – paragraph 1 – point b

Text proposed by the Commission

(b) communicate to the ***benefitting*** Member State the arrival of the applicant or the fact that he or she did not appear within the set time limit;

Amendment

(b) communicate to the ***determining*** Member State the arrival of the applicant or the fact that he or she did not appear within the set time limit;

Or. en

Amendment 938

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Dietmar Köster, Péter Niedermüller

Proposal for a regulation

Article 39 – paragraph 1 – point d

Text proposed by the Commission

(d) examine his or her application for international protection as Member State responsible, unless, according to the criteria set out in Articles 10 to 13 and 16 to 18, a different Member State is responsible for examining the application;

Amendment

(d) examine his or her application for international protection as Member State responsible, unless ***new elements demonstrate that*** according to the criteria set out in Articles 10 to 13 and 16 to 18, a different Member State is responsible for examining the application;

Or. en

Amendment 939

Cecilia Wikström

Proposal for a regulation

Article 39 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) examine his or her application for international protection as Member State responsible, unless, according to the criteria set out in Articles **10 to** 13 and 16 to 18, a different Member State is responsible for examining the application;

(d) examine his or her application for international protection as Member State responsible, unless, according to the criteria set out in Articles **10(1) to 10(4)**, 13 and 16 to 18, a different Member State is responsible for examining the application;

Or. en

Justification

The amendment is a result of the rapporteurs amendment of Article 10(5) in order to avoid legal uncertainty.

Amendment 940
Cecilia Wikström

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

Text proposed by the Commission

Amendment

(e) where, according to the criteria set out in Articles **10** to 13 and 16 to 18 a different Member State is responsible for examining the application, the Member State of allocation shall request that other Member State to take charge of the applicant;

(e) where, according to the criteria set out in Articles **10(1) to 10(4)**, to 13 and 16 to 18 a different Member State is responsible for examining the application, the Member State of allocation shall request that other Member State to take charge of the applicant;

Or. en

Justification

The amendment is a result of the rapporteurs amendment of Article 10(5) in order to avoid legal uncertainty.

Amendment 941
Artis Pabriks, Tomáš Zdechovský, Traian Ungureanu, Kinga Gál, Andrea Bocskor, Pál Csáky, Brice Hortefeux, Roberts Zile, Jussi Halla-aho, Anders Primdahl Vistisen, József Nagy, Anna Záborská

Proposal for a regulation

Article 40

Text proposed by the Commission

Amendment

Article 40

deleted

Exchange of relevant information for security verification

1. Where a transfer decision according to point (a) of Article 38 is taken, the benefitting Member State shall transmit, at the same time and for the sole purpose of verifying whether the applicant may for serious reasons be considered a danger to the national security or public order, the fingerprint data of the applicant taken pursuant to Regulation (Proposal for a Regulation recasting Regulation 603/2013/EU) to the Member State of allocation.

2.

Where, following a security verification, information on an applicant reveals that he or she is for serious reasons considered to be a danger to the national security or public order, information on the nature of the alert shall be shared with the law enforcement authorities in the benefitting Member State and shall not be communicated via the electronic communication channels referred to in Article 47(4).

The Member State of allocation shall inform the benefitting Member State of the existence of such alert, specifying the law enforcement authorities in the Member State of application that have been fully informed, and record the existence of the alert in the automated system pursuant to point d of Article 23(2), within one week of receipt of the fingerprints.

3. Where the outcome of the security verification confirms that the applicant may for serious reasons be considered a danger to the national security or public order, the benefitting Member State of

application shall be the Member State responsible and shall examine the application in accelerated procedure pursuant to Article 31(8) of Directive 2013/32/EU.

4. The information exchanged shall only be used for the purposes set out in paragraph 1 and shall not be further processed.

Or. en

Justification

In line with the deletion of Chapter VII. Solidarity with the Member States that face unprecedented migratory pressure cannot be expressed through an automatic, centralised and binding mechanism, without taking into account the capacity of MS to receive, accommodate and integrate asylum seekers. Proposed scheme does not set any limitations in terms of time or capacity of the EU or MS. The suggested mechanism creates additional pull-factor as the asylum seeker just need to reach the EU border to be sent further in the EU. It limits the incentive of border countries to protect their borders as they need to reach 150% share and the rest of asylum seekers will be sent for relocation to other MS automatically. Furthermore, solidarity cannot be enforced and coupled with financial penalties.

Amendment 942

Kristina Winberg, Beatrix von Storch

Proposal for a regulation

Article 40

Text proposed by the Commission

Amendment

Article 40

deleted

Exchange of relevant information for security verification

1. Where a transfer decision according to point (a) of Article 38 is taken, the benefitting Member State shall transmit, at the same time and for the sole purpose of verifying whether the applicant may for serious reasons be considered a danger to the national security or public order, the fingerprint data of the applicant taken pursuant to Regulation (Proposal for a Regulation recasting Regulation 603/2013/EU) to the Member State of

allocation.

2.

Where, following a security verification, information on an applicant reveals that he or she is for serious reasons considered to be a danger to the national security or public order, information on the nature of the alert shall be shared with the law enforcement authorities in the benefitting Member State and shall not be communicated via the electronic communication channels referred to in Article 47(4).

The Member State of allocation shall inform the benefitting Member State of the existence of such alert, specifying the law enforcement authorities in the Member State of application that have been fully informed, and record the existence of the alert in the automated system pursuant to point d of Article 23(2), within one week of receipt of the fingerprints.

3. Where the outcome of the security verification confirms that the applicant may for serious reasons be considered a danger to the national security or public order, the benefitting Member State of application shall be the Member State responsible and shall examine the application in accelerated procedure pursuant to Article 31(8) of Directive 2013/32/EU.

4. The information exchanged shall only be used for the purposes set out in paragraph 1 and shall not be further processed.

Or. en

Amendment 943

József Nagy, Anna Záborská, Richard Sulík, Tomáš Zdechovský, Jana Žitňanská, Artis Pabriks

Proposal for a regulation

Article 40

Text proposed by the Commission

Amendment

Article 40

deleted

Exchange of relevant information for security verification

1. Where a transfer decision according to point (a) of Article 38 is taken, the benefitting Member State shall transmit, at the same time and for the sole purpose of verifying whether the applicant may for serious reasons be considered a danger to the national security or public order, the fingerprint data of the applicant taken pursuant to Regulation (Proposal for a Regulation recasting Regulation 603/2013/EU) to the Member State of allocation.

2.

Where, following a security verification, information on an applicant reveals that he or she is for serious reasons considered to be a danger to the national security or public order, information on the nature of the alert shall be shared with the law enforcement authorities in the benefitting Member State and shall not be communicated via the electronic communication channels referred to in Article 47(4).

The Member State of allocation shall inform the benefitting Member State of the existence of such alert, specifying the law enforcement authorities in the Member State of application that have been fully informed, and record the existence of the alert in the automated system pursuant to point d of Article 23(2), within one week of receipt of the fingerprints.

3. Where the outcome of the security verification confirms that the applicant may for serious reasons be considered a danger to the national security or public order, the benefitting Member State of

application shall be the Member State responsible and shall examine the application in accelerated procedure pursuant to Article 31(8) of Directive 2013/32/EU.

4. The information exchanged shall only be used for the purposes set out in paragraph 1 and shall not be further processed.

Or. en

Amendment 944
Marek Jurek

Proposal for a regulation
Article 40

Text proposed by the Commission

Amendment

Article 40

deleted

Exchange of relevant information for security verification

1. Where a transfer decision according to point (a) of Article 38 is taken, the benefitting Member State shall transmit, at the same time and for the sole purpose of verifying whether the applicant may for serious reasons be considered a danger to the national security or public order, the fingerprint data of the applicant taken pursuant to Regulation (Proposal for a Regulation recasting Regulation 603/2013/EU) to the Member State of allocation.

2.

Where, following a security verification, information on an applicant reveals that he or she is for serious reasons considered to be a danger to the national security or public order, information on the nature of the alert shall be shared with the law enforcement authorities in the benefitting Member State and shall not be communicated via the electronic

communication channels referred to in Article 47(4).

The Member State of allocation shall inform the benefitting Member State of the existence of such alert, specifying the law enforcement authorities in the Member State of application that have been fully informed, and record the existence of the alert in the automated system pursuant to point d of Article 23(2), within one week of receipt of the fingerprints.

3. Where the outcome of the security verification confirms that the applicant may for serious reasons be considered a danger to the national security or public order, the benefitting Member State of application shall be the Member State responsible and shall examine the application in accelerated procedure pursuant to Article 31(8) of Directive 2013/32/EU.

4. The information exchanged shall only be used for the purposes set out in paragraph 1 and shall not be further processed.

Or. pl

Justification

This amendment is part of a package of amendments that removes the corrective allocation mechanism from the proposal. The proposed corrective allocation mechanism constitutes misapplication of the principle of solidarity, which cannot be subject to any administrative automatism. Under these circumstances it is not necessary to exchange relevant information for security verification.

Amendment 945

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Péter Niedermüller

**Proposal for a regulation
Article 40 – paragraph 1**

1. Where a transfer decision according to point (a) of Article 38 is taken, the **benefitting** Member State shall transmit, at the same time and for the sole purpose of verifying whether the applicant may for serious reasons be considered a danger to the national security or public order, the fingerprint data of the applicant taken pursuant to Regulation (Proposal for a Regulation recasting Regulation 603/2013/EU) to the Member State of allocation.

1. Where a transfer decision according to point (a) of Article 38 is taken, the **determining** Member State shall transmit, at the same time and for the sole purpose of verifying whether the applicant may for serious reasons be considered a danger to the national security or public order, the fingerprint data of the applicant taken pursuant to Regulation (Proposal for a Regulation recasting Regulation 603/2013/EU) to the Member State of allocation.

Or. en

Amendment 946

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Péter Niedermüller

Proposal for a regulation

Article 40 – paragraph 2 – subparagraph 1

Where, following a security verification, information on an applicant reveals that he or she is for serious reasons considered to be a danger to the national security or public order, information on the nature of the alert shall be shared with the law enforcement authorities in the **benefitting** Member State and shall not be communicated via the electronic communication channels referred to in Article 47(4).

Where, following a security verification, information on an applicant reveals that he or she is for serious reasons considered to be a danger to the national security or public order, information on the nature of the alert shall be **fully** shared with the law enforcement authorities in the **determining** Member State and shall not be communicated via the electronic communication channels referred to in Article 47(4).

Or. en

Amendment 947

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Dietmar Köster, Péter Niedermüller

Proposal for a regulation

Article 40 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Member State of allocation shall inform the **benefitting** Member State of the existence of such alert, specifying the law enforcement authorities in the Member State of application that have been fully informed, and record the existence of the alert in the automated system pursuant to point d of Article 23(2), within one week of receipt of the fingerprints.

Amendment

The Member State of allocation shall inform the **determining** Member State of the existence of such alert, specifying the law enforcement authorities in the Member State of application that have been fully informed, and **after a joint evaluation of the security risks by the competent authorities of both Member States, the Member State of allocation shall** record the existence of the alert in the automated system pursuant to point d of Article 23(2), within one week of receipt of the fingerprints.

Or. en

Amendment 948

Jean Lambert, Judith Sargentini
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 40 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Member State of allocation shall inform the benefitting Member State of the existence of such alert, specifying the law enforcement authorities in the Member State of application that have been fully informed, and record the existence of the alert in the automated system pursuant to point d of Article 23(2), within **one week** of receipt of the fingerprints.

Amendment

The Member State of allocation shall inform the benefitting Member State of the existence of such alert, specifying the law enforcement authorities in the Member State of application that have been fully informed, and record the existence of the alert in the automated system pursuant to point d of Article 23(2), within **24 hours** of receipt of the fingerprints.

Or. en

Amendment 949

Monika Hohlmeier

Proposal for a regulation
Article 40 – paragraph 3

Text proposed by the Commission

3. Where the outcome of the security verification confirms that the applicant may for serious reasons be considered a danger to the national security or public order, the benefitting Member State of application shall be the Member State responsible and shall examine the application in accelerated procedure pursuant to Article 31(8) of Directive 2013/32/EU.

Amendment

3. Where the outcome of the security verification confirms that the applicant may for serious reasons be considered a danger to the national security or public order, the benefitting Member State of application shall be the Member State responsible and shall examine the application in accelerated procedure pursuant to Article 31(8) of Directive 2013/32/EU. ***If the risk of absconding exists, the Member State may take measures pursuant to Article 29.***

Or. en

Justification

To ensure the public security of the Member State and the individual safety of the citizens, The Member State in which the applicant is present shall be able to take every measure the EU acquis has to offer.

Amendment 950

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Péter Niedermüller

Proposal for a regulation
Article 40 – paragraph 3

Text proposed by the Commission

3. Where the outcome of the security verification confirms that the applicant may for serious reasons be considered a danger to the national security or public order, the ***benefitting*** Member State of application shall be the Member State responsible and ***shall*** examine the application in accelerated procedure pursuant to Article 31(8) of Directive 2013/32/EU.

Amendment

3. Where the outcome of the security verification confirms that the applicant may for serious reasons be considered a danger to the national security or public order, the ***determining*** Member State of application shall be the Member State responsible and ***may*** examine the application in accelerated procedure pursuant to Article 31(8) of Directive 2013/32/EU.

Amendment 951

Jean Lambert, Judith Sargentini
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 40 – paragraph 3

Text proposed by the Commission

3. Where the outcome of the security verification confirms that the applicant **may** for serious reasons **be** considered a danger to the national security or public order, the benefitting Member State of application shall be the Member State responsible and shall examine the application in accelerated procedure pursuant to Article 31(8) of Directive 2013/32/EU.

Amendment

3. Where the outcome of the security verification confirms that the applicant **is** for serious reasons considered a danger to the national security or public order, the benefitting Member State of application shall be the Member State responsible and shall examine the application in accelerated procedure pursuant to Article 31(8) of Directive 2013/32/EU.

Or. en

Amendment 952

Jean Lambert, Judith Sargentini
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 40 – paragraph 4

Text proposed by the Commission

4. The information exchanged shall only be used for the purposes set out in paragraph 1 and shall not be further processed.

Amendment

4. The information exchanged shall only be used for the purposes set out in paragraph 1 and shall not be further processed. ***As soon as the accelerated procedure referred to in paragraph 3 is completed, any personal data processed and exchanged pursuant to this Article shall be destroyed.***

Or. en

Amendment 953
Kristina Winberg, Beatrix von Storch

Proposal for a regulation
Article 41

Text proposed by the Commission

Amendment

Article 41

deleted

Procedure for allocation

1. Chapter V and Sections II to VII of Chapter VI shall apply mutatis mutandis.

2. Family members to whom the procedure for allocation applies shall be allocated to the same Member State.

Or. en

Amendment 954
József Nagy, Anna Záborská, Richard Sulík, Tomáš Zdechovský, Jana Žitňanská, Artis Pabriks

Proposal for a regulation
Article 41

Text proposed by the Commission

Amendment

Article 41

deleted

Procedure for allocation

1. Chapter V and Sections II to VII of Chapter VI shall apply mutatis mutandis.

2. Family members to whom the procedure for allocation applies shall be allocated to the same Member State.

Or. en

Amendment 955
Artis Pabriks, Tomáš Zdechovský, Traian Ungureanu, Kinga Gál, Andrea Bocskor, Pál Csáky, Brice Hortefeux, Roberts Zile, Jussi Halla-aho, Anders Primdahl Vistisen, József Nagy, Anna Záborská

Proposal for a regulation

Article 41

Text proposed by the Commission

Amendment

Article 41

deleted

Procedure for allocation

1. Chapter V and Sections II to VII of Chapter VI shall apply mutatis mutandis.

2. Family members to whom the procedure for allocation applies shall be allocated to the same Member State.

Or. en

Justification

In line with the deletion of Chapter VII. Solidarity with the Member States that face unprecedented migratory pressure cannot be expressed through an automatic, centralised and binding mechanism, without taking into account the capacity of MS to receive, accommodate and integrate asylum seekers. Proposed scheme does not set any limitations in terms of time or capacity of the EU or MS. The suggested mechanism creates additional pull-factor as the asylum seeker just need to reach the EU border to be sent further in the EU. It limits the incentive of border countries to protect their borders as they need to reach 150% share and the rest of asylum seekers will be sent for relocation to other MS automatically. Furthermore, solidarity cannot be enforced and coupled with financial penalties.

Amendment 956

Marek Jurek

Proposal for a regulation

Article 41

Text proposed by the Commission

Amendment

Article 41

deleted

Procedure for allocation

1. Chapter V and Sections II to VII of Chapter VI shall apply mutatis mutandis.

2. Family members to whom the allocation procedure applies will be allocated to the same Member State.

Or. pl

Justification

This amendment is part of a package of amendments that removes the corrective allocation mechanism from the proposal. The proposed corrective allocation mechanism constitutes misapplication of the principle of solidarity, which cannot be subject to any administrative automatism. Under these circumstances the procedure for allocation does not apply.

Amendment 957

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Maria Grapini, Dietmar Köster, Péter Niedermüller, Marju Lauristin

Proposal for a regulation

Article 41 – paragraph 2

Text proposed by the Commission

2. Family members to whom the procedure for allocation applies shall be allocated to the same Member State.

Amendment

2. Family members to whom the procedure for allocation applies shall be allocated to the same Member State. ***In the case of minors, the same applies to relatives or other adults responsible for them.***

Or. en

Amendment 958

Jean Lambert, Judith Sargentini, Bodil Valero
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 41 – paragraph 2

Text proposed by the Commission

2. Family members to whom the procedure for allocation applies shall be allocated to the same Member State.

Amendment

2. Family members ***and relatives*** to whom the procedure for allocation applies shall be allocated to the same Member State.

Or. en

Amendment 959

Monika Hohlmeier

**Proposal for a regulation
Article 41 – paragraph 2**

Text proposed by the Commission

2. Family members to whom the procedure for allocation applies shall be allocated to the same Member State.

Amendment

2. Family members **or siblings** to whom the procedure for allocation applies shall be allocated to the same Member State.

Or. en

Justification

Extending the family by including the siblings might help integration, but first and foremost it will lead to an overburden of Member States which already give refuge to an extensive amount of refugees when it comes to family reunification. The definition of family shall therefore stay the same as it was in Dublin III.

Amendment 960

József Nagy, Anna Záborská, Richard Sulík, Tomáš Zdechovský, Jana Žitňanská, Artis Pabriks

**Proposal for a regulation
Article 42**

Text proposed by the Commission

Amendment

Article 42

deleted

Costs of allocation transfers

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

Or. en

Amendment 961

Artis Pabriks, Tomáš Zdechovský, Traian Ungureanu, Kinga Gál, Andrea Bocskor, Pál Csáky, Brice Hortefeux, Petri Sarvamaa, Roberts Zīle, Jussi Halla-aho, Anders Primdahl Vistisen, József Nagy, Anna Záborská

Proposal for a regulation
Article 42

Text proposed by the Commission

Amendment

Article 42

deleted

Costs of allocation transfers

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

Or. en

Justification

In line with the deletion of Chapter VII. Solidarity with the Member States that face unprecedented migratory pressure cannot be expressed through an automatic, centralised and binding mechanism, without taking into account the capacity of MS to receive, accommodate and integrate asylum seekers. Proposed scheme does not set any limitations in terms of time or capacity of the EU or MS. The suggested mechanism creates additional pull-factor as the asylum seeker just need to reach the EU border to be sent further in the EU. It limits the incentive of border countries to protect their borders as they need to reach 150% share and the rest of asylum seekers will be sent for relocation to other MS automatically. Furthermore, solidarity cannot be enforced and coupled with financial penalties.

Amendment 962

Kristina Winberg, Beatrix von Storch

Proposal for a regulation
Article 42

Text proposed by the Commission

Amendment

Article 42

deleted

Costs of allocation transfers

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

Or. en

Amendment 963

Maria Grapini

Proposal for a regulation

Article 42

Text proposed by the Commission

Amendment

Article 42

deleted

Costs of allocation transfers

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

Or. ro

Amendment 964

Marek Jurek

Proposal for a regulation

Article 42

Text proposed by the Commission

Amendment

Article 42

deleted

Costs of allocation transfers

For the costs to transfer an applicant to

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

Or. pl

Justification

This amendment is part of a package of amendments that removes the corrective allocation mechanism from the proposal. The proposed corrective allocation mechanism constitutes misapplication of the principle of solidarity, which cannot be subject to any administrative automatism. Under these circumstances costs of allocation transfers do not apply.

Amendment 965

Anna Maria Corazza Bildt

Proposal for a regulation

Article 42 – paragraph 1

Text proposed by the Commission

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

Amendment

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

2. The Member States of allocation shall receive an additional amount of EUR 6000 for each applicant received according to the corrective allocation procedure of this Regulation. This financial support shall be implemented by applying the procedures laid down in Article 18 of Regulation (EU) No 516/2014.

3. The fixed amount shall be increased for those Member States that have received only a few asylum seekers and their

systems are not used to efficiently process asylum requests, in order to give those Member States the possibility to build capacity and ensure dignified protection for applicants. The amount shall be therefore fixed at a minimum of EUR 7500 in the first year, reduced progressively in the second year and return to EUR 6000 after two years.

Or. en

Justification

The aim of this amendment is to incentivise Member States that have received few asylum seekers.

Amendment 966

Elly Schlein, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Kati Piri

Proposal for a regulation

Article 42 – paragraph 1

Text proposed by the Commission

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

Amendment

The costs to transfer an applicant to the Member State of allocation ***by the European Asylum Agency*** shall ***be met by the general budget of the Union and*** be refunded by a lump sum of EUR 500 for each person transferred pursuant to Article 38(c). This financial support shall be implemented by applying the procedures laid down in Article 18 of Regulation (EU) No 516/2014.

Or. en

Justification

The shadow rapporteur supports the proposal of the rapporteur to give responsibility on transfers to the European Asylum Agency, in view of a progressive centralisation of asylum at European level.

Amendment 967
Péter Niedermüller

Proposal for a regulation
Article 42 – paragraph 1

Text proposed by the Commission

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

Amendment

For the costs to transfer an applicant to the Member State of allocation, the benefitting Member State ***and if it is appropriate the European Union Agency for Asylum*** shall be refunded by a lump sum of EUR 500 for each person transferred pursuant to Article 38(c).

Or. en

Justification

If the Asylum Agency takes part on transfer it should be refunded.

Amendment 968
Gérard Deprez

Proposal for a regulation
Article 42 – paragraph 1

Text proposed by the Commission

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

Amendment

For the costs to transfer an applicant to the Member State of allocation, the benefitting Member State shall be refunded by a lump sum of EUR **300** for each person transferred pursuant to Article 38(c). This financial support shall be implemented by applying the procedures laid down in Article 18 of Regulation (EU) No 516/2014.

Or. en

Amendment 969
Kristina Winberg, Beatrix von Storch

Proposal for a regulation
Article 43

Text proposed by the Commission

Amendment

Article 43

deleted

Cessation of corrective allocation

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

Upon the notification referred to in paragraph 2, the application of the corrective allocation shall cease for that Member State.

Or. en

Amendment 970

Artis Pabriks, Tomáš Zdechovský, Traian Ungureanu, Kinga Gál, Andrea Bocskor, Pál Csáky, Brice Hortefeux, Roberts Zile, Jussi Halla-aho, Anders Primdahl Vistisen, József Nagy, Anna Záborská

Proposal for a regulation
Article 43

Text proposed by the Commission

Amendment

Article 43

deleted

Cessation of corrective allocation

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

Upon the notification referred to in paragraph 2, the application of the corrective allocation shall cease for that

Member State.

Or. en

Justification

In line with the deletion of Chapter VII. Solidarity with the Member States that face unprecedented migratory pressure cannot be expressed through an automatic, centralised and binding mechanism, without taking into account the capacity of MS to receive, accommodate and integrate asylum seekers. Proposed scheme does not set any limitations in terms of time or capacity of the EU or MS. The suggested mechanism creates additional pull-factor as the asylum seeker just need to reach the EU border to be sent further in the EU. It limits the incentive of border countries to protect their borders as they need to reach 150% share and the rest of asylum seekers will be sent for relocation to other MS automatically. Furthermore, solidarity cannot be enforced and coupled with financial penalties.

Amendment 971

József Nagy, Anna Záborská, Richard Sulík, Tomáš Zdechovský, Jana Žitňanská, Artis Pabriks

**Proposal for a regulation
Article 43**

Text proposed by the Commission

Amendment

Article 43

deleted

Cessation of corrective allocation

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

Upon the notification referred to in paragraph 2, the application of the corrective allocation shall cease for that Member State.

Or. en

Amendment 972

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Maria Grapini, Kati Piri, Miriam Dalli, Péter Niedermüller

Proposal for a regulation
Article 43

Text proposed by the Commission

Amendment

Article 43

deleted

Cessation of corrective allocation

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

Upon the notification referred to in paragraph 2, the application of the corrective allocation shall cease for that Member State.

Or. en

Justification

Since the shadow rapporteur is proposing a permanent and automatic allocation mechanism, in line with what the Parliament proposed in previous Resolutions, there is no need for an Article on the cessation of the mechanism.

Amendment 973
Marek Jurek

Proposal for a regulation
Article 43

Text proposed by the Commission

Amendment

Article 43

deleted

Cessation of corrective allocation

The automated system shall notify the Member States and the Commission as soon as the number of applications in the benefitting Member State for which it is

the Member State responsible under this Regulation is below 150 % of its share pursuant to Article 35(1).

Upon the notification referred to in paragraph 2, the application of the corrective allocation shall cease for that Member State.

Or. pl

Justification

This amendment is part of a package of amendments that removes the corrective allocation mechanism from the proposal. The proposed corrective allocation mechanism constitutes misapplication of the principle of solidarity, which cannot be subject to any administrative automatism. Intergovernmental arrangements, if any, may relate to assistance to countries struggling with large numbers of applications.

Amendment 974

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Dario Tamburrano, Isabella Adinolfi, Laura Agea, Tiziana Beghin, Rosa D'Amato, David Borrelli, Marco Zullo, Marco Valli, Daniela Aiuto, Eleonora Evi, Piernicola Pedicini

Proposal for a regulation Article 43

Text proposed by the Commission

Amendment

Article 43

deleted

Cessation of corrective allocation

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

Upon the notification referred to in paragraph 2, the application of the corrective allocation shall cease for that Member State.

Or. it

Amendment 975
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 43 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

If the purpose of the allocation mechanism is indeed to be a 'corrective' one it should guarantee a fair share of responsibility. The mechanism should be triggered at a point where the benefitting MS for which it is the member state responsible would be alleviated since it shall have reached a high percentage of its share of responsibility (80%) and should be ceased in an equally fair way when the member state in question is below 75%.

Amendment 976
Mariya Gabriel, Emil Radev

Proposal for a regulation
Article 43 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 977
Jean Lambert, Judith Sargentini

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 43 – paragraph 1

Text proposed by the Commission

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

Amendment

The automated system shall notify the Member States and the Commission as soon as the number of applications in the benefitting Member State for which it is the Member State responsible under this Regulation is below **80** % of its share pursuant to Article 35(1).

Or. en

Amendment 978
Jean Lambert, Judith Sargentini
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 43 a (new)

Text proposed by the Commission

Amendment

Article 43 a

***Sanctions for failure to comply with
corrective allocation mechanism***

If a Member State does not fulfil its obligations under Chapter VII it shall not be permitted to use EU funds to fund returns of third-country nationals to third countries and shall report annually on its use of Regulation (EU) No 516/2014 and Regulation (EU) No 1303/2013.

Or. en

Justification

This amendment is inextricably linked to the internal logic of the text as it aims at establishing clear consequences if a Member State would not respect its obligations with respect to the solidarity measures under this regulation. This amendment is inextricably linked to other admissible amendments tabled as part of the draft report on coercive measures against Member States that do not comply with Chapter VII.

Amendment 979

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson, Kostas Chrysogonos

Proposal for a regulation

Article 43 a (new)

Text proposed by the Commission

Amendment

Article 43 a

***Relationship with Regulation (EU)
2016/1624***

***Any measures taken in accordance with
Article 19(1) of Regulation (EU)
2016/1624 shall be without prejudice to
the application of the present Regulation.***

Or. en

Justification

This amendment is necessary to ensure coherence of the completely reworked Chapter VII of this Regulation with Regulation (EU) 2016/1624.

Amendment 980

József Nagy, Richard Sulík, Tomáš Zdechovský, Jana Žitňanská, Artis Pabriks

Proposal for a regulation

Article 44

Text proposed by the Commission

Amendment

Article 44

deleted

***Automated system for registration,
monitoring and the allocation mechanism***

***1. For the purposes of the registration and
monitoring the share of applications for
international protection pursuant to
Article 22 and of the application of the
allocation mechanism set out in Chapter
VII an automated system shall be
established.***

***2. The automated system shall consist of
the central system and the communication***

infrastructure between the central system and the national infrastructures.

3. The European agency for the operational management of large scale IT systems in the area of freedom, security and justice established by Regulation (EU) No 1077/2011 shall be responsible for the preparation, development and the operational management of the central system and the communication infrastructure between the central system and the national infrastructures.

4. The national infrastructures shall be developed and managed by the Member States.

Or. en

Amendment 981

Artis Pabriks, Tomáš Zdechovský, Traian Ungureanu, Kinga Gál, Andrea Bocskor, Pál Csáky, Brice Hortefeux, Roberts Zile, Anders Primdahl Vistisen, Anna Záborská

Proposal for a regulation

Article 44 – title

Text proposed by the Commission

Amendment

***Automated* system for registration, *monitoring and the allocation* mechanism**

System for registration ***and monitoring*** mechanism

Or. en

Justification

In line with the deletion of Chapter VII.

Amendment 982

Artis Pabriks, Tomáš Zdechovský, Traian Ungureanu, Kinga Gál, Andrea Bocskor, Pál Csáky, Brice Hortefeux, Roberts Zile, Anders Primdahl Vistisen, Anna Záborská

Proposal for a regulation

Article 44 – paragraph 1

Text proposed by the Commission

Amendment

1. For the purposes of the registration and monitoring *the share of applications for international protection pursuant to Article 22 and of the application of the allocation mechanism set out in Chapter VII an automated* system shall be established.

1. For the purposes of the registration and monitoring *a* system shall be established.

Or. en

Justification

In line with the deletion of Chapter VII.

Amendment 983

Artis Pabriks, Tomáš Zdechovský, Traian Ungureanu, Kinga Gál, Andrea Bocskor, Pál Csáky, Brice Hortefeux, Roberts Zile, Anders Primdahl Vistisen, Anna Záborská

**Proposal for a regulation
Article 44 – paragraph 2**

Text proposed by the Commission

2. The *automated* system shall consist of the central system and the communication infrastructure between the central system and the national infrastructures.

Amendment

2. The system shall consist of the central system and the communication infrastructure between the central system and the national infrastructures.

Or. en

Justification

In line with the deletion of Chapter VII.

Amendment 984

József Nagy, Richard Sulík, Tomáš Zdechovský, Jana Žitňanská, Artis Pabriks

**Proposal for a regulation
Article 45**

Text proposed by the Commission

Article 45

Access to the automated system

Amendment

deleted

1. The competent asylum authorities of the Member States referred to in Article 47 shall have access to the automated system referred to in Article 44(1) for entering the information referred to in Article 20(7), Article 22(1), (4) and (5), Article 37(1) and point (h) of Article 39.

2. The European Union Agency for Asylum shall have access to the automated system for entering and adapting the reference key pursuant to Article 35(4) and for entering the information referred to in Article 22(3).

3. The information referred to in Article 23(2), Article 36(4) and point h of Article 39 shall be accessible for consultation only by the competent asylum authorities of the Member States referred to in Article 47 for the purposes of this Regulation and of Regulation [Proposal for a Regulation recasting Regulation (EU) No 603/2013].

4. The Commission shall, by means of implementing acts, adopt uniform conditions and practical arrangements for entering and consulting the information referred to in paragraphs 1 and 3. Those implementing acts shall be adopted in accordance with the examination procedure laid down in Article 56(2).

Or. en

Amendment 985

Artis Pabriks, Tomáš Zdechovský, Traian Ungureanu, Kinga Gál, Andrea Bocskor, Pál Csáky, Brice Hortefeux, Roberts Zile, Anders Primdahl Vistisen, Anna Záborská

Proposal for a regulation Article 45 – title

Text proposed by the Commission

Amendment

Access to the *automated* system

Access to the system

Or. en

In line with the deletion of Chapter VII.

Amendment 986

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Kati Piri, Péter Niedermüller

Proposal for a regulation

Article 45 – paragraph 1

Text proposed by the Commission

1. The competent asylum authorities of the Member States referred to in Article 47 shall have access to the automated system referred to in Article 44(1) for entering the information referred to in Article 20(7), Article 22(1), (4) and (5), Article 37(1) and point (h) of Article 39.

Amendment

1. The competent asylum authorities of the Member States referred to in Article 47 shall have access to the automated system referred to in Article 44(1) for entering the information referred to in Article 20(7), Article 22(1), (4) and (5), Article 37(1) and point (h) of Article 39, ***and for the procedure of Article 36c.***

Or. en

Amendment 987

Artis Pabriks, Tomáš Zdechovský, Traian Ungureanu, Kinga Gál, Andrea Bocskor, Pál Csáky, Brice Hortefeux, Roberts Zile, Anders Primdahl Vistisen, Anna Záborská

Proposal for a regulation

Article 45 – paragraph 1

Text proposed by the Commission

1. The competent asylum authorities of the Member States referred to in Article 47 shall have access to the ***automated*** system referred to in Article 44(1) for entering the information referred to in Article 20(7), Article 22(1), (4) and (5), ***Article 37(1) and point (h) of Article 39.***

Amendment

1. The competent asylum authorities of the Member States referred to in Article 47 shall have access to the system referred to in Article 44(1) for entering the information referred to in Article 20(7), Article 22(1), (4) and (5).

Or. en

Justification

In line with the deletion of Chapter VII.

Amendment 988

Tomáš Zdechovský, Artis Pabriks, József Nagy, Pál Csáky, Kinga Gál, Andrea Bocskor, Vladimír Maňka, Olga Sehnalová, Miroslav Poche, Pavel Poc, Monika Smolková, Jan Keller

**Proposal for a regulation
Article 45 – paragraph 1**

Text proposed by the Commission

1. The competent asylum authorities of the Member States referred to in Article 47 shall have access to the automated system referred to in Article 44(1) for entering the information referred to in Article 20(7), Article 22(1), (4) and (5), **Article 37(1)** and point (h) of Article 39.

Amendment

1. The competent asylum authorities of the Member States referred to in Article 47 shall have access to the automated system referred to in Article 44(1) for entering the information referred to in Article 20(7), Article 22(1), (4) and (5) and point (h) of Article 39.

Or. en

Justification

The deletion of Article 37 (1) is reflected.

Amendment 989

Artis Pabriks, Tomáš Zdechovský, Traian Ungureanu, Kinga Gál, Andrea Bocskor, Pál Csáky, Brice Hortefeux, Roberts Zile, Anders Primdahl Vistisen, Anna Záborská

**Proposal for a regulation
Article 45 – paragraph 3**

Text proposed by the Commission

3. The information referred to in Article 23(2), **Article 36(4) and point h of Article 39** shall be accessible **for consultation only** by the competent asylum authorities of the Member States referred to in Article 47 for the purposes of this Regulation and of Regulation [Proposal for a Regulation recasting Regulation (EU) No 603/2013].

Amendment

3. The information referred to in Article 23(2) shall be accessible by the competent asylum authorities of the Member States referred to in Article 47 for the purposes of this Regulation and of Regulation [Proposal for a Regulation recasting Regulation (EU) No 603/2013].

*Justification**In line with the deletion of Chapter VII.***Amendment 990****Artis Pabriks, Tomáš Zdechovský, Traian Ungureanu, Kinga Gál, Andrea Bocskor, Pál Csáky, Brice Hortefeux, Roberts Zile, Jussi Halla-aho, Anders Primdahl Vistisen, Anna Záborská****Proposal for a regulation****Article 47 – paragraph 1***Text proposed by the Commission*

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

Amendment

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

Or. en

*Justification**In line with the deletion of Chapter VII.***Amendment 991****Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Kati Piri, Dietmar Köster, Miriam Dalli, Marju Lauristin, Péter Niedermüller****Proposal for a regulation****Article 47 – paragraph 3**

Text proposed by the Commission

3. The authorities referred to in paragraph 1 shall receive the necessary training with respect to the application of this Regulation.

Amendment

3. The authorities referred to in paragraph 1 shall receive the necessary **regular** training with respect to the application of this Regulation, ***including as regards the operating procedures for gathering relevant information and assessing the best interests of the child. Member States shall ensure the availability of specially trained staff, or specialized support services for staff, dedicated to the assessment of the best interests of the child in cases involving unaccompanied minors.***

Or. en

Justification

The amendment aims at ensuring the presence of fully and specifically trained staff when dealing with particularly delicate issues such as the best interests of the child assessment.

Amendment 992

Anna Maria Corazza Bildt, Caterina Chinnici, Nathalie Griesbeck, Barbara Matera, Damiano Zoffoli, Hilde Vautmans, Julie Ward, Silvia Costa, Luigi Morgano, Simona Bonafè, Michela Giuffrida, Antonio López-Istúriz White, Carlos Coelho

**Proposal for a regulation
Article 47 – paragraph 3**

Text proposed by the Commission

3. The authorities referred to in paragraph 1 shall receive the necessary training with respect to the application of this Regulation.

Amendment

3. The authorities referred to in paragraph 1 shall receive the necessary **regular** training with respect to the application of this Regulation, ***including as regards the operating procedures for gathering relevant information and assessing the best interests of the child. Member States shall ensure the availability of specially trained staff, or specialized support services for staff, dedicated to the assessment of the best interests of the child in cases involving unaccompanied minors.***

Justification

This amendment aims at ensuring that guardians and staff of competent authorities working on cases involving children have the necessary qualifications, expertise and skills and receive the necessary training and support to work with children.

Amendment 993

Mariya Gabriel, Emil Radev, Artis Pabriks

Proposal for a regulation

Article 49 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

That network shall promote the exchange of best practices concerning the examination of an asylum application by the competent authorities of Member States under this Regulation and initiate the training of the employees of those authorities.

Or. en

Amendment 994

Jean Lambert, Judith Sargentini
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 50 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Data subjects shall be notified without undue delay when a security incident including unlawful or unauthorised access or disclosure, alteration or loss of personal data processed is likely to result in a high risk to their rights and freedoms.

Or. en

Justification

This amendment is needed in order to ensure the internal logic of the text and ensures that individuals are notified if there is a data breach that could pose a risk to their rights and freedoms. This is in line with Articles 33 and 34 of the GDPR. This is crucial if a country of origin finds out, through a hack, specific details about its citizens, especially human rights defenders having fled their country.

Amendment 995

Artis Pabriks, Tomáš Zdechovský, Traian Ungureanu, Kinga Gál, Andrea Bocskor, Pál Csáky, Brice Hortefeux, Roberts Zile, Jussi Halla-aho, Anders Primdahl Vistisen, Anna Záborská

Proposal for a regulation

Article 50 – paragraph 2

Text proposed by the Commission

2. The competent supervisory authority or authorities of each Member State shall monitor the lawfulness of the processing of personal data by the authorities referred to in Article 47 of the Member State in question, *including of the transmission to and from the automated system referred to in Article 44(1) and to the authorities competent for carrying out checks referred to in Article 40.*

Amendment

2. The competent supervisory authority or authorities of each Member State shall monitor the lawfulness of the processing of personal data by the authorities referred to in Article 47 of the Member State in question.

Or. en

Justification

In line with the deletion of Chapter VII.

Amendment 996

Jean Lambert, Judith Sargentini
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 50 – paragraph 3

Text proposed by the Commission

3. The processing of personal data by the European Union Agency for Asylum

Amendment

3. The processing of personal data by the European Union Agency for Asylum

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

shall be subject to **Regulation (EC) No 45/2001 and the provisions on data protection laid down in [Proposal for a Regulation on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010], in particular as regards** the monitoring of the European Data Protection Supervisor in accordance with Regulation (EC) No 45/2001 and the provisions on data protection laid down in [Proposal for a Regulation on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010].

Or. en

Justification

Clarification that Regulation 45/2001 applies to the processing of personal data by the EUAA in general, and not only in the context of EDPS monitoring.

Amendment 997

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson, Kostas Chrysogonos

Proposal for a regulation Article 52

Text proposed by the Commission

Amendment

Article 52

deleted

Penalties

Member States shall lay down the rules on penalties, including administrative and/or criminal penalties in accordance with national law, applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

Or. en

Justification

The former version of this article addressed penalties for infringements of rules on data processing. Given that the text of the proposal has penalties for various infringements of its rules in the according articles, this article has in fact become obsolete by the internal logic of the Commission's proposal.

Amendment 998

József Nagy, Richard Sulík, Tomáš Zdechovský, Jana Žitňanská

Proposal for a regulation

Article 53

Text proposed by the Commission

Amendment

Article 53

deleted

Transitional measures

Where an application has been lodged after [the first day following the entry into force of this Regulation] , the events that are likely to entail the responsibility of a Member State under this Regulation shall be taken into consideration, even if they precede that date.

By way of derogation from Article 34(2), during the first three months after entry into force of this Regulation, the corrective allocation mechanism shall not be triggered. By way of derogation from Article 34(3), after the expiry of the three month period following the entry into force of this Regulation and until the expiry of one year following the entry into force of this Regulation, the reference period shall be the period which has elapsed since the entry into force of this Regulation.

Or. en

Amendment 999

Artis Pabriks, Tomáš Zdechovský, Traian Ungureanu, Kinga Gál, Andrea Bocskor, Pál Csáky, Brice Hortefeux, Roberts Zile, Jussi Halla-aho, Anders Primdahl Vistisen, Anna Záborská

Proposal for a regulation
Article 53 – paragraph 2

Text proposed by the Commission

Amendment

By way of derogation from Article 34(2), during the first three months after entry into force of this Regulation, the corrective allocation mechanism shall not be triggered. By way of derogation from Article 34(3), after the expiry of the three month period following the entry into force of this Regulation and until the expiry of one year following the entry into force of this Regulation, the reference period shall be the period which has elapsed since the entry into force of this Regulation.

deleted

Or. en

Justification

In line with the deletion of Chapter VII.

Amendment 1000
Marek Jurek

Proposal for a regulation
Article 53 – paragraph 2

Text proposed by the Commission

Amendment

By way of derogation from Article 34(2), during the first three months after entry into force of this Regulation, the corrective allocation mechanism shall not be triggered. By way of derogation from Article 34(3), after the expiry of the three month period following the entry into force of this Regulation and until the expiry of one year following the entry into force of this Regulation, the reference period shall be the period which has elapsed since the entry into force of this Regulation.

deleted

Justification

This amendment is part of a package of amendments that removes the corrective allocation mechanism from the proposal. The proposed corrective allocation mechanism constitutes misapplication of the principle of solidarity, which cannot be subject to any administrative automatism.

Amendment 1001

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Kati Piri, Miriam Dalli, Péter Niedermüller

Proposal for a regulation
Article 53 – paragraph 2

Text proposed by the Commission

By way of derogation from Article 34(2), during the first three months after entry into force of this Regulation, the corrective allocation mechanism shall not be triggered. By way of derogation from Article 34(3), after ***the expiry of the three month period following*** the entry into force of this Regulation and until the expiry of one year following the entry into force of this Regulation, the reference period shall be the period which has elapsed since the entry into force of this Regulation.

Amendment

By way of derogation from Article 34(3), after the entry into force of this Regulation and until the expiry of one year following the entry into force of this Regulation, the reference period shall be the period which has elapsed since the entry into force of this Regulation.

Justification

The amendment is a natural consequence to not considering the allocation mechanism as "corrective" and only triggered at a certain threshold, but as permanent, centralised and automatic.

Amendment 1002

Salvatore Domenico Pogliese

Proposal for a regulation
Article 53 – paragraph 2

Text proposed by the Commission

Amendment

By way of derogation from Article 34(2), during the first three months after entry into force of this Regulation, the corrective allocation mechanism shall not be triggered. By way of derogation from Article 34(3), after the expiry of the three month period following the entry into force of this Regulation and until the expiry of one year following the entry into force of this Regulation, the reference period shall be the *period which has elapsed since the entry into force of this Regulation*.

By way of derogation from Article 34(2), during the first three months after entry into force of this Regulation, the corrective allocation mechanism shall not be triggered. By way of derogation from Article 34(3), after the expiry of the three month period following the entry into force of this Regulation and until the expiry of one year following the entry into force of this Regulation, the reference period shall be the *last 24 months*.

Or. it

Amendment 1003

Alessandra Mussolini, Salvatore Domenico Pogliese, Carlos Coelho, Barbara Matera

Proposal for a regulation

Article 53 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

By way of derogation from Article 35 the reference key for the corrective allocation shall be calculated using the formula in Annex Ia during the first three years following the entry into force of this Regulation.

Or. en

Justification

Member States that do not have much experience with receiving applicants for international protection should be given the time to gradually build up their reception capacity and administrative systems. At the same time, Member States which are more interested by the arrival of asylum seekers should be given a clear signal that other Member States are willing to support them in the shortest possible time. Three years for a full application of the corrective allocation mechanism seems to be therefore a balanced option.

Amendment 1004

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Péter Niedermüller

**Proposal for a regulation
Article 57 – paragraph 2**

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles **10(6) and 18(3)** shall be conferred on the Commission for a period of 5 years from the date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Amendment

2. The power to adopt delegated acts referred to in Articles **8(6), 10(6), 18(3) and 18a(3)** shall be conferred on the Commission for a period of 5 years from the date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Or. en

Justification

Technical amendment to align the text to the modification proposed in Article 18a.

Amendment 1005

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Péter Niedermüller

**Proposal for a regulation
Article 57 – paragraph 3**

Text proposed by the Commission

3. The delegation of power referred to in Articles **10(6) and 18(3)** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the

Amendment

3. The delegation of power referred to in Articles **8(6), 10(6), 18(3) and 18a(3)** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in

European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Justification

Technical amendment to align the text to the modification proposed in Article 18a.

Amendment 1006

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Péter Niedermüller

Proposal for a regulation

Article 57 – paragraph new6

Text proposed by the Commission

new6. A delegated act adopted pursuant to Articles **10(6) and 18(3)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

new6. A delegated act adopted pursuant to Articles **8(6), 10(6), 18(3) and 18a(3)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

Justification

Technical amendment to align the text to the modification proposed in Article 18a.

Amendment 1007

Artis Pabriks, Tomáš Zdechovský, Traian Ungureanu, Kinga Gál, Andrea Bocskor, Pál Csáky, Brice Hortefeux, Roberts Zile, Jussi Halla-aho, Anders Primdahl Vistisen, Anna Záborská

Proposal for a regulation
Article 58 – paragraph 1

Text proposed by the Commission

Amendment

*By [18 months after entry into force] and deleted
from then on annually, the Commission
shall review the functioning of the
corrective allocation mechanism set out in
Chapter VII of this Regulation and in
particular the thresholds set out in Article
34(2) and Article 43 thereof.*

Or. en

Justification

In line with the deletion of Chapter VII.

Amendment 1008
Marek Jurek

Proposal for a regulation
Article 58 – paragraph 1

Text proposed by the Commission

Amendment

*By [18 months after entry into force] and deleted
from then on annually, the Commission
shall review the functioning of the
corrective allocation mechanism set out in
Chapter VII of this Regulation and in
particular the thresholds set out in Article
34(2) and Article 43 thereof.*

Or. pl

Justification

This amendment is part of a package of amendments that removes the corrective allocation mechanism from the proposal. The proposed corrective allocation mechanism constitutes misapplication of the principle of solidarity, which cannot be subject to any administrative automatism; therefore, the functioning of the mechanism does not need to be reviewed.

Amendment 1009

Elly Schlein, Sylvie Guillaume, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Juan Fernando López Aguilar, Ana Gomes, Cécile Kashetu Kyenge, Caterina Chinnici, Kati Piri, Péter Niedermüller

**Proposal for a regulation
Article 58 – paragraph 1**

Text proposed by the Commission

By [18 months after entry into force] and from then on annually, the Commission shall review the functioning of the ***corrective*** allocation mechanism set out in Chapter VII of this Regulation ***and in particular the thresholds set out in Article 34(2) and Article 43 thereof.***

Amendment

By [18 months after entry into force] and from then on annually, the Commission shall review the functioning of the allocation mechanism set out in Chapter VII of this Regulation.

Or. en

Amendment 1010

Jean Lambert, Judith Sargentini, Bodil Valero
on behalf of the Verts/ALE Group

**Proposal for a regulation
Article 58 – paragraph 3 – subparagraph 1 (new)**

Text proposed by the Commission

Amendment

The European Union Agency for Asylum, in consultation with appropriate expert bodies and organisations, shall conduct a qualitative and quantitative stocktaking of the capacity for the reception of unaccompanied minors in all Member States during the transitional period referred to in Article 53(2a) in order to identify deficiencies and offer assistance to Member States in order to address those deficiencies.

Or. en

Justification

This amendment is inextricably linked to other admissible amendments tabled within the draft report and aims at ensuring that unaccompanied minors transferred under the corrective allocation model receive appropriate care in every Member State of the European union by

mandating the EUAA to evaluate the national capacities for the reception of unaccompanied minors with a view to providing assistance to those Member States that need to improve their capacity.

Amendment 1011

Artis Pabriks, Traian Ungureanu, Tomáš Zdechovský, Kinga Gál, Andrea Bocskor, Pál Csáky, Brice Hortefeux, Roberts Zile, Jussi Halla-aho, Anders Primdahl Vistisen, Anna Záborská

Proposal for a regulation Article 59 – paragraph 2

Text proposed by the Commission

Amendment

2. *The European Union Agency for Asylum shall publish at quarterly intervals the information transmitted pursuant to Article 34(4).*

deleted

new

Or. en

Justification

In line with the deletion of Chapter VII.

Amendment 1012

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson, Kostas Chrysogonos

Proposal for a regulation Article 60 – paragraph 1

Text proposed by the Commission

Amendment

**Regulation (EU) No 604/2013 is repealed
*for the Member States bound by this Regulation as concerns their obligations in their relations between themselves.***

Regulation (EU) No 604/2013 is repealed.

Or. en

Amendment 1013

Artis Pabriks, Tomáš Zdechovský, Traian Ungureanu, Kinga Gál, Andrea Bocskor, Pál Csáky, Brice Hortefeux, Roberts Zile, Jussi Halla-aho, Anders Primdahl Vistisen, Anna Záborská

Proposal for a regulation
Annex I

Text proposed by the Commission

Amendment

Formula for the reference key pursuant to Article 35 of the Regulation: *deleted*

*Population effect*MS²⁷

*GDP effect*MS²⁸

*Share*MS = 50% *Population effect*MS +
50% *GDP effect*MS

²⁷ *For three Member States, participation depends on the exercise of rights as set out in the relevant Protocols and other instruments.*

²⁸ *For three Member States, participation depends on the exercise of rights as set out in the relevant Protocols and other instruments.*

Or. en

Justification

In line with the deletion of Chapter VII.

Amendment 1014
Emil Radev, Mariya Gabriel

Proposal for a regulation
Annex I – paragraph 2 a (new)

Text proposed by the Commission

Amendment

*GDP growth rate effect*MS^{28a}

^{28a} *For three Member States, participation depends on the exercise of rights as set out in the relevant Protocols and other*

instruments.

Or. en

Amendment 1015

**Alessandra Mussolini, Salvatore Domenico Pogliese, Carlos Coelho, Barbara Matera,
Elissavet Vozemberg-Vrionidi**

Proposal for a regulation

Annex I – paragraph 2 a (new)

Text proposed by the Commission

Amendment

Unemployment rate effect^{MS}

Or. en

Justification

This amendment is aimed at proposing a new criteria to be taken into account during the practical establishment of the reference key.

Amendment 1016

Emil Radev, Mariya Gabriel

Proposal for a regulation

Annex I – paragraph 2 b (new)

Text proposed by the Commission

Amendment

Unemployment rate effect^{MS} = 1/average
unemployment rate during the preceding
12 months^{28b}

^{28b} ***For three Member States, participation depends on the exercise of rights as set out in the relevant Protocols and other instruments.***

Or. en

Amendment 1017

Alessandra Mussolini, Salvatore Domenico Pogliese, Carlos Coelho, Barbara Matera

Proposal for a regulation
Annex I – paragraph 2 b (new)

Text proposed by the Commission

Amendment

***Percentage of expenditure linked to
migration when compared to the overall
GDP effect*****MS**

Or. en

Justification

This amendment is aimed at proposing a new criteria to be taken into account during the practical establishment of the reference key.

Amendment 1018

Alessandra Mussolini, Salvatore Domenico Pogliese, Carlos Coelho, Barbara Matera

Proposal for a regulation
Annex I – paragraph 2 c (new)

Text proposed by the Commission

Amendment

***Number of beneficiaries of international
protection present in the territory
effect*****MS**

Or. en

Justification

This amendment is aimed at proposing a new criteria to be taken into account during the practical establishment of the reference key.

Amendment 1019

Alessandra Mussolini, Salvatore Domenico Pogliese, Carlos Coelho, Barbara Matera

Proposal for a regulation
Annex I – paragraph 3

Text proposed by the Commission

Amendment

**ShareMS = 50% Population effectMS +
50% GDP effectMS**

**ShareMS = Population effectMS + *GDP
effectMS + Unemployment rate effectMS***

+ Percentage of expenditure linked to migration when compared to the overall GDP effect_{MS} + Number of beneficiaries of international protection present in the territory effect_{MS}

Or. en

Justification

Since it is not predictable at this stage how many criteria will be finally considered as base for the reference key, the actual ratio of each criteria should be established at a later time.

Amendment 1020
Emil Radev, Mariya Gabriel

Proposal for a regulation
Annex I – paragraph 3

Text proposed by the Commission

Share_{MS} = **50%** Population effect_{MS} +
50% GDP effect_{MS}

Amendment

Share_{MS} = **25%** Population effect_{MS} +
25% GDP effect_{MS} + 25% GDP growth rate effect_{MS} + 25% unemployment rate effect_{MS}

Or. en

Amendment 1021
Alessandra Mussolini, Salvatore Domenico Pogliese, Carlos Coelho, Barbara Matera

Proposal for a regulation
Annex I a (new)

Text proposed by the Commission

Amendment

Transitional arrangements for the calculation of the reference key in Article 35.

1. For the purpose of the corrective allocation mechanism, the reference number for each Member State shall, during a transitional period as defined in this Annex, be determined by a combination of a baseline key and the

reference key referred to in Article 35.

2. The baseline reference key referred to in paragraph 1 shall be calculated by adding the lodged applications, using Eurostat figures, in Member States for the years 2011, 2012, 2013, 2014 and 2016, divided by the total amount of lodged applications within all Member States during that period.

3. The transitional reference key shall be calculated as follows

a) from the entry into force until the end of the first calendar year following the entry into force ('year X') the transitional reference key should be the same as the baseline reference key

b) in year X+1 the transitional reference key should be composed of 80% of the baseline reference key and 20% of the reference key in Article 35 of this regulation

c) in year X+2 the transitional reference key should be composed of 50% of the baseline reference key and 50% of the reference key in Article 35 of this regulation

4. Following the expiration of the period mentioned in point (c) of paragraph 3 the reference key shall be calculated according to the provisions of Article 35.

Or. en

Justification

This amendment adds practical arrangements for the transitional measures related to the corrective allocation. The transitional system envisages to create a baseline key for each Member State where their relative responsibility for reception of applicants would be based upon how many applicants have historically lodged their applications in the respective Member States. This baseline would constitute the reference key in Article 35 for the first year of the application of the legislation with respect to the corrective allocation system. During the second year from the entry into force of this Regulation the reference key would be composed by 80% of the baseline reference key and 20% of the reference key in Article 35, whereas during the third year from the entry into force of this Regulation it would be composed by 50% of the baseline reference key and 50% of the reference key in Article 35. After the expiration the transitional period of three years, the reference key will be fully

based on the following criteria: GDP, population, unemployment rate, percentage of expenditure linked to migration, number of beneficiaries of international protection who are present in the territory.