



**2016/0133(COD)**

4.4.2017

# **AMENDMENTS**

## **110 - 285**

**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 110**  
**Kristina Winberg**

**Proposal for a regulation**

–

*Proposal for rejection*

***The European Parliament rejects [the  
Commission proposal].***

Or. en

**Amendment 111**  
**Auke Zijlstra, Janice Atkinson, Harald Vilimsky, Gilles Lebreton**

**Proposal for a regulation**

–

*Proposal for a regulation*

***The European Parliament rejects the  
Commission proposal.***

Or. nl

**Amendment 112**  
**Raymond Finch, Beatrix von Storch**

**Proposal for a regulation**

–

*Proposal for rejection*

***The European Parliament rejects the  
Commission proposal.***

Or. en

**Amendment 113**  
**Beatrix von Storch**

**Draft legislative resolution**  
**Citation 5**

*Draft legislative resolution*

*Amendment*

— *having regard to the opinion of the European Economic and Social Committee of 19 October 2016<sup>1</sup>,* *deleted*

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<sup>1</sup> *OJ C 34, 2.2.2017, p. 144.*

Or. en

*Justification*

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

**Amendment 114**  
**Beatrix von Storch**

**Draft legislative resolution**  
**Citation 6**

*Draft legislative resolution*

*Amendment*

— *having regard to the opinion of the Committee of the Regions of 8 December 2016<sup>2</sup>,* *deleted*

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<sup>2</sup> *Not yet published in the Official Journal.*

Or. en

*Justification*

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EU-Parliament in the legislative procedure, the intended role of the Committee of Regions in shaping EU legislation is no longer valid and therefore it should be abolished.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

**Amendment 115**

**Cécile Kashetu Kyenge, Pier Antonio Panzeri, Silvia Costa, Nikos Androulakis**

**Proposal for a regulation**  
**Citation 1**

*Text proposed by the Commission*

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2)(e) thereof,

*Amendment*

Having regard to the Treaty on the Functioning of the European Union, and in particular Article **67(2) and** 78(2)(e) thereof,

Or. en

*Justification*

*It is important to remind the principle of solidarity and also that the stateless persons shall be treated as third- country nationals.*

**Amendment 116**

**Cécile Kashetu Kyenge, Pier Antonio Panzeri, Silvia Costa, Nikos Androulakis**

**Proposal for a regulation**  
**Citation 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***Having regard to the European Union Charter of Fundamental Rights, and in particular Article 18 thereof;***

Or. en

*Justification*

*The right of asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees.*

**Amendment 117**

**Lorenzo Fontana**

**Proposal for a regulation**  
**Recital 1 a (new)**

***(1a) It should be reiterated that the much-celebrated European solidarity, articulated through the mechanism of asylum based on the Dublin rules and the corrective measures put in place in recent years (the relocation measures are an excellent example), has been a huge failure. If the Member States decide for legitimate reasons not to implement or honour fully and effectively a plan for sharing out the responsibilities and burdens associated with asylum, we must bravely acknowledge that the EU's migration policy has failed. As a result, migration policy should no longer be set in Brussels and should therefore return to being under the exclusive jurisdiction of the individual Member States.***

Or. it

*Justification*

*It is essential, so as not to delay the status quo or further worsen the situation, for the regulation proposal to clearly state that if there is no common desire to cooperate and resolve this problem (as demonstrated by the facts), the EU's strategy cannot be to continue deceiving and misleading European citizens with grand proclamations that do not lead to tangible results.*

**Amendment 118**  
**Lorenzo Fontana**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

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

*Amendment*

(2) ***An effective*** common policy on asylum, including a Common European Asylum System (CEAS), ***can be*** a constituent part of the European Union's objective of progressively establishing an area of freedom, security and justice open to those who seek ***asylum*** in the Union.

seek *protection* in the Union.

Or. it

*Justification*

*As shown clearly and empirically by the case in Italy, the percentage of those who meet the requirements for legitimately seeking asylum is a small minority compared with the total number of arrivals. So I am asking that the text be reworded, as the terms “forced by circumstances” and “legitimately seek protection” otherwise make it rather partisan.*

**Amendment 119**  
**Lorenzo Fontana**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

*Amendment*

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

***deleted***

Or. it

*Justification*

*The principle of non-refoulement is a dated principle which should be reviewed. Indeed, it is a counter-productive principle for both parties involved, insofar as it encourages those who do not have the right to asylum to leave their countries too, and leads to and exacerbates the endangerment and death of many migrants. The Australian case has shown us that adopting a*

*policy of refoulement drastically reduces the number of deaths at sea and leaves legal immigration as the only viable option.*

**Amendment 120**  
**Beatrix von Storch**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

*Amendment*

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

***deleted***

Or. en

*Justification*

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

**Amendment 121**  
**Salvatore Domenico Pogliese, Alessandra Mussolini**

**Proposal for a regulation**  
**Recital 5**



*Text proposed by the Commission*

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

*Amendment*

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

Or. it

*Justification*

*We feel we should point out that the actions taken by the Member State responsible for examining an application for international protection fall under the Common European Asylum System and are, therefore, carried out in the general interest of the entire European Union.*

**Amendment 122**

**Cécile Kashetu Kyenge, Pier Antonio Panzeri, Silvia Costa, Nikos Androulakis**

**Proposal for a regulation**

**Recital 5**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*The Regulations should be based on the principle of solidarity.*

**Amendment 123**

**Lorenzo Fontana**

**Proposal for a regulation**

**Recital 6**

*Text proposed by the Commission*

*Amendment*

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

Or. it

*Justification*

*Refers to initiatives that were never carried out. Therefore it seems misleading to mention them.*

**Amendment 124**

**Maria Grapini**

**Proposal for a regulation**

**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7a) Solidarity initiatives between Member States must be voluntary and take into account the added value of all types of contributions which Member States may make to the joint efforts of the EU to manage migration.***

Or. ro

**Amendment 125**

**Marek Jurek**

**Proposal for a regulation**

**Recital 9**

*Text proposed by the Commission*

*Amendment*

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

***deleted***

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 126**

**Péter Niedermüller**

**Proposal for a regulation**

## Recital 9

*Text proposed by the Commission*

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

*Amendment*

(9) The European Union Agency for Asylum (***the "Asylum Agency"***) should provide adequate support in the implementation of this Regulation, in particular by establishing the reference key for the distribution of asylum seekers under the corrective allocation mechanism, and by adapting the figures underlying the reference key annually, as well as the reference key based on Eurostat data. ***The Asylum Agency should also develop information material in cooperation with the relevant authorities of the Member States. The Asylum Agency should assist and coordinate the transfer of applicants for, or beneficiaries of, international protection under this Regulation.***

Or. en

*Justification*

*The amendments updates the recital given changes related to European Union Agency for Asylum notably in Article 6, 24 a and 38.*

## Amendment 127

**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**

## Proposal for a regulation

### Recital 9

*Text proposed by the Commission*

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

*Amendment*

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

reference key based on Eurostat *data*.

reference key based on Eurostat *data*. ***The Agency should also develop information material, in cooperation with the relevant authorities of the Member States. The Agency should gradually become responsible for the transfer of applicants for, or beneficiaries of, international protection under this Regulation.***

Or. en

#### *Justification*

*The amendment updates the recital taking into consideration the changes proposed to Article 6 and Article 38.*

#### **Amendment 128**

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

#### **Proposal for a regulation**

#### **Recital 9**

##### *Text proposed by the Commission*

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

##### *Amendment*

(9) The European Union Agency for Asylum should provide adequate support in the implementation of this Regulation, in particular by establishing the reference key for the distribution of asylum seekers under the corrective mechanism, and by adapting the figures underlying the reference key annually, as well as the reference key based on Eurostat data. ***The Agency should also develop information material, in close cooperation with the relevant authorities of the Member States. The Agency should be responsible for the transfer of applicants for, or beneficiaries of, international protection, under this Regulation.***

Or. en

## Amendment 129

Salvatore Domenico Pogliese, Alessandra Mussolini

### Proposal for a regulation

#### Recital 9

*Text proposed by the Commission*

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

*Amendment*

(9) The European Union Agency for Asylum should provide adequate support in the implementation of this Regulation, in particular by establishing the reference key for the distribution of asylum seekers under the corrective allocation mechanism, and by adapting the figures underlying the reference key **every six months**, as well as the reference key based on Eurostat data. ***The European Agency for Asylum should handle the transfers of applicants requesting international protection from one Member State to another in all the cases provided for by this Regulation.***

Or. it

#### *Justification*

*When it comes to updating the figures underlying the reference key, we believe that a period of six months is more appropriate with a view to taking the socio-economic developments in Member States into due account. The Agency for Asylum should become the body with jurisdiction for making transfers, only then can we build an efficient and effective Common European Asylum System.*

## Amendment 130

Beatrix von Storch

### Proposal for a regulation

#### Recital 9

*Text proposed by the Commission*

(9) The European Union Agency for Asylum should provide adequate support in the implementation of this Regulation, ***in particular by establishing the reference key for the distribution of asylum seekers under the corrective allocation***

*Amendment*

(9) The European Union Agency for Asylum should provide adequate support in the implementation of this Regulation.

*mechanism, and by adapting the figures underlying the reference key annually, as well as the reference key based on Eurostat data.*

Or. en

#### **Amendment 131**

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

#### **Proposal for a regulation Recital 9**

*Text proposed by the Commission*

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

*Amendment*

(9) The European Union Agency for Asylum should provide adequate support in the implementation of this Regulation.

Or. en

*Justification*

*In line with the deletion of Chapter VII.*

#### **Amendment 132**

**Daniel Dalton, Ryszard Antoni Legutko, Branislav Škripek**

#### **Proposal for a regulation Recital 9**

*Text proposed by the Commission*

(9) The European Union Agency for Asylum should provide adequate support in the implementation of this Regulation, in

*Amendment*

(9) The European Union Agency for Asylum should provide adequate support in the implementation of this Regulation, in

particular by establishing the reference key for the distribution of asylum seekers under the corrective allocation mechanism, and by adapting the figures underlying the reference key annually, as well as the reference key based on Eurostat data.

particular by establishing the reference key for the distribution of asylum seekers under the **voluntary** corrective allocation mechanism, and by adapting the figures underlying the reference key annually, as well as the reference key based on Eurostat data. ***The European Union Agency for Asylum should also develop information material, in close cooperation with the relevant authorities of the Member States.***

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. Providing clear and relevant information on rights and responsibilities for all applicants is extremely important for rebuilding trust in the system and for allowing applicants to make informed choices.*

## **Amendment 133**

**Mariya Gabriel, Emil Radev**

### **Proposal for a regulation**

#### **Recital 9**

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. en



**Amendment 134**  
**Petr Ježek**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

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

*Amendment*

(9) The European Union Agency for Asylum should provide adequate support in the implementation of this Regulation. ***Nevertheless, member states should maintain the right to examine applications of individuals seeking international protection in their respective territories. The Asylum Agency should assist member states with eventual re-examinations through the provision of information material, which would be developed in close cooperation with the relevant authorities of the Member States.***

Or. en

**Amendment 135**

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

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

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

*Amendment*

(10) In the light of the results of the evaluation undertaken of the implementation of Regulation (EU) 604/2013, it is ***necessary***, at this stage, to ***design a new system in full respect of Article 78(1) TFEU based on a genuine link approach and*** fair share of responsibility ***and solidarity*** between Member States for applications for international protection, in particular to ensure that a disproportionate burden is not placed upon some Member States.

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

Or. en

#### *Justification*

*This amendment is inextricably linked to admissible amendments to Chapter VII.*

### **Amendment 136** **Jeroen Lenaers**

#### **Proposal for a regulation** **Recital 10**

##### *Text proposed by the Commission*

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

##### *Amendment*

(10) In the light of the results of the evaluation undertaken of the implementation of Regulation (EU) 604/2013, it is appropriate, at this stage, to confirm the principles underlying Regulation (EU) No 604/2013, while making the necessary improvements, in the light of experience, to the effectiveness of the Dublin system and the protection granted to applicants under that system. Based on this evaluation and on consultation with Member States, the European Parliament and other stakeholders, it is also considered appropriate to establish in the Regulation measures required for a fair share of responsibility between Member States for applications for international protection, *if and when* a disproportionate burden is placed *on one or more* Member States.

Or. en

## **Amendment 137**

**Raymond Finch, Beatrix von Storch**

### **Proposal for a regulation**

#### **Recital 11**

*Text proposed by the Commission*

*Amendment*

**(11) In order to ensure equal treatment for all applicants and beneficiaries of international protection, and consistency with the current Union asylum acquis, in particular with Directive 2011/95/EU of the European Parliament and of the Council<sup>18</sup>, the scope of this Regulation encompasses applicants for subsidiary protection and persons eligible for subsidiary protection.** *deleted*

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<sup>18</sup> *Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L 337, 20.12.2011, p. 9).*

Or. en

#### *Justification*

*Directive 2011/95/EU expands the scope for those who are eligible for international protection beyond what is set out in the 1951 Geneva Convention. This therefore encourages more migrants to make the dangerous trip to Europe in search of international protection. The 1951 Geneva Convention definitions are sufficient enough to cover whom should be beneficiaries of international protection. Member States may expand the scope of the 1951 Geneva Convention if they wish to do so.*

## **Amendment 138**

**Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*This amendment follows the logic of other admissible amendments seeking to improve the implementation of the best interest of the child.*

**Amendment 139**  
**Jean Lambert, Judith Sargentini**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

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

*Amendment*

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

Regulation.

Regulation, *where a Member State does not recognise a particular long-standing stable partnership or marriage under its national law, it should be possible for the applicants to move to another Member State that does recognise such a relationship or partnership under its law.*

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 140**

**Cécile Kashetu Kyenge, Pier Antonio Panzeri, Silvia Costa, Nikos Androulakis**

**Proposal for a regulation**

**Recital 16**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*It is important to guarantee the principle of non-discrimination according to the EU Convention and international law.*

**Amendment 141**

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

**Proposal for a regulation**

**Recital 17**

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*The recital is deleted as a consequence of deleting Article 3(3). The inadmissibility and pre-Dublin checks would not only put additional burden on front-line Member states, constituting an improper anticipation of the examination of the application, but also create an extremely discretionary filter to applications for asylum in the EU, in violation of the Geneva Convention.*

**Amendment 142**

**Jean Lambert, Judith Sargentini**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Recital 17**

*Text proposed by the Commission*

*Amendment*

**(17) *In order to prevent that applicants with inadmissible claims or who are likely not to be in need of international*** *deleted*

*protection, or who represent a security risk are transferred among the Member States, it is necessary to ensure that the Member where an application is first lodged verifies the admissibility of the claim in relation to the first country of asylum and safe third country, examines in accelerated procedures applications made by applicants coming from a safe country of origin designated on the EU list, as well as applicants presenting security concerns.*

Or. en

#### *Justification*

*This amendment is needed to maintain the logic of the text as it should serve to enhance the system's capacity to determine efficiently and effectively a single Member State responsible for examining the application for international protection and to prevent secondary movements through improved opportunities for long-term integration of applicants, as the European Commission highlights in its explanatory memorandum accompanying the proposed recast Regulation. This amendment is inextricably linked to the admissible amendments under the draft report aiming to strengthen the applicant's procedural rights.*

#### **Amendment 143**

**Emil Radev, Mariya Gabriel**

#### **Proposal for a regulation**

#### **Recital 17**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

*list, as well as applicants presenting security concerns.*

Or. en

**Amendment 144**  
**Filiz Hyusmenova**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. en

*Justification*

*Commission's proposal keeps the inadequate burden on the frontline Member states by establishing the duty only for frontline Member States to be performing an admissibility procedure; This might have yet again a deterring effect for compliance; In addition in might lead to doubling the procedural work*

**Amendment 145**  
**Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson, Malin Björk**

**Proposal for a regulation**  
**Recital 17**



*Text proposed by the Commission*

*Amendment*

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

**deleted**

Or. en

#### **Amendment 146**

**Alessandra Mussolini, Salvatore Domenico Pogliese, Barbara Matera**

#### **Proposal for a regulation**

##### **Recital 17**

*Text proposed by the Commission*

*Amendment*

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

(17) In order to prevent that applicants who represent a security risk are transferred among the Member States, it is necessary to ensure that the Member *State* where an application is first lodged examines in accelerated procedures applications made by applicants presenting security concerns.

Or. en

### *Justification*

*Security is one of the priorities of the EU's political agenda. Therefore, all the necessary actions to contrast possible threats to the security of the European Union citizens should be carried out. The Member State where the application is first lodged should be bound to examine applications made by applicants who present security concerns in accelerated procedure. This would help to establish at a very first stage whether the applicant could pose a threat to security. This should be the only case in which the examination of an application through the accelerated procedure during a phase which precedes the application of the Dublin criteria should be admissible.*

#### **Amendment 147**

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

#### **Proposal for a regulation**

##### **Recital 17**

*Text proposed by the Commission*

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

*Amendment*

(17) In order to prevent that applicants who represent a security risk are transferred among the Member States, it is necessary to ensure that the Member where an application is first lodged examines in accelerated procedures applications made by applications presenting security concerns.

Or. it

#### **Amendment 148**

**Jeroen Lenaers**

#### **Proposal for a regulation**

##### **Recital 17**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 149**

**Daniel Dalton, Helga Stevens, Branislav Škripek**

**Proposal for a regulation**

**Recital 17**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## *Justification*

*If the admissibility checks were to be removed that would lead to the risk of many unnecessary transfers taking place. There are time and financial costs associated with unnecessary transfers, and unnecessary transfers can place unnecessary stress on the applicant who ends up being returned to a safe country after having been transferred.*

### **Amendment 150**

**Petr Ježek**

#### **Proposal for a regulation**

##### **Recital 17**

###### *Text proposed by the Commission*

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

###### *Amendment*

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

Or. en

### **Amendment 151**

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

#### **Proposal for a regulation**

##### **Recital 18**

###### *Text proposed by the Commission*

(18) The processing together of the applications for international protection of the members of one family by a single Member State makes it possible to ensure

###### *Amendment*

(18) The processing together of the applications for international protection of the members of one family by a single Member State makes it possible to ensure

that the applications are examined thoroughly, the decisions taken in respect of them are consistent and the members of one family are not separated.

that the applications are examined thoroughly, the decisions taken in respect of them are consistent and the members of one family are not separated. ***The processing together of the applications of a family is without prejudice to the right of an applicant to lodge an application individually.***

Or. en

*Justification*

*This amendment adds a clarification that stems from the logic of the text and is a consequence of the broadening of the definition of family.*

**Amendment 152**

**Daniel Dalton, Helga Stevens, Branislav Škripek**

**Proposal for a regulation**

**Recital 19**

*Text proposed by the Commission*

*Amendment*

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

***deleted***

*Justification*

*This extension of the definition of family member opens up so many potential loopholes, for example "families formed outside the country of origin" could extend to spouses married several days before crossing the border into a Member State and this is potentially very open to abuse.*

**Amendment 153****Kristina Winberg, Beatrix von Storch****Proposal for a regulation****Recital 19***Text proposed by the Commission**Amendment*

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

**Amendment 154****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, Péter Niedermüller, Marju Lauristin, Birgit Sippel, Dietmar Köster**

**Proposal for a regulation  
Recital 19**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*The amendment aims at aligning the text to the expansion of the family notion proposed under Article 2(g).*

**Amendment 155**

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

**Proposal for a regulation**  
**Recital 19**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 156**  
**Jean Lambert, Judith Sargentini, Bodil Valero**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

(20) In order to ensure full respect for the principle of family unity and for the best interests of the child, the existence of a relationship of dependency between an applicant and his or her child, sibling or parent on account of the applicant's pregnancy or maternity, state of health or

*Amendment*

(20) In order to ensure full respect for the principle of family unity and for the best interests of the child, the ***presence of family members should become a binding responsibility criterion. In particular, the*** existence of a relationship of dependency between an applicant and his or her child,



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

sibling or parent on account of the applicant's pregnancy or maternity, state of health or old age, should become a binding responsibility criterion. When the applicant is an unaccompanied minor, the presence of a family member or relative on the territory of another Member State who can take care of him or her should also become a binding responsibility criterion. In order to discourage secondary movements of unaccompanied minors, in the absence of a family member or a relative, the Member State responsible should be that where the unaccompanied minor ***is present, provided that, following a multidisciplinary assessment of the child's best interests***, it is demonstrated that this would be in the best interests of the child. Before transferring an unaccompanied minor to another Member State, the transferring Member State should ***obtain individualised guarantees from*** that Member State ***that it*** will take all necessary and appropriate measures to ensure the adequate protection of the child, and in particular the prompt appointment of a ***guardian*** tasked with safeguarding respect for all the rights to which they are entitled. Any decision ***on responsibility or*** to transfer an unaccompanied minor should be preceded by ***a multidisciplinary*** assessment of his/her best interests by staff with the necessary qualifications and expertise ***and the participation of his or her guardian and legal advisor or counsellor***.

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 157**  
**Kristina Winberg, Beatrix von Storch**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

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

*Amendment*

(20) In order to ensure full respect for the principle of family unity and for the best interests of the child, the existence of a relationship of dependency between an applicant and his or her child, sibling or parent on account of the applicant's pregnancy or maternity, state of health or old age, should become a binding responsibility criterion. When the applicant is an unaccompanied minor, the presence of a family member or relative on the territory of another Member State who can take care of him or her should also become a binding responsibility criterion. **In** order to discourage secondary movements of unaccompanied minors, which are not in their best interests, in the absence of a family member or a relative, the Member State responsible should be that where the unaccompanied minor first has lodged his or her application for international protection, unless it is demonstrated that this would not be in the best interests of the child. Before transferring an unaccompanied minor to another Member State, the transferring Member State should make sure that that Member State will take all necessary and appropriate measures to ensure the adequate protection of the child, and in particular the prompt appointment of a representative or representatives tasked with safeguarding respect for all the rights to which they are entitled. Any decision to transfer an unaccompanied minor should be preceded by an assessment of his/her best interests by staff with the necessary qualifications and expertise. ***If for any reason the age of the applicant is not clearly over 18 years of age the member state have the full right to***

*medically investigate the applicant to establish the age of the applicant.*

Or. en

*Justification*

*To further discourage asylum shopping it is vital that member states conduct age testing of unaccompanied minors; since the advantage and hence the incentive of providing the authorities with the wrong age is great in some member states compared to others and thus migrants will opt for the countries that do not conduct age-testing.*

**Amendment 158**

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

**Proposal for a regulation**

**Recital 20**

*Text proposed by the Commission*

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

*Amendment*

(20) In order to ensure full respect for the principle of family unity and for the best interests of the child, the existence of a relationship of dependency between an applicant and his or her child, sibling or parent on account of the applicant's pregnancy or maternity, state of health or old age, should become a binding responsibility criterion. When the applicant is an unaccompanied minor, the presence of a family member or relative on the territory of another Member State who can take care of him or her should also become a binding responsibility criterion. In the absence of a family member or a relative, the Member State responsible should be that where the unaccompanied minor has lodged ***an*** application for international protection ***and is present, provided*** that this would be in the best interests of the child. Before transferring an unaccompanied minor to another Member State, the transferring Member State should ***obtain individualised guarantees from*** that Member State ***that it*** will take all necessary

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

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

***Any decision on responsibility in accordance with this Regulation concerning an unaccompanied minor should be preceded by a multidisciplinary assessment of his or her best interests which shall involve, at a minimum, his or her guardian and legal advisor or counsellor.***

Or. en

#### **Amendment 159**

**Anna Maria Corazza Bildt, Nathalie Griesbeck, Barbara Matera, Damiano Zoffoli, Hilde Vautmans, Julie Ward, Silvia Costa, Antonio López-Istúriz White, Carlos Coelho**

#### **Proposal for a regulation Recital 20**

##### *Text proposed by the Commission*

(20) In order to ensure full respect for the principle of family unity and for the best interests of the child, the existence of a relationship of dependency between an applicant and his or her child, sibling or parent on account of the applicant's pregnancy or maternity, state of health or old age, should become a binding responsibility criterion. When the applicant is an unaccompanied minor, the presence of a family member or relative on the territory of another Member State who can take care of him or her should also become a binding responsibility criterion. In order to discourage secondary movements of unaccompanied minors, which are not in

##### *Amendment*

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

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

*unnecessary transfers* of unaccompanied minors, which are not in their best interests, in the absence of a family member or a relative *legally present in the territory of a Member State*, the Member State responsible should be that *in which* the unaccompanied minor *is present, provided* that this *is* in the best interests of the *minor*.

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

Or. en

## **Amendment 160**

**Alessandra Mussolini, Salvatore Domenico Pogliese, Barbara Matera**

### **Proposal for a regulation**

#### **Recital 20**

*Text proposed by the Commission*

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

*Amendment*

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

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

of a family member or relative on the territory of another Member State who can take care of him or her should also become a binding responsibility criterion. In ***the absence of a family member or a relative, unaccompanied minors should not, as general rule, be transferred among Member States. Their application should be therefore examined by*** the Member State where the unaccompanied minor ***is present after having*** lodged ***an application, if provisions at Article 19 are not applicable and*** unless it is demonstrated that this would not be in the best interests of the child. Before transferring an unaccompanied minor to another Member State, the transferring Member State should make sure that that Member State will take all necessary and appropriate measures to ensure the adequate protection of the child, and in particular the prompt appointment of a representative or representatives tasked with safeguarding respect for all the rights to which they are entitled. Any decision to transfer an unaccompanied minor should be preceded by an assessment of his/her best interests by staff with the necessary qualifications and expertise.

Or. en

#### *Justification*

*It should be discarded the idea that minor, in the case of absence of any family tie, and when the discretionary clause is not applicable, should be sent back to a Member State different from the one where he/she is present. In drafting this amendment, an indispensable reference has been represented by the ECJ judgment in C-648/11.*

#### **Amendment 161**

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

#### **Proposal for a regulation**

#### **Recital 20**

*Text proposed by the Commission*

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

*Amendment*

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

Or. it

**Amendment 162**

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

## Proposal for a regulation

### Recital 20

#### *Text proposed by the Commission*

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

#### *Amendment*

(20) In order to ensure full respect for the principle of family unity and for the best interests of the child, the existence of a relationship of dependency between an applicant and his or her child, sibling or parent on account of the applicant's pregnancy or maternity, state of health or old age, should become a binding responsibility criterion. When the applicant is an unaccompanied minor, the presence of a family member or relative on the territory of another Member State who can take care of him or her should also become a binding responsibility criterion. ***When the applicant is a minor who is accompanied by a parent, an adult sibling or another adult responsible for the minor, the legal presence of another parent or adult responsible for him or her in a Member State should also become a binding responsibility criterion.*** Before transferring an unaccompanied minor to another Member State, the transferring Member State should ***obtain individualised guarantees from the Member State where the minor will be transferred that it*** will take all necessary and appropriate measures to ensure the adequate protection of the child, and in particular the prompt appointment of a ***guardian*** tasked with safeguarding respect for all the rights to which they are entitled. Any decision ***on responsibility in accordance with this Regulation concerning*** an unaccompanied minor should be preceded by ***a multidisciplinary*** assessment of his/her best interests ***which shall involve, at a minimum, his or her guardian and legal***



*Justification*

*The amendment intends to cover situations in which the minor could not be reunited with another family member, relative or other adult responsible for him or her, only because accompanied by another adult. The shadow rapporteur suggests to include guardian and legal advisor since they should be involved in a multidisciplinary assessment.*

**Amendment 163**

**Daniel Dalton, Helga Stevens, Branislav Škripek**

**Proposal for a regulation**

**Recital 20**

*Text proposed by the Commission*

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

*Amendment*

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

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

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

Or. en

### *Justification*

*Any kind of blanket ban on returning unaccompanied minors to the first Member State of entry, would set a dangerous precedent and could encourage unaccompanied minors to make dangerous journey's across Europe alone or to put themselves in the hands of traffickers. There may be cases where it would be in the best interest of the child to be returned to the first Member State and there may also be cases where it is in the best interest of the child not to be returned to the first Member States, both of these situations are allowed for in this wording.*

## **Amendment 164**

**Daniel Dalton, Helga Stevens, Branislav Škripek**

### **Proposal for a regulation**

#### **Recital 21**

#### *Text proposed by the Commission*

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

#### *Amendment*

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

lodged with it or with another Member State, even if such examination is not its responsibility under the binding criteria laid down in this Regulation.

lodged with it or with another Member State, even if such examination is not its responsibility under the binding criteria laid down in this Regulation. ***A Member State may, at its own discretion, derogate from the responsibility criteria if they wish to accept a request from an applicant after another Member State has been determined responsible for the applicant but before the application has been examined. This requires the agreement of both the Member State responsible for the application and the Member State that would assume the responsibility for the application. This transfer of responsibility can happen once only, at the request of an applicant and the agreement of both Member States involved. In cases where the applicant's request is unsuccessful, responsibility remains with the Member State originally determined responsible and the applicant is not able to make another request to any other Member State to take responsibility for their application.***

Or. en

#### *Justification*

*A system by which Member States volunteer to take people rather than are forced to do so, is more likely to be successful and so refugees are more likely to stay and feel welcomed rather than attempting to move on to another Member State . Therefore it makes sense that under the agreement of the Member States they have been sent to (but want to leave), and the agreement of another Member State they wish to go to, that they could be transferred there instead. This could happen once only, but would give them another opportunity to try and settle well in the EU. At the same time the opportunity to move from the Member State of allocation to the Member State of choice should only happen after the applicant has been allocated to a responsible Member State. Allowing applicants to choose a destination Member State at the start of the process risks giving applicants and those considering taking the risky journey across the Mediterranean to Europe the false impression that they will be able to choose their destination country. This could encourage more people to risk their lives to reach Europe's shores.*

#### **Amendment 165**

**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, Dietmar Köster, Birgit Sippel**

**Proposal for a regulation**

**Recital 21**

*Text proposed by the Commission*

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

*Amendment*

(21) A Member State should be able to derogate from the responsibility criteria and examine an application for international protection lodged with it or with another Member State, even if such examination is not its responsibility under the criteria laid down in this Regulation.

Or. en

*Justification*

*The shadow rapporteur doesn't support the limitations to the discretionary clause of Article 19 proposed by the EC.*

**Amendment 166**

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

**Proposal for a regulation**

**Recital 21**

*Text proposed by the Commission*

(21) ***Assuming responsibility by a Member State for examining an***

*Amendment*

(21) A Member State should be able to derogate from the responsibility criteria ***in***

*application lodged with it in cases when such examination is not its responsibility under the criteria laid down in this Regulation may undermine the effectiveness and sustainability of the system and should be exceptional.*

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

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

Or. en

#### *Justification*

*Deletion of "therefore" for linguistic reasons.*

#### **Amendment 167**

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

#### **Proposal for a regulation**

#### **Recital 21**

##### *Text proposed by the Commission*

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

##### *Amendment*

(21) Assuming responsibility by a Member State for examining an application lodged with it in cases when such examination is not its responsibility under the criteria laid down in this Regulation *is* exceptional. Therefore, a Member State should be able to derogate from the responsibility criteria and examine an application for international protection lodged with it or with another Member State, even if such examination is not its responsibility under the binding criteria

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

laid down in this Regulation.

Or. it

### *Justification*

*Amending the part not covered by the recast is necessary to guarantee consistency with other amendments tabled which are intended to make it possible to attribute responsibility to a Member State that may want it, not only for humanitarian reasons.*

### **Amendment 168**

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

### **Proposal for a regulation**

#### **Recital 21**

#### *Text proposed by the Commission*

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

#### *Amendment*

(21) *A Member State should be able to derogate from the responsibility criteria for example on humanitarian grounds, in particular for family reasons, and examine an application for international protection lodged with it or with another Member State, even if such examination is not its responsibility under the binding criteria laid down in this Regulation. In order to ensure full respect of the applicant's right to private and family life, and in order to improve the prospects of long-term integration of the applicants, the existence of meaningful links with a Member State, including language skills, education, professional skills or cultural ties which would facilitate his or her integration, should become a binding responsibility criterion.*

Or. en

## Justification

*This amendment is needed to maintain the logic of the text as it should serve to ensure the applicant's right to family and private life and to enhance the system's capacity to determine efficiently and effectively a single Member State responsible for examining the application for international protection and to prevent secondary movements through improved opportunities for long-term integration of applicants, as the European Commission highlights in its explanatory memorandum accompanying the proposed recast Regulation. This amendment is inextricably linked to the admissible amendments under the draft report relating to the right to private and family life and amendments ensuring that the internal logic of the text, aimed at increasing applicants' integration prospects and decreasing "secondary movements" is maintained.*

### **Amendment 169**

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

#### **Proposal for a regulation**

#### **Recital 22**

*Text proposed by the Commission*

*Amendment*

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

Or. en

## Amendment 170

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, Péter Niedermüller

### Proposal for a regulation

#### Recital 22

*Text proposed by the Commission*

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

*Amendment*

(22) In order to ensure that the aims of this Regulation are achieved and *its swift implementation, procedures should be put in place to ensure the cooperation of applicants and Member States, with a clear system of incentives and disincentives to ensure compliance. It is also necessary to ensure that all applicants are appropriately informed of the application of this Regulation. The support and protection of minors, in particular unaccompanied minors, should be strengthened*

Or. en

## Amendment 171

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

### Proposal for a regulation

#### Recital 22

*Text proposed by the Commission*

(22) In order to ensure that the aims of

*Amendment*

(22) In order to ensure that the aims of



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

this Regulation are achieved and obstacles to its application are prevented, in particular in order to avoid absconding and secondary movements between Member States, it is necessary to establish clear obligations to be complied with by the applicant in the context of the procedure, of which he or she should be duly informed in a timely manner. *In line with the Charter of Fundamental Rights of the European Union, the Member State where such an applicant is present should in any case ensure that the reception needs, including access to healthcare, education and housing of that person are covered. The meaning of absconding should be strictly defined, in line with guidelines set up by the EU Fundamental Rights Agency, and based on an assessment of the individual circumstances of the person involved carried out by a judicial authority, as encompassing both a deliberate action to avoid the applicable asylum procedures and the factual circumstance of not remaining available to the relevant authorities. Irregular entry, lack of an address or documents proving the identity of an applicant shall never constitute valid criteria to determine the existence of a risk of absconding.*

Or. en

#### **Amendment 172**

**Anna Maria Corazza Bildt, Nathalie Griesbeck, Barbara Matera, Damiano Zoffoli, Hilde Vautmans, Julie Ward, Silvia Costa, Antonio López-Istúriz White**

#### **Proposal for a regulation**

#### **Recital 22**

*Text proposed by the Commission*

(22) In order to ensure that the aims of this Regulation are achieved and obstacles to its application are prevented, in

*Amendment*

(22) In order to ensure that the aims of this Regulation are achieved and obstacles to its application are prevented, in

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

particular in order to avoid absconding and secondary movements between Member States, it is necessary to establish clear obligations to be complied with by the applicant in the context of the procedure, of which he or she should be duly informed in a timely manner. Violation of those legal obligations should lead to appropriate and proportionate procedural consequences for the applicant and to appropriate and proportionate consequences in terms of his or her reception conditions. In line with the Charter of Fundamental Rights of the European Union, the Member State where such an applicant is present should in any case ensure that the immediate material needs of that person are covered. ***Such restrictions in the reception conditions shall not apply to vulnerable groups, such as unaccompanied minors and families with children.***

Or. en

#### *Justification*

*This amendment intends to exempt the most vulnerable groups from the limitations provided in this Regulation.*

### **Amendment 173** **Jeroen Lenaers**

#### **Proposal for a regulation** **Recital 22**

##### *Text proposed by the Commission*

(22) In order to ensure that the aims of this Regulation are achieved and obstacles to its application are prevented, in particular in order to avoid absconding and secondary movements between Member States, it is necessary to establish clear obligations to be complied with by the applicant in the context of the procedure, of which he or she should be duly informed

##### *Amendment*

(22) In order to ensure that the aims of this Regulation are achieved and obstacles to its application are prevented, in particular in order to avoid absconding and secondary movements between Member States, it is necessary to establish clear obligations to be complied with by the applicant in the context of the procedure, of which he or she should be duly informed

in a timely manner. Violation of those legal obligations should lead to appropriate and proportionate procedural consequences for the applicant and to appropriate and proportionate consequences in terms of his or her reception conditions. In line with the Charter of Fundamental Rights of the European Union, the Member State where such an applicant is present should in any case ensure that the immediate material needs of that person are covered.

in a timely manner. ***In order to encourage applicants to comply and cooperate,*** violation of those legal obligations should lead to appropriate and proportionate procedural consequences for the applicant and to appropriate and proportionate consequences in terms of his or her reception conditions. In line with the Charter of Fundamental Rights of the European Union, the Member State where such an applicant is present should in any case ensure that the immediate material needs of that person are covered.

Or. en

#### **Amendment 174**

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

#### **Proposal for a regulation**

#### **Recital 22**

##### *Text proposed by the Commission*

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

##### *Amendment*

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

**Amendment 175**

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

**Proposal for a regulation**

**Recital 22**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*This amendment updates the recital on the basis of the changes proposed in Article 5(3).*

**Amendment 176**

**Lorenzo Fontana**

**Proposal for a regulation**

**Recital 22**

*Text proposed by the Commission*

*Amendment*

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

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

Or. it

#### *Justification*

*It is important that we mention repatriation as one of the measures taken against those who violate the laws of their country.*

#### **Amendment 177**

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

#### **Proposal for a regulation**

#### **Recital 22**

##### *Text proposed by the Commission*

(22) In order to ensure that the aims of this Regulation are achieved and obstacles to its application are prevented, in particular in order to avoid absconding and secondary movements between Member States, it is necessary to establish clear obligations to be complied with by the

##### *Amendment*

(22) In order to ensure that the aims of this Regulation are achieved and obstacles to its application are prevented, in particular in order to avoid absconding and secondary movements between Member States, it is necessary to establish clear obligations to be complied with by the

applicant in the context of the procedure, of which he or she should be duly informed in a timely manner. Violation of those legal obligations should lead to appropriate and proportionate procedural consequences for the applicant and to appropriate and proportionate consequences in terms of his or her reception conditions. In line with the Charter of Fundamental Rights of the European Union, the Member State where such an applicant is present should in any case ensure that the immediate *material* needs of that person are covered.

applicant in the context of the procedure, of which he or she should be duly informed in a timely manner. Violation of those legal obligations should lead to appropriate and proportionate procedural consequences for the applicant and to appropriate and proportionate consequences in terms of his or her reception conditions. In line with the Charter of Fundamental Rights of the European Union, the Member State where such an applicant is present should in any case ensure that the immediate needs of that person are covered.

Or. en

#### **Amendment 178**

**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, Birgit Sippel**

#### **Proposal for a regulation Recital 22 a (new)**

*Text proposed by the Commission*

*Amendment*

***(22a) In order to increase applicants' understanding of the functioning of the Common European Asylum System (CEAS) it is necessary to significantly improve the provision of information. Investing in the early provision of accessible information to applicants will greatly increase their possibilities to understand, accept and follow the procedures of this Regulation. In order to reduce the administrative requirements and make effective use of common resources the European Union Asylum Agency should develop suitable information material, in close cooperation with the national authorities. The Agency should make full use of modern information technologies when developing that material. In order to properly assist asylum seekers the Agency***

*should also develop audio-visual information material that can be used as a complement to written information materials. The Agency should be responsible for maintaining a dedicated website with information on the functioning of the CEAS for applicants and potential applicants designed to counter the often incorrect information provided to them by smugglers. The information material developed by the Agency should be translated and made available in all of the major languages spoken by asylum seekers arriving in Europe.*

Or. en

#### *Justification*

*The shadow rapporteur supports the rapporteur by highlighting that improved information to applicants is an investment for the European Union as well as for the Member States since it could potentially reduce important costs in other parts of the system. At the same time it would contribute to a better understanding of the future Asylum System.*

#### **Amendment 179** **Péter Niedermüller**

#### **Proposal for a regulation** **Recital 22 a (new)**

*Text proposed by the Commission*

*Amendment*

*(22a) In order to increase applicants' understanding of the functioning of the Common European Asylum System (CEAS) it is necessary to improve the provision of information significantly. Investing in the early provision of accessible information to applicants will greatly increase the likelihood that they will understand, accept and follow the procedures of this Regulation to a greater extent than to date. In order to reduce the administrative requirements and make effective use of common resources the*

*Asylum Agency should develop suitable information material, and audio-visual information material that can be used as a complement to written information material in cooperation with the relevant national authorities,. The Asylum Agency should be responsible for maintaining a dedicated website with information on the functioning of the CEAS for applicants and potential applicants designed to counter the often incorrect information provided to them. The information material should be translated and made available in all of the major relevant languages spoken by asylum seekers arriving in Europe.*

Or. en

*Justification*

*The provision of improved information to applicants could potentially contribute significantly to increase efficiency of the CEAS.*

**Amendment 180**

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

**Proposal for a regulation**

**Recital 22 a (new)**

*Text proposed by the Commission*

*Amendment*

*(22a) In order to reduce the administrative requirements and make effective use of common resources the European Union Agency for Asylum should develop suitable information material on the CEAS, in close cooperation with the national authorities. The information material developed by the Agency should be translated and made available in languages which the asylum seekers understand or are reasonably supposed to understand. In order to avoid that information on the functioning of the CEAS are improperly used, they should be*



*provided just to asylum seekers, once they have already reached the territory of the Union.*

Or. en

#### *Justification*

*The European Union Agency for Asylum should play a key role in supporting Member States in the activity of informing the asylum seekers about the procedures of this Regulation within the framework of the general functioning of the CEAS. Nevertheless, it is key that these information are offered just to those applicants who have already reached the territory of the Union. It is in fact crucial that they are delivered just to a targeted audience, in order to avoid that smugglers benefit from a proper knowledge of the system.*

#### **Amendment 181**

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

#### **Proposal for a regulation**

#### **Recital 22 a (new)**

*Text proposed by the Commission*

*Amendment*

*(22a) Different categories of applicants have differing information needs and information will therefore have to be provided in different ways and be adapted to those needs. It is particularly important to ensure that minors have access to child-friendly information that is specific to their needs and situation. Providing accurate, high-quality information to both accompanied and unaccompanied minors in a child-friendly environment can play an essential part both in providing a good environment for the minor but also in order to identify cases of any form of exploitation or violence, including trafficking in human beings.*

Or. en

### *Justification*

*This amendment follows the logic of other admissible amendments seeking to improve the implementation of the best interest of the child.*

**Amendment 182**  
**Salvatore Domenico Pogliese**

**Proposal for a regulation**  
**Recital 22 a (new)**

*Text proposed by the Commission*

*Amendment*

*(22a) To build an efficient Common European Asylum System, to save human lives by preventing dangerous journeys and crossings of the sea, to combat the problem of human traffickers and people smugglers, and to prevent the arrival in Europe of huge waves of economic migrants whose applications for international protection will be rejected, the European Union must evaluate the suitability of setting up “Hotspots” for examining applications for international protection in third countries that are considered safe.*

Or. it

### *Justification*

*The reform of the Dublin III Regulation must be designed to create the conditions for the fair distribution of asylum seekers, alleviating the burden that has, to date, fallen on states of first entry, but at the same time it should also safeguard the rights and safety of those requesting international protection. For this reason, it would be beneficial to set up centres for examining applications for international protection in the main transit countries.*

**Amendment 183**  
**Elly Schlein, Juan Fernando López Aguilar, Josef Weidenholzer, Christine Revault D'Allonnes Bonnefoy, Miltiadis Kyrkos, Ana Gomes, Cécile Kashetu Kyenge, Sylvie Guillaume, Caterina Chinnici, Maria Grapini, Miriam Dalli, Péter Niedermüller, Marju Lauristin, Dietmar Köster**

**Proposal for a regulation**

PE602.906v01-00

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## Recital 23

### *Text proposed by the Commission*

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

### *Amendment*

(23) A personal interview with the applicant should be organised in order to facilitate the determination of the Member State responsible for examining an application for international protection unless the information provided by the applicant is sufficient for determining the Member State responsible . As soon as the application for international protection is lodged, the applicant should be informed in particular of the application of this Regulation, of the lack of choice as to which Member State will examine his or her asylum application; of his or her obligations under this Regulation and of the consequences of not complying with them ***and of the possibility of presenting all further information which is relevant for correctly determining the Member State responsible before a final decision is taken, including the presence of family members or relatives in the Member States, and the existence of meaningful links with a Member State.***  
***The applicant should also be informed of all his or her rights, including the right to an effective remedy and legal assistance. When the applicant is a minor, the interview has to be conducted in a child-friendly manner and with the presence of a guardian and, where applicable, the legal advisor or counsellor. The person conducting the interview shall be qualified and competent to take account of the personal and general circumstances surrounding the applicant.***

Or. en

### *Justification*

*The amendment aims at aligning the text with the modifications proposed to Article 7.*

#### **Amendment 184**

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

#### **Proposal for a regulation**

#### **Recital 23**

##### *Text proposed by the Commission*

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

##### *Amendment*

(23) A personal interview with the applicant should be organised in order to facilitate the determination of the Member State responsible for examining an application for international protection unless the applicant has absconded or the information provided by the applicant is sufficient for determining the Member State responsible. As soon as the application for international protection is lodged, the applicant should be informed in particular of the application of this Regulation, of the lack of choice as to which Member State will examine his or her asylum application; of his or her ***rights under this Regulation, in particular the opportunity to provide information on any family members or persons with other family connections in other Member States, and of his or her*** obligations under this Regulation and of the consequences of not complying with them. ***The information given to the applicant must be clear and concise and in a language that he or she understands.***

Or. it

##### *Justification*

*Amending the part not covered by the recast is needed to guarantee consistency with other amendments tabled.*

#### **Amendment 185**

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

## Proposal for a regulation

### Recital 23

*Text proposed by the Commission*

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

*Amendment*

(23) A personal interview with the applicant should be organised in order to facilitate the determination of the Member State responsible for examining an application for international protection unless the applicant has absconded or the information provided by the applicant is sufficient for determining the Member State responsible. As soon as the application for international protection is lodged, the applicant should be informed in particular of the application of this Regulation as to which Member State ***may be competent of*** his or her asylum application; of his or her ***rights and obligations*** under this Regulation. ***The applicant should be fully informed about his or her right to legal assistance and an effective remedy. The information to the applicant should be provided in a language that he or she understands, in a concise, transparent, intelligible and easily accessible form.***

Or. en

## Amendment 186

**Jean Lambert, Judith Sargentini**

on behalf of the Verts/ALE Group

## Proposal for a regulation

### Recital 23

*Text proposed by the Commission*

(23) A personal interview with the applicant should be organised in order to facilitate the determination of the Member State responsible for examining an application for international protection

*Amendment*

(23) A personal interview with the applicant should be organised in order to facilitate the determination of the Member State responsible for examining an application for international protection. As

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

soon as the application for international protection is *registered*, the applicant should be informed in particular of the application of this Regulation, of the *procedure determining* which Member State will examine his or her asylum application, *including the possibility to be transferred to a Member State where family members are present and with which the applicant has meaningful links, including language skills, education, professional skills or cultural ties and* of his or her obligations under this Regulation and of *any* consequences of not complying with them.

Or. en

#### *Justification*

*This amendment is needed to maintain the logic of the text as it should serve to enhance the system's capacity to determine efficiently and effectively a single Member State responsible for examining the application for international protection and to prevent secondary movements through improved opportunities for long-term integration of applicants, as the European Commission highlights in its explanatory memorandum accompanying the proposed recast Regulation. This amendment is inextricably linked to the admissible amendments under the draft report aiming to strengthen the applicant's procedural rights.*

#### **Amendment 187** **Lorenzo Fontana**

#### **Proposal for a regulation** **Recital 23**

##### *Text proposed by the Commission*

(23) A personal interview with the applicant should be organised in order to facilitate the determination of the Member State responsible for examining an application for international protection *unless the applicant has absconded or the information provided by the applicant is sufficient for determining the Member State responsible.* As soon as the application for international protection is

##### *Amendment*

(23) A personal interview with the applicant should be organised in order to facilitate the determination of the Member State responsible for examining an application for international protection. As soon as the application for international protection is lodged, the applicant should be informed in particular of the application of this Regulation, of the lack of choice as to which Member State will examine his or

lodged, the applicant should be informed in particular of the application of this Regulation, of the lack of choice as to which Member State will examine his or her asylum application; of his or her obligations under this Regulation and of the consequences of not complying with them

her asylum application; of his or her obligations under this Regulation and of the consequences of not complying with them

Or. it

#### *Justification*

*If the applicant flees and does not abide by the law, he or she should not be guaranteed – and this should be made explicit – an asylum application.*

#### **Amendment 188** **Monika Hohlmeier**

#### **Proposal for a regulation** **Recital 23 a (new)**

*Text proposed by the Commission*

*Amendment*

***(23a) Both Europol and the European Border and Coast Guard Agency clearly stated that migratory routes are misused by criminal networks for their purposes such as human trafficking, terrorism or organised crime<sup>1a</sup>. It is therefore of utmost importance to increase the fight against human traffickers, organised crime networks and terrorism, which will simultaneously ensure the individual safety of persons in clear need of international protection and the public security of the Member States. Qualified staff which conducts the personal interview shall therefore be obliged to inform the competent staff of national authorities, Europol and the European Border and Coast Guard as soon as possible when there are reasonable grounds that an interviewed person is at risk of becoming a victim of or is involved in the above mentioned activities.***

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1a

<https://www.europol.europa.eu/publications-documents/migrant-smuggling-in-eu>  
[http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Annula\\_Risk\\_Analysis\\_2016.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annula_Risk_Analysis_2016.pdf)

Or. en

### *Justification*

*corresponds with the amendments of Article 7 and 8 and is a response to the newly emerging trend by organised crime and terrorist networks to misuse migratory routes.*

### **Amendment 189**

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

### **Proposal for a regulation**

#### **Recital 24**

#### *Text proposed by the Commission*

(24) In order to guarantee effective protection of the rights of the persons concerned, legal safeguards and the right to an effective remedy in respect of decisions regarding transfers to the Member State responsible should be established, in accordance, in particular, with Article 47 of the Charter of Fundamental Rights of the European Union. An effective remedy should also be provided in situations when no transfer decision is taken but the applicant claims that another Member State is responsible on the basis that he has a family member or, ***for unaccompanied minors***, a relative in another Member State. In order to ensure that international law is respected, an effective remedy against such decisions should cover both the examination of the application of this Regulation and of the legal and factual situation in the Member State to which the applicant is transferred. ***The scope of the***

#### *Amendment*

(24) In order to guarantee effective protection of the rights of the persons concerned, legal safeguards and the right to an effective remedy in respect of decisions regarding transfers to the Member State responsible should be established, in accordance, in particular, with Article 47 of the Charter of Fundamental Rights of the European Union. An effective remedy should also be provided in situations when no transfer decision is taken but the applicant claims that another Member State is responsible on the basis that he has a family member or a relative in another Member State. In order to ensure that international law is respected, an effective remedy against such decisions should cover both the examination of the application of this Regulation and of the legal and factual situation in the Member State to which the applicant is transferred.



*effective remedy should be limited to an assessment of whether applicants' fundamental rights to respect of family life, the rights of the child, or the prohibition of inhuman and degrading treatment risk to be infringed upon.*

Or. en

#### *Justification*

*This amendment is needed to maintain the logic of the text as it should serve to enhance the system's capacity to determine efficiently and effectively a single Member State responsible for examining the application for international protection and to prevent secondary movements through improved opportunities for long-term integration of applicants, as the European Commission highlights in its explanatory memorandum accompanying the proposed recast Regulation. This amendment is inextricably linked to the admissible amendments under the draft report aiming to strengthen the applicant's procedural rights.*

#### **Amendment 190**

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

#### **Proposal for a regulation**

#### **Recital 24**

##### *Text proposed by the Commission*

(24) In order to guarantee effective protection of the rights of the persons concerned, legal safeguards and the right to an effective remedy in respect of decisions regarding transfers to the Member State responsible should be established, in accordance, in particular, with Article 47 of the Charter of Fundamental Rights of the European Union. An effective remedy should also be provided in situations when no transfer decision is taken but the applicant claims that another Member State is responsible on the basis that he has a family member or, for unaccompanied minors, a relative in another Member State. In order to ensure that international law is respected, an effective remedy against such decisions should cover both the

##### *Amendment*

(24) In order to guarantee effective protection of the rights of the persons concerned, legal safeguards and the right to an effective remedy in respect of decisions regarding transfers to the Member State responsible should be established, in accordance, in particular, with Article 47 of the Charter of Fundamental Rights of the European Union. An effective remedy should also be provided in situations when no transfer decision is taken but the applicant claims that another Member State is responsible on the basis that he has a family member or, for unaccompanied minors, a relative in another Member State. In order to ensure that international law is respected, an effective remedy against such decisions should cover both the

examination of the application of this Regulation and of the legal and factual situation in the Member State to which the applicant is transferred. *The scope of the effective remedy should be limited to an assessment of whether applicants' fundamental rights to respect of family life, the rights of the child, or the prohibition of inhuman and degrading treatment risk to be infringed upon.*

examination of the application of this Regulation and of the legal and factual situation in the Member State to which the applicant is transferred.

Or. en

#### **Amendment 191**

**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**

#### **Proposal for a regulation Recital 24**

##### *Text proposed by the Commission*

(24) In order to guarantee effective protection of the rights of the persons concerned, legal safeguards and the right to an effective remedy in respect of decisions regarding transfers to the Member State responsible should be established, in accordance, in particular, with Article 47 of the Charter of Fundamental Rights of the European Union. An effective remedy should also be provided in situations when no transfer decision is taken but the applicant claims that another Member State is responsible on the basis that he has a family member or, for unaccompanied minors, a relative in another Member State. In order to ensure that international law is respected, an effective remedy against such decisions should cover both the examination of the application of this Regulation and of the legal and factual situation in the Member State to which the applicant is transferred. *The scope of the effective remedy should be limited to an*

##### *Amendment*

(24) In order to guarantee effective protection of the rights of the persons concerned, legal safeguards and the right to an effective remedy in respect of decisions regarding transfers to the Member State responsible should be established, in accordance, in particular, with Article 47 of the Charter of Fundamental Rights of the European Union. An effective remedy should also be provided in situations when no transfer decision is taken but the applicant claims that another Member State is responsible on the basis that he has a family member or, for unaccompanied minors, a relative in another Member State. In order to ensure that international law is respected, an effective remedy against such decisions should cover both the examination of the application of this Regulation and of the legal and factual situation in the Member State to which the applicant is transferred.

*assessment of whether applicants' fundamental rights to respect of family life, the rights of the child, or the prohibition of inhuman and degrading treatment risk to be infringed upon.*

Or. en

*Justification*

*The shadow rapporteur suggests to delete this since it would likely not be compatible with the requirements of article 47 of the Charter to limit the right of a remedy to only certain breaches of rights.*

**Amendment 192**

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

**Proposal for a regulation  
Recital 25**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. it

**Amendment 193**

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

**Proposal for a regulation**

**Recital 25**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. en

**Amendment 194**

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

**Proposal for a regulation**

**Recital 25**

*Text proposed by the Commission*

*Amendment*

*(25) The Member State which is determined as responsible under this Regulation should remain responsible for examination of each and every application of that applicant, including any subsequent application, in accordance with Article 40, 41 and 42 of*

*deleted*

*Directive 2013/32/EU, irrespective of whether the applicant has left or was removed from the territories of the Member States. Provisions in Regulation (EU) 604/2013 which had provided for the cessation of responsibility in certain circumstances, including when deadlines for the carrying out of transfers had elapsed for a certain period of time, had created an incentive for absconding, and should therefore be removed.*

Or. en

**Amendment 195**  
**Emil Radev, Mariya Gabriel**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. en

**Amendment 196**

**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  
Recital 25**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

Or. en

*Justification*

*The shadow rapporteur does not support the principle of permanent responsibility as proposed by the EC.*

**Amendment 197  
Sergei Stanishev**

**Proposal for a regulation  
Recital 25**

*Text proposed by the Commission*

*Amendment*

**(25) The Member State which is determined as responsible under this Regulation should remain responsible for examination of each and every application**

**(25) The Member State which is determined as responsible under this Regulation should remain responsible for examination of each and every application**

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

of that applicant, including any subsequent application, ***within a 24 month period***, in accordance with Article 40, 41 and 42 of Directive 2013/32/EU, ***and provided that*** the applicant has ***not left to the country of origin or has not been removed from the territory of the Member State.***

Or. en

#### *Justification*

*Permanent responsibility puts disproportionate pressure to frontline MSs. This could also present an incentive for non-compliance. In case of secondary movement and subsequent application in another MS, the MS where the former application was made should still be responsible. However, change of circumstances should not be excluded after the applicant has left to the country of origin or has been removed, and the right to make a new application in a different Member State should be respected.*

#### **Amendment 198** **Emil Radev**

#### **Proposal for a regulation** **Recital 26**

##### *Text proposed by the Commission*

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

##### *Amendment*

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

Or. en

## **Amendment 199**

**Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson, Malin Björk**

### **Proposal for a regulation**

#### **Recital 27**

*Text proposed by the Commission*

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

*Amendment*

(27) A person should not be held in detention on the basis of this Regulation.

Or. en

#### *Justification*

*This amendment is inextricably linked to other admissible amendments seeking to limit detention of applicants.*

## **Amendment 200**

**Kristina Winberg, Beatrix von Storch**

### **Proposal for a regulation**

#### **Recital 27**



*Text proposed by the Commission*

*Amendment*

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

(27) The detention of applicants ***is essential to maintaining security in the member states and preventing secondary movements.*** As regards the general guarantees governing detention, as well as detention conditions, where appropriate, Member States should apply the provisions of Directive 2013/33/EU also to persons detained on the basis of this Regulation.

Or. en

*Justification*

*The security risks for the member state and its population when allowing entry to migrants without any possibility to check their background is substantial. It is a well-established fact that a substantial amount of migrants have fought in the name of terror organizations. Hence, it is every member states duty to initially ensure that none of these individuals can move freely within the EU without a comprehensive security investigation in regard to their background.*

**Amendment 201**  
**Lorenzo Fontana**

**Proposal for a regulation**  
**Recital 27**

*Text proposed by the Commission*

*Amendment*

(27) The detention of applicants should be applied in accordance with the underlying principle that ***a person should not be held in detention for the sole***

(27) The detention of applicants should be applied in accordance with the underlying principle that ***a person who applies for the right of asylum and has***

*reason that he or she is seeking international protection. Detention should be for as short a period as possible and subject to the principles of necessity and proportionality. In particular, the detention of applicants must **be in accordance with Article 31 of the Geneva Convention**. The procedures provided for under this Regulation in respect of a detained person should be applied as a matter of priority, within the shortest possible deadlines. **As regards the general guarantees governing detention, as well as detention conditions, where appropriate, Member States should apply the provisions of Directive 2013/33/EU also to persons detained on the basis of this Regulation.***

*illegally entered the territory of a Member State may be held in detention until a decision is reached with regard to his or her request for international protection. Detention should be for as short a period as possible and subject to the principles of necessity and proportionality. In particular, the detention of applicants must **honour their fundamental rights**. The procedures provided for under this Regulation in respect of a detained person should be applied as a matter of priority, within the shortest possible deadlines.*

Or. it

#### *Justification*

*Substantial change. Migration policy must be managed seriously, which is why we absolutely must process applications for asylum quickly and seriously, and obligating the applicant to remain in a given place makes the process quicker and more efficient.*

#### **Amendment 202**

**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, Miriam Dalli, Péter Niedermüller, Marju Lauristin, Dietmar Köster, Birgit Sippel**

#### **Proposal for a regulation**

##### **Recital 27**

###### *Text proposed by the Commission*

(27) The detention of applicants should be applied in accordance with the underlying principle that a person should not be held in detention for the sole reason that he or she is seeking international protection. Detention should be for as short a period as possible and subject to the principles of necessity and proportionality. In particular, the detention of applicants

###### *Amendment*

(27) The detention of applicants should be applied in accordance with the underlying principle that a person should not be held in detention for the sole reason that he or she is seeking international protection. Detention should be **limited to exceptional cases and** for as short a period as possible and subject to the principles of necessity and proportionality. **Minors shall**

must be in accordance with Article 31 of the Geneva Convention. The procedures provided for under this Regulation in respect of a detained person should be applied as a matter of priority, within the shortest possible deadlines. As regards the general guarantees governing detention, as well as detention conditions, where appropriate, Member States should apply the provisions of Directive 2013/33/EU also to persons detained on the basis of this Regulation.

*never be detained.* In particular, the detention of applicants must be in accordance with Article 31 of the Geneva Convention *and which shall fully respect the person's fundamental rights.* The procedures provided for under this Regulation in respect of a detained person should be applied as a matter of priority, within the shortest possible deadlines. As regards the general guarantees governing detention, as well as detention conditions, where appropriate, Member States should apply the provisions of Directive 2013/33/EU also to persons detained on the basis of this Regulation.

Or. en

#### *Justification*

*The shadow rapporteur suggests this amendment in order to align it with the proposed change made in Article 29 - paragraph 4.*

#### **Amendment 203** **Lorenzo Fontana**

#### **Proposal for a regulation** **Recital 28**

*Text proposed by the Commission*

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

*Amendment*

***deleted***

Or. it

### *Justification*

*Merely acknowledging that considerable migration pressure can lead to deficiencies in or the collapse of the system suggests that legislators are not taking the proposal seriously.*

#### **Amendment 204**

**Marek Jurek**

#### **Proposal for a regulation**

##### **Recital 29**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. 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 system for registration is not necessary.*

#### **Amendment 205**

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

#### **Proposal for a regulation**

##### **Recital 29**

*Text proposed by the Commission*

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

*Amendment*

(29) Proper registration of all asylum applications in the EU under a unique application number should help detect multiple applications and prevent irregular secondary movements and asylum shopping.

Or. en

*Justification*

*In line with the deletion of Chapter VII.*

**Amendment 206**

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

**Proposal for a regulation**

**Recital 29**

*Text proposed by the Commission*

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

*Amendment*

(29) An automated system should be established for the purpose of facilitating the application of this Regulation. It should enable registration of asylum applications lodged in the EU, effective monitoring of the share of applications of each Member State and a correct application of the corrective mechanism.

**Amendment 207**

**Alessandra Mussolini, Salvatore Domenico Pogliese, Carlos Coelho, Barbara Matera, Elissavet Vozemberg-Vrionidi**

**Proposal for a regulation**

**Recital 29**

*Text proposed by the Commission*

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

*Amendment*

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

*Justification*

*Despite the principle of purpose limitation should be applied as general rule to the new personal identification number, national authorities should be given the chance to consult the information linked to the identification number in those cases in which this could help to prevent or combat security threats.*

**Amendment 208**

**Beatrix von Storch**

**Proposal for a regulation**

**Recital 29**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 209**

**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, Péter Niedermüller**

**Proposal for a regulation**

**Recital 29**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 210**  
**Marek Jurek**

**Proposal for a regulation**  
**Recital 31**

*Text proposed by the Commission*

*Amendment*

**(31) In accordance with Article 80 of the Treaty, Union acts should, whenever necessary, contain appropriate measures to give effect to the principle of solidarity. A corrective allocation mechanism should be established in order to ensure a fair sharing of responsibility between Member States and a swift access of applicants to procedures for granting international protection in situations when a Member State is confronted with a disproportionate number of applications for international protection for which it is responsible under this Regulation.**

*deleted*

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 211**  
**Beatrix von Storch**

**Proposal for a regulation**  
**Recital 31**

*Text proposed by the Commission*

*Amendment*

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

**(31) In accordance with Article 80 of the Treaty, Union acts should, whenever necessary, contain appropriate measures to give effect to the principle of solidarity.**



*sharing of responsibility between Member States and a swift access of applicants to procedures for granting international protection in situations when a Member State is confronted with a disproportionate number of applications for international protection for which it is responsible under this Regulation.*

Or. en

#### **Amendment 212**

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

#### **Proposal for a regulation**

##### **Recital 31**

*Text proposed by the Commission*

(31) In accordance with Article 80 of the Treaty, Union acts should, whenever necessary, contain appropriate measures to give effect to the principle of solidarity. ***A corrective allocation mechanism should be established in order to ensure a fair sharing of responsibility between Member States and a swift access of applicants to procedures for granting international protection in situations when a Member State is confronted with a disproportionate number of applications for international protection for which it is responsible under this Regulation.***

*Amendment*

(31) In accordance with Article 80 of the Treaty, Union acts should, whenever necessary, contain appropriate measures to give effect to the principle of solidarity.

Or. en

*Justification*

*In line with the deletion of Chapter VII.*

#### **Amendment 213**

**Lorenzo Fontana**

**Proposal for a regulation**  
**Recital 31**

*Text proposed by the Commission*

(31) In accordance with Article 80 of the Treaty, Union acts *should*, whenever necessary, contain appropriate measures to give effect to the principle of solidarity. A corrective allocation mechanism *should* be established *in order to ensure* a fair sharing of responsibility between Member States *and a swift access of applicants to procedures for granting international protection in situations when a Member State is confronted with a disproportionate number of applications for international protection for which it is responsible under this Regulation.*

*Amendment*

(31) In accordance with Article 80 of the Treaty, Union acts *must*, whenever necessary, contain appropriate measures to give effect to the principle of solidarity. A corrective allocation mechanism *must* be established *through which the guaranteeing and upholding of* a fair sharing of responsibility between Member States *is effective and efficient.*

Or. it

*Justification*

*As we have seen to date, there can be no real solidarity without responsibility actually being borne.*

**Amendment 214**

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

**Proposal for a regulation**  
**Recital 31**

*Text proposed by the Commission*

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

*Amendment*

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

*State is confronted with a disproportionate number of applications for international protection for which it is responsible under this Regulation.*

international protection.

Or. en

#### **Amendment 215**

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

#### **Proposal for a regulation Recital 31**

##### *Text proposed by the Commission*

(31) In accordance with Article 80 of the Treaty, Union acts should, whenever necessary, contain appropriate measures to give effect to the principle of solidarity. A corrective allocation mechanism should be established in order to ensure a fair sharing of responsibility between Member States and a swift access of applicants to procedures for granting international protection in situations when a Member State is confronted with a disproportionate number of applications for international protection for which it is responsible under this Regulation.

##### *Amendment*

(31) In accordance with Article 80 of the Treaty, Union acts should, whenever necessary, contain appropriate measures to give effect to the principle of solidarity. A **voluntary** corrective allocation mechanism should be established in order to ensure a fair sharing of responsibility between Member States and a swift access of applicants to procedures for granting international protection in situations when a Member State is confronted with a disproportionate number of applications for international protection for which it is responsible under this Regulation.

Or. en

##### *Justification*

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

#### **Amendment 216**

**Daniel Dalton, Branislav Škripek**

#### **Proposal for a regulation Recital 31**

*Text proposed by the Commission*

(31) In accordance with Article 80 of the Treaty, Union acts should, whenever necessary, contain appropriate measures to give effect to the principle of solidarity. A corrective allocation mechanism should be established in order to ensure a fair sharing of responsibility between Member States and a swift access of applicants to procedures for granting international protection in situations when a Member State is confronted with a disproportionate number of applications for international protection for which it is responsible under this Regulation.

*Amendment*

(31) In accordance with Article 80 of the Treaty, Union acts should, whenever necessary, contain appropriate measures to give effect to the principle of solidarity. A **voluntary** corrective allocation mechanism should be established in order to ensure a fair sharing of responsibility between Member States and a swift access of applicants to procedures for granting international protection in situations when a Member State is confronted with a disproportionate number of applications for international protection for which it is responsible under this Regulation.

Or. en

*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 217**

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

**Proposal for a regulation**

**Recital 31 a (new)**

*Text proposed by the Commission*

*Amendment*

***(31a) Member States should ensure that procedures are efficient and allow applicants for international protection to be promptly relocated to other Member States. Applicants in vulnerable situations should have their applications and transfer prioritised.***

Or. en

### *Justification*

*This amendment seeks to ensure consistency of the text and is a consequence of other admissible amendments regarding procedures and relocation.*

#### **Amendment 218**

**Marek Jurek**

#### **Proposal for a regulation**

#### **Recital 32**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

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 219**

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

**Proposal for a regulation**

**Recital 32**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. en

**Amendment 220**

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

**Proposal for a regulation**

**Recital 32**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

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

Or. 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 221**

**Kristina Winberg, Beatrix von Storch**

#### **Proposal for a regulation**

#### **Recital 32**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

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

Or. en

**Amendment 222**  
**Sergei Stanishev**

**Proposal for a regulation**  
**Recital 32**

*Text proposed by the Commission*

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

*Amendment*

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



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

***irregular arrivals higher than the determined based on size of population and the economy of the Member States.*** ***The application of the corrective allocation for the benefit of a Member State should be triggered automatically where the number of applications for international protection for which a Member State is responsible exceeds 100% of the figure identified in the reference key. The corrective allocation should cease to apply when the number of applicants for which a Member State is responsible drops below 75% of the figure identified in the reference key. Member States located at external land or sea borders on the Western Mediterranean, Central Mediterranean and Eastern Mediterranean routes should be exempted from obligations of taking responsibility for allocated applications under the corrective mechanism from any other Member State.*** In order to comprehensively reflect the efforts of each Member State, the number of persons effectively resettled to that Member State should be added to the number of applications for international protection for the purposes of this calculation.

Or. en

#### *Justification*

*The application of the corrective mechanism should be adjusted to account for the additional administrative responsibilities of frontline MSs. Exempting frontline MSs on key migratory routes as identified by Frontex from allocated applications would provide for stronger safeguards against disproportionate pressure. 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 MS.*

**Amendment 223**  
**Filiz Hyusmenova**

**Proposal for a regulation**  
**Recital 32**

*Text proposed by the Commission*

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

*Amendment*

(32) A **reference** key based on the size of the population and of the economy of the Member States, **taking also into account the first-entry position of the frontline Member States**, should be applied as a point of reference in the operation of the corrective allocation mechanism in conjunction with a threshold, so as to enable the mechanism to function as a means of assisting Member States under disproportionate pressure. The application of the corrective allocation for the benefit of a Member State should be triggered automatically where the number of applications for international protection for which a Member State is responsible exceeds **85% of the figure identified in the reference key. The corrective allocation should apply until the number of applicants registered drops below 65%** of the figure identified in the reference key. In order to comprehensively reflect the efforts of each Member State, the number of persons effectively resettled to that Member State should be added to the number of applications for international protection for the purposes of this calculation.

Or. en

*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 224**  
**Elissavet Vozemberg-Vrionidi**

**Proposal for a regulation**  
**Recital 32**

*Text proposed by the Commission*

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

*Amendment*

(32) A **reference** key based on the size of the population and of the economy of the Member States should be applied as a point of reference in the operation of the corrective allocation mechanism in conjunction with a threshold, so as to enable the mechanism to function as a means of assisting Member States under disproportionate pressure. The application of the corrective allocation for the benefit of a Member State should be triggered automatically where the number of applications for international protection for which a Member State is responsible exceeds **80% of the figure identified in the reference key. The corrective allocation should cease to apply when the number of applicants for which a Member State is responsible drops below 75%** of the figure identified in the reference key. In order to comprehensively reflect the efforts of each Member State, the number of persons effectively resettled to that Member State should be added to the number of applications for international protection for the purposes of this calculation.

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 MSs*

## Amendment 225

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

### Proposal for a regulation

#### Recital 32

##### *Text proposed by the Commission*

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

##### *Amendment*

(32) A key based on the size of the population and of the economy of the Member States should be applied as a point of reference in the operation of the corrective mechanism, so as to enable the mechanism to function as a means of **solidarity**. The application of the corrective **mechanism** should be triggered where the Member State responsible **could not be determined under Chapter III of this Regulation**. In order to comprehensively reflect the efforts of each Member State, the number of persons effectively resettled to that Member State should be added to the number of applications for international protection for the purposes of this calculation.

Or. en

## Amendment 226

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

### Proposal for a regulation

#### Recital 32

##### *Text proposed by the Commission*

(32) A key based on the size of the population and of the economy of the

##### *Amendment*

(32) A key based on the size of the population and of the economy of the

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

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

Or. en

#### *Justification*

*For the purpose of the corrective allocation 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 its territory. This proposal aims at creating the condition for a fairer system which takes into account the particularities of all Member States.*

#### **Amendment 227**

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

#### **Proposal for a regulation**

#### **Recital 32**

*Text proposed by the Commission*

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

*Amendment*

(32) A key based on the size of the population, on the economy of the Member States, ***including their growth and employment rates***, should be applied as a point of reference in the operation of the corrective allocation mechanism so as to enable the mechanism to function as a means of assisting Member States ***most exposed to migration flows***. The application of the corrective allocation for the benefit of a Member State should be triggered automatically ***and in a way that is binding on all the Member States***. In order to comprehensively reflect the efforts of each Member State, the number of persons effectively resettled to that Member State should be added to the number of applications for international protection for the purposes of this calculation.

Or. it

**Amendment 228**

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

**Proposal for a regulation**  
**Recital 32**

*Text proposed by the Commission*

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

*Amendment*

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

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

of a Member State should be triggered automatically where the number of applications for international protection for which a Member State is responsible exceeds **80%** of the figure identified in the reference key. In order to comprehensively reflect the efforts of each Member State, the number of persons effectively resettled to that Member State should be added to the number of applications for international protection for the purposes of this calculation.

Or. en

## **Amendment 229**

**Mariya Gabriel, Emil Radev**

### **Proposal for a regulation**

#### **Recital 32**

##### *Text proposed by the Commission*

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

##### *Amendment*

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

**Amendment 230**

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

**Proposal for a regulation****Recital 32***Text proposed by the Commission*

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

*Amendment*

(32) A key based on the size of the population and of the economy of the Member States should be applied as a point of reference in the operation of the allocation mechanism, *in order to implement the principles of solidarity and fair sharing of responsibility on asylum among Member States enshrined in Article 80 TFEU*. The application of the allocation *mechanism* should be *permanent and automatic, whenever a Member State responsible could not be determined according to the criteria set out in Chapter III and IV of this Regulation*. In order to comprehensively reflect the efforts of each Member State, the number of persons effectively resettled to that Member State should be added to the number of applications for international protection *for which the Member State is responsible*, for the purposes of this calculation.

Or. en

**Amendment 231**

**Jeroen Lenaers**

**Proposal for a regulation****Recital 32**



*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 232**

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

**Proposal for a regulation**

**Recital 32 a (new)**

*Text proposed by the Commission*

*Amendment*

***(32a) In order to ensure that Member States that have not in recent years been among the main destination countries for applicants for international protection have sufficient time to build up their reception capacity, the corrective allocation mechanism should enable a gradual transition from the current situation to a situation with a more fair distribution of responsibilities under the corrective allocation mechanism. The***

*transitional system should create a baseline key based on the average relative numbers of historically lodged applications for international protection in Member States and then transition from this "status quo" model towards a fair distribution by calculating the reference number for each Member State during the transitional period on the basis of a combination between the baseline key and the reference key referred to in Article 35.*

Or. en

#### *Justification*

*Member States that do not have as much experience with receiving applicants for international protection should be given the time to gradually build up their reception capacity and administrative systems. This transitional period should last for three year. During this period the reference number for each Member State should be the result of the combination between a baseline key, based on the average relative numbers of historically lodged applications for international protection in Member States, and the reference key referred to in article 35 of this Regulation.*

#### **Amendment 233**

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

#### **Proposal for a regulation**

#### **Recital 33**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

*especially rules as regards the exchange of information between competent asylum authorities of Member States. After the transfer, the Member State of allocation should determine the Member State responsible, and should become responsible for examining the application, unless the overriding responsible criteria, related in particular to the presence of family members, determine that a different Member State should be responsible.*

Or. 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 234** **Petr Ježek**

#### **Proposal for a regulation** **Recital 33**

##### *Text proposed by the Commission*

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

##### *Amendment*

(33) Appropriate rules should be provided for in cases where an applicant may for serious reasons be considered a danger to national security or public order, especially rules as regards the exchange of information between competent asylum authorities of Member States.

regards the exchange of information between competent asylum authorities of Member States. ***After the transfer, the Member State of allocation should determine the Member State responsible, and should become responsible for examining the application, unless the overriding responsible criteria, related in particular to the presence of family members, determine that a different Member State should be responsible.***

Or. en

#### **Amendment 235**

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

#### **Proposal for a regulation**

#### **Recital 33**

##### *Text proposed by the Commission*

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

##### *Amendment*

(33) When the ***corrective*** mechanism applies, the applicants who lodged their applications in the benefitting Member State should be ***given the choice between the different*** Member States which are below their share of applications on the basis of the reference key as applied to those Member States. After the transfer, the Member State of allocation should become responsible for examining the application, unless the overriding responsible criteria ***listed under Chapter III*** determine that a different Member State should ***have been*** responsible.

**Amendment 236**

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

**Proposal for a regulation**  
**Recital 33**

*Text proposed by the Commission*

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

*Amendment*

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

Or. it

**Amendment 237**

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

**Proposal for a regulation**  
**Recital 33**

*Text proposed by the Commission*

(33) When the allocation mechanism applies, the applicants who lodged their applications in the benefitting Member State should be allocated to Member States which are below their share of applications on the basis of the reference key as applied to those Member States. Appropriate rules should be provided for in cases where an applicant may for serious reasons be considered a danger to national security or public order, especially rules as regards the exchange of information between competent asylum authorities of Member States. After the transfer, the Member State of allocation should determine the Member State responsible, and should become responsible for examining the application, unless the overriding responsible criteria, related in particular to the presence of family members, determine that a different Member State should be responsible.

*Amendment*

(33) When the allocation mechanism applies, the applicants who lodged their applications in the benefitting Member State should be allocated to Member States which are below their share of applications on the basis of the reference key as applied to those Member States. Appropriate rules should be provided for in cases where an applicant may for serious reasons be considered a danger to national security or public order, especially rules as regards the exchange of information between competent asylum authorities of Member States. After the transfer, the Member State of allocation should determine the Member State responsible, and should become responsible for examining the application, unless the overriding responsible criteria, related in particular to the presence of family members ***or meaningful links with a Member State, including language skills, education, professional skills or cultural ties***, determine that a different Member State should be responsible.

Or. en

**Amendment 238**

**Daniel Dalton, Ryszard Antoni Legutko, Branislav Škripek**

**Proposal for a regulation**

**Recital 33**

*Text proposed by the Commission*

(33) When the allocation mechanism applies, the applicants who lodged their applications in the benefitting Member State should be allocated to Member States which are below their ***share*** of applications on the ***basis of*** the reference key as applied to those Member States. Appropriate rules should be provided for in cases where an applicant may for serious reasons be

*Amendment*

(33) When the allocation mechanism applies, the applicants who lodged their applications in the benefitting Member State should be allocated to Member States which are below their ***pledged number*** of applications, ***based on the guidelines established by*** the reference key as applied to those Member States. Appropriate rules should be provided for in cases where an

considered a danger to national security or public order, especially rules as regards the exchange of information between competent asylum authorities of Member States. After the transfer, the Member State of allocation should determine the Member State responsible, and should become responsible for examining the application, unless the overriding responsible criteria, related in particular to the presence of family members, determine that a different Member State should be responsible.

applicant may for serious reasons be considered a danger to national security or public order, especially rules as regards the exchange of information between competent asylum authorities of Member States. After the transfer, the Member State of allocation should determine the Member State responsible, and should become responsible for examining the application, unless the overriding responsible criteria, related in particular to the presence of family members, determine that a different Member State should be responsible.

Or. 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 239**

**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**

#### **Recital 33**

#### *Text proposed by the Commission*

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

#### *Amendment*

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

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

of allocation should *examine the application, unless new elements demonstrates that another Member State should be responsible according to the criteria set out in Chapter III and IV of this Regulation, and in particular those related to the presence of family members.*

Or. en

#### **Amendment 240**

**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, Marju Lauristin, Dietmar Köster, Birgit Sippel, Miriam Dalli**

#### **Proposal for a regulation Recital 33 a (new)**

*Text proposed by the Commission*

*Amendment*

*(33a) Member State should ensure that procedures are efficient and allow applicants for international protection to be promptly relocated to other Member States. With a view to avoid costly and time-consuming secondary transfers and in order to provide an efficient access to family unity for applicants whilst not unduly overburdening frontline Member States a light family reunification procedure should be envisaged which would allow for the transfer of applicants that are likely to meet the relevant criteria to allow them to be reunited with family members in a particular Member State.*

Or. en

#### *Justification*

*Related with the "light family reunification procedure" under Article 13a. The shadow rapporteur supports the proposal of the rapporteur and believes such a procedure should be always available for the determining Member States dealing with an application, and not only in the cases where the allocation mechanism applies.*



## **Amendment 241**

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

### **Proposal for a regulation**

#### **Recital 33 a (new)**

*Text proposed by the Commission*

*Amendment*

***(33a) It would be an asset to ensure that applicants who wish to be transferred together can register and be transferred under the corrective allocation mechanism as a group to one Member State. In order to allow for the smooth and practical application the relocation system should be based on transfer lists of 15 applicants per list.***

Or. en

#### *Justification*

*The transfer of groups of applicants under the corrective allocation mechanism would facilitate their integration in the Member State where they are transferred. The proposal to have transfers lists composed by 15 applicants seems to be a good compromise both for the Member State which benefits from the corrective allocation mechanism and the one which receives the applicants.*

## **Amendment 242**

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

### **Proposal for a regulation**

#### **Recital 34**

*Text proposed by the Commission*

*Amendment*

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

Or. en

## 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 243

Petr Ježek

#### Proposal for a regulation

##### Recital 34

*Text proposed by the Commission*

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

*Amendment*

(34) The costs of transfer of an applicant *from one* Member State *to another* should be reimbursed from the EU budget.

Or. en

### Amendment 244

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

#### Proposal for a regulation

##### Recital 34

*Text proposed by the Commission*

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

*Amendment*

(34) The costs of transfer of an applicant *to another* Member State of allocation should be reimbursed from the EU budget.

Or. en

**Amendment 245**  
**Marek Jurek**

**Proposal for a regulation**  
**Recital 35**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. 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 246**

**Maria Grapini, Emilian Pavel**

**Proposal for a regulation  
Recital 35**

*Text proposed by the Commission*

*Amendment*

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

Or. ro

**Amendment 247**

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

**Proposal for a regulation  
Recital 35**

*Text proposed by the Commission*

*Amendment*

(35) *A Member State of allocation may decide not to accept the allocated applicants during a twelve months-period,* *deleted*

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

Or. en

**Amendment 248**

**Daniel Dalton, Ryszard Antoni Legutko, Branislav Škripek**

**Proposal for a regulation**

**Recital 35**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

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

Or. 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 249**

**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 Recital 35**

*Text proposed by the Commission*

*Amendment*

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

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

Or. 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 250**

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

**Proposal for a regulation**

**Recital 35**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

#### **Amendment 251**

**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, Péter Niedermüller**

#### **Proposal for a regulation**

#### **Recital 35**

*Text proposed by the Commission*

*Amendment*

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

*deleted*



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

Or. en

*Justification*

*The shadow rapporteur believes there should not be a way to buy out of the allocation mechanism, as it would violate the principles of solidarity and fair sharing of responsibility enshrined in Article 80 TFEU.*

**Amendment 252**

**Gérard Deprez**

**Proposal for a regulation**

**Recital 35**

*Text proposed by the Commission*

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

*Amendment*

(35) A Member State *may, at the end of each twelve-month period, decide either it will take part in the corrective allocation mechanism, either it will temporarily opt for a solidarity financial contribution. If a Member State opts for the second option, it has to pay, into a fund (the "Dublin Reserve Fund") to be established, per each applicant who would have been 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*

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

*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 253**

**Kristina Winberg, Beatrix von Storch**

### **Proposal for a regulation**

#### **Recital 35**

*Text proposed by the Commission*

*Amendment*

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

(35) A Member State of allocation may decide not to accept the allocated applicants.

**Amendment 254**  
**Raymond Finch, Beatrix von Storch**

**Proposal for a regulation**  
**Recital 35**

*Text proposed by the Commission*

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

*Amendment*

(35) A Member State of allocation may decide not to accept the allocated applicants.

**Amendment 255**  
**Petr Ježek**

**Proposal for a regulation**  
**Recital 35**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*There should be no financial penalty for member states which decide not to accept allocated applicants*

**Amendment 256**

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

**Proposal for a regulation**

**Recital 35**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

#### *Justification*

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

#### **Amendment 257**

**Emil Radev, Mariya Gabriel**

#### **Proposal for a regulation**

#### **Recital 35**

##### *Text proposed by the Commission*

(35) A Member State of allocation may decide not to accept the allocated applicants during a twelve months-period, in which case it should enter this

##### *Amendment*

(35) ***In cases where there is an immediate threat to national security,*** a Member State of allocation may decide not to accept the allocated applicants during a

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

twelve months-period, in which case it should enter this information in the automated system and notify the other Member States, the Commission and the European Union Agency for Asylum. Thereafter the applicants that would have been allocated to that Member State should be allocated to the other Member States instead. The European Union Agency for Asylum will monitor and report to the Commission on a yearly basis on ***such opt-outs from the corrective allocation*** mechanism.

Or. en

**Amendment 258**  
**Jeroen Lenaers**

**Proposal for a regulation**  
**Recital 35**

*Text proposed by the Commission*

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

*Amendment*

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

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

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

Or. en

#### **Amendment 259**

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

#### **Proposal for a regulation Recital 36**

*Text proposed by the Commission*

***(36) In accordance with Commission Regulation (EC) No 1560/2003<sup>22</sup>, transfers to the Member State responsible for examining an application for international protection may be carried out on a voluntary basis, by supervised departure or under escort. Member States should promote voluntary transfers by providing adequate information to the applicant and should ensure that supervised or escorted transfers are undertaken in a humane manner, in full compliance with fundamental rights and respect for human dignity, as well as the best interests of the child and taking***

*Amendment*

***deleted***

*utmost account of developments in the relevant case law, in particular as regards transfers on humanitarian grounds.*

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<sup>22</sup> OJ L 222, 5.9.2003, p. 3.

Or. en

*Justification*

*This amendment seeks to ensure consistency of the text following my amendments on Chapter VII.*

**Amendment 260**

**Alessandra Mussolini, Salvatore Domenico Pogliese, Carlos Coelho, Barbara Matera, Elissavet Vozemberg-Vrionidi**

**Proposal for a regulation**

**Recital 36**

*Text proposed by the Commission*

(36) In accordance with Commission Regulation (EC) No 1560/2003<sup>22</sup>, transfers to the Member State responsible for examining an application for international protection may be carried out on a voluntary basis, by supervised departure or under escort. Member States should promote voluntary transfers by providing adequate information to the applicant and should ensure that supervised or escorted transfers are undertaken in a humane manner, in full compliance with fundamental rights and respect for human dignity, as well as the best interests of the child and taking utmost account of developments in the relevant case law, in particular as regards transfers on humanitarian grounds.

*Amendment*

(36) In accordance with Commission Regulation (EC) No 1560/2003<sup>22</sup>, transfers to the Member State responsible for examining an application for international protection may be carried out on a voluntary basis, by supervised departure or under escort. Member States should promote voluntary transfers by providing adequate information to the applicant and should ensure that supervised or escorted transfers are undertaken in a humane manner, in full compliance with fundamental rights and respect for human dignity, as well as the best interests of the child and taking utmost account of developments in the relevant case law, in particular as regards transfers on humanitarian grounds. ***The European Union Agency for Asylum should play a key role in guaranteeing that transfers are duly carried out, especially when they are on a voluntary basis.***



Or. en

*Justification*

*All the necessary actions to make transfers successful should be carried out. The European Union Agency for Asylum should play a key role in assisting the national relevant authorities to achieve this aim.*

**Amendment 261**

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

**Proposal for a regulation**

**Recital 37**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. en

*Justification*

*This amendment is necessary to ensure consistency of the text with regard to my amendments on the relation of solidarity within the meaning of Article 80 TFEU, and the management of external borders.*

**Amendment 262**

**Lorenzo Fontana**

**Proposal for a regulation**

**Recital 37**

*Text proposed by the Commission*

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

*Amendment*

(37) The creation of an area without internal frontiers ***but without adequate and serious checks at external borders has caused the enormous inconveniences which we are currently living with in Europe.***

Or. it

*Justification*

*Taking responsibility unavoidably also involves criticising ourselves for the way that the situation is currently being managed. Linked to the amendment of recital 31.*

**Amendment 263**

**Jean Lambert, Judith Sargentini**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Recital 38**

*Text proposed by the Commission*

(38) The [General Data Protection Regulation (EU) .../2016] applies to the processing of personal data by the Member States under this Regulation from the date set out in that Regulation; until this date Directive 95/46/EC applies. Member States should implement appropriate technical and organisational measures to ensure and be able to demonstrate that processing is performed in accordance with that Regulation and the provisions specifying its requirements in this Regulation. In particular those measures should ensure the security of personal data processed under this Regulation and in particular to prevent unlawful or unauthorised access or

*Amendment*

(38) The [General Data Protection Regulation (EU) .../2016] applies to the processing of personal data by the Member States under this Regulation from the date set out in that Regulation; until this date Directive 95/46/EC applies. Member States should implement appropriate technical and organisational measures to ensure and be able to demonstrate that processing is performed in accordance with that Regulation and the provisions specifying its requirements in this Regulation. In particular those measures should ensure the security of personal data processed under this Regulation and in particular to prevent unlawful or unauthorised access or

disclosure, alteration or loss of personal data processed. The competent supervisory authority or authorities of each Member State should monitor the lawfulness of the processing of personal data by the authorities concerned, including of the transmission to and from the automated system and to the authorities competent for carrying out security checks.

disclosure, alteration or loss of personal data processed. ***In particular, data subjects should be notified without undue delay when a security incident is likely to result in a high risk to their rights and freedoms.*** The competent supervisory authority or authorities of each Member State should monitor the lawfulness of the processing of personal data by the authorities concerned, including of the transmission to and from the automated system and to the authorities competent for carrying out security checks.

Or. en

#### **Amendment 264**

**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 Recital 38**

##### *Text proposed by the Commission*

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

##### *Amendment*

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

authorities concerned, including of the transmission to and from the *automated* system and to the authorities competent for carrying out security checks.

authorities concerned, including of the transmission to and from the system and to the authorities competent for carrying out security checks.

Or. en

*Justification*

*In line with the deletion of Chapter VII.*

**Amendment 265**

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

**Proposal for a regulation**

**Recital 38 a (new)**

*Text proposed by the Commission*

*Amendment*

***(38a) Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data applies to the processing of personal data by the European Union Agency for Asylum.***

Or. en

*Justification*

*This amendment is inextricably linked to other admissible amendments in recital 38, which states that the GDPR applies to data processed by Member States. However, nowhere in the proposal is it stated that Regulation 45/2001 applies to the processing of personal data by the EUAA. Recital 39 only mentions Regulation 45/2001 in the context of EDPS monitoring.*

**Amendment 266**

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

**Proposal for a regulation**

**Recital 40**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

*This amendments is inextricably linked to my amendments to Chapter VII.*

**Amendment 267**

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

**Proposal for a regulation**

**Recital 41**

*Text proposed by the Commission*

*Amendment*

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

***deleted***

Or. en

### *Justification*

*To ensure consistency of the text following my amendments to Chapter VII, this recital must be deleted.*

#### **Amendment 268**

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

#### **Proposal for a regulation**

##### **Recital 42**

###### *Text proposed by the Commission*

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

###### *Amendment*

(42) A network of competent Member State authorities should be set up and facilitated by the European Union Agency for Asylum to enhance practical cooperation and information sharing on all matters related to the application of this Regulation, including the development of practical tools and guidance. ***That network should 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 269**

**Mariya Gabriel, Emil Radev**

#### **Proposal for a regulation**

##### **Recital 44 a (new)**

###### *Text proposed by the Commission*

###### *Amendment*

***(44a) The operation of the Entry/Exit System (EES), as established by Regulation (EU) .... of the European Parliament and of the Council<sup>1a</sup>, should facilitate the application of this Regulation.***

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*1a Regulation (EU) .../... of the European Parliament and of the Council of ... establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) No 1077/2011.*

Or. en

#### **Amendment 270**

**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, Alessandra Mussolini**

#### **Proposal for a regulation**

#### **Recital 47**

##### *Text proposed by the Commission*

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

##### *Amendment*

(47) The examination procedure should be used for the adoption of a common leaflet on Dublin/Eurodac, as well as a specific leaflet for unaccompanied minors; a standard form for the exchange of relevant information on unaccompanied minors; of ***the modalities and periodicity for providing applicants with information on the status of the procedure; of rules on the qualifications of and training for guardians and the modalities for their engagement with other actors;*** of uniform conditions for the consultation and exchange of information on minors and dependent persons; of ***standard operating procedures for cross-border cooperation among Member States regarding the assessment of the best interests of the child, family tracing and the identification of family members, siblings, relatives or***

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

*any other family relations of an unaccompanied minor and for assessing the capacity of a relative to take care of an unaccompanied minor; of uniform conditions on the preparation and submission of take charge requests and take back notifications; of two lists of relevant elements of proof and circumstantial evidence, and the periodical revision thereof; of a laissez passer; of uniform conditions for the consultation and exchange of information regarding transfers; of a standard form for the exchange of data before a transfer; of a common health certificate; of **rules concerning the modalities for the handover from guardian to guardian in the case of transfers**; of uniform conditions and practical arrangements for the exchange of information on a person's health data before a transfer, and of secure electronic transmission channels for the transmission of requests..*

Or. en

#### *Justification*

*This amendment is aimed at ensuring that handover from a guardian to another guardian in case of transfer is conducted properly according to specific rules*

#### **Amendment 271**

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

#### **Proposal for a regulation**

#### **Recital 47**

##### *Text proposed by the Commission*

(47) The examination procedure should be used for the adoption of a **common leaflet on Dublin/Eurodac, as well as a specific leaflet for unaccompanied minors; of a** standard form for the exchange of relevant information on

##### *Amendment*

(47) The examination procedure should be used for the adoption of a standard form for the exchange of relevant information on unaccompanied minors; of uniform conditions for the consultation and exchange of information on minors and



unaccompanied minors; of uniform conditions for the consultation and exchange of information on minors and dependent persons; of uniform conditions on the preparation and submission of **take charge** requests and **take back** notifications ; of two lists of relevant elements of proof and circumstantial evidence, and the periodical revision thereof; of a laissez passer; of uniform conditions for the consultation and exchange of information regarding transfers; of a standard form for the exchange of data before a transfer; of a common health certificate; of uniform conditions and practical arrangements for the exchange of information on a person's health data before a transfer, and of secure electronic transmission channels for the transmission of requests.

dependent persons; of uniform conditions on the preparation and submission of requests and notifications ; of two lists of relevant elements of proof and circumstantial evidence, and the periodical revision thereof; of a laissez passer; of uniform conditions for the consultation and exchange of information regarding transfers; of a standard form for the exchange of data before a transfer; of a common health certificate; of uniform conditions and practical arrangements for the exchange of information on a person's health data before a transfer, and of secure electronic transmission channels for the transmission of requests.

Or. en

### *Justification*

*This amendments is inextricably linked to my amendments to Chapter VII.*

#### **Amendment 272**

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

#### **Proposal for a regulation**

##### **Recital 47**

###### *Text proposed by the Commission*

(47) The examination procedure should be used for the adoption of a **common leaflet on Dublin/Eurodac, as well as a specific leaflet for unaccompanied minors; of a** standard form for the exchange of relevant information on unaccompanied minors; of uniform conditions for the consultation and exchange of information on minors and dependent persons; of uniform conditions

###### *Amendment*

(47) The examination procedure should be used for the adoption of a standard form for the exchange of relevant information on unaccompanied minors; of uniform conditions for the consultation and exchange of information on minors and dependent persons; of uniform conditions on the preparation and submission of take charge requests and take back notifications ; of two lists of relevant elements of proof

on the preparation and submission of take charge requests and take back notifications ; of two lists of relevant elements of proof and circumstantial evidence, and the periodical revision thereof; of a laissez passer; of uniform conditions for the consultation and exchange of information regarding transfers; of a standard form for the exchange of data before a transfer; of a common health certificate; of uniform conditions and practical arrangements for the exchange of information on a person's health data before a transfer, and of secure electronic transmission channels for the transmission of requests.

and circumstantial evidence, and the periodical revision thereof; of a laissez passer; of uniform conditions for the consultation and exchange of information regarding transfers; of a standard form for the exchange of data before a transfer; of a common health certificate; ***of a common vulnerability certificate, including relevant information on the follow-up of cases with traumatic background***; of uniform conditions and practical arrangements for the exchange of information on a person's health data before a transfer, and of secure electronic transmission channels for the transmission of requests.

Or. en

#### *Justification*

*The shadow rapporteur suggests to align the text with the modifications proposed to Article 6(3), which aim at giving to the European Asylum Agency responsibility on developing common information material.*

#### **Amendment 273**

**Jean Lambert, Ska Keller, Judith Sargentini, Bodil Valero**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Recital 48**

##### *Text proposed by the Commission*

(48) In order to provide for supplementary rules, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the identification of family members ***or relatives*** of an unaccompanied minor; the criteria for establishing the existence of proven family links; the criteria for assessing the capacity of a relative to take care of an unaccompanied minor, including where

##### *Amendment*

(48) In order to provide for supplementary rules, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the identification of family members, ***relatives or any other family relations*** of an unaccompanied minor; the criteria for establishing the existence of proven family links; the criteria for assessing the capacity of a relative to take care of an unaccompanied

family members, siblings or relatives of the unaccompanied minor stay in more than one Member State; the elements for assessing a dependency link; the criteria for assessing the capacity of a person to take care of a dependent person and the elements to be taken into account in order to assess the inability to travel for a significant period of time. In exercising its powers to adopt delegated acts, the Commission shall not exceed the scope of the best interests of the child as provided for under Article 8 of this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016 . In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. .

minor, including where family members, siblings or relatives of the unaccompanied minor stay in more than one Member State; the elements for assessing a dependency link; ***the elements for assessing a private sponsorship***; the criteria for assessing the capacity of a person to take care of a dependent person; ***the criteria for assessing the existence of meaningful links to a certain Member State, including language skills, education, professional skills or cultural ties; standard operating protocols for the determination of the best interests of a child*** and the elements to be taken into account in order to assess the inability to travel for a significant period of time. In exercising its powers to adopt delegated acts, the Commission shall not exceed the scope of the best interests of the child as provided for under Article 8 of this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016 . In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. .

Or. en

#### *Justification*

*This amendment is needed to maintain the logic of the text as it should serve to ensure the applicant's right to family and private life and to enhance the system's capacity to determine efficiently and effectively a single Member State responsible for examining the application for international protection and to prevent secondary movements through improved opportunities for long-term integration of applicants, as the European Commission highlights in its explanatory memorandum accompanying the proposed recast Regulation. This amendment is inextricably linked to the admissible amendments under the draft report ensuring that the*

*internal logic of the text, aimed at increasing applicants' integration prospects and decreasing "secondary movements" is maintained.*

**Amendment 274**

**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**

**Proposal for a regulation**

**Recital 48**

*Text proposed by the Commission*

(48) In order to provide for supplementary rules, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the identification of family members *or relatives* of an unaccompanied minor; the criteria for establishing the existence of proven family links; the criteria for assessing the capacity of a relative to take care of an unaccompanied minor, including where family members, siblings or relatives of the unaccompanied minor stay in more than one Member State; the elements for assessing a dependency link; the criteria for assessing the capacity of a person to take care of a dependent person and the elements to be taken into account in order to assess the inability to travel for a significant period of time. In exercising its powers to adopt delegated acts, the Commission shall not exceed the scope of the best interests of the child as provided for under Article 8 of this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016 . In

*Amendment*

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

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

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

Or. en

### *Justification*

*This amendment is aimed at strengthening the provisions to protect minor applicants.*

#### **Amendment 275**

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

#### **Proposal for a regulation**

#### **Recital 48**

##### *Text proposed by the Commission*

(48) In order to provide for supplementary rules, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the identification of family members or relatives of an unaccompanied minor; the criteria for establishing the existence of proven family links; the criteria for assessing the capacity of a relative to take care of an unaccompanied minor, including where family members, siblings or relatives of the unaccompanied minor stay in more than one Member State; the elements for assessing a dependency link; the criteria for assessing the capacity of a person to take care of a dependent person and the

##### *Amendment*

(48) In order to provide for supplementary rules, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the ***periodicity and modalities for providing information to applicants on the progress in the procedures under this Regulation concerning them, the*** identification of family members or relatives ***or any other family relations*** of an unaccompanied minor; the criteria for establishing the existence of proven family links; the criteria for assessing the capacity of a relative to take care of an unaccompanied minor, including where family members, siblings or relatives of the unaccompanied

elements to be taken into account in order to assess the inability to travel for a significant period of time. In exercising its powers to adopt delegated acts, the Commission shall not exceed the scope of the best interests of the child as provided for under Article 8 of this Regulation. ***It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016 . In particular,*** to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. .

minor stay in more than one Member State; the elements for assessing a dependency link; the criteria for assessing the capacity of a person to take care of a dependent person; ***standard operating protocols for transnational cooperation regarding the best interests of the child assessment and best interests determination*** and the elements to be taken into account in order to assess the inability to travel for a significant period of time. In exercising its powers to adopt delegated acts, the Commission shall not exceed the scope of the best interests of the child as provided for under Article 8 of this Regulation. To ensure equal participation in the preparation of delegated acts, the European Parliament and Council ***should*** receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Or. en

#### *Justification*

*This amendments is inextricably linked to my amendments to Chapter VII.*

#### **Amendment 276**

**Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson**

#### **Proposal for a regulation**

#### **Recital 48 a (new)**

*Text proposed by the Commission*

*Amendment*

***(48a) In order to provide for supplementary rules, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the identification of family members or relatives of applicants as well as in respect***

*of the definition of eligibility criteria for sponsors.*

Or. en

*Justification*

*This amendments is inextricably linked to my amendments to Chapter VII.*

**Amendment 277**

**Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Martina Anderson**

**Proposal for a regulation**

**Recital 49**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*Given my complete overhaul of the provisions of Chapter VII, and the further changes required by this, in particular as regards the introduction of sponsors, it is no longer sufficient to consult only state actors, but non-state actors should be consulted as well. This is what this amendment seeks to achieve. It is hence required for pressing reasons related to the inner logic of the text.*

**Amendment 278**

**Marek Jurek**

**Proposal for a regulation**

**Recital 52**

*Text proposed by the Commission*

**(52) In order to assess whether the corrective allocation mechanism in this Regulation is meeting the objective of ensuring a fair sharing of responsibility**

*Amendment*

**deleted**

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

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 279**

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

#### **Proposal for a regulation**

#### **Recital 52**

*Text proposed by the Commission*

*Amendment*

*(52) In order to assess whether the corrective allocation mechanism in this Regulation is meeting the objective of ensuring a fair sharing of responsibility between Member States and of relieving disproportionate pressure on certain Member States, the Commission should review the functioning of the corrective allocation mechanism and in particular verify that the threshold for the triggering and cessation of the corrective allocation*

*deleted*



*effectively ensures a fair sharing of responsibility between the Member States and a swift access of applicants to procedures for granting international protection in situations when a Member State is confronted with a disproportionate number of applications for international protection for which it is responsible under this Regulation.*

Or. 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 280** **Beatrix von Storch**

#### **Proposal for a regulation** **Recital 52**

*Text proposed by the Commission*

*Amendment*

*(52) In order to assess whether the corrective allocation mechanism in this Regulation is meeting the objective of ensuring a fair sharing of responsibility between Member States and of relieving disproportionate pressure on certain Member States, the Commission should review the functioning of the corrective allocation mechanism and in particular verify that the threshold for the triggering and cessation of the corrective allocation effectively ensures a fair sharing of responsibility between the Member States and a swift access of applicants to*

*deleted*

*procedures for granting international protection in situations when a Member State is confronted with a disproportionate number of applications for international protection for which it is responsible under this Regulation.*

Or. en

**Amendment 281**

**Petr Ježek**

**Proposal for a regulation**

**Recital 52**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. en

**Amendment 282**

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

**Proposal for a regulation**  
**Recital 52**

*Text proposed by the Commission*

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

*Amendment*

(52) In order to assess whether this Regulation is meeting the objective of ensuring a fair sharing of responsibility between Member States and of relieving disproportionate pressure on certain Member States, the Commission should review the functioning of the *determination of the Member State responsible per this Regulation and in particular verify* a swift access of applicants to procedures for granting international protection.

Or. en

**Amendment 283**

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

**Proposal for a regulation**  
**Recital 52**

*Text proposed by the Commission*

(52) In order to assess whether the *corrective* allocation mechanism in this Regulation is meeting the objective of ensuring a fair sharing of responsibility between Member States and of relieving disproportionate pressure on certain Member States, the Commission should review the functioning of the *corrective*

*Amendment*

(52) In order to assess whether the allocation mechanism in this Regulation is meeting the objective of ensuring a fair sharing of responsibility between Member States and of relieving disproportionate pressure on certain Member States, the Commission should review the functioning of the allocation mechanism and in

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

particular verify that the allocation effectively ensures a fair sharing of responsibility between the Member States and a swift access of applicants to procedures for granting international protection.

Or. en

#### **Amendment 284**

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

#### **Proposal for a regulation Recital 52**

##### *Text proposed by the Commission*

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

##### *Amendment*

(52) In order to assess whether the corrective allocation mechanism in this Regulation is meeting the objective of ensuring a fair sharing of responsibility between Member States and of relieving disproportionate pressure on certain Member States, the Commission should review the functioning of the corrective allocation mechanism and in particular verify that ***the mechanism*** effectively ensures a fair sharing of responsibility between the Member States and a swift access of applicants to procedures for granting international protection.

**Amendment 285**  
**Jeroen Lenaers**

**Proposal for a regulation**  
**Recital 52**

*Text proposed by the Commission*

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

*Amendment*

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