



2016/0089(NLE)

27.6.2016

AMENDMENTS

27 - 73

Draft report
Ska Keller
(PE580.522v01-00)

on the proposal for a Council decision amending Council Decision (EU)
2015/1601 of 22 September 2015 establishing provisional measures in the area
of international protection for the benefit of Italy and Greece

Proposal for a decision
(COM(2016)0171 – C8-0133/2016 – 2016/0089(NLE))

Amendment 27
Marine Le Pen, Gilles Lebreton

Proposal for a decision

—

Proposal for rejection

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

Or. fr

Amendment 28
Barbara Spinelli, Cornelia Ernst

Proposal for a decision

Title

Text proposed by the Commission

Proposal for a **COUNCIL DECISION** amending Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece

Amendment

Proposal for a **regulation of the European Parliament and of the Council** amending Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece

Or. en

Amendment 29
Barbara Spinelli, Cornelia Ernst

Proposal for a decision

Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(3) thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2) **and Article 80** thereof,

Or. en

Amendment 30
Barbara Spinelli, Cornelia Ernst

Proposal for a decision
Citation 3

Text proposed by the Commission

Having regard to the opinion of the European Parliament⁹,

⁹ *OJ C* , , p. .

Amendment

Acting in accordance with the ordinary legislative procedure⁹,

⁹ *Position of the European Parliament of Council decision of ...*

Or. en

Amendment 31
Barbara Spinelli, Cornelia Ernst

Proposal for a decision
Recital 1

Text proposed by the Commission

(1) *On the basis of Article 78(3) TFEU, the Council adopted two Decisions establishing provisional measures in the area of international protection for the benefit of Italy and Greece. Under Council Decision (EU) 2015/1523¹⁰, 40 000 applicants for international protection are to be relocated from Italy and Greece to the other Member States. Under Council Decision (EU) 2015/1601¹¹, 120 000 applicants for international protection are to be relocated from Italy and Greece to other Member States.*

¹⁰ *Council Decision (EU) 2015/ 1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of*

Amendment

(1) Article 78(2) TFEU *provides that the European Parliament and the Council, acting in accordance with the ordinary legislative procedure*, are to adopt measures developing a common European asylum system.

Greece, OJ L 239, 15.9.2015, p. 146.

¹¹ Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece, OJ L 248, 24.9.2015, p. 80.

Or. en

Amendment 32

Barbara Spinelli, Cornelia Ernst, Marina Albiol Guzmán

Proposal for a decision

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) According to Article 80 TFEU, the policies of the Union in the area of border checks, asylum and immigration and their implementation are to be governed by the principle of solidarity and fair sharing of responsibility between the Member States, and Union acts adopted in this area are to contain appropriate measures to give effect to that principle.

Or. en

Amendment 33

Barbara Spinelli, Cornelia Ernst

Proposal for a decision

Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) Pursuant to Article 78(3) TFEU, the European Parliament is only consulted. That article provides that the Council, on a proposal from the Commission and after consulting the European Parliament, may adopt provisional measures for the benefit of

Member States, in the event of those Member States being confronted by an emergency situation characterised by a sudden inflow of nationals of third countries.

Or. en

Amendment 34
Barbara Spinelli, Cornelia Ernst

Proposal for a decision
Recital 1 c (new)

Text proposed by the Commission

Amendment

(1c) The European Parliament approved a statement attached to its legislative resolution of 9 September 2015 on the proposal for a Council Decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece in which it insisted that Article 78(2) jointly with Article 80 TFEU is the correct legal basis. The European Parliament accepted Article 78(3) only in light of the need to adopt immediate emergency measures for the benefit of Greece and Italy. The European Parliament further stressed the fact that the adoption of the Council Decision was without prejudice to the range of legal bases available to the co-legislator in the future, in particular with regard to Article 78 jointly with Article 80 TFEU. In its legislative resolution of 17 September 2015 on the proposal for a Council Decision establishing provisional measures in the area of international protection for the benefit of Italy, Greece and Hungary, the European Parliament referred to its legislative resolution of 9 September and repeated that its approval of the Commission proposal has to be seen in light of the exceptional situation of urgency and the need to address the

situation with no further delay.

Or. en

Amendment 35

Barbara Spinelli, Cornelia Ernst

Proposal for a decision

Recital 1 d (new)

Text proposed by the Commission

Amendment

(1d) This legislative proposal however does not come in light of an exceptional situation of urgency as the situation has remained stable since 26 September 2015.

Or. en

Amendment 36

Salvatore Domenico Pogliese, Barbara Matera, Alessandra Mussolini

Proposal for a decision

Recital 2

Text proposed by the Commission

Amendment

(2) Under Article 4(2) of Decision (EU) 2015/1601, as of 26 September 2016, 54 000 applicants should be relocated from Italy and Greece to the territory of other Member States unless by that date, pursuant to Article 4(3), the Commission makes a proposal to allocate them to **another** beneficiary Member States confronted with an emergency situation characterised by a sudden inflow of persons.

(2) Under Article 4(2) of Decision (EU) 2015/1601, as of 26 September 2016, 54 000 applicants should be relocated from Italy and Greece **in the proportions laid down in that Decision (i.e. 12 764 applicants from Italy and 41 236 from Greece)** to the territory of other Member States unless by that date, pursuant to Article 4(3), the Commission makes a proposal to allocate them to **other** beneficiary Member States confronted with an emergency situation characterised by a sudden inflow of persons.

Or. it

Amendment 37

Salvatore Domenico Pogliese, Barbara Matera, Alessandra Mussolini

Proposal for a decision

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) The relocation programme is not proceeding satisfactorily. According to the Commission progress reports on the relocation mechanism, the numbers of persons actually relocated as at 13 May 2016 stood at 909 (out of a total of 63 302) from Greece and 591 (out of a total of 34 953) from Italy.

Or. it

Amendment 38

Notis Marias

Proposal for a decision

Recital 3

Text proposed by the Commission

Amendment

(3) Article 1(2) of Decision (EU) 2015/1601 provides that the Commission is to keep under constant review the situation regarding massive inflows of third country nationals into Member States. The Commission should submit, as appropriate, proposals to amend that Decision in order to take into account the evolution of the situation on the ground and its impact upon the relocation mechanism, as well as the evolving pressure on Member States, in particular frontline Member States.

(3) Article 1(2) of Decision (EU) 2015/1601 provides that the Commission is to keep under constant review the situation regarding massive inflows of third country nationals into Member States. The Commission should submit, as appropriate, proposals to amend that Decision in order to take into account the evolution of the situation on the ground and its impact upon the relocation mechanism, as well as the evolving pressure on Member States, in particular frontline Member States. ***So far a minimal number of Syrian refugees have been relocated to another EU Member State.***

Or. el

Amendment 39

Miltiadis Kyrkos, Miriam Dalli, Marju Lauristin, Péter Niedermüller, Cécile Kashetu Kyenge

Proposal for a decision

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) It should be the duty of the European Border and Coast Guard Agency to keep under constant review the situation regarding massive inflows of third country nationals into Member States.

Or. en

Amendment 40

Notis Marias

Proposal for a decision

Recital 3 a new

Text proposed by the Commission

Amendment

(3a) Despite the commitment of the Commissioner for Migration, Home Affairs and Citizenship to relocate 6 000 people a month from Greece, this commitment has not yet been implemented.

Or. el

Amendment 41

Barbara Spinelli, Cornelia Ernst, Marina Albiol Guzmán

Proposal for a decision

Recital 4

Text proposed by the Commission

Amendment

(4) The EU Heads of State or Government agreed on 7 March to work on

(4) The EU Heads of State or Government, **who have no formal co-**

the basis of a series of principles for an agreement with Turkey, including to resettle, for every Syrian readmitted by Turkey from Greek islands, another Syrian from Turkey to the Member States, within the framework of the existing commitments. *Those principles were further developed in the Commission's Communication on next operational steps in EU-Turkey cooperation in the field of migration¹² which called for taking the necessary steps to transfer some of the commitments under the existing relocation decisions, notably all or part of the currently unallocated 54 000 places, to the so called 1:1 scheme.*

¹² COM(2016)166 final.

legislative powers, agreed through a "statement" on 7 March to work on the basis of a series of principles for an agreement with Turkey, including to resettle, for every Syrian readmitted by Turkey from Greek islands, another Syrian from Turkey to the Member States, within the framework of the existing commitments. Under such a 1:1 scheme, the protection of persons fleeing war and persecution is not guaranteed. The right to seek asylum and the principle of non-refoulement enshrined in Union law, in the Geneva Convention of 28 July 1951 and in the Protocol of 31 January 1967 relating to the status of refugees are the centrepiece of Union and international refugee protection. They should not be undermined by a statement of the EU Heads of State or Government on cooperation with Turkey.

Or. en

Amendment 42

Miltiadis Kyrkos, Cécile Kashetu Kyenge

Proposal for a decision

Recital 4

Text proposed by the Commission

(4) The EU Heads of State or Government agreed on 7 March to work on the basis of a series of principles for an agreement with Turkey, including to resettle, for every Syrian readmitted by Turkey from Greek islands, another Syrian from Turkey to the Member States, within the framework of the existing commitments. *Those principles were further developed in the Commission's Communication on next operational steps*

Amendment

(4) The EU Heads of State or Government agreed on 7 March to work on the basis of a series of principles for an agreement with Turkey, including to resettle, for every Syrian readmitted by Turkey from Greek islands, another Syrian from Turkey to the Member States, within the framework of the existing commitments. *The European Parliament considers that the 1:1 scheme for the protection of persons fleeing war and*

in EU-Turkey cooperation in the field of migration¹² which called for taking the necessary steps to transfer some of the commitments under the existing relocation decisions, notably all or part of the currently unallocated 54 000 places, to the so called 1:1 scheme.

¹² COM(2016)166 final.

persecution acknowledges the right to seek asylum and the principle of non refoulement enshrined in Union law, and their right to international protection under the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees.

Or. en

Amendment 43 **Péter Niedermüller**

Proposal for a decision **Recital 4**

Text proposed by the Commission

(4) The EU Heads of State or Government agreed on 7 March to work on the basis of a series of principles for an agreement with Turkey, including to resettle, for every Syrian readmitted by Turkey from Greek islands, another Syrian from Turkey to the Member States, within the framework of the existing commitments. *Those principles were further developed in the Commission's Communication on next operational steps in EU-Turkey cooperation in the field of migration¹² which called for taking the necessary steps to transfer some of the commitments under the existing relocation decisions, notably all or part of the currently unallocated 54 000 places, to the so called 1:1 scheme.*

¹² COM(2016)166 final.

Amendment

(4) The EU Heads of State or Government agreed on 7 March to work on the basis of a series of principles for an agreement with Turkey, including to resettle, for every Syrian readmitted by Turkey from Greek islands, another Syrian from Turkey to the Member States, within the framework of the existing commitments. *The European Parliament considers that the 1:1 scheme for the protection of persons fleeing war and persecution should be implemented in full respect of the right to seek asylum and the principle of non refoulement enshrined in Union law, in the Geneva Convention of 28 July 1951 and in the Protocol of 31 January 1967 relating to the status of refugees.*

Or. en

Amendment 44

Salvatore Domenico Pogliese, Barbara Matera, Alessandra Mussolini

Proposal for a decision

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The agreement between the Union and Turkey has proved particularly effective and served largely to contain migration in the Aegean Sea region, this being the reason for the sharp fall in the number of arrivals in Greece. Precisely because of the success of the agreement, refugees might use new routes, in particular the central Mediterranean route to Italy, concerning which the UNHCR reports a 42.5% increase in migrants arriving via Libya compared with the corresponding period in 2015. The number of places required in order to relocate asylum-seekers in Italy is therefore likely to remain high.

Or. it

Amendment 45

Péter Niedermüller

Proposal for a decision

Recital 5

Text proposed by the Commission

Amendment

(5) Resettlement, humanitarian admission, or other forms of legal admission from Turkey under national and multilateral schemes can be expected to relieve the migratory pressure on Member States ***which are beneficiaries of relocation under Decision (EU) 2015/1601*** by providing a legal and safe pathway to enter the Union and by ***discouraging*** irregular entries. ***Therefore, the solidarity efforts of Member States***

(5) Resettlement, humanitarian admission, or other forms of legal admission from Turkey under national and multilateral schemes can be expected to relieve the migratory pressure on Member States by providing a legal and safe pathway to enter the Union and by ***making*** irregular entries ***unnecessary***.

consisting in admitting to their territory Syrian nationals present in Turkey who are in clear need of international protection should be taken into account in relation to the 54 000 applicants for international protection referred to above. The number of persons so admitted from Turkey by a Member State should be deducted from the number of persons to be relocated to that Member State under Decision 2015/1601 in relation to those 54 000 applicants.

Or. en

Amendment 46
Notis Marias

Proposal for a decision
Recital 5

Text proposed by the Commission

(5) Resettlement, humanitarian admission, or other forms of legal admission from Turkey under national and multilateral schemes can be expected to relieve the migratory pressure on Member States which are beneficiaries of relocation under Decision (EU) 2015/1601 by providing a legal and safe pathway to enter the Union and by discouraging irregular entries. Therefore, the solidarity efforts of Member States consisting in admitting to their territory Syrian nationals present in Turkey who are in clear need of international protection should be taken into account in relation to the 54 000 applicants for international protection referred to above. *The number of persons so admitted from Turkey by a Member State should be deducted from the number of persons to be relocated to that Member State under Decision 2015/1601 in relation to those 54 000 applicants.*

Amendment

(5) Resettlement, humanitarian admission, or other forms of legal admission from Turkey under national and multilateral schemes can be expected to relieve the migratory pressure on Member States which are beneficiaries of relocation under Decision (EU) 2015/1601 by providing a legal and safe pathway to enter the Union and by discouraging irregular entries. Therefore, the solidarity efforts of Member States consisting in admitting to their territory Syrian nationals present in Turkey who are in clear need of international protection should be taken into account in relation to the 54 000 applicants for international protection referred to above. *So far a minimal number of Syrian refugees have been relocated to another EU Member State.*

Amendment 47

Kati Piri

Proposal for a decision

Recital 5

Text proposed by the Commission

(5) Resettlement, humanitarian admission, or other forms of legal admission from Turkey under national and multilateral schemes ***can be expected*** to relieve the migratory pressure on Member States which are beneficiaries of relocation under Decision (EU) 2015/1601 by providing a legal and safe pathway to enter the Union and by discouraging irregular entries. Therefore, the solidarity efforts of Member States consisting in admitting to their territory Syrian nationals present in Turkey who are in clear need of international protection should be ***taken into account in relation to the 54 000 applicants for international protection referred to above. The number of persons so admitted from Turkey by a Member State should be deducted from the number of persons to be relocated to that Member State under Decision 2015/1601 in relation to those 54 000 applicants.***

Amendment

(5) ***Large-scale*** resettlement, humanitarian admission, or other forms of legal admission from Turkey under national and multilateral schemes ***are needed*** to relieve the migratory pressure on Member States which are beneficiaries of relocation under Decision (EU) 2015/1601 by providing a legal and safe pathway to enter the Union and by discouraging irregular entries. Therefore, the solidarity efforts of Member States consisting in admitting to their territory Syrian nationals present in Turkey who are in clear need of international protection should be ***increased substantially. The Commission should propose a Union structured large-scale system on resettlement as soon as possible.***

Amendment 48

Barbara Spinelli, Cornelia Ernst

Proposal for a decision

Recital 5

Text proposed by the Commission

(5) Resettlement, humanitarian admission, or other forms of legal

Amendment

(5) Resettlement, humanitarian admission, or other forms of legal

admission from Turkey under national and multilateral schemes *can be expected* to relieve the migratory pressure on Member States *which are beneficiaries of relocation under Decision (EU) 2015/1601* by providing a legal and safe pathway to enter the Union and by discouraging irregular entries. Therefore, *the solidarity efforts of Member States consisting in admitting to their territory Syrian nationals present in Turkey who are in clear need of international protection should be taken into account in relation to the 54 000 applicants for international protection referred to above. The number of persons so admitted from Turkey by a Member State should be deducted from the number of persons to be relocated to that Member State under Decision 2015/1601 in relation to those 54 000 applicants.*

admission from Turkey under national and multilateral schemes *are the only legal and dignified way* to relieve the migratory pressure on Member States by providing a legal and safe pathway to enter the Union and by discouraging *so called* irregular entries. Therefore *the forms of legal admission should be extended. In its resolution of 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration, the European Parliament called for developing more safe and lawful routes for asylum seekers and refugees into the Union, including a binding and mandatory Union legislative approach to resettlement, the establishment of humanitarian admission programmes by all Member States and a more extensive use of humanitarian visas. Those measures should be complementary to the relocation schemes adopted under Decisions (EU) 2015/1523^{1a} and (EU) 2015/1601^{1b}.*

^{1a} Council Decision (EU) 2015/ 1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece(OJ L 239, 15.9.2015, p. 146).

^{1b} Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece(OJ L 248, 24.9.2015, p. 80).

Or. en

Amendment 49

Salvatore Domenico Pogliese, Barbara Matera, Alessandra Mussolini

Proposal for a decision

Recital 5

Text proposed by the Commission

(5) Resettlement, humanitarian admission, or other forms of legal admission from Turkey under national and multilateral schemes can be expected to relieve the migratory pressure on Member States which are beneficiaries of relocation under Decision (EU) 2015/1601 by providing a legal and safe pathway to enter the Union and by discouraging irregular entries. Therefore, the solidarity efforts of Member States consisting in admitting to their territory Syrian nationals present in Turkey who are in clear need of international protection should be taken into account in relation to the 54 000 applicants for international protection referred to above. The number of persons so admitted from Turkey by a Member State should be deducted from the number of persons to be relocated to that Member State under Decision 2015/1601 in relation to **those 54 000** applicants.

Amendment

(5) Resettlement, humanitarian admission, or other forms of legal admission from Turkey under national and multilateral schemes can be expected to relieve the migratory pressure on Member States which are beneficiaries of relocation under Decision (EU) 2015/1601, **and on Greece in particular**, by providing a legal and safe pathway to enter the Union and by discouraging irregular entries. Therefore, the solidarity efforts of Member States consisting in admitting to their territory Syrian nationals present in Turkey who are in clear need of international protection should be taken into account in relation to the 54 000 applicants for international protection referred to above. The number of persons so admitted from Turkey by a Member State should be deducted from the number of persons to be relocated to that Member State under Decision (EU) 2015/1601 in relation **only to the 41 236** applicants **who should have been relocated from Greece**.

Or. it

Amendment 50

Barbara Spinelli, Cornelia Ernst

Proposal for a decision

Recital 6

Text proposed by the Commission

(6) Mechanisms for admission may include resettlement, humanitarian admission or other legal pathways for admission of persons in clear need of international protection, such as humanitarian visa programmes, humanitarian transfer, family reunification programmes, private sponsorship projects, scholarship programmes, labour mobility

Amendment

(6) Mechanisms for admission **complementary to the relocation schemes adopted under Council Decision (EU) 2015/1523^{1a} and Council Decision (EU) 2015/1601^{1b}** may include resettlement, humanitarian admission or other legal pathways for admission of persons in clear need of international protection, such as humanitarian visa programmes,

schemes, and others.

humanitarian transfer, family reunification programmes, private sponsorship projects, scholarship programmes, labour mobility schemes, and others.

^{1a} Council Decision (EU) 2015/ 1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece(OJ L 239, 15.9.2015, p. 146).

^{1b} Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece(OJ L 248, 24.9.2015, p. 80).

Or. en

Amendment 51

Ivan Jakovčić

Proposal for a decision

Recital 6

Text proposed by the Commission

(6) Mechanisms for admission may include resettlement, humanitarian admission or other legal pathways for admission of persons in clear need of international protection, such as humanitarian visa programmes, humanitarian transfer, family reunification programmes, private sponsorship projects, scholarship programmes, labour mobility schemes, and others.

Amendment

(6) Mechanisms for admission may include resettlement, humanitarian admission or other legal pathways for admission of persons in clear need of international protection, such as humanitarian visa programmes, humanitarian transfer, family reunification programmes, private sponsorship projects, scholarship programmes, ***access to education***, labour mobility schemes, and others.

Or. hr

Amendment 52

Barbara Spinelli, Cornelia Ernst, Marina Albiol Guzmán

Proposal for a decision

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Family reunification is therefore not conditional on ad hoc Union policies, solidarity or emergency measures, and should be respected and promoted by Member States in all cases. Family reunification visas should not be limited in number or subject to financial incentives.

Or. en

Amendment 53

Barbara Spinelli, Cornelia Ernst

Proposal for a decision

Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) According to recital 34 of Council Decision (EU) 2015/1601^{1a} the integration of applicants in clear need of international protection into the host society is the cornerstone of a properly functioning Common European Asylum System; in order to decide which specific Member State should be the Member State of relocation, specific account should therefore be given to the specific qualifications and characteristics of the applicants concerned, such as their language skills and other individual indications based on demonstrated family, cultural or social ties which could facilitate their integration into the Member State of relocation; in the case of particularly vulnerable applicants including minors and unaccompanied minors, consideration should be given to the capacity of the Member State of relocation to provide adequate support to those applicants and to the necessity of ensuring a fair distribution of those

applicants among Member States; and with due respect for the principle of non-discrimination, Member States of relocation should be able to indicate their preferences for applicants based on the above information on the basis of which Italy and Greece, in consultation with EASO and, where applicable, liaison officers, may compile lists of possible applicants identified for relocation to that Member State.

^{1a} Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece(OJ L 248, 24.9.2015, p. 80).

Or. en

Amendment 54

Barbara Spinelli, Cornelia Ernst, Marina Albiol Guzmán

Proposal for a decision

Recital 6 c (new)

Text proposed by the Commission

Amendment

(6c) Member States should not require applicants for relocation to provide certain personal information, such as religion, sex or age, on the basis of which discrimination could occur. Exceptions from this rule must comply with the obligations under the Geneva Convention of 28 July 1951 relating to the status of refugees and the European Charter of Fundamental Rights of the European Union.

Or. en

Amendment 55

Barbara Spinelli, Cornelia Ernst, Marina Albiol Guzmán

Proposal for a decision

Recital 7

Text proposed by the Commission

(7) The commitments that Member States undertook as part of the resettlement scheme agreed in the Conclusions of the Representatives of the Governments of the Member States meeting within the Council of 20 July 2015 should not be affected by this Decision and should not count towards meeting the obligations under Decision 2015/1601. Therefore, a Member State which chooses to meet its obligations under Decision (EU) 2015/1601 by admitting Syrians present in Turkey through resettlement, cannot count this effort as constituting part of its commitment under the 20 July 2015 resettlement scheme.

Amendment

(7) The commitments that Member States undertook as part of the resettlement scheme agreed in the Conclusions of the Representatives of the Governments of the Member States meeting within the Council of 20 July 2015 should not be affected by this Decision and should not count towards meeting the obligations under Decision 2015/1601. Therefore, a Member State which chooses to meet its obligations under Decision (EU) 2015/1601 by admitting Syrians present in Turkey through resettlement, cannot count this effort as constituting part of its commitment under the 20 July 2015 resettlement scheme. ***Member States should urgently comply with their resettlement commitments.***

Or. en

Amendment 56

Miltiadis Kyrkos, Marju Lauristin, Péter Niedermüller, Cécile Kashetu Kyenge

Proposal for a decision

Recital 8

Text proposed by the Commission

(8) To ensure a proper monitoring of the situation, Member States should report on a monthly basis to the Commission on Syrians present in Turkey admitted to their territory ***under the option provided for in this amendment specifying under which scheme, national or multilateral, the person has been admitted and the form of legal admission.***

Amendment

(8) To ensure a proper monitoring of the situation, Member States should report on a monthly basis to the Commission on Syrians present in Turkey admitted to their territory.

Amendment 57

Barbara Spinelli, Cornelia Ernst, Marina Albiol Guzmán

Proposal for a decision

Recital 8

Text proposed by the Commission

(8) ***To ensure a proper monitoring of the situation***, Member States should report ***on a monthly basis*** to the Commission on ***Syrians present in Turkey*** admitted to their territory ***under the option provided for in this amendment specifying*** under which ***scheme, national or multilateral, the person has been admitted*** and the ***form of legal admission***.

Amendment

(8) ***Every month*** Member States should report to the Commission on ***the number of persons legally*** admitted ***and relocated to*** their territory, ***indicating the type of scheme*** under which ***the admission has taken place, the form of legal admission used*** and the ***Member State of relocation***.

Amendment 58

Angelika Mlinar

Proposal for a decision

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) ***In its Communication "First report on relocation and resettlement" of 16 March 2016, the Commission indicated that the implementation of Council Decision (EU) 2015/1601^{1a} presents many shortcomings. Member States' response to the general call from EASO for 374 experts is clearly insufficient given the critical situation faced by Italy and Greece. Notwithstanding the rising number of unaccompanied minors among asylum seekers and refugees eligible for relocation, only a very limited number of them have been relocated, despite the Council Decisions on relocation***

requesting vulnerable applicants to be processed as a priority. Some Member States have not made available any places for relocation to date. Only 18 Member States have pledged to relocate applicants from Greece and 19 Member States have pledged to do so from Italy. Among those Member States, some have only made very limited pledges in light of their total allocation.

^{1a} Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece (OJ L 248, 24.9.2015, p. 80).

Or. en

Amendment 59
Péter Niedermüller

Proposal for a decision
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Regarding the current number of asylum seekers in Greece, and the increasing number of asylum seekers arriving Italy, the need for emergency relocation places is expected to remain high.

Or. en

Amendment 60
Péter Niedermüller

Proposal for a decision
Recital 8 b (new)

(8b) Member States need to implement fully and without any further delay their obligations under Council Decision (EU) 2015/1601^{1a} with a view to alleviating the pressure on frontline Member States. Member States of relocation should expeditiously and substantively increase their efforts to reply to the urgent humanitarian situation in Greece and prevent the deterioration of the situation in Italy.

^{1a} Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece (OJ L 248, 24.9.2015, p. 80).

Or. en

Amendment 61
Angelika Mlinar

Proposal for a decision
Recital 8 b (new)

(8b) The Commission has opened infringement procedures against Italy and Greece on the implementation of Eurodac Regulation^{1a} and against Greece in relation to the Reception Conditions Directive^{1b}, however no legal actions have been undertaken towards Member States not complying with the obligations set out in the Council Decision (EU)2015/1601^{1c}.

^{1a} Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of

fingerprints for the effective application of Regulation (EU) No 604/2013 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 and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice(recast)(OJ L 180, 29.6.2013, p. 1).

^{1b} Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ L 180, 29.6.2013, p. 96).

^{1c} Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece(OJ L 248, 24.9.2015, p. 80).

Or. en

Amendment 62
Notis Marias

Proposal for a decision
Recital 9

Text proposed by the Commission

(9) Since the objectives of this Decision cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in

Amendment

(9) Since the objectives of this Decision cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in

accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives.

accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives. ***This Decision should enter into effect as soon as possible.***

Or. el

Amendment 63

Barbara Spinelli, Cornelia Ernst, Marina Albiol Guzmán

Proposal for a decision

Recital 14

Text proposed by the Commission

(14) ***In view of the urgency of the situation***, this Decision should enter into force on the date following that of its publication in the Official Journal of the European Union,

Amendment

(14) This Decision should enter into force on the date following that of its publication in the Official Journal of the European Union,

Or. en

Amendment 64

Barbara Spinelli, Cornelia Ernst

Proposal for a decision

Article 1 – paragraph -1 (new)

Council Decision (EU) 2015/1601

Article 3 – paragraph 2

Present text

2. Relocation pursuant to this Decision shall be applied only in respect of ***an applicant*** belonging to a nationality for which the proportion of decisions granting

Amendment

In Article 3 of Decision (EU) 2015/1601, paragraph 2 is replaced by the following:

“2. Relocation pursuant to this Decision shall be applied only in respect of ***applicants with Syrian, Iraqi, Eritrean, Somalian, Sudanese, Iranian or Afghan***

international protection among decisions taken at first instance on applications for international protection as referred to in Chapter III of Directive 2013/32/EU of the European Parliament and of the Council¹³ is, according to the latest available updated quarterly Union-wide average Eurostat data, **75 %** or higher. In the case of stateless persons, the country of former habitual residence shall be taken into account. Quarterly updates shall be taken into account only in respect of applicants who have not already been identified as applicants who could be relocated in accordance with Article 5(3) of this Decision.

nationality or of those belonging to a nationality for which the proportion of decisions granting international protection among decisions taken at first instance on applications for international protection as referred to in Chapter III of Directive 2013/32/EU of the European Parliament and of the Council is, according to the latest available updated quarterly Union-wide average Eurostat data, **50 %** or higher ***and in respect of vulnerable people in need of international protection independently of their nationality, as identified by the UNHCR.*** In the case of stateless persons, the country of former habitual residence shall be taken into account. Quarterly updates shall be taken into account only in respect of applicants who have not already been identified as applicants who could be relocated in accordance with Article 5(3) of this Decision.”

¹³ ***Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, p. 60).***

Or. en

Amendment 65
Barbara Spinelli, Cornelia Ernst

Proposal for a decision
Article 1 – introductory part

Text proposed by the Commission

In Article 4 of Decision (EU) 2015/1601 the following paragraph 3a is inserted:

Amendment

deleted

Or. en

Amendment 66

Barbara Spinelli, Cornelia Ernst, Marina Albiol Guzmán

Proposal for a decision

Article 1 – paragraph 1

Council Decision (EU) 2015/1601

Article 4 – paragraph 3a – subparagraph 1

Text proposed by the Commission

Amendment

3a. In relation to the relocation of applicants referred to in point (c) of paragraph 1, the admission by Member States to their territory of Syrian nationals present in Turkey under national or multilateral legal admission schemes for persons in clear need of international protection other than the resettlement scheme which was the subject of the Conclusions of the Representatives of the Governments of the Member States meeting within the Council of 20 July 2015 shall lead to a corresponding reduction of the obligation of the respective Member State. *deleted*

Or. en

Amendment 67

Notis Marias

Proposal for a decision

Article 1 – paragraph 1

Council Decision (EU) 2015/1601

Article 4 – paragraph 3 a – subparagraph 1

Text proposed by the Commission

Amendment

3a. In relation to the relocation of applicants referred to in point (c) of paragraph 1, the admission by Member States to their territory of Syrian nationals present in Turkey under national or multilateral legal admission schemes for persons in clear need of international protection other than the resettlement *deleted*

scheme which was the subject of the Conclusions of the Representatives of the Governments of the Member States meeting within the Council of 20 July 2015 shall lead to a corresponding reduction of the obligation of the respective Member State.

Or. el

Amendment 68
Kati Piri

Proposal for a decision

Article 1 – paragraph 1

Council Decision (EU) 2015/1601

Article 4 – paragraph 3 a – subparagraph 1

Text proposed by the Commission

3a. In relation to the relocation of applicants referred to in point (c) of paragraph 1, the admission by Member States to their territory of Syrian nationals present in Turkey under ***national or multilateral legal admission schemes for persons in clear need of international protection other than the resettlement scheme which was the subject of the Conclusions of the Representatives of the Governments of the Member States meeting within the Council of 20 July 2015*** shall lead to a corresponding reduction of the obligation of the respective Member State.

Amendment

3a. In relation to the relocation of applicants referred to in point (c) of paragraph 1, the admission by Member States to their territory of Syrian nationals present in Turkey under ***the so-called 1:1 scheme*** shall lead to a corresponding reduction of the obligation of the respective Member State.

Or. en

Amendment 69
Salvatore Domenico Pogliese, Barbara Matera, Alessandra Mussolini

Proposal for a decision

Article 1 – paragraph 1

Council Decision (EU) 2015/1601

Article 4 – paragraph 3 a – subparagraph 1

Text proposed by the Commission

3a. In relation to the relocation of applicants referred to in point (c) of paragraph 1, the admission by Member States to their territory of Syrian nationals present in Turkey under national or multilateral legal admission schemes for persons in clear need of international protection other than the resettlement scheme which was the subject of the Conclusions of the Representatives of the Governments of the Member States meeting within the Council of 20 July 2015 shall lead to a corresponding reduction of the obligation of the respective Member State.

Amendment

3a. In relation to the relocation of applicants referred to in point (c) of paragraph 1, ***but only of the quota for Greece***, the admission by Member States to their territory of Syrian nationals present in Turkey under national or multilateral legal admission schemes for persons in clear need of international protection other than the resettlement scheme which was the subject of the Conclusions of the Representatives of the Governments of the Member States meeting within the Council of 20 July 2015 shall lead to a corresponding reduction of the obligation of the respective Member State.

Or. it

Amendment 70

Barbara Spinelli, Cornelia Ernst

Proposal for a decision

Article 1 – paragraph 1

Council Decision (EU) 2015/1601

Article 4 – paragraph 3 a – subparagraph 2

Text proposed by the Commission

Article 10 shall apply mutatis mutandis for every such legal admission leading to a reduction of the relocation obligation.

Amendment

deleted

Or. en

Amendment 71

Barbara Spinelli, Cornelia Ernst

Proposal for a decision

Article 1 – paragraph 1

Council Decision (EU) 2015/1601

Article 4 – paragraph 3 a – subparagraph 3

Text proposed by the Commission

Amendment

Every month Member States shall report to the Commission on the number of persons legally admitted for the purposes of this paragraph, indicating the type of scheme under which the admission has taken place and the form of legal admission used.

deleted

Or. en

Amendment 72

Barbara Spinelli, Cornelia Ernst

Proposal for a decision

Article 1 – paragraph 1 a (new)

Council Decision (EU) 2015/1601

Article 5 – paragraph 2

Present text

2. Member States shall, at regular intervals, and at least every 3 months, indicate the number of applicants who can be relocated swiftly to their territory and any other relevant information.

Amendment

1a. In Article 5, paragraph 2 is replaced by the following:

“2. Member States shall, at regular intervals, and at least every 3 months, indicate the number of applicants who can be relocated swiftly to their territory and any other relevant information. ***Member States shall make available at least one-third of their relocation places by 30 September 2016.***”

Or. en

Amendment 73

Angelika Mlinar

Proposal for a decision

Article 1 – paragraph 1 b (new)

Council Decision (EU) 2015/1601

Article 5 – paragraph 4

Present text

Amendment

4. Following approval of the Member State of relocation, Italy and Greece shall, as soon as possible, take a decision to relocate each of the identified applicants to a specific Member State of relocation, in consultation with EASO, and shall notify the applicant in accordance with Article 6(4). The Member State of relocation may decide not to approve the relocation of an applicant only if there are reasonable grounds as referred to in paragraph 7 of this Article.

1b. In Article 5, paragraph 4 is replaced by the following:

"4. Following approval of the Member State of relocation, Italy and Greece shall, as soon as possible, take a decision to relocate each of the identified applicants to a specific Member States of relocation, in consultation with EASO, and shall notify the applicant in accordance with Article 6(4). The Member State of relocation may decide not to approve the relocation of an applicant only if there are reasonable grounds as referred to in paragraph 7 of this Article. ***Member States of relocation should reply to relocation requests within one week. If the Member State of relocation does not approve the relocation within two weeks, that Member State shall be considered to have given its approval.***"

Or. en