



---

*Plenary sitting*

---

**A8-0245/2017**

28.6.2017

**\*\*\*I**  
**REPORT**

on the proposal for a regulation of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents  
(COM(2016)0466 – C8-0324/2016 – 2016/0223(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Tanja Fajon

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

## CONTENTS

	<b>Page</b>
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	80
ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT .....	82
OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS.....	83
PROCEDURE – COMMITTEE RESPONSIBLE.....	107
FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE.....	108



## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (COM(2016)0466 – C8-0324/2016 – 2016/0223(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0466),
  - having regard to Article 294(2) and Articles 78(2)(a) and (b) and 79(2)(a) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0324/2016),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 14 December 2016<sup>1</sup>,
  - having regard to the opinion of the Committee of the Regions of 8 February 2017<sup>2</sup>,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Employment and Social Affairs (A8-0245/2017),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

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

##### **Recital 1**

---

<sup>1</sup> OJ C 75, 10.3.2017, p. 97.

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

*Text proposed by the Commission*

(1) A number of substantive changes are to be made to Council Directive 2011/95/EU of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted<sup>31</sup> (recast). To ensure harmonisation and more convergence in asylum decisions and as regards the content of international protection ***in order to reduce incentives to move within the European Union*** and ensure an equality of treatment of beneficiaries of international protection that Directive should be repealed and replaced by a Regulation.

---

<sup>31</sup> OJ L 337, 20.12.2011, p. 9.

## **Amendment 2**

### **Proposal for a regulation**

#### **Recital 2**

*Text proposed by the Commission*

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

*Amendment*

(1) A number of substantive changes are to be made to Council Directive 2011/95/EU of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted<sup>31</sup> (recast). To ensure harmonisation and more convergence in asylum decisions, ***to achieve high common standards of protection across the Member States***, and, as regards the content of international protection, to ***encourage beneficiaries of international protection to remain in the Member State that granted them protection*** and ensure an equality of treatment of beneficiaries of international protection that Directive should be repealed and replaced by a Regulation.

---

<sup>31</sup> OJ L 337, 20.12.2011, p. 9.

*Amendment*

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

should be governed by the principle of solidarity and fair sharing of responsibility, ***including its financial implications***, between the Member States.

should be governed by the principle of solidarity and fair sharing of responsibility, between the Member States. ***The Geneva Convention is the cornerstone of the international legal regime for the protection of refugees.***

### Amendment 3

#### Proposal for a regulation Recital 3

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

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

##### *Amendment*

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

### Amendment 4

#### Proposal for a regulation Recital 3 a (new)

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

##### *Amendment*

***(3a) At present, Member States only recognise asylum decisions issued by other Member States where those decisions refuse to grant international protection. A move by Member States towards a mutual recognition of asylum***

*decisions issued by other Member States which grant international protection to persons in need would ensure the proper implementation of Article 78(2) of the Treaty on the Functioning of the European Union (TFEU), which calls for a uniform status of asylum, valid throughout the Union,.*

## Amendment 5

### Proposal for a regulation

#### Recital 4

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

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

---

<sup>32</sup> COM (2016) 197 final.

<sup>33</sup> EUCO 19.02.2016, SN 1/16.

##### *Amendment*

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

---

<sup>32</sup> COM (2016) 197 final.

<sup>33</sup> EUCO 19.02.2016, SN 1/16.



## Amendment 6

### Proposal for a regulation

#### Recital 5

*Text proposed by the Commission*

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

*Amendment*

(5) ***A common Union policy on international protection should be based on a uniform status. To move towards a well-functioning CEAS,*** substantial progress should be made regarding the convergence of national asylum systems with special regard to differing recognition rates and type of protection status in the Member States. ***At the same time, it is important not to overburden administratively the authorities of the Member States. Accordingly, rules*** should be strengthened to ensure that protection is granted to those who need it. ***While acknowledging the legal differences between refugee status and subsidiary protection status, a harmonised duration for residence permits should be established, which should take full account of the current best practice in the Member States. In order to ensure that equal high standards of protection are achieved in all Member States,*** the rights granted to beneficiaries of international protection should be further clarified and harmonised.

## Amendment 7

### Proposal for a regulation

#### Recital 6

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 8

### Proposal for a regulation

#### Recital 7

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 9

### Proposal for a regulation

#### Recital 8

*Text proposed by the Commission*

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

*Amendment*

(8) The further approximation of rules on the recognition and content of refugee and subsidiary protection status should moreover help to limit the secondary movement of applicants for international protection and beneficiaries of international protection between Member States.

## Amendment 10

### Proposal for a regulation

#### Recital 9

*Text proposed by the Commission*

(9) This Regulation does not apply to other national humanitarian statuses granted by Member States under their

*Amendment*

(9) This Regulation does not apply to other national humanitarian statuses granted by Member States under their

national law to those who do not qualify for the refugee status or the subsidiary protection status. ***These statuses, if issued, are to be issued in a way not to entail a risk of confusion with international protection.***

## **Amendment 11**

### **Proposal for a regulation**

#### **Recital 10**

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

(10) Successful resettlement candidates should be granted international protection. Accordingly, the provisions of this Regulation on the content of international protection should apply, ***including the rules to discourage secondary movement.***

## **Amendment 12**

### **Proposal for a regulation**

#### **Recital 11**

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

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

national law to those who do not qualify for the refugee status or the subsidiary protection status.

##### *Amendment*

(10) Successful resettlement candidates should be granted international protection. Accordingly, the provisions of this Regulation on the content of international protection should apply.

##### *Amendment*

(11) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the Charter), ***the European Convention on Human Rights (the ECHR) and the European Social Charter.*** In particular this Regulation seeks to ensure full respect for human dignity and the right to asylum of applicants for asylum and their accompanying family members and to promote the application of the Charter's Articles relating to human dignity, respect for private and family life, freedom of expression and information, right to education, freedom to choose an occupation and right to engage in work, freedom to conduct a business, right to asylum, ***protection in the event of***

implemented accordingly.

*removal, expulsion or extradition, equality before the law, non-discrimination, rights of the child, social security and social assistance, health care, and should therefore be implemented accordingly.*

## Amendment 13

### Proposal for a regulation

#### Recital 13

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

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

##### *Amendment*

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

## Amendment 14

### Proposal for a regulation

#### Recital 14

PE599.799v03-00

12/108

RR\1129574EN.docx

*Text proposed by the Commission*

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

---

<sup>34</sup> COM(2016)271 final.

## **Amendment 15**

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

*Text proposed by the Commission*

(15) When applying this Regulation the 'best interests of the child' should be a primary consideration, in line with the 1989 United Nations Convention on the Rights of the Child. In assessing the best

*Amendment*

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

---

<sup>34</sup> COM(2016)271 final.

*Amendment*

(15) When applying this Regulation the 'best interests of the child' should be a primary consideration, in line with the 1989 United Nations Convention on the Rights of the Child. In assessing the best

interests of the child, Member States' authorities should in particular take due account of the principle of family unity, the minor's well-being and social development, safety and security considerations and the views of the minor in accordance with his or her age and maturity.

interests of the child, Member States' authorities should in particular take due account of the principle of family unity, the minor's well-being and social development, ***the minor's cultural origin and linguistic skills***, safety and security considerations and the views of the minor in accordance with his or her age and maturity. ***Children applicants then turning 18 before a decision on their application is taken would thus still benefit from family unity.***

## Amendment 16

### Proposal for a regulation

#### Recital 16

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 17

### Proposal for a regulation

#### Recital 21 a (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 18

### Proposal for a regulation Recital 22

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 19

### Proposal for a regulation Recital 23

*Text proposed by the Commission*

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

*Amendment*

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

nature.

## Amendment 20

### Proposal for a regulation Recital 24

*Text proposed by the Commission*

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

*Amendment*

(24) Internal protection against persecution or serious harm **might** be effectively available to the applicant in a part of the country of origin where he or she can safely and legally travel to, gain admittance to and can reasonably be expected to settle. **It should be possible for the** assessment of whether such internal protection exists **to form** part of the assessment **of** the application for international protection, **provided that the State or agents of the State are not the actors of persecution or serious harm. Notwithstanding the obligation of the applicant to cooperate during the procedure, the** burden of demonstrating the availability of internal protection should **exclusively** fall on the determining authority. **However, this should not preclude the applicant from presenting evidence to rebut any finding by the determining authority that internal protection is available.**

## Amendment 21

### Proposal for a regulation Recital 25

*Text proposed by the Commission*

(25) Where the State or agents of the State are the actors of persecution or serious harm, there should be a presumption that effective protection is not available to the applicant. **When the applicant is an unaccompanied minor,** the availability of appropriate care and

*Amendment*

(25) Where the State or agents of the State are the actors of persecution or serious harm, there should be a presumption that effective protection is not available to the applicant **and the provision relating to internal protection should not apply. The assessment of the best interests**



custodial arrangements, ***which are in the best interests of the*** unaccompanied minor, ***should form part of the assessment as to whether that protection is effectively available.***

***of the child should be a primary consideration of the relevant authorities when assessing the conditions for internal protection in the case of minors, including the availability of appropriate care and custodial arrangements where the applicant is an unaccompanied minor.***

## **Amendment 22**

### **Proposal for a regulation**

#### **Recital 26**

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

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

##### *Amendment*

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

## **Amendment 23**

### **Proposal for a regulation**

#### **Recital 27**

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

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

##### *Amendment*

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

## **Amendment 24**

### **Proposal for a regulation**

#### **Recital 28**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 25**

**Proposal for a regulation**  
**Recital 29**

*Text proposed by the Commission*

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

*Amendment*

(29) In accordance with relevant case law of the Court of Justice of the European Union ***and the European Court of Human Rights***, when assessing applications for international protection, the competent authorities of the Member States should use methods for the assessment of the applicant's credibility in a manner that respects the individual's rights as guaranteed by the Charter ***and the European Convention for the Protection of Human Rights and Fundamental Freedoms***, in particular the right to human dignity and the respect for private and family life. Specifically as regards ***sexual orientation and gender identity***, the individual assessment of the applicant's

practices.

credibility should not be based on stereotyped notions concerning *sexual orientation and gender identity* and the applicant should not be submitted to detailed questioning or tests as to his or her sexual practices. ***Moreover, the competent national authorities should not consider that the applicant's statements lack credibility on the sole ground that the applicant did not rely on his or her sexual orientation, gender identity, gender expression or sex characteristics when he or she first set out the details of his or her persecution.***

## Amendment 26

### Proposal for a regulation

#### Recital 30

*Text proposed by the Commission*

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

*Amendment*

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

***Membership of a terrorist group or participation in the activities of a terrorist group is also contrary to the purposes and principles of the United Nations.***

## Amendment 27

### Proposal for a regulation

#### Recital 31

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 28**

##### **Proposal for a regulation Recital 31 a (new)**

*Text proposed by the Commission*

#### **Amendment 29**

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

*Text proposed by the Commission*

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

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

*Amendment*

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

*Amendment*

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

## Amendment 30

### Proposal for a regulation Recital 34

*Text proposed by the Commission*

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

*Amendment*

(34) For the purpose of assessing serious harm which may qualify applicants as eligible for subsidiary protection, the notion of indiscriminate violence, in accordance with relevant case law of the European Court of Justice **and the European Court of Human Rights**, should include violence that may extend to people irrespective of their personal circumstance. ***Factors to be taken into account when determining whether indiscriminate violence exists could include external aggression, occupation, foreign domination, internal conflicts, severe violations of human rights or events seriously disturbing public order in the country of origin, or in a part thereof.***

## Amendment 31

### Proposal for a regulation Recital 36

*Text proposed by the Commission*

(36) As regards the required proof in relation to the existence of a serious **and individual** threat to the life or person of an applicant, in accordance with relevant case law of the Court of Justice of the European Union<sup>36</sup>, ***determining authorities should not require the applicant to adduce evidence that he is specifically targeted by reason of factors particular to his personal circumstances.*** However, the level of indiscriminate violence required to substantiate the application is lower if the applicant is able to show that he is specifically affected by reason of factors particular to his personal circumstance. Moreover, the existence of a serious **and**

*Amendment*

(36) As regards the required proof in relation to the existence of a serious threat to the life or person of an applicant, in accordance with relevant case law of the Court of Justice of the European Union<sup>36</sup> **and the European Court of Human Rights**, ***the required level of harm needs not be equivalent to torture or inhuman or degrading treatment or punishment.*** However, the level of indiscriminate violence required to substantiate the application is lower if the applicant is able to show that he is specifically affected by reason of factors particular to his personal circumstance. Moreover, the existence of a serious threat should be established by the

*individual* threat should *exceptionally* be established by the determining authorities solely on account of the presence of the applicant on the territory or relevant part of the territory of the country of origin provided the degree of indiscriminate violence characterising the armed conflict taking place reaches such a high level that there are substantial grounds for believing that a civilian, returned to the country *or* origin or to the relevant part of country of origin, would, solely on account of his presence on the territory of that country or region, face a real risk of being subject to the serious threat.

---

<sup>36</sup> C-465/07.

determining authorities solely on account of the presence of the applicant on the territory or relevant part of the territory of the country of origin provided the degree of indiscriminate violence characterising the armed conflict taking place reaches such a high level that there are substantial grounds for believing that a civilian, returned to the country *of* origin or to the relevant part of country of origin, would, solely on account of his *or her* presence on the territory of that country or region, face a real risk of being subject to the serious threat.

---

<sup>36</sup> C-465/07.

## **Amendment 32**

### **Proposal for a regulation**

#### **Recital 37**

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

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

##### *Amendment*

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

## **Amendment 33**

### **Proposal for a regulation**

#### **Recital 38**

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

(38) Family members, due to their close relationship to the refugee, will normally be vulnerable to acts of persecution in such a manner that could be the basis for international protection. Provided they do

##### *Amendment*

(38) Family members, due to their close relationship to the refugee, will normally be vulnerable to acts of persecution in such a manner that could be the basis for international protection. Provided they do

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

not qualify for international protection, for the purpose of maintaining family unity, **family members, including siblings, who are present in the same Member State in relation to the application for international protection**, shall be entitled to claim a residence permit and the same rights accorded to beneficiaries of international protection. Without prejudice to the provisions related to maintaining family unity in this Regulation, where the situation falls within the scope of Directive 2003/86/EC on the right to family reunification and the conditions for reunification set out thereof are fulfilled, family members of the beneficiary of international protection who do not individually qualify for such protection should be granted residence permits and rights in accordance with that Directive. This Regulation shall be applied without prejudice to Directive 2004/38/EC.

## Amendment 34

### Proposal for a regulation Recital 39

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 35

### Proposal for a regulation

#### Recital 40

*Text proposed by the Commission*

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

## Amendment 36

### Proposal for a regulation

#### Recital 41

*Text proposed by the Commission*

(41) When the *refugee* status *or the subsidiary* protection *status* ceases to exist, the application of the decision by which the determining authority of a Member State *revokes, ends or does not renew* the status should be deferred for a reasonable period of time after adoption, in order to give the third-country national or stateless person concerned the possibility to apply for residence on the basis of other grounds than those having justified the granting of

*Amendment*

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

*Amendment*

(41) When the status *of the beneficiary of international* protection ceases to exist, the application of the decision by which the determining authority of a Member State *withdraws* the status should be deferred for a reasonable period of time after adoption, in order to give the third-country national or stateless person concerned the possibility to apply for residence on the basis of other grounds than those having justified the granting of international



international protection, such as family reasons, or reasons related to employment or to education, in accordance with relevant Union and national law.

protection, such as family reasons, or reasons related to employment or to education, in accordance with relevant Union and national law.

## **Amendment 37**

### **Proposal for a regulation Recital 41 a (new)**

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 38**

### **Proposal for a regulation Recital 42**

*Text proposed by the Commission*

*Amendment*

(42) Beneficiaries of international protection should reside in the Member State which granted them protection. Those beneficiaries who are in possession of a valid travel document and a residence permit issued by a Member State applying

(42) Beneficiaries of international protection should reside in the Member State which granted them protection. Those beneficiaries who are in possession of a valid travel document and a residence permit issued by a Member State applying

the Schengen acquis in full, should be allowed to enter into and move freely within the territory of the Member States applying the Schengen acquis in full, **for a period up to 90 days in any 180-day period** in accordance with Schengen Borders Code<sup>38</sup> and with Article 21 of the Convention implementing the Schengen Agreement<sup>39</sup>. Beneficiaries of international protection can equally apply to reside in a Member State other than the Member State which granted protection, in accordance with relevant EU rules, notably on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment<sup>40</sup> and national rules; however, this does not imply any transfer of the international protection and related rights.

---

<sup>38</sup> Regulation 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders.

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

<sup>40</sup> COM (2016) 378 final.

the Schengen acquis in full, should be allowed to enter into and move freely within the territory of the Member States applying the Schengen acquis in full, **within the authorised period of stay** in accordance with Schengen Borders Code<sup>38</sup> and with Article 21 of the Convention implementing the Schengen Agreement<sup>39</sup>. Beneficiaries of international protection can equally apply to reside in a Member State other than the Member State which granted protection, in accordance with relevant EU rules, notably on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment<sup>40</sup> and national rules; however, this does not imply any transfer of the international protection and related rights.

---

<sup>38</sup> Regulation 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders.

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

<sup>40</sup> COM (2016) 378 final.

## Amendment 39

### Proposal for a regulation

#### Recital 43

*Text proposed by the Commission*

(43) ***In order to prevent secondary movements within the European Union, beneficiaries*** of international protection, if found in a Member State other than the Member State having granted them protection without fulfilling the conditions

*Amendment*

(43) ***Beneficiaries*** of international protection, if found in a Member State other than the Member State having granted them protection without fulfilling the conditions of stay or reside, should be taken back by the Member State

of stay or reside, should be taken back by the Member State responsible in accordance with the procedure laid down by Regulation<sup>41</sup>

responsible in accordance with the procedure laid down by Regulation<sup>41</sup>.  
***Unaccompanied minors who are beneficiaries of international protection should only be taken back by the Member State responsible in accordance with the procedure laid down by Regulation [Dublin Regulation].***

---

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

---

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

## Amendment 40

### Proposal for a regulation

#### Recital 44

*Text proposed by the Commission*

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

*Amendment*

(44) ***To encourage*** beneficiaries of international protection ***to remain in the*** Member State that granted ***them such*** protection, ***the duration of residence permits granted to them should be harmonised for an appropriate period of time.***

## Amendment 41

### Proposal for a regulation

#### Recital 45

*Text proposed by the Commission*

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

*Amendment*

(45) The notion of national security and public order covers cases in which a third-country national belongs to an association which supports international terrorism. ***The notion of particularly serious crime includes offences such as participation in***

*a criminal organisation, terrorism, trafficking in human beings, sexual exploitation of children, murder, grievous bodily injury, illicit trafficking in weapons, munitions and explosives, corruption, rape, and crimes within the jurisdiction of the International Criminal Court.*

## Amendment 42

### Proposal for a regulation

#### Recital 47

*Text proposed by the Commission*

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

*Amendment*

*deleted*

## Amendment 43

### Proposal for a regulation

#### Recital 48

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 44

### Proposal for a regulation Recital 49

*Text proposed by the Commission*

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

## Amendment 45

### Proposal for a regulation Recital 49 a (new)

*Text proposed by the Commission*

*Amendment*

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

***(49a) In light of the fact that integration is a two-way process, respect for the values upon which the Union is founded and respect for the fundamental rights of the beneficiaries of international protection should be an integral part of the integration process. Integration should promote inclusion, rather than isolation, and the participation of all actors involved is crucial for its success. Member States, acting at national, regional and local level, should offer beneficiaries of international protection support and opportunities to integrate and build a life in their new society, which should include accommodation, literacy***

*and language courses, inter-cultural dialogue, education and professional training, as well as effective access to democratic structures in society.*

## Amendment 46

### Proposal for a regulation Recital 51

*Text proposed by the Commission*

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

## Amendment 47

### Proposal for a regulation Recital 52

*Text proposed by the Commission*

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

*Amendment*

(51) In addition, especially to avoid social hardship, it is appropriate to provide beneficiaries of international protection with social assistance without discrimination. ***While the basis of protection may result in a different status determination, there is no difference in the material needs of the individual protected.*** In order to facilitate their integration, Member States should be given the possibility to make the access to certain *types* of social assistances specified in national law, conditional on the effective participation of the beneficiary of international protection in integration measures.

*Amendment*

(52) Access to healthcare, including both physical and mental healthcare, ***as well as sexual and reproductive healthcare,*** should be ensured to

beneficiaries of international protection.

#### **Amendment 48**

##### **Proposal for a regulation Recital 52 a (new)**

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 49**

##### **Proposal for a regulation Recital 53**

*Text proposed by the Commission*

*Amendment*

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

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

#### **Amendment 50**

##### **Proposal for a regulation Recital 55**

(55) In order to ensure uniform conditions for the implementation of the provisions of this Regulation in respect of the form and content of the information to be provided, ***implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers<sup>42</sup>.***

(55) In order to supplement this Regulation by specifying the form and content of the information to be provided ***to the beneficiaries of international protection on the rights and obligations related to their status, 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. 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 of 13 April 2016 on Better Law-Making\*. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the 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.***

---

<sup>42</sup> OJ L 55, 28.2.2011, p. 13.

## **Amendment 51**

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

*Text proposed by the Commission*

(3) ‘refugee’ means a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who,

*Amendment*

(3) ‘refugee’ means a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion, ***gender, sexual orientation, gender identity, disability*** or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail



being outside of the country of former habitual residence for the same reasons as mentioned , is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 does not apply;

himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned , is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 does not apply;

## Amendment 52

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 9 – point a

*Text proposed by the Commission*

(a) the spouse of the beneficiary of international protection or his or her unmarried partner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its *law relating to third-country nationals*;

*Amendment*

(a) the spouse of the beneficiary of international protection or his or her unmarried partner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its *relevant national law*;

## Amendment 53

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 9 – point b

*Text proposed by the Commission*

(b) the minor children of the couples referred to in point (a) or of the beneficiary of international protection, *on condition that they are unmarried and* regardless of whether they were born in or out of wedlock or adopted as defined under national law;

*Amendment*

(b) the minor children of the couples referred to in point (a) or of the beneficiary of international protection, *the adult children for whom they have charge*, regardless of whether they were born in or out of wedlock or adopted as defined *or recognised* under national law, *as well as the children for whom they hold parental responsibility*;

## Amendment 54

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 9 – point c

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 55**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 10**

*Text proposed by the Commission*

(10) ‘minor’ means a third-country national or stateless person below the age of 18 years;

*Amendment*

(10) ‘minor’ means a third-country national or stateless person below the age of 18 years. *This is to be assessed, where applicable, at the time his or her application for international protection is made*;

**Amendment 56**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 15**

*Text proposed by the Commission*

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

*Amendment*

*deleted*

**Amendment 57**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 16**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 58**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 19**

*Text proposed by the Commission*

(19) 'guardian' means a person or an organisation appointed by the competent bodies in order to assist and represent an unaccompanied minor in procedures provided for in this Regulation with a view to **ensuring** the best interests of the child and exercising legal capacity for the minor where necessary.

*Amendment*

(19) 'guardian' means a person or an organisation appointed by the competent bodies in order to assist and represent an unaccompanied minor in procedures provided for in this Regulation with a view to **safeguarding** the best interests of the child **and his or her well-being** and exercising legal capacity for the minor where necessary.

**Amendment 59**

**Proposal for a regulation**

**Article 3 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

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

## Amendment 60

### Proposal for a regulation

#### Article 4 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

1. The applicant shall submit all the elements available to him or her which substantiate the application for international protection. ***The applicant*** shall cooperate ***with the determining authority throughout the procedure, including during the assessment of the relevant elements of the application. The applicant*** shall remain present and available throughout the procedure. ***Where, due to extenuating circumstances, the applicant is not available at any point during the procedure, those extenuating circumstances shall be taken into account when any decision is taken concerning the applicant or his or her application for international protection.***

## Amendment 61

### Proposal for a regulation

#### Article 4 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 62

### Proposal for a regulation

#### Article 4 – paragraph 3

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 63

### Proposal for a regulation

#### Article 4 – paragraph 4

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 64

### Proposal for a regulation

#### Article 4 – paragraph 5 – introductory part

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 65

### Proposal for a regulation

#### Article 4 – paragraph 5 – point a

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 66

### Proposal for a regulation

#### Article 4 – paragraph 5 – point b

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 67

### Proposal for a regulation

#### Article 4 – paragraph 5 – point d

*Text proposed by the Commission*

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

*Amendment*

**deleted**

## Amendment 68

### Proposal for a regulation

#### Article 5 – paragraph 3

*Text proposed by the Commission*

3. **Without prejudice to** the Geneva Convention **and** the European Convention

*Amendment*

3. **Provided that any decision on the application for international protection**

on Human Rights, an applicant who files a subsequent application in accordance with Article 42 of Regulation (EU)XXX/XXX [Procedures regulation] **shall not normally be granted** refugee status or subsidiary protection status if the risk of persecution or the serious harm is based on circumstances which the applicant has created by his or her own decision since leaving the country of origin.

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

## Amendment 69

### Proposal for a regulation

#### Article 6 – paragraph 1 – introductory part

*Text proposed by the Commission*

Actors of persecution or serious harm can **only** be:

*Amendment*

Actors of persecution or serious harm can be:

## Amendment 70

### Proposal for a regulation

#### Article 7 – paragraph 1 – introductory part

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 71

### Proposal for a regulation

#### Article 7 – paragraph 1 – point b

*Text proposed by the Commission*

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

*Amendment*

(b) parties or organisations ***which are mandated by the State and control*** the State or a substantial part of the territory of the State.

## Amendment 72

### Proposal for a regulation

#### Article 7 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

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

*Amendment*

***as long as*** they are willing and able to ***provide full, effective and durable*** protection ***against persecution or serious harm.***

## Amendment 73

### Proposal for a regulation

#### Article 7 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

***deleted***

## Amendment 74



**Proposal for a regulation**  
**Article 7 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 75**

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 76**

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

*Text proposed by the Commission*

(b) has access to protection against

*Amendment*

(b) has access to ***full, effective and***

persecution or serious harm.

*durable* protection against persecution or serious harm.

## Amendment 77

### Proposal for a regulation Article 8 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

2. ***Without prejudice to Article 4(1), the burden of demonstrating the availability of internal protection shall rest on the determining authority. That shall not preclude the applicant from presenting evidence to rebut any finding by the determining authority that internal protection is available.*** The applicant shall not be required to prove that, before seeking international protection, he or she has exhausted all possibilities to obtain protection in his or her country of origin.

## Amendment 78

### Proposal for a regulation Article 8 – paragraph 4

*Text proposed by the Commission*

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

*Amendment*

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

the applicant.

## **Amendment 79**

### **Proposal for a regulation**

#### **Article 8 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 80**

### **Proposal for a regulation**

#### **Article 9 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) it is sufficiently serious by its nature or repetition as to constitute a severe violation of ***basic*** human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or

(a) it is sufficiently serious by its nature or repetition as to constitute a severe violation of human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or

## **Amendment 81**

### **Proposal for a regulation**

#### **Article 9 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) acts of physical or mental violence, including acts of sexual violence;

(a) acts of physical or mental violence, including acts of sexual violence ***or trafficking for sexual exploitation***;

**Amendment 82**

**Proposal for a regulation**

**Article 9 – paragraph 2 – point e**

*Text proposed by the Commission*

*Amendment*

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

(e) prosecution or punishment for refusal to perform military service ***on moral, religious or political grounds or due to belonging to a particular ethnic group or holding a particular citizenship and, in particular***, where performing military service would include crimes or acts falling within the scope of the grounds for exclusion as set out in Article 12(2);

**Amendment 83**

**Proposal for a regulation**

**Article 9 – paragraph 2 – point f**

*Text proposed by the Commission*

*Amendment*

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

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

**Amendment 84**

**Proposal for a regulation**

**Article 10 – paragraph 1 – point d – introductory part**

*Text proposed by the Commission*

*Amendment*

(d) the concept of a particular social

(d) the concept of ***membership of a***

group shall include, in particular, a group where:

particular social group shall include, in particular, a group where:

## Amendment 85

### Proposal for a regulation

#### Article 10 – paragraph 1 – point d – indent 1

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 86

### Proposal for a regulation

#### Article 10 – paragraph 1 – point d – subparagraph 2

*Text proposed by the Commission*

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

*Amendment*

depending on the circumstances in the country of origin, the concept ***shall*** include a group based on a common characteristic of sexual orientation ***and*** gender related aspects, including gender identity, ***gender expression and sex characteristics, and the fact of having been a victim of trafficking for sexual exploitation. Those aspects*** shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group;

## Amendment 87

### Proposal for a regulation

#### Article 10 – paragraph 3

*Text proposed by the Commission*

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

**Amendment 88**

**Proposal for a regulation**

**Article 11 – paragraph 2 – point b**

*Text proposed by the Commission*

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

**Amendment 89**

**Proposal for a regulation**

**Article 12 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

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

*Amendment*

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

*Amendment*

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

## Amendment 90

### Proposal for a regulation

#### Article 12 – paragraph 2 – point c

*Text proposed by the Commission*

(c) he or she has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations.

*Amendment*

(c) he or she has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations, ***including convictions on the grounds of participation in the activities of a terrorist group.***

## Amendment 91

### Proposal for a regulation

#### Article 12 – paragraph 2 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***The determining authority may apply this paragraph only after it has undertaken, for each individual case, an assessment of the specific facts brought to its attention, with a view to determining whether there are serious reasons for considering that the acts committed by the person in question, who otherwise satisfies the qualifying conditions for refugee status, fall within the scope of points (a), (b) or (c) of the first subparagraph.***

## Amendment 92

### Proposal for a regulation

#### Article 12 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. Paragraph 2 shall not apply to minors.***

## Amendment 93

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

*Text proposed by the Commission*

*Amendment*

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

*deleted*

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

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

## Amendment 94

### Proposal for a regulation Article 12 – paragraph 6

*Text proposed by the Commission*

*Amendment*

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

*deleted*

## Amendment 95

### Proposal for a regulation Article 14 – title

*Text proposed by the Commission*

*Amendment*

*Revocation of, ending of or refusal to renew refugee status*

*Withdrawal of* refugee status

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



*corresponding changes throughout.)*

## **Amendment 96**

### **Proposal for a regulation**

#### **Article 14 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

1. The determining authority shall ***withdraw*** the refugee status of a third-country national or stateless person where:

## **Amendment 97**

### **Proposal for a regulation**

#### **Article 14 – paragraph 1 – point d**

*Text proposed by the Commission*

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

*Amendment*

(d) there are reasonable grounds for regarding ***that he*** or ***she, having been convicted by a final judgment of a particularly serious crime, is*** a danger to the security of the Member State in which he or she is present;

## **Amendment 98**

### **Proposal for a regulation**

#### **Article 14 – paragraph 1 – point e**

*Text proposed by the Commission*

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

*Amendment*

***deleted***

## **Amendment 99**

### **Proposal for a regulation**

#### **Article 14 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

## **Amendment 100**

### **Proposal for a regulation**

#### **Article 14 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

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

## **Amendment 101**

### **Proposal for a regulation**

#### **Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

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

## **Amendment 102**

### **Proposal for a regulation**

#### **Article 14 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Without prejudice to the duty of the refugee in accordance with Article 4(1) to disclose all *relevant facts and provide all relevant documentation at his or her disposal*, the determining authority which has granted refugee status shall, on an individual basis, demonstrate that the

4. Without prejudice to the duty of the refugee in accordance with Article 4(1) to disclose all *the elements available to him or her which substantiate the application for international protection*, the determining authority which has granted refugee status shall, on an individual basis,

person concerned has ceased to be or has never been a refugee for the reasons set out in paragraph 1 of this Article.

demonstrate that the person concerned has ceased to be or has never been a refugee for the reasons set out in paragraph 1 of this Article.

### Amendment 103

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

*Text proposed by the Commission*

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

*Amendment*

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

### Amendment 104

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

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 105

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

*Text proposed by the Commission*

*Amendment*

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

*deleted*

## Amendment 106

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

*Text proposed by the Commission*

*Amendment*

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

*deleted*

## Amendment 107

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

*Text proposed by the Commission*

*Amendment*

*Paragraph 1 shall not apply to unaccompanied minors, unless it is in their best interests.*

## Amendment 108

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

*Text proposed by the Commission*

*Amendment*

Serious harm as referred to in Article 2 (5),

Serious harm as referred to in Article 2 (5),

consists of:

consists *solely* of:

#### **Amendment 109**

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

##### **Article 16 – paragraph 1 – point b**

*Text proposed by the Commission*

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

*Amendment*

*(Does not affect the English version.)*

#### **Amendment 110**

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

##### **Article 16 – paragraph 1 – point c**

*Text proposed by the Commission*

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

*Amendment*

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

#### **Amendment 111**

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

##### **Article 17 – paragraph 2 – point b**

*Text proposed by the Commission*

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

*Amendment*

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

#### **Amendment 112**

**Proposal for a regulation**  
**Article 18 – paragraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

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

**Amendment 113**

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

*Text proposed by the Commission*

*Amendment*

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

(b) he or she has committed a serious ***non-political*** crime ***outside the country of protection prior to his or her admission as a beneficiary of subsidiary protection;***

**Amendment 114**

**Proposal for a regulation**  
**Article 18 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) he or she has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations;

(c) he or she has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations, ***including convictions on the grounds of participation in the activities of a terrorist group;***

**Amendment 115**

**Proposal for a regulation**  
**Article 18 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*The determining authority may apply this paragraph only after it has undertaken, for each individual case, an assessment of the specific facts brought to its attention, with a view to determining whether there are serious reasons for considering that the acts committed by the person in question, who otherwise satisfies the qualifying conditions for refugee status, fall within the scope of points (a), (b), (c), (d) or (e) of the first subparagraph.*

**Amendment 116**

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

*Text proposed by the Commission*

*Amendment*

*1a. Paragraph 2 shall not apply to minors.*

**Amendment 117**

**Proposal for a regulation**  
**Article 18 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

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

**Amendment 118**

**Proposal for a regulation**  
**Article 20 – title**

*Text proposed by the Commission*

*Amendment*

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

**Withdrawal of** subsidiary protection status

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

## **Amendment 119**

### **Proposal for a regulation**

#### **Article 20 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

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

1. The determining authority shall **withdraw** the subsidiary protection status of a third-country national or a stateless person where :

## **Amendment 120**

### **Proposal for a regulation**

#### **Article 20 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

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

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

## **Amendment 121**

### **Proposal for a regulation**

#### **Article 20 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

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

**deleted**



## Amendment 122

### Proposal for a regulation

#### Article 20 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

2. Without prejudice to the duty of the third-country national or stateless person pursuant to Article 4(1) to disclose all **the elements available to him or her which substantiate the application for international protection**, the Member State which has granted the subsidiary protection status shall, on an individual basis, demonstrate that the person concerned has ceased to be or is not eligible for subsidiary protection in accordance with paragraph 1 of this Article.

## Amendment 123

### Proposal for a regulation

#### Article 20 – paragraph 3

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 124

### Proposal for a regulation

#### Article 21 – paragraph 1

*Text proposed by the Commission*

In **order to apply** Article 20(1), the determining authority **shall** review the

*Amendment*

In **applying** Article 20(1), the determining authority **may** review the subsidiary

subsidiary protection status in particular

protection status in particular *where information on countries of origin at Union level as referred to in Article 8 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] and common analysis of country of origin information as referred to in Article 10 of that Regulation indicate a significant change in the country of origin which is relevant for the protection needs of the beneficiary.*

## **Amendment 125**

### **Proposal for a regulation Article 21 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

## **Amendment 126**

### **Proposal for a regulation Article 21 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

## **Amendment 127**

### **Proposal for a regulation Article 21 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Paragraph 1 shall not apply to unaccompanied minors, unless it is in their best interests.***

## **Amendment 128**

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

*Text proposed by the Commission*

*Amendment*

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

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

## **Amendment 129**

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

*Text proposed by the Commission*

*Amendment*

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

***deleted***

## **Amendment 130**

### **Proposal for a regulation Article 22 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. When applying the provisions of this Chapter, the specific situation of persons with special needs such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single

4. When applying the provisions of this Chapter, the specific situation of persons with special needs such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single

parents with *minor* children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence shall be taken into account provided an individual evaluation of their situation establishes that they have special needs.

## **Amendment 131**

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

*Text proposed by the Commission*

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

## **Amendment 132**

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

*Text proposed by the Commission*

## **Amendment 133**

### **Proposal for a regulation Article 23 – paragraph 2**

parents with children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence shall be taken into account provided an individual evaluation of their situation establishes that they have special needs.

*Amendment*

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

*Amendment*

### *Article 22a*

*Member States shall ensure that any decisions taken by the determining authority under Chapters II, III, IV, V and VI of this Regulation may be subject to an appeal under procedures laid down in national law. At least in the last instance the possibility of an appeal or a review, in fact and law, before a judicial authority shall be granted.*

*Text proposed by the Commission*

*Amendment*

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

**deleted**

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

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

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

#### **Amendment 134**

##### **Proposal for a regulation Article 24 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 135

### Proposal for a regulation Article 24 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

*The Commission is empowered to adopt delegated acts in accordance with Article 42 in order to supplement this Regulation by specifying the form and content of the information to be provided in accordance with the first subparagraph.*

## Amendment 136

### Proposal for a regulation Article 25 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

1. *For the purposes of this Article and subject to its provisions, family members, as defined in Article 2(9), shall also include the siblings of the beneficiary of international protection. Those family members of a beneficiary of international protection who do not individually qualify for such protection shall be entitled to claim a residence permit in accordance with national procedures and insofar as this is compatible with the personal legal status of the family member.*

## Amendment 137

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

*Text proposed by the Commission*

3a. *Member States may refuse to issue a residence permit to a spouse or unmarried partner in a stable relationship where it is shown that the marriage or partnership was contracted for the sole*

*Amendment*

3a. *Member States may refuse to issue a residence permit to a spouse or unmarried partner in a stable relationship where it is shown that the marriage or partnership was contracted for the sole*

*purpose of enabling the person concerned to enter or reside in the Member State.*

## Amendment 138

### Proposal for a regulation Article 25 – paragraph 6

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 139

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

*Text proposed by the Commission*

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

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

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

*Amendment*

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

***The residence permit*** for beneficiaries of ***international protection*** shall have a period of validity of ***five*** years and be renewable thereafter for periods of ***five*** years.

## Amendment 140

### Proposal for a regulation

#### Article 26 – paragraph 2 – introductory part

*Text proposed by the Commission*

2. A residence permit shall not be renewed or shall be revoked in the following cases:

*Amendment*

2. **Without prejudice to Council Directive 2003/109/EC, a** residence permit shall not be renewed or shall be revoked in the following cases:

## Amendment 141

### Proposal for a regulation

#### Article 26 – paragraph 2 – point a

*Text proposed by the Commission*

(a) where competent authorities **revoke, end or refuse to renew** the refugee status of a third-country national in accordance with Article 14 **and** the subsidiary protection status in accordance with Article 20;

*Amendment*

(a) where competent authorities **withdraw** the refugee status of a third-country national in accordance with Article 14 **or** the subsidiary protection status in accordance with Article 20;

## Amendment 142

### Proposal for a regulation

#### Article 26 – paragraph 2 – point b

*Text proposed by the Commission*

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

*Amendment*

**deleted**

## Amendment 143

### Proposal for a regulation

#### Article 26 – paragraph 2 – point c

*Text proposed by the Commission*

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

*Amendment*

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



## Amendment 144

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

*Text proposed by the Commission*

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

---

<sup>45</sup> Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p. 1)

*Amendment*

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

---

<sup>45</sup> Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p. 1)

## Amendment 145

### Proposal for a regulation Article 27 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 146

### Proposal for a regulation Article 27 – paragraph 3

*Text proposed by the Commission*

*Amendment*

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

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

#### **Amendment 147**

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

*Text proposed by the Commission*

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

*Amendment*

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

#### **Amendment 148**

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

*Text proposed by the Commission*

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

*Amendment*

*deleted*

#### **Amendment 149**

##### **Proposal for a regulation Article 29 – paragraph 1**

*Text proposed by the Commission*

1. Beneficiaries of international protection shall not have the right to reside in Member States other than the one which granted protection. This is without prejudice to their right to apply and be admitted to reside in other Member States pursuant to relevant provisions of Union and national law and their right to move freely in accordance with the conditions of Article 21 of the Convention Implementing the Schengen Agreement.

*Amendment*

1. Beneficiaries of international protection shall not have the right to reside in Member States other than the one which granted protection. This is without prejudice to their right to apply and be admitted to reside in other Member States pursuant to relevant provisions of Union **law, including Council Directive 2009/50/EC<sup>1a</sup>** and national law and their right to move freely in accordance with the conditions of Article 21 of the Convention Implementing the Schengen Agreement.

---

**<sup>1a</sup> Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (OJ L 155, 18.6.2009, p. 17).**

**Amendment 150**

**Proposal for a regulation  
Article 30 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) working conditions, including pay and dismissal, working hours, leave and holidays as well as health and safety requirements at the workplace;

*Amendment*

(a) working conditions, including pay and dismissal, working hours, leave and holidays, **family leave** as well as health and safety requirements at the workplace;

**Amendment 151**

**Proposal for a regulation  
Article 30 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) freedom of association and affiliation, and membership of an organisation representing workers or employers or of any organisation whose

*Amendment*

(b) freedom of association and affiliation, and membership of an organisation representing workers or employers or of any organisation whose

members are engaged in a specific occupation, including the benefits conferred by such organisations;

members are engaged in a specific occupation, including the ***rights and*** benefits conferred by such organisations;

## Amendment 152

### Proposal for a regulation Article 30 – paragraph 2 – point c

*Text proposed by the Commission*

(c) employment-related education opportunities ***for adults***, vocational training, including training courses for upgrading skills, practical workplace experience;

*Amendment*

(c) ***education and*** employment-related education opportunities, vocational training, including training courses for upgrading skills, practical workplace experience;

## Amendment 153

### Proposal for a regulation Article 30 – paragraph 2 – point d

*Text proposed by the Commission*

(d) advice services afforded by employment offices.

*Amendment*

(d) advice ***and follow-up*** services afforded by employment offices.

## Amendment 154

### Proposal for a regulation Article 30 – paragraph 3

*Text proposed by the Commission*

3. Competent authorities, ***where necessary*** shall facilitate ***the*** full access to the activities referred to in paragraph (2)(c) and (d).

*Amendment*

3. Competent authorities shall facilitate full access to the activities referred to in paragraph (2)(c) and (d).

## Amendment 155

### Proposal for a regulation Article 31 – paragraph 2

*Text proposed by the Commission*

2. Adults granted international protection shall have access to the general education system, further training or retraining, under the same conditions as *third-country* nationals *legally resident in that* Member State *who are in a comparable situation*.

*Amendment*

2. Adults granted international protection shall have access to the general education system, further training or retraining, under the same conditions as nationals *of the* Member State *that has granted protection*.

**Amendment 156**

**Proposal for a regulation**

**Article 34 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Access to certain social assistance specified in national law may be made conditional on the effective participation of the beneficiary of international protection in integration measures.

*Amendment*

Access to certain social assistance specified in national law may be made conditional on the effective participation of the beneficiary of international protection in integration measures, *provided that the integration measures in question are easily accessible, free of charge and take account of the specific needs of the beneficiary of international protection in question*.

**Amendment 157**

**Proposal for a regulation**

**Article 34 – paragraph 2**

*Text proposed by the Commission*

2. *For beneficiaries of subsidiary protection status Member States may limit social assistance to core benefits.*

*Amendment*

*deleted*

**Amendment 158**

**Proposal for a regulation**

**Article 35 – paragraph 2**

*Text proposed by the Commission*

2. Beneficiaries of international protection who have special needs, such as pregnant women, disabled people, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence or minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered from armed conflict shall be provided adequate healthcare, including treatment of mental disorders when needed, under the same eligibility conditions as nationals of the Member State that has granted protection.

*Amendment*

2. Beneficiaries of international protection who have special needs, such as pregnant women, disabled people, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence or minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered from armed conflict shall be provided **with** adequate healthcare, including treatment of mental disorders when needed, under the same eligibility conditions as nationals of the Member State that has granted protection.

**Amendment 159**

**Proposal for a regulation**

**Article 36 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

As soon as possible after international protection is granted and **within** five **working days at the latest, as outlined in Article 22(1) of Regulation EU no xxx/xxx[Procedures regulation]**, competent authorities shall take the necessary measures to ensure the representation of unaccompanied minors by a legal guardian or, where necessary, by an organisation responsible for the care and well-being of minors, or by any other appropriate representation including that based on legislation or court order.

*Amendment*

***Where it is not possible to keep the same guardian appointed after the arrival of the unaccompanied minor in the territory of the Union, as soon as possible after international protection is granted and in any case no later than*** five days ***thereafter***, competent authorities shall take the necessary measures to ensure the representation of unaccompanied minors by a legal guardian or, where necessary, by an organisation responsible for the care and well-being of minors, or by any other appropriate representation including that based on legislation or court order.

**Amendment 160**

**Proposal for a regulation**

**Article 36 – paragraph 1 a (new)**

***1a. Member States shall ensure that a guardian is not placed in charge of a disproportionate number of unaccompanied minors at the same time that would render him or her unable to perform his or her tasks effectively, and in any case of no more than 20. Member States shall appoint entities or persons responsible for monitoring at regular intervals that guardians perform their tasks in a satisfactory manner. Those entities or persons shall also have the competence to review complaints lodged by unaccompanied minors against their guardian. To this end, unaccompanied minors shall be given information in a concise, transparent, intelligible and easily accessible form, using clear and plain language both orally and in a visual form, in a child-friendly manner and in a language they understand, about who these entities or persons are and how to report file complaints against their guardians in confidence and safety.***

## **Amendment 161**

### **Proposal for a regulation Article 36 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The appointed guardian shall have the duty of ensuring that the minor can access all rights stemming from this Regulation. The ***appropriate authorities*** shall ***regularly*** assess the performance of the ***appointed guardian***.

2. The appointed guardian shall have the duty of ensuring that the minor can access all rights stemming from this Regulation. The ***responsible entities or persons*** shall assess the performance of the ***guardian within the first month after his/her appointment, and regularly thereafter***.

## **Amendment 162**

### **Proposal for a regulation Article 36 – paragraph 3 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) in centres specialised in accommodation for minors;

(c) in ***open*** centres specialised in accommodation for minors, ***which take account of their vulnerability and ensure their safety***;

**Amendment 163**

**Proposal for a regulation**

**Article 36 – paragraph 3 – subparagraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

(d) in other accommodation suitable for minors.

(d) in other ***open*** accommodation suitable for minors ***which takes account of their vulnerability and ensures their safety***.

**Amendment 164**

**Proposal for a regulation**

**Article 36 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. ***If an unaccompanied minor is granted international protection and the tracing of his or her family members has not already started, competent authorities shall start tracing them as soon as possible after the granting of international protection, whilst protecting the minor's best interests. If tracing has already started, it shall be continued where appropriate.*** In cases where there may be a threat to the life or integrity of the minor or his or her close relatives, particularly if they have remained in the country of origin, care must be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis.

5. ***Tracing*** of family members of an ***unaccompanied minor*** shall start as soon as ***he or she registers his or her request for international protection***. In cases where there may be a threat to the life or integrity of the minor or his or her close relatives, particularly if they have remained in the country of origin, care must be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis ***so as to avoid jeopardising their safety***.

**Amendment 165**



**Proposal for a regulation**  
**Article 36 – paragraph 6**

*Text proposed by the Commission*

6. The persons and organisations working with unaccompanied minors shall receive continuous appropriate training concerning the rights and needs of minors and child safeguarding standards will be respected as referred to in Art 22 of Regulation EU No xxx/xxx[Procedures regulation].

*Amendment*

6. The persons and organisations working with unaccompanied minors shall receive continuous appropriate training concerning the rights and needs of minors and child safeguarding standards will be respected as referred to in Art 22 of Regulation EU No xxx/xxx[Procedures regulation]. ***Where an organisation is appointed as guardian, it shall designate a person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with this Regulation. The guardian shall perform his or her duties in accordance with the principle of the best interests of the child, shall have the necessary qualifications and expertise to that end and shall not have a criminal record, in particular as regards child-related crimes or offences. The competent authorities shall regularly review the criminal records of appointed guardians in order to identify potential incompatibilities with their role. In order to ensure the minor's well-being and social development, the person acting as guardian shall be changed only where necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be appointed as guardians.***

**Amendment 166**

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

*Text proposed by the Commission*

1. Beneficiaries of international protection shall have access to accommodation under conditions

*Amendment*

1. Beneficiaries of international protection shall have access to accommodation under conditions

equivalent to those applicable to *other third-country* nationals *legally resident in the territories* of the Member States who *are in a comparable situation*.

equivalent to those applicable to nationals of the Member *State that has granted protection*.

#### **Amendment 167**

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

*Text proposed by the Commission*

2. National dispersal practices of beneficiaries of international protection shall be carried out *to the extent possible* without discrimination of beneficiaries of international protection and shall ensure equal opportunities regarding access to accommodation.

*Amendment*

2. National dispersal practices of beneficiaries of international protection shall be carried out without discrimination of beneficiaries of international protection and shall ensure equal opportunities regarding access to accommodation.

#### **Amendment 168**

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

*Text proposed by the Commission*

1. In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular *language courses*, civic orientation and integration programs and vocational training which take into account their specific needs.

*Amendment*

1. In order to *promote and* facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular civic orientation and integration programs and vocational training, which *shall be free of charge and easily accessible and shall* take into account their specific needs.

#### **Amendment 169**

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

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall provide beneficiaries of international protection with effective access to language courses, which shall be free of charge, from the date on which they are granted international protection.***

## **Amendment 170**

### **Proposal for a regulation Article 38 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Member States may make participation in integration measures compulsory.

2. Member States may make participation in integration measures compulsory, ***provided that the integration measures in question are easily accessible, free of charge and take account of the specific needs of the beneficiary of international protection in question.***

## **Amendment 171**

### **Proposal for a regulation Article 38 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Member States shall not apply punitive measures against beneficiaries of international protection where they are unable to participate in integration measures due to circumstances beyond their control or due to the unsuitable nature of the integration measures in question.***

## **Amendment 172**

### **Proposal for a regulation Article 42**

**Article 42**

**deleted**

**Committee Procedure**

**1. The Commission shall be assisted by a committee [established by Article 58 of xxx of Regulation (EU)XXX/XXX [Procedures regulation]]. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.**

**2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.**

**3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.**

**Amendment 173**

**Proposal for a regulation**

**Article 42 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 42a**

***Exercise of the delegation***

**1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.**

**2. The power to adopt delegated acts referred to in Article 24 shall be conferred on the Commission for a period of two years from the [date of entry into force of the basic legislative act]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the two-year period. The delegation of power shall be tacitly extended for periods of an identical**

*duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

*3. The delegation of power referred to in Article 24 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*

*4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.*

*5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

*6. A delegated act adopted pursuant to Article 24 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.*

## **Amendment 174**

### **Proposal for a regulation**

#### **Article 44 – paragraph -1 (new)**

Directive 2003/109/EU

Article 4 – paragraph 2 – subparagraph 3

**-1. In Article 4 of Directive 2003/109/EU, the third subparagraph of paragraph 2 is replaced by the following:**

**"Regarding persons to whom international protection has been granted, the period between the date of the lodging of the application for international protection on the basis of which that international protection was granted and the date of the granting of the residence permit referred to in Article 26 of Regulation (EU) .../... [Qualifications Regulation], shall be taken into account in the calculation of the period referred to in paragraph 1."**

## **Amendment 175**

### **Proposal for a regulation**

#### **Article 44 – paragraph 1**

Directive 2003/109/EU

Article 4 – paragraph 3a (new)

*Text proposed by the Commission*

*Amendment*

3a. Where a beneficiary of international protection is found in a Member State, other than the one that granted international protection, without a right to stay or to reside there in accordance with relevant Union or national law, the period of legal stay preceding such a situation shall not be taken into account in the calculation of the period referred to in paragraph 1.

3a. Where a beneficiary of international protection is found in a Member State, other than the one that granted international protection, **and the authorities of that Member State have established that the beneficiary did stay or reside there**, without a right to stay or to reside there in accordance with relevant Union or national law, **for more than two weeks and without serious and urgent justification**, the period of legal stay preceding such a situation shall not be taken into account in the calculation of the period referred to in paragraph 1, **unless the beneficiary of international protection demonstrates that the reason for the movement was due to circumstances beyond his or her control.**

**The first subparagraph shall not apply to**

*unaccompanied minors.*

## **Amendment 176**

### **Proposal for a regulation**

#### **Article 44 – paragraph 2**

Directive 2003/109/EU

Article 26a – paragraph 1

#### *Text proposed by the Commission*

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 4(3a) of this Directive by [**six months** after the entry into force of this Regulation] at the latest. They shall forthwith inform the Commission thereof.

#### *Amendment*

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 4(3a) of this Directive by [**30 days** after the entry into force of this Regulation] at the latest. They shall forthwith inform the Commission thereof.

## **Amendment 177**

### **Proposal for a regulation**

#### **Article 46 – paragraph 2**

#### *Text proposed by the Commission*

This Regulation shall start to apply from [**six** months from its entry into force].

#### *Amendment*

This Regulation shall start to apply from [**three** months from its entry into force].

## EXPLANATORY STATEMENT

The proposed revision of the Common European Asylum System (CEAS) is striving to respond to the migration trends of the last few years and the arrival of large numbers of third-country nationals in the European Union, many of whom are in need of international protection. Proposing to again revise the CEAS so soon after the adoption of the last reform may not be the best way to ensure that the system operates fully and takes root in national policies and practices. However, the opportunity to reform the CEAS should be seized in order to improve the common asylum policy of the Union, which should be based on true solidarity and a fair sharing of responsibility, moving gradually to a uniform international protection status valid throughout the Union as enshrined in the *Article 78(2)* of the Treaty on the Functioning of the European Union (TFEU).

The Rapporteur therefore sees the proposal to turn the Qualification Directive into a Regulation as an opportunity to move further towards a progressive, positive and upward harmonisation of standards for determining that persons are in need of international protection and defining the rights which those persons should enjoy. While the system is under strain, it is essential to reaffirm the European asylum tradition based on the Geneva Convention and strengthen additional protections that the Union has progressively developed on the basis of its common values.

Bearing this in mind, the Rapporteur had a particular eye in ensuring that case law developed by the two European courts, in Luxembourg and Strasbourg, was properly integrated in the revised piece of legislation, such as fundamental rights and anti-discrimination *acquis*. The Rapporteur took account of the policies and practices developed so far by the Member States on the basis of the Qualification Directive, and sought to improve it.

The logic of approximating the two protection status and further harmonisation guided the Rapporteur's policy choice in this report. The current practice in the Member States and the very concept of protection does not effectively provide grounds for the distinction between the two statuses. In particular the reality shows that the subsidiary protection is based on an unjustified assumption of more temporary nature of protection and limited in its effectiveness.

Furthermore, the Rapporteur tried to combine protection with integration rather than punitive measures, favouring thus long-term social cohesion and security for all, and discouraging secondary movement. A general concern for the future practical operation of the Regulation avoiding to overburden Member States' administrations guided the amendments proposed.

Along this line, the Rapporteur wishes to amend the proposed compulsory review of the granted status of beneficiaries of international protection, both in case of changes of circumstances in the country of origin and at the moment of renewal. Although the Rapporteur agrees that evolutions in the country of origin, assessed in a harmonised way by the EU Agency for Asylum, may affect the protection needs, a systematic review would prove highly resource-intensive for the determining authorities in the Member States. Moreover, being constantly and potentially subject to such a review may undermine integration prospects of the beneficiary in his or her host society. The Rapporteur therefore proposes to leave the review as an option to Member States rather than imposing it as an automatic and compulsory part of the asylum status.



In the same way, the Rapporteur does not wish to see the revised EU legislation lead to a reduction of the length of residence permits currently granted by Member States to beneficiaries of international protection residing on their territory. She therefore proposes to amend the new EU standard period of validity of the residence permits for both refugees and beneficiaries of the subsidiary protection to better reflect the current practice at national level and provide beneficiaries with more legal security. This, again, aims to encourage the beneficiaries to invest in their lives and thus contribute to their hosting communities.

Moreover, amendments on this point tend to align the length of the residence permit for refugees and beneficiaries of subsidiary protection. Indeed, the latter status does not respond to a need for protection that would be more temporary, but simply different in that it does not fall under the refugee legal definition and status. Although not ‘refugees’ *stricto sensu*, those persons also face great risks in their country of origin, cannot return safely and have to rebuild their lives in a country that provides them with ‘refuge’. It is therefore as essential for them as it is for refugees to try and build a legal framework encouraging their integration. Beyond the period of validity of the residence permit, this logic of approximating the two protection status guided a number of amendments tabled by the rapporteur.

Protection against acts of persecution may not always imply leaving one’s country though. The Rapporteur acknowledges that in individual cases ‘refuge’ could be found within one’s own country of origin, should the persecution or serious harm emanates from the State or agents associated with the State. Obliging Member States examining internal protection alternative after the determining authority has already decided that the applicant would otherwise be in need of protection, is going one step too far. The internal protection alternative should remain, in limited cases, only as an option for Member States and not an obligation.

To conclude, amendments proposed by the Rapporteur respond to the overall aim of ensuring that those in need of protection are properly recognised and benefit from rights that will facilitate their integration, wherever they reside across the Union. The Rapporteur wishes to underline that reforming the CEAS has to do with improving the protection granted to third-country nationals in need, in accordance with EU tradition and values. The EU has to provide for its own security but the two go together - the EU must be safe if it is to remain a sanctuary for those who flee conflicts and barbarity and seek protection. Putting the stress on sanctions and possible abuse of the system is only likely to reinforce a general feeling of insecurity, on the side both of persons in need of protection and of EU citizens. A positive message should be sent in both directions so that third-country nationals who have not necessarily chosen to come to the EU can quickly feel part of a society where protection and security are reconciled - this is what the Rapporteur is seeking to achieve with her proposals.

## **ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the draft report:

<b>Entity and/or person</b>
Save the Children
The European Council on Refugees and Exiles (ECRE)
United Nations High Commissioner for Refugees
The Meijers Committee
EUROCITIES, the network of major European cities
ILGA-Europe
Migration Policy Group
Jesuit Refugee Service Europe
Ajda Mihelčič, Brussels

## **OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS**

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents  
(COM(2016)0466 – C8-0324/2016 – 2016/0223(COD))

Rapporteur: Brando Benifei

### **SHORT JUSTIFICATION**

The proposed reform of the Common European Asylum System aims at shaping a more sustainable, fairer and holistic EU migration policy, based on the principles of fair sharing of responsibility and solidarity among Member States.

Notwithstanding the legislative and political effort carried out in the past years at the European and Member States' level, in order to respond effectively to the refugee crisis, several aspects related to the well-functioning of the asylum system still remain to be addressed. In particular, differences persist on rules and criteria for granting refugee status and subsidiary protection; on recognition rates among Member States as well as on the set of rights and obligations granted to beneficiaries. The Commission proposes to repeal the previous Recast Qualification Directive with a Regulation, therefore increasing the harmonisation potential of new common European instruments. The rapporteur believes it essential for reforms in this field to achieve the overarching goal of improving the current situation, which should be intended as a step forward in the effective rights provided to people who are in need of protection, and not just as the merely functional administrative re-organisation or rationalisation of rules, practices and procedures.

With a view to this, the possibility for social inclusion and labour market integration of beneficiaries of international protection into society is key.

In his draft opinion, therefore, the rapporteur puts forward amendments with the aim of ensuring that EU legislation allows exploiting the maximum potential of such integration prospects. In first instance, this means aligning the rights granted to refugees, on the one hand, and to beneficiaries of subsidiary protection, on the other, as it is already the case in some Member States, being such distinction often based on the disputable assumption of a

more temporary nature of the protection needed. This creates in practice not only an unnecessary administrative complexity, but risks directly jeopardising their integration chances, for example due to a too short duration of their residence or work permits - being the two often intrinsically connected - or by linking the renewal of such residence permit to a protection status review, which also appears costly and unnecessary. For similar reasons, the rapporteur proposes a deletion from the text of the possibility for Member States to limit social assistance of beneficiaries of subsidiary protection to core benefits.

Commission allows for Member States to make participation in integration measures such as language courses, vocational training and other employment-related measures compulsory for beneficiaries of protection, in order facilitate their integration into society. While this can be accepted as a valuable tool for turning the short-term challenges of integration into an opportunity for society as a whole, at the same time it needs to be specified that such measures must be free of charge, available, easily accessible and always take into account the rights and values of the beneficiary of protection. It is also necessary to ensure that non or partial participation to such measures never puts at risk the protection status of the person, as this will directly constitute a violation of international refugee law.

Finally, the rapporteur disagrees with the punitive approach chosen by the Commission to regulate secondary movements, while considering on the other hand a system of possible incentives to remain in the State that granted protection more appropriate.

## AMENDMENTS

The Committee on Employment and Social Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a regulation

##### Recital 1

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

(1) A number of substantive changes are to be made to Council Directive 2011/95/EU of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted<sup>31</sup> (recast). To ensure harmonisation and more convergence in asylum decisions and as regards the content of international

###### *Amendment*

(1) A number of substantive changes are to be made to Council Directive 2011/95/EU of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted<sup>31</sup> (recast). To ensure harmonisation and more convergence in asylum decisions and as regards the content of international

protection in order to *reduce incentives to move within the European Union* and ensure an equality of treatment of beneficiaries of international protection that Directive should be repealed and replaced by a Regulation.

---

<sup>31</sup> OJ L 337, 20.12.2011, p. 9.

protection in order to *encourage beneficiaries of international protection to remain in the Member State that granted them such protection* and ensure an equality of treatment of beneficiaries of international protection that Directive should be repealed and replaced by a Regulation.

---

<sup>31</sup> OJ L 337, 20.12.2011, p. 9.

## Amendment 2

### Proposal for a regulation

#### Recital 3

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

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

##### *Amendment*

(3) The CEAS is based on common standards for asylum procedures, recognition and protection offered at Union level, reception conditions and a system for determining the Member State responsible for asylum seekers. Notwithstanding progress achieved so far in the progressive development of the CEAS, there are still significant disparities between the Member States in the types of procedures used, the recognition rates, the type of protection granted, the level of material reception conditions and benefits given to applicants for and beneficiaries of international protection. These divergences, *together with very different macroeconomic and labour market situations across the Member States,* undermine the objective of *standardised reception conditions for all applicants* wherever they apply in the Union.

## Amendment 3

### Proposal for a regulation

## Recital 5

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 4

### Proposal for a regulation

#### Recital 6

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 5

### Proposal for a regulation

#### Recital 8

*Text proposed by the Commission*

(8) The further approximation of rules on the recognition and content of refugee and subsidiary protection status should moreover help to limit the secondary movement of applicants for international

*Amendment*

(8) The further approximation of rules on the recognition and content of refugee and subsidiary protection status should moreover help to limit the secondary movement of applicants for international

protection and beneficiaries of international protection between Member States, *where such movement may have been caused by any differences in the national legal measures taken to transpose the Qualification Directive replaced by this Regulation.*

protection and beneficiaries of international protection between Member States, *and to achieve high protection standards throughout the Union.*

## Amendment 6

### Proposal for a regulation

#### Recital 10

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

(10) Successful resettlement candidates should be granted international protection. Accordingly, the provisions of this Regulation on the content of international protection should apply, *including the rules to discourage secondary movement.*

##### *Amendment*

(10) Successful resettlement candidates should be granted international protection. Accordingly, the provisions of this Regulation on the content of international protection should apply.

## Amendment 7

### Proposal for a regulation

#### Recital 11

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

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

##### *Amendment*

(11) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union (the Charter), *the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, the 1961 European Social Charter, the 1948 Universal Declaration of Human Rights, and the 1951 Refugee Convention and the 1967 Protocol thereto.* In particular this Regulation seeks to ensure full respect for human dignity and the right to asylum of applicants for asylum and their accompanying family members and to promote the application of the Charter's Articles relating to human dignity, respect for private and family life, freedom of

health care, and should therefore be implemented accordingly.

expression and information, right to education, freedom to choose an occupation and right to engage in work, freedom to conduct a business, right to asylum, non-discrimination, rights of the child, ***the enjoyment of social rights including*** social security and social assistance, health care, and should therefore be implemented accordingly.

## Amendment 8

### Proposal for a regulation Recital 13

#### *Text proposed by the Commission*

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

#### *Amendment*

(13) The resources of the Asylum, Migration and ***Integration*** Fund should be used to provide adequate support to Member States' efforts in implementing the standards set by ***this Regulation***, in particular ***in relation to promoting sustainable integration of beneficiaries of international protection and to providing support*** to those Member States which are ***facing challenges as part of*** their asylum systems, due in particular to their ***social***, geographical or demographic situation. ***To that end, adequate funding should be made available to local and regional authorities and international and civil society organisations, including through the possibility for local and regional authorities to access the Asylum Migration and Integration Fund and other funds for actions that fall directly under their responsibilities in a more direct and efficient manner.***

## Amendment 9

### Proposal for a regulation Recital 15



*Text proposed by the Commission*

(15) When applying this Regulation the ‘best interests of the child’ should be a primary consideration, in line with the 1989 United Nations Convention on the Rights of the Child. In assessing the best interests of the child, Member States' authorities should in particular take due account of the principle of family unity, the minor's well-being and social development, safety and security considerations and the views of the minor in accordance with his or her age and maturity.

## **Amendment 10**

### **Proposal for a regulation Recital 29**

*Text proposed by the Commission*

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

*Amendment*

(15) When applying this Regulation the ‘best interests of the child’ should be a primary consideration, in line with the 1989 United Nations Convention on the Rights of the Child. In assessing the best interests of the child, Member States' authorities should in particular take due account of the principle of family unity, the minor's well-being and social development, ***the minor's cultural origin and linguistic skills***, safety and security considerations and the views of the minor in accordance with his or her age and maturity.

*Amendment*

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

*expression or sex characteristics when he or she first set out the details of his or her persecution.*

## Amendment 11

### Proposal for a regulation Recital 34

*Text proposed by the Commission*

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

*Amendment*

(34) For the purpose of assessing serious harm which may qualify applicants as eligible for subsidiary protection, the notion of indiscriminate violence, in accordance with relevant case law of the European Court of Justice **and the European Court of Human Rights**, should include violence that may extend to people irrespective of their personal **circumstances. Factors to be taken into account when determining whether indiscriminate violence exists could include external aggression, occupation, foreign domination, internal conflicts, severe violation of human rights or events seriously disturbing public order in the country of origin, or in a part thereof.**

## Amendment 12

### Proposal for a regulation Recital 37

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 13

### Proposal for a regulation Recital 39

#### *Text proposed by the Commission*

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

---

<sup>37</sup> COM(2016)271 final.

## Amendment 14

### Proposal for a regulation Recital 41

#### *Text proposed by the Commission*

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

#### *Amendment*

(39) With a view to ascertaining whether beneficiaries of international protection are still in need of that protection, determining authorities *may* review the granted status when a significant relevant change in the beneficiaries' country of origin occurs as indicated by common analysis and guidance on the situation in the country of origin provided at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum<sup>37</sup>].

---

<sup>37</sup> COM(2016)271 final.

#### *Amendment*

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

reasons, or reasons related to employment or to education, in accordance with relevant Union and national law.

*medical* reasons, or reasons related to employment or to education, in accordance with relevant Union and national law.

## Amendment 15

### Proposal for a regulation Recital 43

*Text proposed by the Commission*

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

---

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

*Amendment*

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

---

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

## Amendment 16

### Proposal for a regulation Recital 44

*Text proposed by the Commission*

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

*Amendment*

***deleted***

## Amendment 17

### Proposal for a regulation Recital 47

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 18

### Proposal for a regulation Recital 48

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 19

### Proposal for a regulation Recital 49

*Text proposed by the Commission*

(49) In order to enhance the effective exercise of the rights and benefits laid

*Amendment*

(49) In order to enhance the effective exercise of the rights and benefits laid

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

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

## Amendment 20

### Proposal for a regulation Recital 50

#### *Text proposed by the Commission*

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

#### *Amendment*

(50) Equal treatment **and the principle of non-discrimination** should be **applied to** beneficiaries of international protection with nationals of the Member State granting protection as regards social security.

## Amendment 21

### Proposal for a regulation Recital 51

#### *Text proposed by the Commission*

(51) In addition, especially to avoid social hardship, it is appropriate to provide beneficiaries of international protection **with social assistance without discrimination. However, as regards beneficiaries** of subsidiary protection, **Member States should be given some flexibility, to limit such rights to core**

#### *Amendment*

(51) In addition, especially to avoid social hardship **and to facilitate the integration of** beneficiaries of international protection **and** of subsidiary protection, **it is appropriate to provide them with social and legal assistance without discrimination.**

*benefits, which is to be understood as covering at least minimum income support, assistance in the case of illness, or pregnancy, and parental assistance, in so far as those benefits are granted to nationals under national law. In order to facilitate their integration, Member States should be given the possibility to make the access to certain type of social assistances specified in national law, for both refugees and beneficiaries of subsidiary protection, conditional on the effective participation of the beneficiary of international protection in integration measures.*

## **Amendment 22**

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

*Text proposed by the Commission*

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

*Amendment*

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

## **Amendment 23**

### **Proposal for a regulation Recital 52 a (new)**

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 24**

### **Proposal for a regulation**

## Recital 53

*Text proposed by the Commission*

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

*Amendment*

(53) In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection *should* have *free and effective* access to integration measures, modalities to be set by the Member States. Member States may make the participation in such integration measures, such as language courses, civic integration courses, vocational training and other employment-related courses compulsory, *provided that those integration measures are easily accessible and free of charge.* *Participation in the measures in question should always be without prejudice to the rights and obligations established by this Regulation and should never constitute grounds for review, revocation, ending, refusal or non-renewal of refugee status or subsidiary protection status. Any sanction established by Member States in national law, regarding failure to attend obligatory integration measures, should always be proportional.*

## Amendment 25

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

*Text proposed by the Commission*

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

*Amendment*

*deleted*

## Amendment 26

**Proposal for a regulation**  
**Article 21 – paragraph 1 – point b**



*Text proposed by the Commission*

*Amendment*

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

**deleted**

## **Amendment 27**

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

*Text proposed by the Commission*

*Amendment*

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

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

## **Amendment 28**

### **Proposal for a regulation Article 22 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

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

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

## **Amendment 29**

### **Proposal for a regulation Article 24 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

The competent authorities shall provide beneficiaries of international protection with information on the rights and obligations relating to refugee status or subsidiary protection status, as soon as possible after that has been granted. That information shall be provided *in writing*, in a language that the beneficiary can understand and shall make explicit references to the consequences of not complying with the obligations outlined in *Article 29* on movement within the Union.

**Amendment 30**

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 31**

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 32**

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 33**

**Proposal for a regulation**  
**Article 30 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) working conditions, including pay and dismissal, working hours, leave and holidays as well as health and safety requirements at the workplace;

*Amendment*

(a) working conditions, including pay and dismissal, working hours, leave and holidays, ***family leave*** as well as health and safety requirements at the workplace;

**Amendment 34**

**Proposal for a regulation**  
**Article 30 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) freedom of association and affiliation, and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations;

*Amendment*

(b) freedom of association and affiliation, and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the ***rights and*** benefits conferred by such organisations;

## Amendment 35

### Proposal for a regulation Article 30 – paragraph 2 – point c

*Text proposed by the Commission*

(c) employment-related education opportunities *for adults*, vocational training, including training courses for upgrading skills, practical workplace experience;

*Amendment*

(c) **education and** employment-related education opportunities, vocational training, including training courses for upgrading skills, practical workplace experience;

## Amendment 36

### Proposal for a regulation Article 30 – paragraph 2 – point d

*Text proposed by the Commission*

(d) advice services afforded by employment offices.

*Amendment*

(d) advice **and follow-up** services afforded by employment offices.

## Amendment 37

### Proposal for a regulation Article 30 – paragraph 3

*Text proposed by the Commission*

3. Competent authorities, **where necessary** shall facilitate the full access to the activities referred to in paragraph (2)(c) and (d).

*Amendment*

3. Competent authorities, shall facilitate the full access to the activities referred to in paragraph (2)(c) and (d).

## Amendment 38

### Proposal for a regulation Article 31 – paragraph 2

*Text proposed by the Commission*

2. Adults granted international protection shall have access to the general education system, further training or retraining, under the same conditions as

*Amendment*

2. Adults granted international protection shall have access to the general education system, further training or retraining, under the same conditions as

*third-country nationals legally resident in that Member State who are in a comparable situation.*

nationals.

### **Amendment 39**

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

#### **Article 34 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Access to certain social assistance specified in national law may be made conditional on the effective participation of the beneficiary of international protection in integration measures.

*Amendment*

Access to certain social assistance specified in national law may be made conditional on the effective participation of the beneficiary of international protection in integration measures, ***which shall be free of charge, available and easily accessible.***

### **Amendment 40**

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

#### **Article 34 – paragraph 2**

*Text proposed by the Commission*

**2. For beneficiaries of subsidiary protection status Member States may limit social assistance to core benefits.**

*Amendment*

***deleted***

### **Amendment 41**

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

#### **Article 35 – paragraph 2**

*Text proposed by the Commission*

2. Beneficiaries of international protection who have special needs, such as pregnant women, disabled people, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence or minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered

*Amendment*

2. Beneficiaries of international protection who have special needs, such as pregnant women, disabled people, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence or minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered

from armed conflict shall be provided adequate healthcare, including treatment of mental disorders when needed, under the same eligibility conditions as nationals of the Member State that has granted protection.

from armed conflict shall be provided **with** adequate healthcare, including treatment of mental disorders when needed, under the same eligibility conditions as nationals of the Member State that has granted protection.

## Amendment 42

### Proposal for a regulation

#### Article 36 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

As soon as possible ***after international protection is granted*** and within five ***working*** days at the latest, as outlined in Article 22(1) of Regulation EU no xxx/xxx[Procedures regulation], competent authorities shall take the necessary measures to ensure the representation of unaccompanied minors by a legal guardian or, where necessary, by an organisation responsible for the care and well-being of minors, or by any other appropriate representation including that based on legislation or court order.

*Amendment*

As soon as possible and within five days at the latest, as outlined in Article 22(1) of Regulation EU no xxx/xxx[Procedures regulation], competent authorities shall take the necessary measures to ensure the representation of unaccompanied minors by a legal guardian or, where necessary, by an organisation responsible for the care and well-being of minors, or by any other appropriate representation including that based on legislation or court order.

## Amendment 43

### Proposal for a regulation

#### Article 36 – paragraph 3 – subparagraph 1 – point d

*Text proposed by the Commission*

***(d) in other accommodation suitable for minors.***

*Amendment*

***deleted***

## Amendment 44

### Proposal for a regulation

#### Article 36 – paragraph 4

*Text proposed by the Commission*

4. As far as possible, siblings shall be

*Amendment*

4. As far as possible, siblings shall be

kept together, taking into account the best interests of the minor concerned and, in particular, his or her age and degree of maturity. Changes of residence of unaccompanied minors shall be limited to a minimum.

kept together, taking into account the best interests of the minor concerned and, in particular, his or her age and degree of maturity. Changes of residence of unaccompanied minors shall be limited to a minimum *and placement in administrative detention shall be avoided.*

#### **Amendment 45**

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

*Text proposed by the Commission*

1. Beneficiaries of international protection shall have access to accommodation under conditions equivalent to those applicable to *other third-country nationals legally resident in the territories of the Member States who are in a comparable situation.*

*Amendment*

1. Beneficiaries of international protection shall have access to accommodation under conditions equivalent to those applicable to nationals.

#### **Amendment 46**

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

*Text proposed by the Commission*

2. National dispersal practices of beneficiaries of international protection shall be carried out *to the extent possible* without discrimination of beneficiaries of international protection and shall ensure equal opportunities regarding access to accommodation.

*Amendment*

2. National dispersal practices of beneficiaries of international protection shall be carried out without discrimination of beneficiaries of international protection and shall ensure equal opportunities regarding access to accommodation.

#### **Amendment 47**

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

*Text proposed by the Commission*

1. In order to facilitate the integration

*Amendment*

1. In order to facilitate the integration

of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular language courses, civic orientation and integration programs and vocational training which take into account their specific needs.

of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular language courses, civic orientation and integration programs and vocational training which ***shall be free of charge and easily accessible and shall*** take into account their specific needs.

## Amendment 48

### Proposal for a regulation Article 38 – paragraph 2

#### *Text proposed by the Commission*

2. Member States may make participation in integration measures compulsory.

#### *Amendment*

2. Member States may make participation in integration measures compulsory, ***provided that the integration measures in question are free of charge and easily accessible, and take account of the specific needs of the beneficiary of international protection. Participation in integration measures shall be without prejudice to the rights and obligations established by this Regulation and shall not constitute grounds for review, revocation, ending, refusal or non-renewal of refugee status or subsidiary protection status and the rights and obligations with regard thereto.***



## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents
<b>References</b>	COM(2016)0466 – C8-0324/2016 – 2016/0223(COD)
<b>Committee responsible</b> Date announced in plenary	LIBE 12.9.2016
<b>Opinion by</b> Date announced in plenary	EMPL 12.9.2016
<b>Rapporteur</b> Date appointed	Brando Benifei 9.9.2016
<b>Discussed in committee</b>	22.3.2017
<b>Date adopted</b>	3.5.2017
<b>Result of final vote</b>	+: 41 –: 7 0: 4
<b>Members present for the final vote</b>	Laura Agea, Guillaume Balas, Brando Benifei, Mara Bizzotto, Vilija Blinkevičiūtė, Enrique Calvet Chambon, Ole Christensen, Lampros Fountoulis, Elena Gentile, Arne Gericke, Marian Harkin, Czesław Hoc, Danuta Jazłowiecka, Agnes Jongerius, Rina Ronja Kari, Jan Keller, Ádám Kósa, Kostadinka Kuneva, Jean Lambert, Jérôme Lavrilleux, Jeroen Lenaers, Verónica Lope Fontagné, Javi López, Thomas Mann, Dominique Martin, Anthea McIntyre, Elisabeth Morin-Chartier, Emilian Pavel, Marek Plura, Sofia Ribeiro, Robert Rochefort, Maria João Rodrigues, Claude Rolin, Anne Sander, Sven Schulze, Romana Tomc, Yana Toom, Ulrike Trebesius, Marita Ulvskog, Renate Weber, Tatjana Ždanoka, Jana Žitňanská
<b>Substitutes present for the final vote</b>	Georges Bach, Heinz K. Becker, Lynn Boylan, Rosa D'Amato, Tania González Peñas, Paloma López Bermejo, Edouard Martin, Tamás Meszerics, Flavio Zanonato
<b>Substitutes under Rule 200(2) present for the final vote</b>	Petra Kammerevert

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

<b>41</b>	<b>+</b>
ALDE	Enrique Calvet Chambon, Marian Harkin, Robert Rochefort, Yana Toom, Renate Weber
EPP	Georges Bach, Heinz K. Becker, Danuta Jazłowiecka, Jérôme Lavrilleux, Jeroen Lenaers, Verónica Lope Fontagné, Thomas Mann, Elisabeth Morin-Chartier, Marek Plura, Sofia Ribeiro, Claude Rolin, Anne Sander, Sven Schulze, Romana Tomc
Green/EFA	Jean Lambert, Tamás Meszerics, Tatjana Ždanoka
GUE/NGL	Lynn Boylan, Tania González Peñas, Rina Ronja Kari, Kostadinka Kuneva, Paloma López Bermejo
S&D	Guillaume Balas, Brando Benifei, Vilija Blinkevičiūtė, Ole Christensen, Elena Gentile, Agnes Jongerius, Petra Kammerevert, Jan Keller, Javi López, Edouard Martin, Emilian Pavel, Maria João Rodrigues, Marita Ulvskog, Flavio Zanonato

<b>7</b>	<b>-</b>
ECR	Arne Gericke, Czesław Hoc, Anthea McIntyre, Ulrike Trebesius, Jana Žitňanská
ENF	Mara Bizzotto
NI	Lampros Fountoulis

<b>4</b>	<b>0</b>
EFDD	Laura Agea
ENF	Mireille D'Ornano, Dominique Martin
EPP	Ádám Kósa

**Key to symbols:**

+ : in favour

- : against

0 : abstention

## PROCEDURE – COMMITTEE RESPONSIBLE

<b>Title</b>	Standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents			
<b>References</b>	COM(2016)0466 – C8-0324/2016 – 2016/0223(COD)			
<b>Date submitted to Parliament</b>	13.7.2016			
<b>Committee responsible</b> Date announced in plenary	LIBE 12.9.2016			
<b>Committees asked for opinions</b> Date announced in plenary	AFET 12.9.2016	EMPL 12.9.2016	JURI 12.9.2016	
<b>Not delivering opinions</b> Date of decision	AFET 26.1.2017	JURI 5.9.2016		
<b>Rapporteurs</b> Date appointed	Tanja Fajon 31.8.2016			
<b>Discussed in committee</b>	31.8.2016	9.3.2017	25.4.2017	15.6.2017
<b>Date adopted</b>	15.6.2017			
<b>Result of final vote</b>	+: 40 -: 13 0: 4			
<b>Members present for the final vote</b>	Jan Philipp Albrecht, Gerard Batten, Heinz K. Becker, Malin Björk, Michał Boni, Caterina Chinnici, Daniel Dalton, Rachida Dati, Agustín Díaz de Mera García Consuegra, Frank Engel, Cornelia Ernst, Tanja Fajon, Laura Ferrara, Monika Flašíková Beňová, Lorenzo Fontana, Nathalie Griesbeck, Monika Hohlmeier, Brice Hortefeux, Filiz Hyusmenova, Sophia in 't Veld, Eva Joly, Dietmar Köster, Barbara Kudrycka, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Barbara Matera, Roberta Metsola, Louis Michel, Claude Moraes, Alessandra Mussolini, József Nagy, Péter Niedermüller, Judith Sargentini, Birgit Sippel, Branislav Škripek, Helga Stevens, Traian Ungureanu, Bodil Valero, Marie-Christine Vergiat, Harald Vilimsky, Beatrix von Storch, Josef Weidenholzer, Kristina Winberg, Tomáš Zdechovský, Auke Zijlstra			
<b>Substitutes present for the final vote</b>	Vilija Blinkevičiūtė, Carlos Coelho, Ignazio Corrao, Maria Grapini, Anna Hedh, Andrejs Mamikins, Maite Pagazaurtundúa Ruiz, Emilian Pavel, Salvatore Domenico Pogliese, John Procter, Emil Radev, Barbara Spinelli			
<b>Date tabled</b>	28.6.2017			

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

40	+
ALDE	Nathalie Griesbeck, Filiz Hyusmenova, Sophia in 't Veld, Louis Michel, Maite Pagazaurtundúa Ruiz
EFDD	Ignazio Corrao, Laura Ferrara
GUE/NGL	Cornelia Ernst, Barbara Spinelli, Marie-Christine Vergiat
PPE	Michał Boni, Carlos Coelho, Rachida Dati, Agustín Díaz de Mera García Consuegra, Frank Engel, Brice Hortefeux, Barbara Matera, Roberta Metsola, Alessandra Mussolini, József Nagy, Salvatore Domenico Pogliese
S&D	Vilija Blinkevičiūtė, Caterina Chinnici, Tanja Fajon, Monika Flašíková Beňová, Maria Grapini, Anna Hedh, Dietmar Köster, Cécile Kshetu Kyenge, Juan Fernando López Aguilar, Andrejs Mamikins, Claude Moraes, Péter Niedermüller, Emilian Pavel, Birgit Sippel, Josef Weidenholzer
Verts/ALE	Jan Philipp Albrecht, Eva Joly, Judith Sargentini, Bodil Valero

13	-
ECR	Branislav Škripek, Helga Stevens
EFDD	Gerard Batten, Beatrix von Storch, Kristina Winberg
ENF	Lorenzo Fontana, Harald Vilimsky, Auke Zijlstra
PPE	Heinz K. Becker, Monika Hohlmeier, Barbara Kudrycka, Traian Ungureanu, Tomáš Zdechovský

4	0
ECR	Daniel Dalton, John Procter
GUE/NGL	Malin Björk
PPE	Emil Radev

Key to symbols:

+ : in favour

- : against

0 : abstention